



Sen. Elgie R. Sims, Jr.

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10300HB3817sam003

LRB103 30519 JDS 62537 a

1 AMENDMENT TO HOUSE BILL 3817

2 AMENDMENT NO. _____. Amend House Bill 3817, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1.

6 Section 1-1. Short Title. This Act may be cited as the FY
7 2024 Budget Implementation Act.

8 Section 1-5. Purpose. It is the purpose of this Act to make
9 changes in State programs that are necessary to implement the
10 State budget for Fiscal Year 2024.

11 ARTICLE 3.

12 Section 3-5. Short title. This Article may be cited as the
13 Council of State Governments Act. As used in this Article,

1 "this Act" refers to this Article.

2 Section 3-10. Participation in Council of State
3 Governments. The majority and minority leadership of the
4 Senate and the House of Representatives, as well as members of
5 appropriate legislative committees and commissions, as
6 determined by such leadership, may annually attend appropriate
7 meetings of the Council of State Governments as
8 representatives of the General Assembly of the State of
9 Illinois and may pay such annual membership fee as may be
10 required to maintain membership in that organization.

11 ARTICLE 5.

12 Section 5-5. The State Employees Group Insurance Act of
13 1971 is amended by changing Sections 6.9 and 6.10 as follows:

14 (5 ILCS 375/6.9)

15 Sec. 6.9. Health benefits for community college benefit
16 recipients and community college dependent beneficiaries.

17 (a) Purpose. It is the purpose of this amendatory Act of
18 1997 to establish a uniform program of health benefits for
19 community college benefit recipients and their dependent
20 beneficiaries under the administration of the Department of
21 Central Management Services.

22 (b) Creation of program. Beginning July 1, 1999, the

1 Department of Central Management Services shall be responsible
2 for administering a program of health benefits for community
3 college benefit recipients and community college dependent
4 beneficiaries under this Section. The State Universities
5 Retirement System and the boards of trustees of the various
6 community college districts shall cooperate with the
7 Department in this endeavor.

8 (c) Eligibility. All community college benefit recipients
9 and community college dependent beneficiaries shall be
10 eligible to participate in the program established under this
11 Section, without any interruption or delay in coverage or
12 limitation as to pre-existing medical conditions. Eligibility
13 to participate shall be determined by the State Universities
14 Retirement System. Eligibility information shall be
15 communicated to the Department of Central Management Services
16 in a format acceptable to the Department.

17 Eligible community college benefit recipients may enroll
18 or re-enroll in the program of health benefits established
19 under this Section during any applicable annual open
20 enrollment period and as otherwise permitted by the Department
21 of Central Management Services. A community college benefit
22 recipient shall not be deemed ineligible to participate solely
23 by reason of the community college benefit recipient having
24 made a previous election to disenroll or otherwise not
25 participate in the program of health benefits.

26 (d) Coverage. The health benefit coverage provided under

1 this Section shall be a program of health, dental, and vision
2 benefits.

3 The program of health benefits under this Section may
4 include any or all of the benefit limitations, including but
5 not limited to a reduction in benefits based on eligibility
6 for federal Medicare benefits, that are provided under
7 subsection (a) of Section 6 of this Act for other health
8 benefit programs under this Act.

9 (e) Insurance rates and premiums. The Director shall
10 determine the insurance rates and premiums for community
11 college benefit recipients and community college dependent
12 beneficiaries and shall present to the State Universities
13 Retirement System, by April 15 of each calendar year, the
14 rate-setting methodology (including, but not limited to,
15 utilization levels and costs) used to determine the insurance
16 rates and premiums. Rates and premiums may be based in part on
17 age and eligibility for federal Medicare coverage. The
18 Director shall also determine premiums that will allow for the
19 establishment of an actuarially sound reserve for this
20 program.

21 The cost of health benefits under the program shall be
22 paid as follows:

23 (1) For a community college benefit recipient, up to
24 75% of the total insurance rate shall be paid from the
25 Community College Health Insurance Security Fund.

26 (2) The balance of the rate of insurance, including

1 the entire premium for any coverage for community college
2 dependent beneficiaries that has been elected, shall be
3 paid by deductions authorized by the community college
4 benefit recipient to be withheld from his or her monthly
5 annuity or benefit payment from the State Universities
6 Retirement System; except that (i) if the balance of the
7 cost of coverage exceeds the amount of the monthly annuity
8 or benefit payment, the difference shall be paid directly
9 to the State Universities Retirement System by the
10 community college benefit recipient, and (ii) all or part
11 of the balance of the cost of coverage may, at the option
12 of the board of trustees of the community college
13 district, be paid to the State Universities Retirement
14 System by the board of the community college district from
15 which the community college benefit recipient retired. The
16 State Universities Retirement System shall promptly
17 deposit all moneys withheld by or paid to it under this
18 subdivision (e)(2) into the Community College Health
19 Insurance Security Fund. These moneys shall not be
20 considered assets of the State Universities Retirement
21 System.

22 (f) Financing. All revenues arising from the
23 administration of the health benefit program established under
24 this Section shall be deposited into the Community College
25 Health Insurance Security Fund, which is hereby created as a
26 nonappropriated trust fund to be held outside the State

1 Treasury, with the State Treasurer as custodian. Any interest
2 earned on moneys in the Community College Health Insurance
3 Security Fund shall be deposited into the Fund.

4 Moneys in the Community College Health Insurance Security
5 Fund shall be used only to pay the costs of the health benefit
6 program established under this Section, including associated
7 administrative costs and the establishment of a program
8 reserve. Beginning January 1, 1999, the Department of Central
9 Management Services may make expenditures from the Community
10 College Health Insurance Security Fund for those costs.

11 (g) Contract for benefits. The Director shall by contract,
12 self-insurance, or otherwise make available the program of
13 health benefits for community college benefit recipients and
14 their community college dependent beneficiaries that is
15 provided for in this Section. The contract or other
16 arrangement for the provision of these health benefits shall
17 be on terms deemed by the Director to be in the best interest
18 of the State of Illinois and the community college benefit
19 recipients based on, but not limited to, such criteria as
20 administrative cost, service capabilities of the carrier or
21 other contractor, and the costs of the benefits.

22 (h) Continuation of program. It is the intention of the
23 General Assembly that the program of health benefits provided
24 under this Section be maintained on an ongoing, affordable
25 basis. The program of health benefits provided under this
26 Section may be amended by the State and is not intended to be a

1 pension or retirement benefit subject to protection under
2 Article XIII, Section 5 of the Illinois Constitution.

3 (i) Other health benefit plans. A health benefit plan
4 provided by a community college district (other than a
5 community college district subject to Article VII of the
6 Public Community College Act) under the terms of a collective
7 bargaining agreement in effect on or prior to the effective
8 date of this amendatory Act of 1997 shall continue in force
9 according to the terms of that agreement, unless otherwise
10 mutually agreed by the parties to that agreement and the
11 affected retiree. A community college benefit recipient or
12 community college dependent beneficiary whose coverage under
13 such a plan expires shall be eligible to begin participating
14 in the program established under this Section without any
15 interruption or delay in coverage or limitation as to
16 pre-existing medical conditions.

17 This Act does not prohibit any community college district
18 from offering additional health benefits for its retirees or
19 their dependents or survivors.

20 (j) Committee. A Community College Insurance Program
21 Committee shall be established and shall consist of the
22 following 7 members who are appointed by the Governor: 2
23 members who represent organized labor and are each members of
24 different unions; one member who represents community college
25 retirees; one member who represents community college
26 trustees; one member who represents community college

1 presidents; one member who represents the Illinois Community
2 College Board; and one ex officio member who represents the
3 State Universities Retirement System. The Department of
4 Central Management Services shall provide administrative
5 support to the Committee. The Committee shall convene at least
6 4 times each year and shall review and make recommendations on
7 program contribution rates once the program is forecasted to
8 have satisfied the outstanding program debt existing on June
9 30, 2023 and is operating on a no-hold payment cycle.

10 (Source: P.A. 100-1017, eff. 8-21-18.)

11 (5 ILCS 375/6.10)

12 Sec. 6.10. Contributions to the Community College Health
13 Insurance Security Fund.

14 (a) Beginning January 1, 1999 and through June 30, 2023,
15 every active contributor of the State Universities Retirement
16 System (established under Article 15 of the Illinois Pension
17 Code) who (1) is a full-time employee of a community college
18 district (other than a community college district subject to
19 Article VII of the Public Community College Act) or an
20 association of community college boards and (2) is not an
21 employee as defined in Section 3 of this Act shall make
22 contributions toward the cost of community college annuitant
23 and survivor health benefits at the rate of 0.50% of salary.
24 Beginning July 1, 2023 and through June 30, 2024, the
25 contribution rate shall be 0.75% of salary. Beginning July 1,

1 2024 and through June 30, 2026, the contribution rate shall be
2 a percentage of salary to be determined by the Department of
3 Central Management Services, which in each fiscal year shall
4 not exceed a 0.1 percentage point increase in the amount of
5 salary actually required to be contributed for the previous
6 fiscal year. Beginning July 1, 2026, the contribution rate
7 shall be a percentage of salary to be determined by the
8 Department of Central Management Services, which in each
9 fiscal year shall not exceed 105% of the percentage of salary
10 actually required to be contributed for the previous fiscal
11 year.

12 These contributions shall be deducted by the employer and
13 paid to the State Universities Retirement System as service
14 agent for the Department of Central Management Services. The
15 System may use the same processes for collecting the
16 contributions required by this subsection that it uses to
17 collect the contributions received from those employees under
18 Section 15-157 of the Illinois Pension Code. An employer may
19 agree to pick up or pay the contributions required under this
20 subsection on behalf of the employee; such contributions shall
21 be deemed to have been paid by the employee.

22 The State Universities Retirement System shall promptly
23 deposit all moneys collected under this subsection (a) into
24 the Community College Health Insurance Security Fund created
25 in Section 6.9 of this Act. The moneys collected under this
26 Section shall be used only for the purposes authorized in

1 Section 6.9 of this Act and shall not be considered to be
2 assets of the State Universities Retirement System.
3 Contributions made under this Section are not transferable to
4 other pension funds or retirement systems and are not
5 refundable upon termination of service.

6 (b) Beginning January 1, 1999 and through June 30, 2023,
7 every community college district (other than a community
8 college district subject to Article VII of the Public
9 Community College Act) or association of community college
10 boards that is an employer under the State Universities
11 Retirement System shall contribute toward the cost of the
12 community college health benefits provided under Section 6.9
13 of this Act an amount equal to 0.50% of the salary paid to its
14 full-time employees who participate in the State Universities
15 Retirement System and are not members as defined in Section 3
16 of this Act. Beginning July 1, 2023 and through June 30, 2024,
17 the contribution rate shall be 0.75% of the salary. Beginning
18 July 1, 2024 and through June 30, 2026, the contribution rate
19 shall be a percentage of salary to be determined by the
20 Department of Central Management Services, which in each
21 fiscal year shall not exceed a 0.1 percentage point increase
22 in the amount of salary actually required to be contributed
23 for the previous fiscal year. Beginning July 1, 2026, the
24 contribution rate shall be a percentage of salary to be
25 determined by the Department of Central Management Services,
26 which in each fiscal year shall not exceed 105% of the

1 percentage of salary actually required to be contributed for
2 the previous fiscal year.

3 These contributions shall be paid by the employer to the
4 State Universities Retirement System as service agent for the
5 Department of Central Management Services. The System may use
6 the same processes for collecting the contributions required
7 by this subsection that it uses to collect the contributions
8 received from those employers under Section 15-155 of the
9 Illinois Pension Code.

10 The State Universities Retirement System shall promptly
11 deposit all moneys collected under this subsection (b) into
12 the Community College Health Insurance Security Fund created
13 in Section 6.9 of this Act. The moneys collected under this
14 Section shall be used only for the purposes authorized in
15 Section 6.9 of this Act and shall not be considered to be
16 assets of the State Universities Retirement System.
17 Contributions made under this Section are not transferable to
18 other pension funds or retirement systems and are not
19 refundable upon termination of service.

20 The Department of Central Management Services, or any
21 successor agency designated to procure healthcare contracts
22 pursuant to this Act, is authorized to establish funds,
23 separate accounts provided by any bank or banks as defined by
24 the Illinois Banking Act, or separate accounts provided by any
25 savings and loan association or associations as defined by the
26 Illinois Savings and Loan Act of 1985 to be held by the

1 Director, outside the State treasury, for the purpose of
2 receiving the transfer of moneys from the Community College
3 Health Insurance Security Fund. The Department may promulgate
4 rules further defining the methodology for the transfers. Any
5 interest earned by moneys in the funds or accounts shall inure
6 to the Community College Health Insurance Security Fund. The
7 transferred moneys, and interest accrued thereon, shall be
8 used exclusively for transfers to administrative service
9 organizations or their financial institutions for payments of
10 claims to claimants and providers under the self-insurance
11 health plan. The transferred moneys, and interest accrued
12 thereon, shall not be used for any other purpose including,
13 but not limited to, reimbursement of administration fees due
14 the administrative service organization pursuant to its
15 contract or contracts with the Department.

16 (c) On or before November 15 of each year, the Board of
17 Trustees of the State Universities Retirement System shall
18 certify to the Governor, the Director of Central Management
19 Services, and the State Comptroller its estimate of the total
20 amount of contributions to be paid under subsection (a) of
21 this Section for the next fiscal year. Beginning in fiscal
22 year 2008, the amount certified shall be decreased or
23 increased each year by the amount that the actual active
24 employee contributions either fell short of or exceeded the
25 estimate used by the Board in making the certification for the
26 previous fiscal year. The State Universities Retirement System

1 shall calculate the amount of actual active employee
2 contributions in fiscal years 1999 through 2005. Based upon
3 this calculation, the fiscal year 2008 certification shall
4 include an amount equal to the cumulative amount that the
5 actual active employee contributions either fell short of or
6 exceeded the estimate used by the Board in making the
7 certification for those fiscal years. The certification shall
8 include a detailed explanation of the methods and information
9 that the Board relied upon in preparing its estimate. As soon
10 as possible after the effective date of this Section, the
11 Board shall submit its estimate for fiscal year 1999.

12 On or after the effective date of the changes made to this
13 Section by this amendatory Act of the 103rd General Assembly,
14 but no later than June 30, 2023, the Board shall recalculate
15 and recertify to the Governor, the Director of Central
16 Management Services, and the State Comptroller its estimate of
17 the total amount of contributions to be paid under subsection
18 (a) for State fiscal year 2024, taking into account the
19 changes in required employee contributions made by this
20 amendatory Act of the 103rd General Assembly.

21 (d) Beginning in fiscal year 1999, on the first day of each
22 month, or as soon thereafter as may be practical, the State
23 Treasurer and the State Comptroller shall transfer from the
24 General Revenue Fund to the Community College Health Insurance
25 Security Fund 1/12 of the annual amount appropriated for that
26 fiscal year to the State Comptroller for deposit into the

1 Community College Health Insurance Security Fund under Section
2 1.4 of the State Pension Funds Continuing Appropriation Act.

3 (e) Except where otherwise specified in this Section, the
4 definitions that apply to Article 15 of the Illinois Pension
5 Code apply to this Section.

6 (Source: P.A. 98-488, eff. 8-16-13.)

7 Section 5-15. The State Treasurer Act is amended by
8 changing Section 16.8 as follows:

9 (15 ILCS 505/16.8)

10 Sec. 16.8. Illinois Higher Education Savings Program.

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

12 "Beneficiary" means an eligible child named as a recipient
13 of seed funds.

14 "Eligible child" means a child born or adopted after
15 December 31, 2022, to a parent who is a resident of Illinois at
16 the time of the birth or adoption, as evidenced by
17 documentation received by the Treasurer from the Department of
18 Revenue, the Department of Public Health, or another State or
19 local government agency.

20 "Eligible educational institution" means institutions that
21 are described in Section 1001 of the federal Higher Education
22 Act of 1965 that are eligible to participate in Department of
23 Education student aid programs.

24 "Fund" means the Illinois Higher Education Savings Program

1 Fund.

2 "Omnibus account" means the pooled collection of seed
3 funds owned and managed by the State Treasurer in the College
4 Savings Pool under this Act.

5 "Program" means the Illinois Higher Education Savings
6 Program.

7 "Qualified higher education expense" means the following:

8 (i) tuition, fees, and the costs of books, supplies, and
9 equipment required for enrollment or attendance at an eligible
10 educational institution; (ii) expenses for special needs
11 services, in the case of a special needs beneficiary, which
12 are incurred in connection with such enrollment or attendance;
13 (iii) certain expenses for the purchase of computer or
14 peripheral equipment, computer software, or Internet access
15 and related services as defined under Section 529 of the
16 Internal Revenue Code; (iv) room and board expenses incurred
17 while attending an eligible educational institution at least
18 half-time; (v) expenses for fees, books, supplies, and
19 equipment required for the participation of a designated
20 beneficiary in an apprenticeship program registered and
21 certified with the Secretary of Labor under the National
22 Apprenticeship Act (29 U.S.C. 50); and (vi) amounts paid as
23 principal or interest on any qualified education loan of the
24 designated beneficiary or a sibling of the designated
25 beneficiary, as allowed under Section 529 of the Internal
26 Revenue Code.

1 "Seed funds" means the deposit made by the State Treasurer
2 into the Omnibus Accounts for Program beneficiaries.

3 (b) Program established. The State Treasurer shall
4 establish the Illinois Higher Education Savings Program as a
5 part of the College Savings Pool under Section 16.5 of this
6 Act, subject to appropriation by the General Assembly. The
7 State Treasurer shall administer the Program for the purposes
8 of expanding access to higher education through savings.

9 (c) Program enrollment. The State Treasurer shall enroll
10 all eligible children in the Program beginning in 2023, after
11 receiving records of recent births, adoptions, or dependents
12 from the Department of Revenue, the Department of Public
13 Health, or another State or local government agency designated
14 by the Treasurer. Notwithstanding any court order which would
15 otherwise prevent the release of information, the Department
16 of Public Health is authorized to release the information
17 specified under this subsection (c) to the State Treasurer for
18 the purposes of the Program established under this Section.

19 (1) Beginning in 2021, the Department of Public Health
20 shall provide the State Treasurer with information on
21 recent Illinois births and adoptions including, but not
22 limited to: the full name, residential address, birth
23 date, and birth record number of the child and the full
24 name and residential address of the child's parent or
25 legal guardian for the purpose of enrolling eligible
26 children in the Program. This data shall be provided to

1 the State Treasurer by the Department of Public Health on
2 a quarterly basis, no later than 30 days after the end of
3 each quarter, or some other date and frequency as mutually
4 agreed to by the State Treasurer and the Department of
5 Public Health.

6 (1.5) Beginning in 2021, the Department of Revenue
7 shall provide the State Treasurer with information on tax
8 filers claiming dependents or the adoption tax credit
9 including, but not limited to: the full name, residential
10 address, email address, phone number, birth date, and
11 social security number or taxpayer identification number
12 of the dependent child and of the child's parent or legal
13 guardian for the purpose of enrolling eligible children in
14 the Program. This data shall be provided to the State
15 Treasurer by the Department of Revenue on at least an
16 annual basis, by July 1 of each year or another date
17 jointly determined by the State Treasurer and the
18 Department of Revenue. Notwithstanding anything to the
19 contrary contained within this paragraph (2), the
20 Department of Revenue shall not be required to share any
21 information that would be contrary to federal law,
22 regulation, or Internal Revenue Service Publication 1075.

23 (2) The State Treasurer shall ensure the security and
24 confidentiality of the information provided by the
25 Department of Revenue, the Department of Public Health, or
26 another State or local government agency, and it shall not

1 be subject to release under the Freedom of Information
2 Act.

3 (3) Information provided under this Section shall only
4 be used by the State Treasurer for the Program and shall
5 not be used for any other purpose.

6 (4) The State Treasurer and any vendors working on the
7 Program shall maintain strict confidentiality of any
8 information provided under this Section, and shall
9 promptly provide written or electronic notice to the
10 providing agency of any security breach. The providing
11 State or local government agency shall remain the sole and
12 exclusive owner of information provided under this
13 Section.

14 (d) Seed funds. After receiving information on recent
15 births, adoptions, or dependents from the Department of
16 Revenue, the Department of Public Health, or another State or
17 local government agency, the State Treasurer shall make
18 deposits into an omnibus account on behalf of eligible
19 children. The State Treasurer shall be the owner of the
20 omnibus accounts.

21 (1) Deposit amount. The seed fund deposit for each
22 eligible child shall be in the amount of \$50. This amount
23 may be increased by the State Treasurer by rule. The State
24 Treasurer may use or deposit funds appropriated by the
25 General Assembly together with moneys received as gifts,
26 grants, or contributions into the Fund. If insufficient

1 funds are available in the Fund, the State Treasurer may
2 reduce the deposit amount or forego deposits.

3 (2) Use of seed funds. Seed funds, including any
4 interest, dividends, and other earnings accrued, will be
5 eligible for use by a beneficiary for qualified higher
6 education expenses if:

7 (A) the parent or guardian of the eligible child
8 claimed the seed funds for the beneficiary by the
9 beneficiary's 10th birthday;

10 (B) the beneficiary has completed secondary
11 education or has reached the age of 18; and

12 (C) the beneficiary is currently a resident of the
13 State of Illinois. Non-residents are not eligible to
14 claim or use seed funds.

15 (3) Notice of seed fund availability. The State
16 Treasurer shall make a good faith effort to notify
17 beneficiaries and their parents or legal guardians of the
18 seed funds' availability and the deadline to claim such
19 funds.

20 (4) Unclaimed seed funds. Seed funds and any interest
21 earnings that are unclaimed by the beneficiary's 10th
22 birthday or unused by the beneficiary's 26th birthday will
23 be considered forfeited. Unclaimed and unused seed funds
24 and any interest earnings will remain in the omnibus
25 account for future beneficiaries.

26 (e) Financial education. The State Treasurer may develop

1 educational materials that support the financial literacy of
2 beneficiaries and their legal guardians, and may do so in
3 collaboration with State and federal agencies, including, but
4 not limited to, the Illinois State Board of Education and
5 existing nonprofit agencies with expertise in financial
6 literacy and education.

7 (f) Supplementary deposits and partnerships. The State
8 Treasurer may make supplementary deposits to children in
9 financially insecure households if sufficient funds are
10 available. Furthermore, the State Treasurer may develop
11 partnerships with private, nonprofit, or governmental
12 organizations to provide additional savings incentives,
13 including conditional cash transfers or matching contributions
14 that provide a savings incentive based on specific actions
15 taken or other criteria.

16 (g) Illinois Higher Education Savings Program Fund. The
17 Illinois Higher Education Savings Program Fund is hereby
18 established as a special fund in the State treasury. The Fund
19 shall be the official repository of all contributions,
20 appropriated funds, interest, and dividend payments, gifts, or
21 other financial assets received by the State Treasurer in
22 connection with the operation of the Program or related
23 partnerships. All such moneys shall be deposited into ~~in~~ the
24 Fund and held by the State Treasurer as custodian thereof. The
25 State Treasurer may accept gifts, grants, awards, matching
26 contributions, interest income, and appropriated funds from

1 individuals, businesses, governments, and other third-party
2 sources to implement the Program on terms that the Treasurer
3 deems advisable. All interest or other earnings accruing or
4 received on amounts in the Illinois Higher Education Savings
5 Program Fund shall be credited to and retained by the Fund and
6 used for the benefit of the Program. Assets of the Fund must at
7 all times be preserved, invested, and expended only for the
8 purposes of the Program and must be held for the benefit of the
9 beneficiaries. Assets may not be transferred or used by the
10 State or the State Treasurer for any purposes other than the
11 purposes of the Program. In addition, no moneys, interest, or
12 other earnings paid into the Fund shall be used, temporarily
13 or otherwise, for inter-fund borrowing or be otherwise used or
14 appropriated except as expressly authorized by this Act.
15 Notwithstanding the requirements of this subsection (g),
16 amounts in the Fund may be used by the State Treasurer to pay
17 the administrative costs of the Program.

18 (g-5) Fund deposits and payments. On July 15 of each year,
19 beginning July 15, 2023, or as soon thereafter as practical,
20 the State Comptroller shall direct and the State Treasurer
21 shall transfer the sum of \$2,500,000, or the amount that is
22 appropriated annually by the General Assembly, whichever is
23 greater, from the General Revenue Fund to the Illinois Higher
24 Education Savings Program Fund to be used for the
25 administration and operation of the Program.

26 (h) Audits and reports. The State Treasurer shall include

1 the Illinois Higher Education Savings Program as part of the
2 audit of the College Savings Pool described in Section 16.5.
3 The State Treasurer shall annually prepare a report that
4 includes a summary of the Program operations for the preceding
5 fiscal year, including the number of children enrolled in the
6 Program, the total amount of seed fund deposits, the rate of
7 seed deposits claimed, and, to the extent data is reported and
8 available, the racial, ethnic, socioeconomic, and geographic
9 data of beneficiaries and of children in financially insecure
10 households who may receive automatic bonus deposits. Such
11 other information that is relevant to make a full disclosure
12 of the operations of the Program and Fund may also be reported.
13 The report shall be made available on the Treasurer's website
14 by January 31 each year, starting in January of 2024. The State
15 Treasurer may include the Program in other reports as
16 warranted.

17 (i) Rules. The State Treasurer may adopt rules necessary
18 to implement this Section.

19 (Source: P.A. 101-466, eff. 1-1-20; 102-129, eff. 7-23-21;
20 102-558, eff. 8-20-21; 102-1047, eff. 1-1-23.)

21 Section 5-16. The Community Development Loan Guarantee Act
22 is amended by changing Section 30-35 and by adding Section
23 30-36 as follows:

24 (15 ILCS 516/30-35)

1 Sec. 30-35. Limitations on funding. The State Treasurer
2 may allocate ~~use~~ up to \$10,000,000 of investment earnings each
3 year for the Loan Guarantee Program, provided that no more
4 than \$50,000,000 may be used for guaranteeing loans at any
5 given time. The State Treasurer shall make the allocation to
6 the Loan Guarantee Administrative Trust Fund prior to
7 allocating interest from the gross earnings of the State
8 investment portfolio.

9 (Source: P.A. 101-657, eff. 3-23-21.)

10 (15 ILCS 516/30-36 new)

11 Sec. 30-36. Loan Guarantee Administrative Trust Fund. The
12 Loan Guarantee Administrative Trust Fund is created as a
13 nonappropriated trust fund within the State treasury. Moneys
14 in the Fund may be used by the State Treasurer to guarantee
15 loans and to cover administrative expenses related to the
16 Program. The Fund may receive any grants or other moneys
17 designated for administrative purposes from the State, from
18 any unit of federal, State, or local government, or from any
19 other person, firm, partnership, or corporation.

20 Section 5-17. The Substance Use Disorder Act is amended by
21 changing Section 5-10 as follows:

22 (20 ILCS 301/5-10)

23 Sec. 5-10. Functions of the Department.

1 (a) In addition to the powers, duties and functions vested
2 in the Department by this Act, or by other laws of this State,
3 the Department shall carry out the following activities:

4 (1) Design, coordinate and fund comprehensive
5 community-based and culturally and gender-appropriate
6 services throughout the State. These services must include
7 prevention, early intervention, treatment, and other
8 recovery support services for substance use disorders that
9 are accessible and address ~~addresses~~ the needs of at-risk
10 individuals and their families.

11 (2) Act as the exclusive State agency to accept,
12 receive and expend, pursuant to appropriation, any public
13 or private monies, grants or services, including those
14 received from the federal government or from other State
15 agencies, for the purpose of providing prevention, early
16 intervention, treatment, and other recovery support
17 services for substance use disorders.

18 (2.5) In partnership with the Department of Healthcare
19 and Family Services, act as one of the principal State
20 agencies for the sole purpose of calculating the
21 maintenance of effort requirement under Section 1930 of
22 Title XIX, Part B, Subpart II of the Public Health Service
23 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR
24 96.134).

25 (3) Coordinate a statewide strategy for the
26 prevention, early intervention, treatment, and recovery

1 support of substance use disorders. This strategy shall
2 include the development of a comprehensive plan, submitted
3 annually with the application for federal substance use
4 disorder block grant funding, for the provision of an
5 array of such services. The plan shall be based on local
6 community-based needs and upon data including, but not
7 limited to, that which defines the prevalence of and costs
8 associated with substance use disorders. This
9 comprehensive plan shall include identification of
10 problems, needs, priorities, services and other pertinent
11 information, including the needs of minorities and other
12 specific priority populations in the State, and shall
13 describe how the identified problems and needs will be
14 addressed. For purposes of this paragraph, the term
15 "minorities and other specific priority populations" may
16 include, but shall not be limited to, groups such as
17 women, children, intravenous drug users, persons with AIDS
18 or who are HIV infected, veterans, African-Americans,
19 Puerto Ricans, Hispanics, Asian Americans, the elderly,
20 persons in the criminal justice system, persons who are
21 clients of services provided by other State agencies,
22 persons with disabilities and such other specific
23 populations as the Department may from time to time
24 identify. In developing the plan, the Department shall
25 seek input from providers, parent groups, associations and
26 interested citizens.

1 The plan developed under this Section shall include an
2 explanation of the rationale to be used in ensuring that
3 funding shall be based upon local community needs,
4 including, but not limited to, the incidence and
5 prevalence of, and costs associated with, substance use
6 disorders, as well as upon demonstrated program
7 performance.

8 The plan developed under this Section shall also
9 contain a report detailing the activities of and progress
10 made through services for the care and treatment of
11 substance use disorders among pregnant women and mothers
12 and their children established under subsection (j) of
13 Section 35-5.

14 As applicable, the plan developed under this Section
15 shall also include information about funding by other
16 State agencies for prevention, early intervention,
17 treatment, and other recovery support services.

18 (4) Lead, foster and develop cooperation, coordination
19 and agreements among federal and State governmental
20 agencies and local providers that provide assistance,
21 services, funding or other functions, peripheral or
22 direct, in the prevention, early intervention, treatment,
23 and recovery support for substance use disorders. This
24 shall include, but shall not be limited to, the following:

25 (A) Cooperate with and assist other State
26 agencies, as applicable, in establishing and

1 conducting substance use disorder services among the
2 populations they respectively serve.

3 (B) Cooperate with and assist the Illinois
4 Department of Public Health in the establishment,
5 funding and support of programs and services for the
6 promotion of maternal and child health and the
7 prevention and treatment of infectious diseases,
8 including but not limited to HIV infection, especially
9 with respect to those persons who are high risk due to
10 intravenous injection of illegal drugs, or who may
11 have been sexual partners of these individuals, or who
12 may have impaired immune systems as a result of a
13 substance use disorder.

14 (C) Supply to the Department of Public Health and
15 prenatal care providers a list of all providers who
16 are licensed to provide substance use disorder
17 treatment for pregnant women in this State.

18 (D) Assist in the placement of child abuse or
19 neglect perpetrators (identified by the Illinois
20 Department of Children and Family Services (DCFS)) who
21 have been determined to be in need of substance use
22 disorder treatment pursuant to Section 8.2 of the
23 Abused and Neglected Child Reporting Act.

24 (E) Cooperate with and assist DCFS in carrying out
25 its mandates to:

26 (i) identify substance use disorders among its

1 clients and their families; and

2 (ii) develop services to deal with such
3 disorders.

4 These services may include, but shall not be limited
5 to, programs to prevent or treat substance use
6 disorders with DCFS clients and their families,
7 identifying child care needs within such treatment,
8 and assistance with other issues as required.

9 (F) Cooperate with and assist the Illinois
10 Criminal Justice Information Authority with respect to
11 statistical and other information concerning the
12 incidence and prevalence of substance use disorders.

13 (G) Cooperate with and assist the State
14 Superintendent of Education, boards of education,
15 schools, police departments, the Illinois State
16 Police, courts and other public and private agencies
17 and individuals in establishing prevention programs
18 statewide and preparing curriculum materials for use
19 at all levels of education.

20 (H) Cooperate with and assist the Illinois
21 Department of Healthcare and Family Services in the
22 development and provision of services offered to
23 recipients of public assistance for the treatment and
24 prevention of substance use disorders.

25 (I) (Blank).

26 (5) From monies appropriated to the Department from

1 the Drunk and Drugged Driving Prevention Fund, reimburse
2 DUI evaluation and risk education programs licensed by the
3 Department for providing indigent persons with free or
4 reduced-cost evaluation and risk education services
5 relating to a charge of driving under the influence of
6 alcohol or other drugs.

7 (6) Promulgate regulations to identify and disseminate
8 best practice guidelines that can be utilized by publicly
9 and privately funded programs as well as for levels of
10 payment to government funded programs that provide
11 prevention, early intervention, treatment, and other
12 recovery support services for substance use disorders and
13 those services referenced in Sections 15-10 and 40-5.

14 (7) In consultation with providers and related trade
15 associations, specify a uniform methodology for use by
16 funded providers and the Department for billing and
17 collection and dissemination of statistical information
18 regarding services related to substance use disorders.

19 (8) Receive data and assistance from federal, State
20 and local governmental agencies, and obtain copies of
21 identification and arrest data from all federal, State and
22 local law enforcement agencies for use in carrying out the
23 purposes and functions of the Department.

24 (9) Designate and license providers to conduct
25 screening, assessment, referral and tracking of clients
26 identified by the criminal justice system as having

1 indications of substance use disorders and being eligible
2 to make an election for treatment under Section 40-5 of
3 this Act, and assist in the placement of individuals who
4 are under court order to participate in treatment.

5 (10) Identify and disseminate evidence-based best
6 practice guidelines as maintained in administrative rule
7 that can be utilized to determine a substance use disorder
8 diagnosis.

9 (11) (Blank).

10 (12) Make grants with funds appropriated from the Drug
11 Treatment Fund in accordance with Section 7 of the
12 Controlled Substance and Cannabis Nuisance Act, or in
13 accordance with Section 80 of the Methamphetamine Control
14 and Community Protection Act, or in accordance with
15 subsections (h) and (i) of Section 411.2 of the Illinois
16 Controlled Substances Act, or in accordance with Section
17 6z-107 of the State Finance Act.

18 (13) Encourage all health and disability insurance
19 programs to include substance use disorder treatment as a
20 covered service and to use evidence-based best practice
21 criteria as maintained in administrative rule and as
22 required in Public Act 99-0480 in determining the
23 necessity for such services and continued stay.

24 (14) Award grants and enter into fixed-rate and
25 fee-for-service arrangements with any other department,
26 authority or commission of this State, or any other state

1 or the federal government or with any public or private
2 agency, including the disbursement of funds and furnishing
3 of staff, to effectuate the purposes of this Act.

4 (15) Conduct a public information campaign to inform
5 the State's Hispanic residents regarding the prevention
6 and treatment of substance use disorders.

7 (b) In addition to the powers, duties and functions vested
8 in it by this Act, or by other laws of this State, the
9 Department may undertake, but shall not be limited to, the
10 following activities:

11 (1) Require all organizations licensed or funded by
12 the Department to include an education component to inform
13 participants regarding the causes and means of
14 transmission and methods of reducing the risk of acquiring
15 or transmitting HIV infection and other infectious
16 diseases, and to include funding for such education
17 component in its support of the program.

18 (2) Review all State agency applications for federal
19 funds that include provisions relating to the prevention,
20 early intervention and treatment of substance use
21 disorders in order to ensure consistency.

22 (3) Prepare, publish, evaluate, disseminate and serve
23 as a central repository for educational materials dealing
24 with the nature and effects of substance use disorders.
25 Such materials may deal with the educational needs of the
26 citizens of Illinois, and may include at least pamphlets

1 that describe the causes and effects of fetal alcohol
2 spectrum disorders.

3 (4) Develop and coordinate, with regional and local
4 agencies, education and training programs for persons
5 engaged in providing services for persons with substance
6 use disorders, which programs may include specific HIV
7 education and training for program personnel.

8 (5) Cooperate with and assist in the development of
9 education, prevention, early intervention, and treatment
10 programs for employees of State and local governments and
11 businesses in the State.

12 (6) Utilize the support and assistance of interested
13 persons in the community, including recovering persons, to
14 assist individuals and communities in understanding the
15 dynamics of substance use disorders, and to encourage
16 individuals with substance use disorders to voluntarily
17 undergo treatment.

18 (7) Promote, conduct, assist or sponsor basic
19 clinical, epidemiological and statistical research into
20 substance use disorders and research into the prevention
21 of those problems either solely or in conjunction with any
22 public or private agency.

23 (8) Cooperate with public and private agencies,
24 organizations and individuals in the development of
25 programs, and to provide technical assistance and
26 consultation services for this purpose.

1 (9) (Blank).

2 (10) (Blank).

3 (11) Fund, promote, or assist entities dealing with
4 substance use disorders.

5 (12) With monies appropriated from the Group Home Loan
6 Revolving Fund, make loans, directly or through
7 subcontract, to assist in underwriting the costs of
8 housing in which individuals recovering from substance use
9 disorders may reside, pursuant to Section 50-40 of this
10 Act.

11 (13) Promulgate such regulations as may be necessary
12 to carry out the purposes and enforce the provisions of
13 this Act.

14 (14) Provide funding to help parents be effective in
15 preventing substance use disorders by building an
16 awareness of the family's role in preventing substance use
17 disorders through adjusting expectations, developing new
18 skills, and setting positive family goals. The programs
19 shall include, but not be limited to, the following
20 subjects: healthy family communication; establishing rules
21 and limits; how to reduce family conflict; how to build
22 self-esteem, competency, and responsibility in children;
23 how to improve motivation and achievement; effective
24 discipline; problem solving techniques; and how to talk
25 about drugs and alcohol. The programs shall be open to all
26 parents.

1 (15) Establish an Opioid Remediation Services Capital
2 Investment Grant Program. The Department may, subject to
3 appropriation and approval through the Opioid Overdose
4 Prevention and Recovery Steering Committee, after
5 recommendation by the Illinois Opioid Remediation Advisory
6 Board, and certification by the Office of the Attorney
7 General, make capital improvement grants to units of local
8 government and substance use prevention, treatment, and
9 recovery service providers addressing opioid remediation
10 in the State for approved abatement uses under the
11 Illinois Opioid Allocation Agreement. The Illinois Opioid
12 Remediation State Trust Fund shall be the source of
13 funding for the program. Eligible grant recipients shall
14 be units of local government and substance use prevention,
15 treatment, and recovery service providers that offer
16 facilities and services in a manner that supports and
17 meets the approved uses of the opioid settlement funds.
18 Eligible grant recipients have no entitlement to a grant
19 under this Section. The Department of Human Services may
20 consult with the Capital Development Board, the Department
21 of Commerce and Economic Opportunity, and the Illinois
22 Housing Development Authority to adopt rules to implement
23 this Section and may create a competitive application
24 procedure for grants to be awarded. The rules may specify
25 the manner of applying for grants; grantee eligibility
26 requirements; project eligibility requirements;

1 restrictions on the use of grant moneys; the manner in
2 which grantees must account for the use of grant moneys;
3 and any other provision that the Department of Human
4 Services determines to be necessary or useful for the
5 administration of this Section. Rules may include a
6 requirement for grantees to provide local matching funds
7 in an amount equal to a specific percentage of the grant.
8 No portion of an opioid remediation services capital
9 investment grant awarded under this Section may be used by
10 a grantee to pay for any ongoing operational costs or
11 outstanding debt. The Department of Human Services may
12 consult with the Capital Development Board, the Department
13 of Commerce and Economic Opportunity, and the Illinois
14 Housing Development Authority in the management and
15 disbursement of funds for capital-related projects. The
16 Capital Development Board, the Department of Commerce and
17 Economic Opportunity, and the Illinois Housing Development
18 Authority shall act in a consulting role only for the
19 evaluation of applicants, scoring of applicants, or
20 administration of the grant program.

21 (c) There is created within the Department of Human
22 Services an Office of Opioid Settlement Administration. The
23 Office shall be responsible for implementing and administering
24 approved abatement programs as described in Exhibit B of the
25 Illinois Opioid Allocation Agreement, effective December 30,
26 2021. The Office may also implement and administer other

1 opioid-related programs, including but not limited to
2 prevention, treatment, and recovery services from other funds
3 made available to the Department of Human Services. The
4 Secretary of Human Services shall appoint or assign staff as
5 necessary to carry out the duties and functions of the Office.

6 (Source: P.A. 101-10, eff. 6-5-19; 102-538, eff. 8-20-21;
7 102-699, eff. 4-19-22.)

8 Section 5-20. The Department of Central Management
9 Services Law of the Civil Administrative Code of Illinois is
10 amended by changing Section 405-293 as follows:

11 (20 ILCS 405/405-293)

12 Sec. 405-293. Professional Services.

13 (a) The Department of Central Management Services (the
14 "Department") is responsible for providing professional
15 services for or on behalf of State agencies for all functions
16 transferred to the Department by Executive Order No. 2003-10
17 (as modified by Section 5.5 of the Executive Reorganization
18 Implementation Act) and may, with the approval of the
19 Governor, provide additional services to or on behalf of State
20 agencies. To the extent not compensated by direct fund
21 transfers, the Department shall be reimbursed from each State
22 agency receiving the benefit of these services. The
23 reimbursement shall be determined by the Director of Central
24 Management Services as the amount required to reimburse the

1 Professional Services Fund for the Department's costs of
2 rendering the professional services on behalf of that State
3 agency. For purposes of this Section, funds due the Department
4 for professional services may be made through appropriations
5 to the Department from the General Revenue Fund, as determined
6 by and provided for by the General Assembly.

7 (a-5) The Department of Central Management Services may
8 provide professional services and other services as authorized
9 by subsection (a) for or on behalf of other State entities with
10 the approval of both the Director of Central Management
11 Services and the appropriate official or governing body of the
12 other State entity.

13 (b) For the purposes of this Section, "State agency" means
14 each State agency, department, board, and commission directly
15 responsible to the Governor. "Professional services" means
16 legal services, internal audit services, and other services as
17 approved by the Governor. "Other State entity" means the
18 Illinois State Board of Education and the Illinois State Toll
19 Highway Authority.

20 (Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05.)

21 Section 5-25. The Children and Family Services Act is
22 amended by changing Section 25 as follows:

23 (20 ILCS 505/25) (from Ch. 23, par. 5025)

24 Sec. 25. Funds ~~Grants, gifts, or legacies~~; Putative Father

1 Registry fees.

2 (a) The DCFS Special Purposes Trust Fund is created as a
3 trust fund in the State treasury. The Department is authorized
4 to accept and deposit into the Fund moneys received from
5 grants, gifts, or any other source, public or private, in
6 support of the activities authorized by this Act or on behalf
7 of any institution or program of the Department. Moneys
8 received from federal sources or pursuant to Section 8.27 of
9 the State Finance Act or Section 5-9-1.8 of the Unified Code of
10 Corrections shall not be deposited into the Fund ~~To accept and~~
11 ~~hold in behalf of the State, if for the public interest, a~~
12 ~~grant, gift or legacy of money or property to the State of~~
13 ~~Illinois, to the Department, or to any institution or program~~
14 ~~of the Department made in trust for the maintenance or support~~
15 ~~of a resident of an institution of the Department, or for any~~
16 ~~other legitimate purpose connected with such institution or~~
17 ~~program. The Department shall cause each gift, grant or legacy~~
18 ~~to be kept as a distinct fund, and shall invest the same in the~~
19 ~~manner provided by the laws of this State as the same now~~
20 ~~exist, or shall hereafter be enacted, relating to securities~~
21 ~~in which the deposit in savings banks may be invested. But the~~
22 ~~Department may, in its discretion, deposit in a proper trust~~
23 ~~company or savings bank, during the continuance of the trust,~~
24 ~~any fund so left in trust for the life of a person, and shall~~
25 ~~adopt rules and regulations governing the deposit, transfer,~~
26 ~~or withdrawal of such fund. The Department shall on the~~

1 ~~expiration of any trust as provided in any instrument creating~~
2 ~~the same, dispose of the fund thereby created in the manner~~
3 ~~provided in such instrument. The Department shall include in~~
4 ~~its required reports a statement showing what funds are so~~
5 ~~held by it and the condition thereof. Monies found on~~
6 ~~residents at the time of their admission, or accruing to them~~
7 ~~during their period of institutional care, and monies~~
8 ~~deposited with the superintendents by relatives, guardians or~~
9 ~~friends of residents for the special comfort and pleasure of~~
10 ~~such resident, shall remain in the custody of such~~
11 ~~superintendents who shall act as trustees for disbursement to,~~
12 ~~in behalf of, or for the benefit of such resident. All types of~~
13 ~~retirement and pension benefits from private and public~~
14 ~~sources may be paid directly to the superintendent of the~~
15 ~~institution where the person is a resident, for deposit to the~~
16 ~~resident's trust fund account.~~

17 (b) The Department shall deposit ~~hold~~ all Putative Father
18 Registry fees collected under Section 12.1 of the Adoption Act
19 into the DCFS Special Purposes Trust Fund ~~in a distinct fund~~
20 for the Department's use in maintaining the Putative Father
21 Registry. ~~The Department shall invest the moneys in the fund~~
22 ~~in the same manner as moneys in the funds described in~~
23 ~~subsection (a) and shall include in its required reports a~~
24 ~~statement showing the condition of the fund.~~

25 (c) The DCFS Federal Projects Fund is created as a federal
26 trust fund in the State treasury. Moneys in the DCFS Federal

1 Projects Fund shall be used for the specific purposes
2 established by the terms and conditions of the federal grant
3 or award and for other authorized expenses in accordance with
4 federal requirements.

5 (Source: P.A. 94-1010, eff. 10-1-06.)

6 Section 5-30. The Illinois Promotion Act is amended by
7 changing Section 3, 4a, and 8a as follows:

8 (20 ILCS 665/3) (from Ch. 127, par. 200-23)

9 Sec. 3. Definitions. The following words and terms,
10 whenever used or referred to in this Act, shall have the
11 following meanings, except where the context may otherwise
12 require:

13 (a) "Department" means the Department of Commerce and
14 Economic Opportunity of the State of Illinois.

15 (b) "Local promotion group" means any non-profit
16 corporation, organization, association, agency or committee
17 thereof formed for the primary purpose of publicizing,
18 promoting, advertising or otherwise encouraging the
19 development of tourism in any municipality, county, or region
20 of Illinois.

21 (c) "Promotional activities" means preparing, planning and
22 conducting campaigns of information, advertising and publicity
23 through such media as newspapers, radio, television,
24 magazines, trade journals, moving and still photography,

1 posters, outdoor signboards and personal contact within and
2 without the State of Illinois; dissemination of information,
3 advertising, publicity, photographs and other literature and
4 material designed to carry out the purpose of this Act; and
5 participation in and attendance at meetings and conventions
6 concerned primarily with tourism, including travel to and from
7 such meetings.

8 (d) "Municipality" means "municipality" as defined in
9 Section 1-1-2 of the Illinois Municipal Code, as heretofore
10 and hereafter amended.

11 (e) "Tourism" means travel 50 miles or more one-way or an
12 overnight trip outside of a person's normal routine.

13 (f) "Municipal amateur sports facility" means a sports
14 facility that: (1) is owned by a unit of local government; (2)
15 has contiguous indoor sports competition space; (3) is
16 designed to principally accommodate and host amateur
17 competitions for youths, adults, or both; and (4) is not used
18 for professional sporting events where participants are
19 compensated for their participation.

20 (g) "Municipal convention center" means a convention
21 center or civic center owned by a unit of local government or
22 operated by a convention center authority, or a municipal
23 convention hall as defined in paragraph (1) of Section 11-65-1
24 of the Illinois Municipal Code, ~~with contiguous exhibition~~
25 ~~space ranging between 30,000 and 125,000 square feet.~~

26 (h) "Convention center authority" means an Authority, as

1 defined by the Civic Center Code, that operates a municipal
2 convention center ~~with contiguous exhibition space ranging~~
3 ~~between 30,000 and 125,000 square feet.~~

4 (i) "Incentive" means: (1) a financial incentive provided
5 by a unit of local government, a local promotion group, a
6 not-for-profit organization, a for-profit organization, or a
7 convention center authority to attract a convention, meeting,
8 or trade show ~~held at a municipal convention center~~ that, but
9 for the incentive, would not have occurred in the State or been
10 retained in the State; or (2) a financial incentive provided
11 by a unit of local government, a local promotion group, a
12 not-for-profit organization, a for-profit organization, or a
13 convention center authority for attracting a sporting event
14 ~~held at its municipal amateur sports facility~~ that, but for
15 the incentive, would not have occurred in the State or been
16 retained in the State; but (3) only a financial incentive
17 offered or provided to a person or entity in the form of
18 financial benefits or costs which are allowable costs pursuant
19 to the Grant Accountability and Transparency Act.

20 (j) "Unit of local government" has the meaning provided in
21 Section 1 of Article VII of the Illinois Constitution.

22 (k) "Local parks" means any park, recreation area, or
23 other similar facility owned or operated by a unit of local
24 government.

25 (Source: P.A. 101-10, eff. 6-5-19; 102-287, eff. 8-6-21.)

1 (20 ILCS 665/4a) (from Ch. 127, par. 200-24a)

2 Sec. 4a. Funds.

3 (1) All moneys deposited into ~~in~~ the Tourism Promotion
4 Fund pursuant to this subsection are allocated to the
5 Department for utilization, as appropriated, in the
6 performance of its powers under Section 4; ~~except that during~~
7 ~~fiscal year 2013, the Department shall reserve \$9,800,000 of~~
8 ~~the total funds available for appropriation in the Tourism~~
9 ~~Promotion Fund for appropriation to the Historic Preservation~~
10 ~~Agency for the operation of the Abraham Lincoln Presidential~~
11 ~~Library and Museum and State historic sites; and except that~~
12 beginning in fiscal year 2019, moneys in the Tourism Promotion
13 Fund may also be allocated to the Illinois Department of
14 Agriculture, the Illinois Department of Natural Resources, and
15 the Abraham Lincoln Presidential Library and Museum for
16 utilization, as appropriated, to administer their
17 responsibilities as State agencies promoting tourism in
18 Illinois, and for tourism-related purposes.

19 ~~As soon as possible after the first day of each month,~~
20 ~~beginning July 1, 1997 and ending on the effective date of this~~
21 ~~amendatory Act of the 100th General Assembly, upon~~
22 ~~certification of the Department of Revenue, the Comptroller~~
23 ~~shall order transferred and the Treasurer shall transfer from~~
24 ~~the General Revenue Fund to the Tourism Promotion Fund an~~
25 ~~amount equal to 13% of the net revenue realized from the Hotel~~
26 ~~Operators' Occupation Tax Act plus an amount equal to 13% of~~

1 ~~the net revenue realized from any tax imposed under Section~~
2 ~~4.05 of the Chicago World's Fair 1992 Authority Act during the~~
3 ~~preceding month. "Net revenue realized for a month" means the~~
4 ~~revenue collected by the State under that Act during the~~
5 ~~previous month less the amount paid out during that same month~~
6 ~~as refunds to taxpayers for overpayment of liability under~~
7 ~~that Act.~~

8 (1.1) (Blank).

9 (2) (Blank). ~~As soon as possible after the first day of~~
10 ~~each month, beginning July 1, 1997 and ending on the effective~~
11 ~~date of this amendatory Act of the 100th General Assembly,~~
12 ~~upon certification of the Department of Revenue, the~~
13 ~~Comptroller shall order transferred and the Treasurer shall~~
14 ~~transfer from the General Revenue Fund to the Tourism~~
15 ~~Promotion Fund an amount equal to 8% of the net revenue~~
16 ~~realized from the Hotel Operators' Occupation Tax plus an~~
17 ~~amount equal to 8% of the net revenue realized from any tax~~
18 ~~imposed under Section 4.05 of the Chicago World's Fair 1992~~
19 ~~Authority Act during the preceding month. "Net revenue~~
20 ~~realized for a month" means the revenue collected by the State~~
21 ~~under that Act during the previous month less the amount paid~~
22 ~~out during that same month as refunds to taxpayers for~~
23 ~~overpayment of liability under that Act.~~

24 ~~All monies deposited in the Tourism Promotion Fund under~~
25 ~~this subsection (2) shall be used solely as provided in this~~
26 ~~subsection to advertise and promote tourism throughout~~

1 ~~Illinois. Appropriations of monies deposited in the Tourism~~
2 ~~Promotion Fund pursuant to this subsection (2) shall be used~~
3 ~~solely for advertising to promote tourism, including but not~~
4 ~~limited to advertising production and direct advertisement~~
5 ~~costs, but shall not be used to employ any additional staff,~~
6 ~~finance any individual event, or lease, rent or purchase any~~
7 ~~physical facilities. The Department shall coordinate its~~
8 ~~advertising under this subsection (2) with other public and~~
9 ~~private entities in the State engaged in similar promotion~~
10 ~~activities. Print or electronic media production made pursuant~~
11 ~~to this subsection (2) for advertising promotion shall not~~
12 ~~contain or include the physical appearance of or reference to~~
13 ~~the name or position of any public officer. "Public officer"~~
14 ~~means a person who is elected to office pursuant to statute, or~~
15 ~~who is appointed to an office which is established, and the~~
16 ~~qualifications and duties of which are prescribed, by statute,~~
17 ~~to discharge a public duty for the State or any of its~~
18 ~~political subdivisions.~~

19 (3) (Blank). ~~Notwithstanding anything in this Section to~~
20 ~~the contrary, amounts transferred from the General Revenue~~
21 ~~Fund to the Tourism Promotion Fund pursuant to this Section~~
22 ~~shall not exceed \$26,300,000 in State fiscal year 2012.~~

23 (4) (Blank). ~~As soon as possible after the first day of~~
24 ~~each month, beginning July 1, 2017 and ending June 30, 2018, if~~
25 ~~the amount of revenue deposited into the Tourism Promotion~~
26 ~~Fund under subsection (c) of Section 6 of the Hotel Operators'~~

1 ~~Occupation Tax Act is less than 21% of the net revenue realized~~
2 ~~from the Hotel Operators' Occupation Tax during the preceding~~
3 ~~month, then, upon certification of the Department of Revenue,~~
4 ~~the State Comptroller shall direct and the State Treasurer~~
5 ~~shall transfer from the General Revenue Fund to the Tourism~~
6 ~~Promotion Fund an amount equal to the difference between 21%~~
7 ~~of the net revenue realized from the Hotel Operators'~~
8 ~~Occupation Tax during the preceding month and the amount of~~
9 ~~revenue deposited into the Tourism Promotion Fund under~~
10 ~~subsection (c) of Section 6 of the Hotel Operators' Occupation~~
11 ~~Tax Act.~~

12 (5) As soon as possible after the first day of each month,
13 beginning July 1, 2018, if the amount of revenue deposited
14 into the Tourism Promotion Fund under Section 6 of the Hotel
15 Operators' Occupation Tax Act is less than 21% of the net
16 revenue realized from the Hotel Operators' Occupation Tax
17 during the preceding month, then, upon certification of the
18 Department of Revenue, the State Comptroller shall direct and
19 the State Treasurer shall transfer from the General Revenue
20 Fund to the Tourism Promotion Fund an amount equal to the
21 difference between 21% of the net revenue realized from the
22 Hotel Operators' Occupation Tax during the preceding month and
23 the amount of revenue deposited into the Tourism Promotion
24 Fund under Section 6 of the Hotel Operators' Occupation Tax
25 Act.

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

1 provided for by law, on the effective date of the changes made
 2 to this Section by this amendatory Act of the 103rd General
 3 Assembly, or as soon thereafter as practical, but no later
 4 than June 30, 2023, the State Comptroller shall direct and the
 5 State Treasurer shall transfer from the Tourism Promotion Fund
 6 into the designated funds the following amounts:

| | | |
|---|-----------------------------------------------|-----------------------|
| 7 | <u>International Tourism Fund</u> | <u>\$2,274,267.36</u> |
| 8 | <u>Chicago Travel Industry Promotion Fund</u> | <u>\$4,396,916.95</u> |
| 9 | <u>Local Tourism Fund</u> | <u>\$7,367,503.22</u> |

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

11 (20 ILCS 665/8a) (from Ch. 127, par. 200-28a)

12 Sec. 8a. Tourism grants and loans.

13 (1) The Department is authorized to make grants and loans,
 14 subject to appropriations by the General Assembly for this
 15 purpose from the Tourism Promotion Fund, to counties,
 16 municipalities, other units of local government, local
 17 promotion groups, not-for-profit organizations, or for-profit
 18 businesses for the development or improvement of tourism
 19 attractions in Illinois. Individual grants and loans shall not
 20 exceed \$1,000,000 and shall not exceed 50% of the entire
 21 amount of the actual expenditures for the development or
 22 improvement of a tourist attraction. Agreements for loans made
 23 by the Department pursuant to this subsection may contain
 24 provisions regarding term, interest rate, security as may be
 25 required by the Department and any other provisions the

1 Department may require to protect the State's interest.

2 (2) From appropriations to the Department from the State
3 CURE fund for this purpose, the Department shall establish
4 Tourism Attraction grants for purposes outlined in subsection
5 (1). Grants under this subsection shall not exceed \$1,000,000
6 but may exceed 50% of the entire amount of the actual
7 expenditure for the development or improvement of a tourist
8 attraction, including, but not limited to, festivals.
9 Expenditures of such funds shall be in accordance with the
10 permitted purposes under Section 9901 of the American Rescue
11 Plan Act of 2021 and all related federal guidance.

12 (3) Subject to appropriation, the Department is authorized
13 to issue competitive grants with initial terms of up to 5 years
14 for the purpose of administering an incentive program that
15 will attract or retain conventions, meetings, sporting events,
16 and trade shows in Illinois with the goal of increasing
17 business or leisure travel.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-287, eff. 8-6-21;
19 102-813, eff. 5-13-22.)

20 Section 5-31. The Department of Human Services Act is
21 amended by adding Section 1-85 as follows:

22 (20 ILCS 1305/1-85 new)

23 Sec. 1-85. Home Illinois Program. Subject to
24 appropriation, the Department of Human Services shall

1 establish the Home Illinois Program. The Home Illinois Program
2 shall focus on preventing and ending homelessness in Illinois
3 and may include, but not be limited to, homeless prevention,
4 emergency and transitional housing, rapid rehousing, outreach,
5 capital investment, and related services and supports for
6 individuals at risk or experiencing homelessness. The
7 Department may establish program eligibility criteria and
8 other program requirements by rule. The Department of Human
9 Services may consult with the Capital Development Board, the
10 Department of Commerce and Economic Opportunity, and the
11 Illinois Housing Development Authority in the management and
12 disbursement of funds for capital related projects. The
13 Capital Development Board, the Department of Commerce and
14 Economic Opportunity, and the Illinois Housing Development
15 Authority shall act in a consulting role only for the
16 evaluation of applicants, scoring of applicants, or
17 administration of the grant program.

18 Section 5-32. The Department of Innovation and Technology
19 Act is amended by adding Section 1-16 as follows:

20 (20 ILCS 1370/1-16 new)

21 Sec. 1-16. Personnel. The Governor may, with the advice
22 and consent of the Senate, appoint a person within the
23 Department to serve as the Deputy Secretary. The Deputy
24 Secretary shall receive an annual salary as set by the

1 Governor and shall be paid out of appropriations to the
2 Department. The Deputy Secretary shall not be subject to the
3 Personnel Code. The duties of the Deputy Secretary shall
4 include the coordination of the State's digital modernization
5 and other duties as assigned by the Secretary.

6 Section 5-33. The Disabilities Services Act of 2003 is
7 amended by changing Sections 51, 52, and 53 as follows:

8 (20 ILCS 2407/51)

9 Sec. 51. Legislative intent. It is the intent of the
10 General Assembly to promote the civil rights of persons with
11 disabilities by providing community-based service for persons
12 with disabilities when such services are determined
13 appropriate and desired, as required by Title II of the
14 Americans with Disabilities Act under the United States
15 Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581
16 (1999). In accordance with Section 6071 of the Deficit
17 Reduction Act of 2005 (P.L. 109-171), as amended by the
18 federal Consolidated Appropriations Act, 2021 (P.L. 116-260),
19 the purpose of this Act is (i) to identify and reduce barriers
20 or mechanisms, whether in State law, the State Medicaid Plan,
21 the State budget, or otherwise, that prevent or restrict the
22 flexible use of public funds to enable individuals with
23 disabilities to receive support for appropriate and necessary
24 long-term care services in settings of their choice; (ii) to

1 increase the use of home and community-based long-term care
2 services, rather than institutions or long-term care
3 facilities; (iii) to increase the ability of the State
4 Medicaid program to assure continued provision of home and
5 community-based long-term care services to eligible
6 individuals who choose to transition from an institution or a
7 long-term care facility to a community setting; and (iv) to
8 ensure that procedures are in place that are at least
9 comparable to those required under the qualified home and
10 community-based program to provide quality assurance for
11 eligible individuals receiving Medicaid home and
12 community-based long-term care services and to provide for
13 continuous quality improvement in such services. Utilizing the
14 framework created by the "Money Follows the Person"
15 demonstration project, approval received by the State on May
16 14, 2007, and any subsequently enacted "Money Follows the
17 Person" demonstration project or initiative terms and
18 conditions, the purpose of this Act is to codify and reinforce
19 the State's commitment to promote individual choice and
20 control and increase utilization of home and community-based
21 services through:

22 (a) Increased ability of the State Medicaid program to
23 ensure continued provision of home and community-based
24 long-term care services to eligible individuals who choose
25 to transition from an institution to a community setting.

26 (b) Assessment and removal of barriers to community

1 reintegration, including development of a comprehensive
2 housing strategy.

3 (c) Expand availability of consumer self-directed
4 service options.

5 (d) Increased use of home and community-based
6 long-term care services, rather than institutions or
7 long-term care facilities, ~~such that the percentage of the~~
8 ~~State long term care budget expended for community based~~
9 ~~services increases from its current 28.5% to at least 37%~~
10 ~~in the next 5 years.~~

11 (e) Creation and implementation of interagency
12 agreements or budgetary mechanisms to allow for the
13 flexible movement of allocated dollars from institutional
14 budget appropriations to appropriations supporting home
15 and community-based services or Medicaid State Plan
16 options.

17 (f) Creation of an equitable, clinically sound and
18 cost-effective system for identification and review of
19 community transition candidates across all long-term care
20 systems; including improvement of prescreening, assessment
21 for rapid reintegration and targeted review of longer stay
22 residents, training and outreach education for providers
23 and consumers on community alternatives across all
24 long-term care systems.

25 (g) Development and implementation of data and
26 information systems to track individuals across service

1 systems and funding streams; support responsive
2 eligibility determination; facilitate placement and care
3 decisions; identify individuals with potential for
4 transition; and drive planning for the development of
5 community-based alternatives.

6 (h) Establishment of procedures that are at least
7 comparable to those required under the qualified home and
8 community-based program to provide quality assurance for
9 eligible individuals receiving Medicaid home and
10 community-based long-term care services and to provide for
11 continuous quality improvement in such services.

12 (i) Nothing in this amendatory Act of the 95th General
13 Assembly shall diminish or restrict the choice of an
14 individual to reside in an institution or the quality of
15 care they receive.

16 (Source: P.A. 95-438, eff. 1-1-08.)

17 (20 ILCS 2407/52)

18 Sec. 52. Applicability; definitions. In accordance with
19 Section 6071 of the Deficit Reduction Act of 2005 (P.L.
20 109-171), as used in this Article:

21 "Departments". The term "Departments" means for the
22 purposes of this Act, the Department of Human Services, the
23 Department on Aging, Department of Healthcare and Family
24 Services and Department of Public Health, unless otherwise
25 noted.

1 "Home and community-based long-term care services". The
2 term "home and community-based long-term care services" means,
3 with respect to the State Medicaid program, a service aid, or
4 benefit, home and community-based services, including, but not
5 limited to, home health and personal care services, that are
6 provided to a person with a disability, and are voluntarily
7 accepted, as part of his or her long-term care that: (i) is
8 provided under the State's qualified home and community-based
9 program or that could be provided under such a program but is
10 otherwise provided under the Medicaid program; (ii) is
11 delivered in a qualified residence; and (iii) is necessary for
12 the person with a disability to live in the community.

13 "ID/DD community care facility". The term "ID/DD community
14 care facility", for the purposes of this Article, means a
15 skilled nursing or intermediate long-term care facility
16 subject to licensure by the Department of Public Health under
17 the ID/DD Community Care Act or the MC/DD Act, an intermediate
18 care facility for persons with developmental disabilities
19 (ICF-DDs), and a State-operated developmental center or mental
20 health center, whether publicly or privately owned.

21 "Money Follows the Person" Demonstration. Enacted by the
22 Deficit Reduction Act of 2005, as amended by the federal
23 Consolidated Appropriations Act, 2021 (P.L. 116-260), the
24 Money Follows the Person (MFP) Rebalancing Demonstration is
25 part of a comprehensive, coordinated strategy to assist
26 states, in collaboration with stakeholders, to make widespread

1 changes to their long-term care support systems. This
2 initiative will assist states in their efforts to reduce their
3 reliance on institutional care while developing
4 community-based long-term care opportunities, enabling the
5 elderly and people with disabilities to fully participate in
6 their communities.

7 "Public funds" mean any funds appropriated by the General
8 Assembly to the Departments of Human Services, on Aging, of
9 Healthcare and Family Services and of Public Health for
10 settings and services as defined in this Article.

11 "Qualified residence". The term "qualified residence"
12 means, with respect to an eligible individual: (i) a home
13 owned or leased by the individual or the individual's
14 authorized representative (as defined by P.L. 109-171); (ii)
15 an apartment with an individual lease, with lockable access
16 and egress, and which includes living, sleeping, bathing, and
17 cooking areas over which the individual or the individual's
18 family has domain and control; or (iii) a residence, in a
19 community-based residential setting, in which no more than 4
20 unrelated individuals reside. Where qualified residences are
21 not sufficient to meet the demand of eligible individuals,
22 time-limited exceptions to this definition may be developed
23 through administrative rule.

24 "Self-directed services". The term "self-directed
25 services" means, with respect to home and community-based
26 long-term services for an eligible individual, those services

1 for the individual that are planned and purchased under the
2 direction and control of the individual or the individual's
3 authorized representative, including the amount, duration,
4 scope, provider, and location of such services, under the
5 State Medicaid program consistent with the following
6 requirements:

7 (a) Assessment: there is an assessment of the needs,
8 capabilities, and preference of the individual with
9 respect to such services.

10 (b) Individual service care or treatment plan: based
11 on the assessment, there is development jointly with such
12 individual or individual's authorized representative, a
13 plan for such services for the individual that (i)
14 specifies those services, if any, that the individual or
15 the individual's authorized representative would be
16 responsible for directing; (ii) identifies the methods by
17 which the individual or the individual's authorized
18 representative or an agency designated by an individual or
19 representative will select, manage, and dismiss providers
20 of such services.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
22 99-642, eff. 7-28-16.)

23 (20 ILCS 2407/53)

24 Sec. 53. Rebalancing benchmarks.

25 (a) Illinois' long-term care system is in a state of

1 transformation, as evidenced by the creation and subsequent
2 work products of the Disability Services Advisory Committee,
3 Older Adult Services Advisory Committee, Housing Task Force
4 and other executive and legislative branch initiatives.

5 (b) Illinois' Money Follows the Person demonstrations or
6 initiatives capitalize ~~demonstration approval capitalizes~~ on
7 this progress and commit ~~commits~~ the State to transition
8 ~~approximately 3,357~~ older persons and persons with
9 developmental, physical, or psychiatric disabilities from
10 institutional to home and community-based settings, as
11 appropriate ~~resulting in an increased percentage of long term~~
12 ~~care community spending over the next 5 years.~~

13 (c) (Blank). ~~The State will endeavor to increase the~~
14 ~~percentage of community based long term care spending over the~~
15 ~~next 5 years according to the following timeline:~~

16 ~~Estimated baseline: 28.5%~~

17 ~~Year 1: 30%~~

18 ~~Year 2: 31%~~

19 ~~Year 3: 32%~~

20 ~~Year 4: 35%~~

21 ~~Year 5: 37%~~

22 (d) The Departments will utilize interagency agreements
23 and will seek legislative authority to implement a Money
24 Follows the Person budgetary mechanism to allocate or
25 reallocate funds for the purpose of expanding the
26 availability, quality or stability of home and community-based

1 long-term care services and supports for persons with
2 disabilities.

3 (e) The allocation of public funds for home and
4 community-based long-term care services shall not have the
5 effect of: (i) diminishing or reducing the quality of services
6 available to residents of long-term care facilities; (ii)
7 forcing any residents of long-term care facilities to
8 involuntarily accept home and community-based long-term care
9 services, or causing any residents of long-term care
10 facilities to be involuntarily transferred or discharged;
11 (iii) causing reductions in long-term care facility
12 reimbursement rates in effect as of July 1, 2008; or (iv)
13 diminishing access to a full array of long-term care options.
14 (Source: P.A. 95-438, eff. 1-1-08.)

15 Section 5-35. The Illinois State Police Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 2605-407 as follows:

18 (20 ILCS 2605/2605-407)

19 Sec. 2605-407. Illinois State Police Federal Projects
20 Fund.

21 (a) The Illinois State Police Federal Projects Fund is
22 established as a federal trust fund in the State treasury.
23 This federal Trust Fund is established to receive funds
24 awarded to the Illinois State Police from the following: (i)

1 all federal departments and agencies for the specific purposes
2 established by the terms and conditions of the federal awards
3 and (ii) federal pass-through grants from State departments
4 and agencies for the specific purposes established by the
5 terms and conditions of the grant agreements. Any interest
6 earnings that are attributable to moneys in the federal trust
7 fund must be deposited into the Fund.

8 (b) In addition to any other transfers that may be
9 provided for by law, on July 1, 2023, or as soon thereafter as
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$2,000,000 from the State
12 Police Services Fund to the Illinois State Police Federal
13 Projects Fund.

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 Section 5-40. The State Fire Marshal Act is amended by
16 adding Section 2.8 as follows:

17 (20 ILCS 2905/2.8 new)

18 Sec. 2.8. Fire Station Rehabilitation and Construction
19 Grant Program. The Office shall establish and administer a
20 Fire Station Rehabilitation and Construction Grant Program to
21 award grants to units of local government for the
22 rehabilitation or construction of fire stations. The Office
23 shall adopt any rules necessary for the implementation and
24 administration of this Section.

1 Section 5-45. The Governor's Office of Management and
2 Budget Act is amended by adding Section 2.13 as follows:

3 (20 ILCS 3005/2.13 new)

4 Sec. 2.13. Appropriations; Railsplitter Tobacco Settlement
5 Authority Bonds. Subject to appropriation, the Office may make
6 payments from the Tobacco Settlement Recovery Fund to the
7 trustee of those bonds issued by the Railsplitter Tobacco
8 Settlement Authority with which the Authority has executed a
9 bond indenture pursuant to the terms of the Railsplitter
10 Tobacco Settlement Authority Act for the purpose of defeasing
11 outstanding bonds of the Authority.

12 Section 5-47. The Illinois Emergency Management Agency Act
13 is amended by adding Section 17.8 as follows:

14 (20 ILCS 3305/17.8 new)

15 Sec. 17.8. IEMA State Projects Fund. The IEMA State
16 Projects Fund is created as a trust fund in the State treasury.
17 The Fund shall consist of any moneys appropriated to the
18 Agency for purposes of the Illinois' Not-For-Profit Security
19 Grant Program, a grant program authorized by subsection (g-5)
20 of Section 5 of this Act, to provide funding support for target
21 hardening activities and other physical security enhancements
22 for qualifying not-for-profit organizations that are at high

1 risk of terrorist attack. The Agency is authorized to use
2 moneys appropriated from the Fund to make grants to
3 not-for-profit organizations for target hardening activities,
4 security personnel, and physical security enhancements and for
5 the payment of administrative expenses associated with the
6 Not-For-Profit Security Grant Program. As used in this
7 Section, "target hardening activities" include, but are not
8 limited to, the purchase and installation of security
9 equipment on real property owned or leased by the
10 not-for-profit organization. Grants, gifts, and moneys from
11 any other source, public or private, may also be deposited
12 into the Fund and used for the purposes authorized by this Act.

13 Section 5-50. The State Finance Act is amended by changing
14 Sections 5.62, 5.366, 5.581, 5.765, 5.857, 6, 6z-27, 6z-32,
15 6z-35, 6z-43, 6z-100, 6z-121, 6z-126, 8.3, 8.12, 8g-1, 13.2,
16 and 25 and by adding Sections 5.990, 5e-1, and 5h.6 as follows:

17 (30 ILCS 105/5.62) (from Ch. 127, par. 141.62)

18 Sec. 5.62. The Working Capital Revolving Fund. This
19 Section is repealed on January 1, 2024.

20 (Source: Laws 1919, p. 946.)

21 (30 ILCS 105/5.366)

22 Sec. 5.366. The Live and Learn Fund. This Section is
23 repealed on January 1, 2024.

1 (Source: P.A. 88-78; 88-670, eff. 12-2-94.)

2 (30 ILCS 105/5.581)

3 Sec. 5.581. The Professional Sports Teams Education Fund.

4 This Section is repealed on January 1, 2024.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (30 ILCS 105/5.765)

7 Sec. 5.765. The Soil and Water Conservation District Fund.

8 This Section is repealed on January 1, 2024.

9 (Source: P.A. 96-1377, eff. 1-1-11; 97-333, eff. 8-12-11.)

10 (30 ILCS 105/5.857)

11 (Section scheduled to be repealed on July 1, 2023)

12 Sec. 5.857. The Capital Development Board Revolving Fund.

13 This Section is repealed July 1, ~~2023~~ 2025.

14 (Source: P.A. 101-10, eff. 6-5-19; 101-645, eff. 6-26-20;

15 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

16 (30 ILCS 105/5.990 new)

17 Sec. 5.990. The Imagination Library of Illinois Fund.

18 (30 ILCS 105/5e-1 new)

19 Sec. 5e-1. Transfers from Road Fund. In addition to any

20 other transfers that may be provided for by law, on July 1,

21 2023, or as soon thereafter as practical, the State

1 Comptroller shall direct and the State Treasurer shall
2 transfer the sum of \$10,000,000 from the Road Fund to the
3 Federal Mass Transit Trust Fund. This Section is repealed on
4 January 1, 2025.

5 (30 ILCS 105/5h.6 new)

6 Sec. 5h.6. Cash flow borrowing and health insurance funds
7 liquidity.

8 (a) To meet cash flow deficits and to maintain liquidity
9 in the Community College Health Insurance Security Fund, the
10 State Treasurer and the State Comptroller, as directed by the
11 Governor, shall make transfers, on and after July 1, 2023 and
12 through June 30, 2024, to the Community College Health
13 Insurance Security Fund out of the Health Insurance Reserve
14 Fund, to the extent allowed by federal law.

15 The outstanding total transfers made from the Health
16 Insurance Reserve Fund to the Community College Health
17 Insurance Security Fund under this Section shall, at no time,
18 exceed \$50,000,000. Once the amount of \$50,000,000 has been
19 transferred from the Health Insurance Reserve Fund to the
20 Community College Health Insurance Security Fund, additional
21 transfers may be made from the Health Insurance Reserve Fund
22 to the Community College Health Insurance Security Fund under
23 this Section only to the extent that moneys have first been
24 retransferred from the Community College Health Insurance
25 Security Fund to the Health Insurance Reserve Fund.

1 (b) If moneys have been transferred to the Community
2 College Health Insurance Security Fund pursuant to subsection
3 (a) of this Section, this amendatory Act of the 103rd General
4 Assembly shall constitute the continuing authority for and
5 direction to the State Treasurer and State Comptroller to
6 reimburse the Health Insurance Reserve Fund from the Community
7 College Health Insurance Security Fund by transferring to the
8 Health Insurance Reserve Fund, at such times and in such
9 amounts as directed by the Comptroller when necessary to
10 support appropriated expenditures from the Health Insurance
11 Reserve Fund, an amount equal to that transferred from the
12 Health Insurance Reserve Fund, except that any moneys
13 transferred pursuant to subsection (a) of this Section shall
14 be repaid to the fund of origin within 108 months after the
15 date on which they were borrowed. The continuing authority for
16 reimbursement provided for in this subsection (b) shall expire
17 96 months after the date of the last transfer made pursuant to
18 subsection (a) of this Section, or June 30, 2032, whichever is
19 sooner.

20 (c) Beginning July 31, 2024, and every July 31 thereafter
21 until all moneys borrowed pursuant to this Section have been
22 repaid, the Comptroller shall annually report on every
23 transfer made pursuant to this Section. The report shall
24 identify the amount of each transfer, including the date and
25 the end-of-day balance of the Health Insurance Reserve Fund
26 and the Community College Health Insurance Security Fund on

1 the date each transfer was made, and the status of all funds
2 transferred under this Section for the previous fiscal year.
3 All reports under this Section shall be provided in an
4 electronic format to the Commission on Government Forecasting
5 and Accountability and to the Governor's Office of Management
6 and Budget.

7 (30 ILCS 105/6) (from Ch. 127, par. 142)

8 Sec. 6. The gross or total proceeds, receipts and income
9 of all lands leased by the Department of Corrections and of all
10 industrial operations at the several State institutions and
11 divisions under the direction and supervision of the
12 Department of Corrections shall be covered into the State
13 treasury into a state trust fund to be known as the ~~"The~~
14 Working Capital Revolving Fund". "Industrial operations", as
15 herein used, means and includes the operation of those State
16 institutions producing, by the use of materials, supplies and
17 labor, goods, or wares or merchandise to be sold. On July 1,
18 2023, or as soon thereafter as practical, the State
19 Comptroller shall direct and the State Treasurer shall
20 transfer the remaining balance from the Working Capital
21 Revolving Fund into the General Revenue Fund. Upon completion
22 of the transfer, the Working Capital Revolving Fund is
23 dissolved, and any future deposits due to that Fund and any
24 outstanding obligations or liabilities of that Fund shall pass
25 to the General Revenue Fund.

1 (Source: P.A. 90-372, eff. 7-1-98.)

2 (30 ILCS 105/6z-27)

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

7 Within 30 days after July 1, 2023 ~~2022~~, or as soon
8 thereafter as practical, the State Comptroller shall order
9 transferred and the State Treasurer shall transfer from the
10 following funds moneys in the specified amounts for deposit
11 into the Audit Expense Fund:

| | | |
|----|------------------------------------------------------------------|-----------|
| 12 | <u>African-American HIV/AIDS Response Fund</u> | \$1,421 |
| 13 | <u>Agricultural Premium Fund</u> | \$122,719 |
| 14 | <u>Alzheimer's Awareness Fund</u> | \$1,499 |
| 15 | <u>Alzheimer's Disease Research, Care, and Support Fund</u> | \$662 |
| 16 | <u>Amusement Ride and Patron Safety Fund</u> | \$6,315 |
| 17 | <u>Assisted Living and Shared Housing Regulatory Fund</u> | \$2,564 |
| 18 | <u>Capital Development Board Revolving Fund</u> | \$15,118 |
| 19 | <u>Care Provider Fund for Persons with a Developmental</u> | |
| 20 | <u>Disability</u> | \$15,392 |
| 21 | <u>Carolyn Adams Ticket For The Cure Grant Fund</u> | \$927 |
| 22 | <u>CDLIS/AAMVANET/NMVTIS Trust Fund (Commercial</u> | |
| 23 | <u>Driver's License Information</u> | |
| 24 | <u>System/American Association of</u> | |
| 25 | <u>Motor Vehicle Administrators</u> | |

1 network/National Motor Vehicle
2 Title Information Service Trust Fund) \$5,236
3 Chicago Police Memorial Foundation Fund \$708
4 Chicago State University Education Improvement Fund .. \$13,666
5 Child Labor and Day and Temporary Labor
6 Services Enforcement Fund..... \$11,991
7 Child Support Administrative Fund \$5,287
8 Clean Air Act Permit Fund \$1,556
9 Coal Technology Development Assistance Fund \$6,936
10 Common School Fund \$343,892
11 Community Mental Health Medicaid Trust Fund \$14,084
12 Corporate Franchise Tax Refund Fund \$1,096
13 DCFS Children's Services Fund \$8,766
14 Death Certificate Surcharge Fund \$2,060
15 Death Penalty Abolition Fund \$2,448
16 Department of Business Services Special
17 Operations Fund..... \$13,889
18 Department of Human Services Community Services Fund .. \$7,970
19 Downstate Public Transportation Fund \$11,631
20 Dram Shop Fund \$142,500
21 Driver Services Administration Fund..... \$1,873
22 Drug Rebate Fund \$42,473
23 Drug Treatment Fund..... \$1,767
24 Education Assistance Fund..... \$2,031,292
25 Emergency Public Health Fund \$5,162
26 Environmental Protection Permit and Inspection Fund \$1,447

| | | |
|----|------------------------------------------------------------|--------------|
| 1 | <u>Estate Tax Refund Fund</u> | \$852 |
| 2 | <u>Facilities Management Revolving Fund</u> | \$50,148 |
| 3 | <u>Facility Licensing Fund</u> | \$5,522 |
| 4 | <u>Fair and Exposition Fund</u> | \$4,248 |
| 5 | <u>Feed Control Fund</u> | \$7,709 |
| 6 | <u>Fertilizer Control Fund</u> | \$6,849 |
| 7 | <u>Fire Prevention Fund</u> | \$3,859 |
| 8 | <u>Fund for the Advancement of Education</u> | \$24,772 |
| 9 | <u>General Assembly Operations Revolving Fund</u> | \$1,146 |
| 10 | <u>General Professions Dedicated Fund</u> | \$4,039 |
| 11 | <u>General Revenue Fund</u> | \$17,653,153 |
| 12 | <u>Governor's Administrative Fund</u> | \$2,832 |
| 13 | <u>Governor's Grant Fund</u> | \$17,709 |
| 14 | <u>Grade Crossing Protection Fund</u> | \$930 |
| 15 | <u>Grant Accountability and Transparency Fund</u> | \$805 |
| 16 | <u>Guardianship and Advocacy Fund</u> | \$14,843 |
| 17 | <u>Hazardous Waste Fund</u> | \$835 |
| 18 | <u>Health Facility Plan Review Fund</u> | \$1,776 |
| 19 | <u>Health and Human Services Medicaid Trust Fund</u> | \$6,554 |
| 20 | <u>Healthcare Provider Relief Fund</u> | \$407,107 |
| 21 | <u>Healthy Smiles Fund</u> | \$738 |
| 22 | <u>Home Care Services Agency Licensure Fund</u> | \$3,101 |
| 23 | <u>Hospital Licensure Fund</u> | \$1,688 |
| 24 | <u>Hospital Provider Fund</u> | \$138,829 |
| 25 | <u>ICCB Federal Trust Fund</u> | \$9,968 |
| 26 | <u>ICJIA Violence Prevention Fund</u> | \$932 |

| | | |
|----|----------------------------------------------------------------|------------------|
| 1 | <u>Illinois Affordable Housing Trust Fund</u> | <u>\$17,236</u> |
| 2 | <u>Illinois Clean Water Fund</u> | <u>\$2,152</u> |
| 3 | <u>Illinois Health Facilities Planning Fund</u> | <u>\$3,094</u> |
| 4 | <u>IMSA Income Fund</u> | <u>\$12,417</u> |
| 5 | <u>Illinois Power Agency Operations Fund</u> | <u>\$62,583</u> |
| 6 | <u>Illinois School Asbestos Abatement Fund</u> | <u>\$784</u> |
| 7 | <u>Illinois State Fair Fund</u> | <u>\$29,752</u> |
| 8 | <u>Illinois State Police Memorial Park Fund</u> | <u>\$681</u> |
| 9 | <u>Illinois Telecommunications Access Corporation Fund....</u> | <u>\$1,668</u> |
| 10 | <u>Illinois Underground Utility Facilities</u> | |
| 11 | <u>Damage Prevention Fund</u> | <u>\$4,276</u> |
| 12 | <u>Illinois Veterans' Rehabilitation Fund</u> | <u>\$5,943</u> |
| 13 | <u>Illinois Workers' Compensation Commission</u> | |
| 14 | <u>Operations Fund.....</u> | <u>\$243,187</u> |
| 15 | <u>Income Tax Refund Fund</u> | <u>\$54,420</u> |
| 16 | <u>Lead Poisoning Screening, Prevention, and</u> | |
| 17 | <u>Abatement Fund</u> | <u>\$16,379</u> |
| 18 | <u>Live and Learn Fund</u> | <u>\$25,492</u> |
| 19 | <u>Lobbyist Registration Administration Fund.....</u> | <u>\$1,471</u> |
| 20 | <u>Local Government Distributive Fund</u> | <u>\$44,025</u> |
| 21 | <u>Long Term Care Monitor/Receiver Fund</u> | <u>\$42,016</u> |
| 22 | <u>Long-Term Care Provider Fund</u> | <u>\$13,537</u> |
| 23 | <u>Low-Level Radioactive Waste Facility Development</u> | |
| 24 | <u>and Operation Fund</u> | <u>\$618</u> |
| 25 | <u>Mandatory Arbitration Fund</u> | <u>\$2,104</u> |
| 26 | <u>Medical Special Purposes Trust Fund</u> | <u>\$786</u> |

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|----|----------------------------------------------------------------|-----------|
| 1 | <u>Mental Health Fund</u> | \$9,376 |
| 2 | <u>Mental Health Reporting Fund</u> | \$1,443 |
| 3 | <u>Metabolic Screening and Treatment Fund</u> | \$32,049 |
| 4 | <u>Monitoring Device Driving Permit Administration</u> | |
| 5 | <u>Fee Fund</u> | \$1,616 |
| 6 | <u>Motor Fuel Tax Fund</u> | \$36,238 |
| 7 | <u>Motor Vehicle License Plate Fund</u> | \$17,694 |
| 8 | <u>Multiple Sclerosis Research Fund</u> | \$758 |
| 9 | <u>Nuclear Safety Emergency Preparedness Fund</u> | \$26,117 |
| 10 | <u>Nursing Dedicated and Professional Fund</u> | \$2,420 |
| 11 | <u>Open Space Lands Acquisition and Development Fund</u> | \$658 |
| 12 | <u>Partners For Conservation Fund</u> | \$89,847 |
| 13 | <u>Pension Stabilization Fund</u> | \$1,031 |
| 14 | <u>Personal Property Tax Replacement Fund</u> | \$290,755 |
| 15 | <u>Pesticide Control Fund</u> | \$30,513 |
| 16 | <u>Plumbing Licensure and Program Fund</u> | \$6,276 |
| 17 | <u>Police Memorial Committee Fund</u> | \$813 |
| 18 | <u>Professional Services Fund</u> | \$72,029 |
| 19 | <u>Public Health Laboratory Services Revolving Fund</u> | \$5,816 |
| 20 | <u>Public Transportation Fund</u> | \$46,826 |
| 21 | <u>Public Utility Fund</u> | \$198,423 |
| 22 | <u>Radiation Protection Fund</u> | \$11,034 |
| 23 | <u>Renewable Energy Resources Trust Fund</u> | \$7,834 |
| 24 | <u>Road Fund</u> | \$226,150 |
| 25 | <u>Regional Transportation Authority Occupation</u> | |
| 26 | <u>and Use Tax Replacement Fund</u> | \$1,167 |

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|----|------------------------------------------------------------|------------------|
| 1 | <u>School Infrastructure Fund</u> | <u>\$7,749</u> |
| 2 | <u>Secretary of State DUI Administration Fund</u> | <u>\$2,694</u> |
| 3 | <u>Secretary of State Identification Security</u> | |
| 4 | <u>and Theft Prevention Fund</u> | <u>\$12,676</u> |
| 5 | <u>Secretary of State Police Services Fund</u> | <u>\$717</u> |
| 6 | <u>Secretary of State Special License Plate Fund</u> | <u>\$4,203</u> |
| 7 | <u>Secretary of State Special Services Fund</u> | <u>\$34,491</u> |
| 8 | <u>Securities Audit and Enforcement Fund</u> | <u>\$8,198</u> |
| 9 | <u>Solid Waste Management Fund</u> | <u>\$1,613</u> |
| 10 | <u>Special Olympics Illinois and Special</u> | |
| 11 | <u>Children's Charities Fund</u> | <u>\$852</u> |
| 12 | <u>Special Education Medicaid Matching Fund</u> | <u>\$5,131</u> |
| 13 | <u>Sports Wagering Fund</u> | <u>\$4,450</u> |
| 14 | <u>State and Local Sales Tax Reform Fund</u> | <u>\$2,361</u> |
| 15 | <u>State Construction Account Fund</u> | <u>\$37,865</u> |
| 16 | <u>State Gaming Fund</u> | <u>\$94,435</u> |
| 17 | <u>State Garage Revolving Fund</u> | <u>\$8,977</u> |
| 18 | <u>State Lottery Fund</u> | <u>\$340,323</u> |
| 19 | <u>State Pensions Fund</u> | <u>\$500,000</u> |
| 20 | <u>State Treasurer's Bank Services Trust Fund</u> | <u>\$1,295</u> |
| 21 | <u>Supreme Court Special Purposes Fund</u> | <u>\$1,722</u> |
| 22 | <u>Tattoo and Body Piercing Establishment</u> | |
| 23 | <u>Registration Fund</u> | <u>\$950</u> |
| 24 | <u>Tax Compliance and Administration Fund</u> | <u>\$1,483</u> |
| 25 | <u>Technology Management Revolving Fund</u> | <u>\$186,193</u> |
| 26 | <u>Tobacco Settlement Recovery Fund</u> | <u>\$29,864</u> |

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|----|--------------------------------------------------------------------|---------------------|
| 1 | <u>Tourism Promotion Fund</u> | \$50,155 |
| 2 | <u>Transportation Regulatory Fund</u> | \$78,256 |
| 3 | <u>Trauma Center Fund</u> | \$1,960 |
| 4 | <u>Underground Storage Tank Fund</u> | \$3,630 |
| 5 | <u>University of Illinois Hospital Services Fund</u> | \$6,712 |
| 6 | <u>Vehicle Hijacking and Motor Vehicle</u> | |
| 7 | <u>Theft Prevention and Insurance</u> | |
| 8 | <u>Verification Trust Fund</u> | \$10,970 |
| 9 | <u>Vehicle Inspection Fund</u> | \$5,069 |
| 10 | <u>Weights and Measures Fund</u> | \$22,129 |
| 11 | <u>Youth Alcoholism and Substance Abuse Prevention Fund</u> | \$526 |
| 12 | Attorney General Court Ordered and Voluntary Compliance | |
| 13 | Payment Projects Fund | \$38,974 |
| 14 | Attorney General Sex Offender Awareness, | |
| 15 | Training, and Education Fund | \$539 |
| 16 | Aggregate Operations Regulatory Fund | \$711 |
| 17 | Agricultural Premium Fund | \$25,265 |
| 18 | Attorney General's State Projects and Court | |
| 19 | Ordered Distribution Fund | \$43,667 |
| 20 | Anna Veterans Home Fund | \$15,792 |
| 21 | Appraisal Administration Fund | \$4,017 |
| 22 | Attorney General Whistleblower Reward | |
| 23 | and Protection Fund | \$22,896 |
| 24 | Bank and Trust Company Fund | \$78,017 |
| 25 | Cannabis Expungement Fund | \$4,501 |
| 26 | Capital Development Board Revolving Fund | \$2,494 |

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|----|---------------------------------------------------------------------|----------------------|
| 1 | Care Provider Fund for Persons with | |
| 2 | a Developmental Disability | \$5,707 |
| 3 | CDLIS/AAMVAnet/NMVTIS Trust Fund | \$1,702 |
| 4 | Cemetery Oversight Licensing and Disciplinary Fund | \$5,002 |
| 5 | Chicago State University Education | |
| 6 | Improvement Fund | \$16,218 |
| 7 | Child Support Administrative Fund | \$2,657 |
| 8 | Clean Air Act Permit Fund | \$10,108 |
| 9 | Coal Technology Development Assistance Fund | \$12,943 |
| 10 | Commitment to Human Services Fund | \$111,465 |
| 11 | Common School Fund | \$445,997 |
| 12 | Community Mental Health Medicaid Trust Fund | \$9,599 |
| 13 | Community Water Supply Laboratory Fund | \$637 |
| 14 | Credit Union Fund | \$16,048 |
| 15 | DCFS Children's Services Fund | \$287,247 |
| 16 | Department of Business Services | |
| 17 | Special Operations Fund | \$4,402 |
| 18 | Department of Corrections Reimbursement | |
| 19 | and Education Fund | \$60,429 |
| 20 | Design Professionals Administration | |
| 21 | and Investigation Fund | \$3,362 |
| 22 | Department of Human Services Community Services Fund .. | \$5,239 |
| 23 | Downstate Public Transportation Fund | \$30,625 |
| 24 | Driver Services Administration Fund | \$639 |
| 25 | Drivers Education Fund | \$1,202 |
| 26 | Drug Rebate Fund | \$22,702 |

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|----|----------------------------------------------------------------|-------------------------|
| 1 | Drug Treatment Fund | \$571 |
| 2 | Drycleaner Environmental Response Trust Fund | \$846 |
| 3 | Education Assistance Fund | \$1,969,661 |
| 4 | Environmental Protection Permit and | |
| 5 | Inspection Fund | \$7,079 |
| 6 | Facilities Management Revolving Fund | \$16,163 |
| 7 | Federal High Speed Rail Trust Fund | \$1,264 |
| 8 | Federal Workforce Training Fund | \$91,791 |
| 9 | Feed Control Fund | \$1,701 |
| 10 | Fertilizer Control Fund | \$1,791 |
| 11 | Fire Prevention Fund | \$3,507 |
| 12 | Firearm Dealer License Certification Fund | \$648 |
| 13 | Fund for the Advancement of Education | \$44,609 |
| 14 | General Professions Dedicated Fund | \$31,353 |
| 15 | General Revenue Fund | \$17,663,958 |
| 16 | Grade Crossing Protection Fund | \$1,856 |
| 17 | Hazardous Waste Fund | \$8,446 |
| 18 | Health and Human Services Medicaid Trust Fund | \$6,134 |
| 19 | Healthcare Provider Relief Fund | \$185,164 |
| 20 | Horse Racing Fund | \$169,632 |
| 21 | Hospital Provider Fund | \$63,346 |
| 22 | ICCB Federal Trust Fund | \$10,805 |
| 23 | Illinois Affordable Housing Trust Fund | \$5,414 |
| 24 | Illinois Charity Bureau Fund | \$3,298 |
| 25 | Illinois Clean Water Fund | \$11,951 |
| 26 | Illinois Forestry Development Fund | \$11,004 |

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|----|------------------------------------------------------------|----------------------|
| 1 | Illinois Gaming Law Enforcement Fund | \$1,869 |
| 2 | IMSA Income Fund | \$2,188 |
| 3 | Illinois Military Family Relief Fund | \$6,986 |
| 4 | Illinois Power Agency Operations Fund | \$41,229 |
| 5 | Illinois State Dental Disciplinary Fund | \$6,127 |
| 6 | Illinois State Fair Fund | \$660 |
| 7 | Illinois State Medical Disciplinary Fund | \$23,384 |
| 8 | Illinois State Pharmacy Disciplinary Fund | \$10,308 |
| 9 | Illinois Veterans Assistance Fund | \$2,016 |
| 10 | Illinois Veterans' Rehabilitation Fund | \$862 |
| 11 | Illinois Wildlife Preservation Fund | \$1,742 |
| 12 | Illinois Workers' Compensation Commission | |
| 13 | Operations Fund | \$4,476 |
| 14 | Income Tax Refund Fund | \$239,691 |
| 15 | Insurance Financial Regulation Fund | \$104,462 |
| 16 | Insurance Premium Tax Refund Fund | \$23,121 |
| 17 | Insurance Producer Administration Fund | \$104,566 |
| 18 | International Tourism Fund | \$1,985 |
| 19 | LaSalle Veterans Home Fund | \$46,145 |
| 20 | LEADS Maintenance Fund | \$681 |
| 21 | Live and Learn Fund | \$8,120 |
| 22 | Local Government Distributive Fund | \$154,289 |
| 23 | Long Term Care Provider Fund | \$6,468 |
| 24 | Manteno Veterans Home Fund | \$93,493 |
| 25 | Mental Health Fund | \$12,227 |
| 26 | Mental Health Reporting Fund | \$611 |

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|----|-------------------------------------------------------------------|----------------------|
| 1 | Monitoring Device Driving Permit | |
| 2 | Administration Fee Fund | \$617 |
| 3 | Motor Carrier Safety Inspection Fund | \$1,823 |
| 4 | Motor Fuel Tax Fund | \$103,497 |
| 5 | Motor Vehicle License Plate Fund | \$5,656 |
| 6 | Motor Vehicle Theft Prevention and Insurance | |
| 7 | Verification Trust Fund | \$2,618 |
| 8 | Nursing Dedicated and Professional Fund | \$11,973 |
| 9 | Off Highway Vehicle Trails Fund | \$1,994 |
| 10 | Open Space Lands Acquisition and Development Fund | \$45,493 |
| 11 | Optometric Licensing and Disciplinary Board Fund | \$1,169 |
| 12 | Partners For Conservation Fund | \$19,950 |
| 13 | Pawnbroker Regulation Fund | \$1,053 |
| 14 | Personal Property Tax Replacement Fund | \$203,036 |
| 15 | Pesticide Control Fund | \$6,845 |
| 16 | Professional Services Fund | \$2,778 |
| 17 | Professions Indirect Cost Fund | \$172,106 |
| 18 | Public Pension Regulation Fund | \$6,919 |
| 19 | Public Transportation Fund | \$77,303 |
| 20 | Quincy Veterans Home Fund | \$91,704 |
| 21 | Real Estate License Administration Fund | \$33,329 |
| 22 | Registered Certified Public Accountants' | |
| 23 | Administration and Disciplinary Fund | \$3,617 |
| 24 | Renewable Energy Resources Trust Fund | \$1,591 |
| 25 | Rental Housing Support Program Fund | \$1,539 |
| 26 | Residential Finance Regulatory Fund | \$20,510 |

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|----|-------------------------------------------------------------------|----------------------|
| 1 | Road Fund | \$399,062 |
| 2 | Regional Transportation Authority Occupation and | |
| 3 | Use Tax Replacement Fund | \$5,205 |
| 4 | Salmon Fund | \$655 |
| 5 | School Infrastructure Fund | \$14,015 |
| 6 | Secretary of State DUI Administration Fund | \$1,025 |
| 7 | Secretary of State Identification Security | |
| 8 | and Theft Prevention Fund | \$4,502 |
| 9 | Secretary of State Special License Plate Fund | \$1,384 |
| 10 | Secretary of State Special Services Fund | \$8,114 |
| 11 | Securities Audit and Enforcement Fund | \$2,824 |
| 12 | State Small Business Credit Initiative Fund | \$4,331 |
| 13 | Solid Waste Management Fund | \$10,397 |
| 14 | Special Education Medicaid Matching Fund | \$2,924 |
| 15 | Sports Wagering Fund | \$8,572 |
| 16 | State Police Law Enforcement Administration Fund | \$6,822 |
| 17 | State and Local Sales Tax Reform Fund | \$10,355 |
| 18 | State Asset Forfeiture Fund | \$1,740 |
| 19 | State Aviation Program Fund | \$557 |
| 20 | State Construction Account Fund | \$195,722 |
| 21 | State Crime Laboratory Fund | \$7,743 |
| 22 | State Gaming Fund | \$204,660 |
| 23 | State Garage Revolving Fund | \$3,731 |
| 24 | State Lottery Fund | \$129,814 |
| 25 | State Offender DNA Identification System Fund | \$1,405 |
| 26 | State Pensions Fund | \$500,000 |

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|----|-----------------------------------------------------------------|----------------------|
| 1 | State Police Firearm Services Fund | \$16,122 |
| 2 | State Police Services Fund | \$21,151 |
| 3 | State Police Vehicle Fund | \$3,013 |
| 4 | State Police Whistleblower Reward | |
| 5 | and Protection Fund | \$2,452 |
| 6 | Subtitle D Management Fund | \$1,431 |
| 7 | Supplemental Low Income Energy Assistance Fund | \$68,591 |
| 8 | Tax Compliance and Administration Fund | \$5,259 |
| 9 | Technology Management Revolving Fund | \$244,294 |
| 10 | Tobacco Settlement Recovery Fund | \$4,653 |
| 11 | Tourism Promotion Fund | \$35,322 |
| 12 | Traffic and Criminal Conviction Surcharge Fund | \$136,332 |
| 13 | Underground Storage Tank Fund | \$20,429 |
| 14 | University of Illinois Hospital Services Fund | \$3,664 |
| 15 | Vehicle Inspection Fund | \$11,203 |
| 16 | Violent Crime Victims Assistance Fund | \$14,202 |
| 17 | Weights and Measures Fund | \$6,127 |
| 18 | Working Capital Revolving Fund | \$18,120 |

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

22 These provisions do not apply to funds classified by the
23 Comptroller as federal trust funds or State trust funds. The
24 Audit Expense Fund may receive transfers from those trust
25 funds only as directed herein, except where prohibited by the
26 terms of the trust fund agreement. The Auditor General shall

1 notify the trustees of those funds of the estimated cost of the
2 audit to be incurred under the Illinois State Auditing Act for
3 the fund. The trustees of those funds shall direct the State
4 Comptroller and Treasurer to transfer the estimated amount to
5 the Audit Expense Fund.

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

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

19 On or before December 1, 1992, and each December 1
20 thereafter, the Auditor General shall notify the Governor's
21 Office of Management and Budget (formerly Bureau of the
22 Budget) of the amount estimated to be necessary to pay for
23 audits, studies, and investigations in accordance with the
24 Illinois State Auditing Act during the next succeeding fiscal
25 year for each State fund for which a transfer or reimbursement
26 is anticipated.

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

15 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
16 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

17 (30 ILCS 105/6z-32)

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

19 (a) The Partners for Conservation Fund (formerly known as
20 the Conservation 2000 Fund) and the Partners for Conservation
21 Projects Fund (formerly known as the Conservation 2000
22 Projects Fund) are created as special funds in the State
23 Treasury. These funds shall be used to establish a
24 comprehensive program to protect Illinois' natural resources
25 through cooperative partnerships between State government and

1 public and private landowners. Moneys in these Funds may be
2 used, subject to appropriation, by the Department of Natural
3 Resources, Environmental Protection Agency, and the Department
4 of Agriculture for purposes relating to natural resource
5 protection, planning, recreation, tourism, climate resilience,
6 and compatible agricultural and economic development
7 activities. Without limiting these general purposes, moneys in
8 these Funds may be used, subject to appropriation, for the
9 following specific purposes:

10 (1) To foster sustainable agriculture practices and
11 control soil erosion, sedimentation, and nutrient loss
12 from farmland, including grants to Soil and Water
13 Conservation Districts for conservation practice
14 cost-share grants and for personnel, educational, and
15 administrative expenses.

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

25 (3) To develop a systematic and long-term program to
26 effectively measure and monitor natural resources and

1 ecological conditions through investments in technology
2 and involvement of scientific experts.

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

6 (5) To partner with private landowners and with units
7 of State, federal, and local government and with
8 not-for-profit organizations in order to integrate State
9 and federal programs with Illinois' natural resource
10 protection and restoration efforts and to meet
11 requirements to obtain federal and other funds for
12 conservation or protection of natural resources.

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

20 (7) To provide capacity grants to support soil and
21 water conservation districts, including, but not limited
22 to, developing soil health plans, conducting soil health
23 assessments, peer-to-peer training, convening
24 producer-led dialogues, professional development and
25 travel stipends for meetings and educational events.

26 (b) The State Comptroller and State Treasurer shall

1 automatically transfer on the last day of each month,
2 beginning on September 30, 1995 and ending on June 30, 2024
3 ~~2023~~, from the General Revenue Fund to the Partners for
4 Conservation Fund, an amount equal to 1/10 of the amount set
5 forth below in fiscal year 1996 and an amount equal to 1/12 of
6 the amount set forth below in each of the other specified
7 fiscal years:

| 8 Fiscal Year | Amount |
|----------------------|---------------------|
| 9 1996 | \$ 3,500,000 |
| 10 1997 | \$ 9,000,000 |
| 11 1998 | \$10,000,000 |
| 12 1999 | \$11,000,000 |
| 13 2000 | \$12,500,000 |
| 14 2001 through 2004 | \$14,000,000 |
| 15 2005 | \$7,000,000 |
| 16 2006 | \$11,000,000 |
| 17 2007 | \$0 |
| 18 2008 through 2011 | \$14,000,000 |
| 19 2012 | \$12,200,000 |
| 20 2013 through 2017 | \$14,000,000 |
| 21 2018 | \$1,500,000 |
| 22 2019 | \$14,000,000 |
| 23 2020 | \$7,500,000 |
| 24 2021 through 2023 | \$14,000,000 |
| 25 <u>2024</u> | <u>\$18,000,000</u> |

26 (c) The State Comptroller and State Treasurer shall

1 automatically transfer on the last day of each month beginning
2 on July 31, 2021 and ending June 30, 2022, from the
3 Environmental Protection Permit and Inspection Fund to the
4 Partners for Conservation Fund, an amount equal to 1/12 of
5 \$4,135,000.

6 (c-1) The State Comptroller and State Treasurer shall
7 automatically transfer on the last day of each month beginning
8 on July 31, 2022 and ending June 30, 2023, from the
9 Environmental Protection Permit and Inspection Fund to the
10 Partners for Conservation Fund, an amount equal to 1/12 of
11 \$5,900,000.

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

15 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;
16 102-699, eff. 4-19-22.)

17 (30 ILCS 105/6z-35)

18 Sec. 6z-35. There is hereby created in the State Treasury
19 a special fund to be known as the Live and Learn Fund. The
20 Comptroller and the Treasurer shall transfer \$1,742,000 from
21 the General Revenue Fund into the Live and Learn Fund each
22 month. The first transfer shall be made 60 days after the
23 effective date of this amendatory Act of 1993, with subsequent
24 transfers occurring on the first of each month. Moneys
25 deposited into the Fund may, subject to appropriation, be used

1 by the Secretary of State for any or all of the following
2 purposes:

3 (a) An organ donation awareness or education program.

4 (b) To provide additional funds for all types of
5 library grants as authorized and administered by the
6 Secretary of State as State Librarian.

7 On July 1, 2023, any future deposits due to the Live and
8 Learn Fund and any outstanding obligations or liabilities of
9 that Fund shall pass to the General Revenue Fund. On November
10 1, 2023, or as soon thereafter as practical, the State
11 Comptroller shall direct and the State Treasurer shall
12 transfer the remaining balance from the Live and Learn Fund
13 into the Secretary of State Special Services Fund. This
14 Section is repealed on January 1, 2024.

15 (Source: P.A. 88-78.)

16 (30 ILCS 105/6z-43)

17 Sec. 6z-43. Tobacco Settlement Recovery Fund.

18 (a) There is created in the State Treasury a special fund
19 to be known as the Tobacco Settlement Recovery Fund, which
20 shall contain 3 accounts: (i) the General Account, (ii) the
21 Tobacco Settlement Bond Proceeds Account and (iii) the Tobacco
22 Settlement Residual Account. There shall be deposited into the
23 several accounts of the Tobacco Settlement Recovery Fund and
24 the Attorney General Tobacco Fund all monies paid to the State
25 pursuant to (1) the Master Settlement Agreement entered in the

1 case of People of the State of Illinois v. Philip Morris, et
2 al. (Circuit Court of Cook County, No. 96-L13146) and (2) any
3 settlement with or judgment against any tobacco product
4 manufacturer other than one participating in the Master
5 Settlement Agreement in satisfaction of any released claim as
6 defined in the Master Settlement Agreement, as well as any
7 other monies as provided by law. Moneys shall be deposited
8 into the Tobacco Settlement Bond Proceeds Account and the
9 Tobacco Settlement Residual Account as provided by the terms
10 of the Railsplitter Tobacco Settlement Authority Act, provided
11 that an annual amount not less than \$2,500,000, subject to
12 appropriation, shall be deposited into the Attorney General
13 Tobacco Fund for use only by the Attorney General's office.
14 The scheduled \$2,500,000 deposit into the Tobacco Settlement
15 Residual Account for fiscal year 2011 should be transferred to
16 the Attorney General Tobacco Fund in fiscal year 2012 as soon
17 as this fund has been established. All other moneys available
18 to be deposited into the Tobacco Settlement Recovery Fund
19 shall be deposited into the General Account. An investment
20 made from moneys credited to a specific account constitutes
21 part of that account and such account shall be credited with
22 all income from the investment of such moneys. The Treasurer
23 may invest the moneys in the several accounts of the Fund in
24 the same manner, in the same types of investments, and subject
25 to the same limitations provided in the Illinois Pension Code
26 for the investment of pension funds other than those

1 established under Article 3 or 4 of the Code. Notwithstanding
2 the foregoing, to the extent necessary to preserve the
3 tax-exempt status of any bonds issued pursuant to the
4 Railsplitter Tobacco Settlement Authority Act, the interest on
5 which is intended to be excludable from the gross income of the
6 owners for federal income tax purposes, moneys on deposit in
7 the Tobacco Settlement Bond Proceeds Account and the Tobacco
8 Settlement Residual Account may be invested in obligations the
9 interest upon which is tax-exempt under the provisions of
10 Section 103 of the Internal Revenue Code of 1986, as now or
11 hereafter amended, or any successor code or provision.

12 (b) Moneys on deposit in the Tobacco Settlement Bond
13 Proceeds Account and the Tobacco Settlement Residual Account
14 may be expended, subject to appropriation, for the purposes
15 authorized in subsection (g) of Section 3-6 of the
16 Railsplitter Tobacco Settlement Authority Act.

17 (b-5) Moneys on deposit in the Tobacco Settlement Recovery
18 Fund may be expended, subject to appropriation, for payments
19 pursuant to Section 2.13 of the Governor's Office of
20 Management and Budget Act.

21 (c) As soon as may be practical after June 30, 2001, upon
22 notification from and at the direction of the Governor, the
23 State Comptroller shall direct and the State Treasurer shall
24 transfer the unencumbered balance in the Tobacco Settlement
25 Recovery Fund as of June 30, 2001, as determined by the
26 Governor, into the Budget Stabilization Fund. The Treasurer

1 may invest the moneys in the Budget Stabilization Fund in the
2 same manner, in the same types of investments, and subject to
3 the same limitations provided in the Illinois Pension Code for
4 the investment of pension funds other than those established
5 under Article 3 or 4 of the Code.

6 (d) All federal financial participation moneys received
7 pursuant to expenditures from the Fund shall be deposited into
8 the General Account.

9 (Source: P.A. 99-78, eff. 7-20-15.)

10 (30 ILCS 105/6z-100)

11 (Section scheduled to be repealed on July 1, 2023)

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

1 Commission for oversight and administration of the Chief
2 Procurement Officer appointed under paragraph (1) of
3 subsection (a) of Section 10-20 of the Illinois Procurement
4 Code. Unexpended moneys in the Fund shall not be transferred
5 or allocated by the Comptroller or Treasurer to any other
6 fund, nor shall the Governor authorize the transfer or
7 allocation of those moneys to any other fund. This Section is
8 repealed July 1, 2025 ~~2023~~.

9 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
10 101-645, eff. 6-26-20; 102-16, eff. 6-17-21; 102-699, eff.
11 4-19-22.)

12 (30 ILCS 105/6z-121)

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

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

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

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

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

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

1 reimbursement under Section 5001 of the federal Coronavirus
2 Aid, Relief, and Economic Security (CARES) Act, the relevant
3 provisions of the American Rescue Plan Act of 2021, or any
4 related federal guidance.

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

1 as directed in writing by the Governor.

2 (e) The Illinois Emergency Management Agency, in
3 coordination with the Governor's Office of Management and
4 Budget, shall identify amounts derived from the State's
5 Coronavirus Relief Fund allocation and transferred from the
6 State CURE Fund as directed by the Governor under this Section
7 that remain unobligated and unexpended for the period that
8 ended on December 31, 2021. The Agency shall certify to the
9 State Comptroller and the State Treasurer the amounts
10 identified as unobligated and unexpended. The State
11 Comptroller shall direct and the State Treasurer shall
12 transfer the unobligated and unexpended funds identified by
13 the Agency and held in other funds of the State Treasury under
14 this Section to the State CURE Fund. Unexpended funds in the
15 State CURE Fund shall be paid back to the federal government at
16 the direction of the Governor.

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

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

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

6 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
7 102-699, eff. 4-19-22.)

8 (30 ILCS 105/6z-126)

9 Sec. 6z-126. Law Enforcement Training Fund. The Law
10 Enforcement Training Fund is hereby created as a special fund
11 in the State treasury. Moneys in the Fund shall consist of: (i)
12 90% of the revenue from increasing the insurance producer
13 license fees, as provided under subsection (a-5) of Section
14 500-135 of the Illinois Insurance Code; and (ii) 90% of the
15 moneys collected from auto insurance policy fees under Section
16 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft
17 Prevention and Insurance Verification Act. This Fund shall be
18 used by the Illinois Law Enforcement Training Standards Board
19 for the following purposes: (i) to fund law enforcement
20 certification compliance; (ii) for ~~and~~ the development and
21 provision of basic courses by Board-approved academics, and
22 in-service courses by approved academies; and (iii) for the
23 ordinary and contingent expenses of the Illinois Law
24 Enforcement Training Standards Board.

25 (Source: P.A. 102-16, eff. 6-17-21; 102-904, eff. 1-1-23;

1 102-1071, eff. 6-10-22; revised 12-13-22.)

2 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

11 first -- to pay the cost of administration of Chapters
12 2 through 10 of the Illinois Vehicle Code, except the cost
13 of administration of Articles I and II of Chapter 3 of that
14 Code, and to pay the costs of the Executive Ethics
15 Commission for oversight and administration of the Chief
16 Procurement Officer appointed under paragraph (2) of
17 subsection (a) of Section 10-20 of the Illinois
18 Procurement Code for transportation; and

19 secondly -- for expenses of the Department of
20 Transportation for construction, reconstruction,
21 improvement, repair, maintenance, operation, and
22 administration of highways in accordance with the
23 provisions of laws relating thereto, or for any purpose
24 related or incident to and connected therewith, including
25 the separation of grades of those highways with railroads

1 and with highways and including the payment of awards made
2 by the Illinois Workers' Compensation Commission under the
3 terms of the Workers' Compensation Act or Workers'
4 Occupational Diseases Act for injury or death of an
5 employee of the Division of Highways in the Department of
6 Transportation; or for the acquisition of land and the
7 erection of buildings for highway purposes, including the
8 acquisition of highway right-of-way or for investigations
9 to determine the reasonably anticipated future highway
10 needs; or for making of surveys, plans, specifications and
11 estimates for and in the construction and maintenance of
12 flight strips and of highways necessary to provide access
13 to military and naval reservations, to defense industries
14 and defense-industry sites, and to the sources of raw
15 materials and for replacing existing highways and highway
16 connections shut off from general public use at military
17 and naval reservations and defense-industry sites, or for
18 the purchase of right-of-way, except that the State shall
19 be reimbursed in full for any expense incurred in building
20 the flight strips; or for the operating and maintaining of
21 highway garages; or for patrolling and policing the public
22 highways and conserving the peace; or for the operating
23 expenses of the Department relating to the administration
24 of public transportation programs; ~~or, during fiscal year~~
25 ~~2022, for the purposes of a grant not to exceed \$8,394,800~~
26 ~~to the Regional Transportation Authority on behalf of PACE~~

1 ~~for the purpose of ADA/Para-transit expenses;~~ or, during
2 fiscal year 2023, for the purposes of a grant not to exceed
3 \$8,394,800 to the Regional Transportation Authority on
4 behalf of PACE for the purpose of ADA/Para-transit
5 expenses; or, during fiscal year 2024, for the purposes of
6 a grant not to exceed \$9,108,400 to the Regional
7 Transportation Authority on behalf of PACE for the purpose
8 of ADA/Para-transit expenses; or for any of those purposes
9 or any other purpose that may be provided by law.

10 Appropriations for any of those purposes are payable from
11 the Road Fund. Appropriations may also be made from the Road
12 Fund for the administrative expenses of any State agency that
13 are related to motor vehicles or arise from the use of motor
14 vehicles.

15 Beginning with fiscal year 1980 and thereafter, no Road
16 Fund monies shall be appropriated to the following Departments
17 or agencies of State government for administration, grants, or
18 operations; but this limitation is not a restriction upon
19 appropriating for those purposes any Road Fund monies that are
20 eligible for federal reimbursement:

21 1. Department of Public Health;

22 2. Department of Transportation, only with respect to
23 subsidies for one-half fare Student Transportation and
24 Reduced Fare for Elderly, ~~except fiscal year 2022 when no~~
25 ~~more than \$17,570,000 may be expended and except fiscal~~
26 year 2023 when no more than \$17,570,000 may be expended

1 and except fiscal year 2024 when no more than \$19,063,500
2 may be expended;

3 3. Department of Central Management Services, except
4 for expenditures incurred for group insurance premiums of
5 appropriate personnel;

6 4. Judicial Systems and Agencies.

7 Beginning with fiscal year 1981 and thereafter, no Road
8 Fund monies shall be appropriated to the following Departments
9 or agencies of State government for administration, grants, or
10 operations; but this limitation is not a restriction upon
11 appropriating for those purposes any Road Fund monies that are
12 eligible for federal reimbursement:

13 1. Illinois State Police, except for expenditures with
14 respect to the Division of Patrol Operations and Division
15 of Criminal Investigation;

16 2. Department of Transportation, only with respect to
17 Intercity Rail Subsidies, ~~except fiscal year 2022 when no~~
18 ~~more than \$50,000,000 may be expended and~~ except fiscal
19 year 2023 when no more than \$55,000,000 may be expended
20 and except fiscal year 2024 when no more than \$60,000,000
21 may be expended, and Rail Freight Services.

22 Beginning with fiscal year 1982 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: Department of Central
2 Management Services, except for awards made by the Illinois
3 Workers' Compensation Commission under the terms of the
4 Workers' Compensation Act or Workers' Occupational Diseases
5 Act for injury or death of an employee of the Division of
6 Highways in the Department of Transportation.

7 Beginning with fiscal year 1984 and thereafter, no Road
8 Fund monies shall be appropriated to the following Departments
9 or agencies of State government for administration, grants, or
10 operations; but this limitation is not a restriction upon
11 appropriating for those purposes any Road Fund monies that are
12 eligible for federal reimbursement:

13 1. Illinois State Police, except not more than 40% of
14 the funds appropriated for the Division of Patrol
15 Operations and Division of Criminal Investigation;

16 2. State Officers.

17 Beginning with fiscal year 1984 and thereafter, no Road
18 Fund monies shall be appropriated to any Department or agency
19 of State government for administration, grants, or operations
20 except as provided hereafter; but this limitation is not a
21 restriction upon appropriating for those purposes any Road
22 Fund monies that are eligible for federal reimbursement. It
23 shall not be lawful to circumvent the above appropriation
24 limitations by governmental reorganization or other methods.
25 Appropriations shall be made from the Road Fund only in
26 accordance with the provisions of this Section.

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

10 first -- to pay the cost of administration of Chapters
11 2 through 10 of the Illinois Vehicle Code; and

12 secondly -- no Road Fund monies derived from fees,
13 excises, or license taxes relating to registration,
14 operation and use of vehicles on public highways or to
15 fuels used for the propulsion of those vehicles, shall be
16 appropriated or expended other than for costs of
17 administering the laws imposing those fees, excises, and
18 license taxes, statutory refunds and adjustments allowed
19 thereunder, administrative costs of the Department of
20 Transportation, including, but not limited to, the
21 operating expenses of the Department relating to the
22 administration of public transportation programs, payment
23 of debts and liabilities incurred in construction and
24 reconstruction of public highways and bridges, acquisition
25 of rights-of-way for and the cost of construction,
26 reconstruction, maintenance, repair, and operation of

1 public highways and bridges under the direction and
2 supervision of the State, political subdivision, or
3 municipality collecting those monies, ~~or during fiscal~~
4 ~~year 2022 for the purposes of a grant not to exceed~~
5 ~~\$8,394,800 to the Regional Transportation Authority on~~
6 ~~behalf of PACE for the purpose of ADA/Para transit~~
7 ~~expenses,~~ or during fiscal year 2023 for the purposes of a
8 grant not to exceed \$8,394,800 to the Regional
9 Transportation Authority on behalf of PACE for the purpose
10 of ADA/Para-transit expenses, or during fiscal year 2024
11 for the purposes of a grant not to exceed \$9,108,400 to the
12 Regional Transportation Authority on behalf of PACE for
13 the purpose of ADA/Para-transit expenses, and the costs
14 for patrolling and policing the public highways (by the
15 State, political subdivision, or municipality collecting
16 that money) for enforcement of traffic laws. The
17 separation of grades of such highways with railroads and
18 costs associated with protection of at-grade highway and
19 railroad crossing shall also be permissible.

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

23 Except as provided in this paragraph, beginning with
24 fiscal year 1991 and thereafter, no Road Fund monies shall be
25 appropriated to the Illinois State Police for the purposes of
26 this Section in excess of its total fiscal year 1990 Road Fund

1 appropriations for those purposes unless otherwise provided in
2 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
3 2006, and 2007 only, no Road Fund monies shall be appropriated
4 to the Department of State Police for the purposes of this
5 Section in excess of \$97,310,000. For fiscal year 2008 only,
6 no Road Fund monies shall be appropriated to the Department of
7 State Police for the purposes of this Section in excess of
8 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
9 shall be appropriated to the Department of State Police for
10 the purposes of this Section in excess of \$114,700,000.
11 Beginning in fiscal year 2010, no road fund moneys shall be
12 appropriated to the Illinois State Police. It shall not be
13 lawful to circumvent this limitation on appropriations by
14 governmental reorganization or other methods unless otherwise
15 provided in Section 5g of this Act.

16 In fiscal year 1994, no Road Fund monies shall be
17 appropriated to the Secretary of State for the purposes of
18 this Section in excess of the total fiscal year 1991 Road Fund
19 appropriations to the Secretary of State for those purposes,
20 plus \$9,800,000. It shall not be lawful to circumvent this
21 limitation on appropriations by governmental reorganization or
22 other method.

23 Beginning with fiscal year 1995 and thereafter, no Road
24 Fund monies shall be appropriated to the Secretary of State
25 for the purposes of this Section in excess of the total fiscal
26 year 1994 Road Fund appropriations to the Secretary of State

1 for those purposes. It shall not be lawful to circumvent this
2 limitation on appropriations by governmental reorganization or
3 other methods.

4 Beginning with fiscal year 2000, total Road Fund
5 appropriations to the Secretary of State for the purposes of
6 this Section shall not exceed the amounts specified for the
7 following fiscal years:

| | | |
|----|------------------|----------------|
| 8 | Fiscal Year 2000 | \$80,500,000; |
| 9 | Fiscal Year 2001 | \$80,500,000; |
| 10 | Fiscal Year 2002 | \$80,500,000; |
| 11 | Fiscal Year 2003 | \$130,500,000; |
| 12 | Fiscal Year 2004 | \$130,500,000; |
| 13 | Fiscal Year 2005 | \$130,500,000; |
| 14 | Fiscal Year 2006 | \$130,500,000; |
| 15 | Fiscal Year 2007 | \$130,500,000; |
| 16 | Fiscal Year 2008 | \$130,500,000; |
| 17 | Fiscal Year 2009 | \$130,500,000. |

18 For fiscal year 2010, no road fund moneys shall be
19 appropriated to the Secretary of State.

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

25 It shall not be lawful to circumvent this limitation on
26 appropriations by governmental reorganization or other

1 methods.

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

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

10 The additional amounts authorized for expenditure in this
11 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
12 shall be repaid to the Road Fund from the General Revenue Fund
13 in the next succeeding fiscal year that the General Revenue
14 Fund has a positive budgetary balance, as determined by
15 generally accepted accounting principles applicable to
16 government.

17 The additional amounts authorized for expenditure by the
18 Secretary of State and the Department of State Police in this
19 Section by Public Act 94-91 shall be repaid to the Road Fund
20 from the General Revenue Fund in the next succeeding fiscal
21 year that the General Revenue Fund has a positive budgetary
22 balance, as determined by generally accepted accounting
23 principles applicable to government.

24 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
25 102-16, eff. 6-17-21; 102-538, eff. 8-20-21; 102-699, eff.
26 4-19-22; 102-813, eff. 5-13-22.)

1 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

2 Sec. 8.12. State Pensions Fund.

3 (a) The moneys in the State Pensions Fund shall be used
4 exclusively for the administration of the Revised Uniform
5 Unclaimed Property Act and for the expenses incurred by the
6 Auditor General for administering the provisions of Section
7 2-8.1 of the Illinois State Auditing Act and for operational
8 expenses of the Office of the State Treasurer and for the
9 funding of the unfunded liabilities of the designated
10 retirement systems. For the purposes of this Section,
11 "operational expenses of the Office of the State Treasurer"
12 includes the acquisition of land and buildings in State fiscal
13 years 2019 and 2020 for use by the Office of the State
14 Treasurer, as well as construction, reconstruction,
15 improvement, repair, and maintenance, in accordance with the
16 provisions of laws relating thereto, of such lands and
17 buildings beginning in State fiscal year 2019 and thereafter.
18 Beginning in State fiscal year 2025 ~~2024~~, payments to the
19 designated retirement systems under this Section shall be in
20 addition to, and not in lieu of, any State contributions
21 required under the Illinois Pension Code.

22 "Designated retirement systems" means:

23 (1) the State Employees' Retirement System of
24 Illinois;

25 (2) the Teachers' Retirement System of the State of

1 Illinois;

2 (3) the State Universities Retirement System;

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

4 (5) the General Assembly Retirement System.

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

8 (c) (Blank). ~~As soon as possible after July 30, 2004 (the~~
9 ~~effective date of Public Act 93-839), the General Assembly~~
10 ~~shall appropriate from the State Pensions Fund (1) to the~~
11 ~~State Universities Retirement System the amount certified~~
12 ~~under Section 15-165 during the prior year, (2) to the Judges~~
13 ~~Retirement System of Illinois the amount certified under~~
14 ~~Section 18-140 during the prior year, and (3) to the General~~
15 ~~Assembly Retirement System the amount certified under Section~~
16 ~~2-134 during the prior year as part of the required State~~
17 ~~contributions to each of those designated retirement systems.~~
18 ~~If the amount in the State Pensions Fund does not exceed the~~
19 ~~sum of the amounts certified in Sections 15-165, 18-140, and~~
20 ~~2-134 by at least \$5,000,000, the amount paid to each~~
21 ~~designated retirement system under this subsection shall be~~
22 ~~reduced in proportion to the amount certified by each of those~~
23 ~~designated retirement systems.~~

24 (c-5) For fiscal years 2006 through 2024 ~~2023~~, the General
25 Assembly shall appropriate from the State Pensions Fund to the
26 State Universities Retirement System the amount estimated to

1 be available during the fiscal year in the State Pensions
2 Fund; provided, however, that the amounts appropriated under
3 this subsection (c-5) shall not reduce the amount in the State
4 Pensions Fund below \$5,000,000.

5 (c-6) For fiscal year 2025 ~~2024~~ and each fiscal year
6 thereafter, as soon as may be practical after any money is
7 deposited into the State Pensions Fund from the Unclaimed
8 Property Trust Fund, the State Treasurer shall apportion the
9 deposited amount among the designated retirement systems as
10 defined in subsection (a) to reduce their actuarial reserve
11 deficiencies. The State Comptroller and State Treasurer shall
12 pay the apportioned amounts to the designated retirement
13 systems to fund the unfunded liabilities of the designated
14 retirement systems. The amount apportioned to each designated
15 retirement system shall constitute a portion of the amount
16 estimated to be available for appropriation from the State
17 Pensions Fund that is the same as that retirement system's
18 portion of the total actual reserve deficiency of the systems,
19 as determined annually by the Governor's Office of Management
20 and Budget at the request of the State Treasurer. The amounts
21 apportioned under this subsection shall not reduce the amount
22 in the State Pensions Fund below \$5,000,000.

23 (d) The Governor's Office of Management and Budget shall
24 determine the individual and total reserve deficiencies of the
25 designated retirement systems. For this purpose, the
26 Governor's Office of Management and Budget shall utilize the

1 latest available audit and actuarial reports of each of the
2 retirement systems and the relevant reports and statistics of
3 the Public Employee Pension Fund Division of the Department of
4 Insurance.

5 (d-1) (Blank).

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

9 (Source: P.A. 101-10, eff. 6-5-19; 101-487, eff. 8-23-19;
10 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-699, eff.
11 4-19-22.)

12 (30 ILCS 105/8g-1)

13 Sec. 8g-1. Fund transfers.

14 (a) (Blank).

15 (b) (Blank).

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).

1 (m) (Blank).

2 (n) (Blank).

3 (o) (Blank).

4 (p) (Blank).

5 (q) (Blank).

6 (r) (Blank).

7 (s) (Blank).

8 (t) (Blank).

9 (u) In addition to any other transfers that may be
10 provided for by law, on July 1, 2021, or as soon thereafter as
11 practical, only as directed by the Director of the Governor's
12 Office of Management and Budget, the State Comptroller shall
13 direct and the State Treasurer shall transfer the sum of
14 \$5,000,000 from the General Revenue Fund to the DoIT Special
15 Projects Fund, and on June 1, 2022, or as soon thereafter as
16 practical, but no later than June 30, 2022, the State
17 Comptroller shall direct and the State Treasurer shall
18 transfer the sum so transferred from the DoIT Special Projects
19 Fund to the General Revenue Fund.

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

25 (w) In addition to any other transfers that may be
26 provided for by law, on July 1, 2021, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$500,000 from the General
3 Revenue Fund to the Grant Accountability and Transparency
4 Fund.

5 (x) In addition to any other transfers that may be
6 provided for by law, at a time or times during Fiscal Year 2022
7 as directed by the Governor, the State Comptroller shall
8 direct and the State Treasurer shall transfer up to a total of
9 \$20,000,000 from the General Revenue Fund to the Illinois
10 Sports Facilities Fund to be credited to the Advance Account
11 within the Fund.

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

18 (z) In addition to any other transfers that may be
19 provided for by law, on April 19, 2022 (the effective date of
20 Public Act 102-699), or as soon thereafter as practical, but
21 no later than June 30, 2022, the State Comptroller shall
22 direct and the State Treasurer shall transfer the sum of
23 \$148,000,000 from the General Revenue Fund to the Build
24 Illinois Bond Fund.

25 (aa) In addition to any other transfers that may be
26 provided for by law, on April 19, 2022 (the effective date of

1 Public Act 102-699), or as soon thereafter as practical, but
2 no later than June 30, 2022, the State Comptroller shall
3 direct and the State Treasurer shall transfer the sum of
4 \$180,000,000 from the General Revenue Fund to the Rebuild
5 Illinois Projects Fund.

6 (bb) In addition to any other transfers that may be
7 provided for by law, on July 1, 2022, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$500,000 from the General
10 Revenue Fund to the Governor's Administrative Fund.

11 (cc) In addition to any other transfers that may be
12 provided for by law, on July 1, 2022, 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 Grant Accountability and Transparency
16 Fund.

17 (dd) In addition to any other transfers that may be
18 provided by law, on April 19, 2022 (the effective date of
19 Public Act 102-700), or as soon thereafter as practical, but
20 no later than June 30, 2022, the State Comptroller shall
21 direct and the State Treasurer shall transfer the sum of
22 \$685,000,000 from the General Revenue Fund to the Income Tax
23 Refund Fund. Moneys from this transfer shall be used for the
24 purpose of making the one-time rebate payments provided under
25 Section 212.1 of the Illinois Income Tax Act.

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

1 provided by law, beginning on April 19, 2022 (the effective
2 date of Public Act 102-700) and until December 31, 2023, at the
3 direction of the Department of Revenue, the State Comptroller
4 shall direct and the State Treasurer shall transfer from the
5 General Revenue Fund to the Income Tax Refund Fund any amounts
6 needed beyond the amounts transferred in subsection (dd) to
7 make payments of the one-time rebate payments provided under
8 Section 212.1 of the Illinois Income Tax Act.

9 (ff) In addition to any other transfers that may be
10 provided for by law, on April 19, 2022 (the effective date of
11 Public Act 102-700), or as soon thereafter as practical, but
12 no later than June 30, 2022, the State Comptroller shall
13 direct and the State Treasurer shall transfer the sum of
14 \$720,000,000 from the General Revenue Fund to the Budget
15 Stabilization Fund.

16 (gg) In addition to any other transfers that may be
17 provided for by law, on July 1, 2022, or as soon thereafter as
18 practical, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$280,000,000 from the
20 General Revenue Fund to the Budget Stabilization Fund.

21 (hh) In addition to any other transfers that may be
22 provided for by law, on July 1, 2022, or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$200,000,000 from the
25 General Revenue Fund to the Pension Stabilization Fund.

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

1 provided for by law, on January 1, 2023, or as soon thereafter
2 as practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$850,000,000 from the
4 General Revenue Fund to the Budget Stabilization Fund.

5 (jj) In addition to any other transfers that may be
6 provided for by law, at a time or times during Fiscal Year 2023
7 as directed by the Governor, the State Comptroller shall
8 direct and the State Treasurer shall transfer up to a total of
9 \$400,000,000 from the General Revenue Fund to the Large
10 Business Attraction Fund.

11 (kk) In addition to any other transfers that may be
12 provided for by law, on January 1, 2023, or as soon thereafter
13 as practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$72,000,000 from the
15 General Revenue Fund to the Disaster Response and Recovery
16 Fund.

17 (ll) In addition to any other transfers that may be
18 provided for by law, on the effective date of the changes made
19 to this Section by this amendatory Act of the 103rd General
20 Assembly, or as soon thereafter as practical, but no later
21 than June 30, 2023, the State Comptroller shall direct and the
22 State Treasurer shall transfer the sum of \$200,000,000 from
23 the General Revenue Fund to the Pension Stabilization Fund.

24 (mm) In addition to any other transfers that may be
25 provided for by law, beginning on the effective date of the
26 changes made to this Section by this amendatory Act of the

1 103rd General Assembly and until June 30, 2024, as directed by
2 the Governor, the State Comptroller shall direct and the State
3 Treasurer shall transfer up to a total of \$1,500,000,000 from
4 the General Revenue Fund to the State Coronavirus Urgent
5 Remediation Emergency Fund.

6 (nn) In addition to any other transfers that may be
7 provided for by law, beginning on the effective date of the
8 changes made to this Section by this amendatory Act of the
9 103rd General Assembly and until June 30, 2024, as directed by
10 the Governor, the State Comptroller shall direct and the State
11 Treasurer shall transfer up to a total of \$424,000,000 from
12 the General Revenue Fund to the Build Illinois Bond Fund.

13 (oo) In addition to any other transfers that may be
14 provided for by law, on July 1, 2023, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$500,000 from the General
17 Revenue Fund to the Governor's Administrative Fund.

18 (pp) In addition to any other transfers that may be
19 provided for by law, on July 1, 2023, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$500,000 from the General
22 Revenue Fund to the Grant Accountability and Transparency
23 Fund.

24 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
25 102-16, eff. 6-17-21; 102-699, eff. 4-19-22; 102-700, Article
26 40, Section 40-5, eff. 4-19-22; 102-700, Article 80, Section

1 80-5, eff. 4-19-22; 102-1115, eff. 1-9-23.)

2 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

3 Sec. 13.2. Transfers among line item appropriations.

4 (a) Transfers among line item appropriations from the same
5 treasury fund for the objects specified in this Section may be
6 made in the manner provided in this Section when the balance
7 remaining in one or more such line item appropriations is
8 insufficient for the purpose for which the appropriation was
9 made.

10 (a-1) No transfers may be made from one agency to another
11 agency, nor may transfers be made from one institution of
12 higher education to another institution of higher education
13 except as provided by subsection (a-4).

14 (a-2) Except as otherwise provided in this Section,
15 transfers may be made only among the objects of expenditure
16 enumerated in this Section, except that no funds may be
17 transferred from any appropriation for personal services, from
18 any appropriation for State contributions to the State
19 Employees' Retirement System, from any separate appropriation
20 for employee retirement contributions paid by the employer,
21 nor from any appropriation for State contribution for employee
22 group insurance.

23 (a-2.5) (Blank).

24 (a-3) Further, if an agency receives a separate
25 appropriation for employee retirement contributions paid by

1 the employer, any transfer by that agency into an
2 appropriation for personal services must be accompanied by a
3 corresponding transfer into the appropriation for employee
4 retirement contributions paid by the employer, in an amount
5 sufficient to meet the employer share of the employee
6 contributions required to be remitted to the retirement
7 system.

8 (a-4) Long-Term Care Rebalancing. The Governor may
9 designate amounts set aside for institutional services
10 appropriated from the General Revenue Fund or any other State
11 fund that receives monies for long-term care services to be
12 transferred to all State agencies responsible for the
13 administration of community-based long-term care programs,
14 including, but not limited to, community-based long-term care
15 programs administered by the Department of Healthcare and
16 Family Services, the Department of Human Services, and the
17 Department on Aging, provided that the Director of Healthcare
18 and Family Services first certifies that the amounts being
19 transferred are necessary for the purpose of assisting persons
20 in or at risk of being in institutional care to transition to
21 community-based settings, including the financial data needed
22 to prove the need for the transfer of funds. The total amounts
23 transferred shall not exceed 4% in total of the amounts
24 appropriated from the General Revenue Fund or any other State
25 fund that receives monies for long-term care services for each
26 fiscal year. A notice of the fund transfer must be made to the

1 General Assembly and posted at a minimum on the Department of
2 Healthcare and Family Services website, the Governor's Office
3 of Management and Budget website, and any other website the
4 Governor sees fit. These postings shall serve as notice to the
5 General Assembly of the amounts to be transferred. Notice
6 shall be given at least 30 days prior to transfer.

7 (b) In addition to the general transfer authority provided
8 under subsection (c), the following agencies have the specific
9 transfer authority granted in this subsection:

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

17 The Department of Children and Family Services is
18 authorized to make transfers not exceeding 2% of the aggregate
19 amount appropriated to it within the same treasury fund for
20 the following line items among these same line items: Foster
21 Home and Specialized Foster Care and Prevention, Institutions
22 and Group Homes and Prevention, and Purchase of Adoption and
23 Guardianship Services.

24 The Department on Aging is authorized to make transfers
25 not exceeding 10% of the aggregate amount appropriated to it
26 within the same treasury fund for the following Community Care

1 Program line items among these same line items: purchase of
2 services covered by the Community Care Program and
3 Comprehensive Case Coordination.

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

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

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

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

10 The Department of Central Management Services is
11 authorized to make transfers not exceeding 2% of the aggregate
12 amount appropriated to it, within the same treasury fund, from
13 the various line items appropriated to the Department, into
14 the following line item appropriations: auto liability claims
15 and related expenses and payment of claims under the State
16 Employee Indemnification Act.

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

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

14 (c-1) (Blank).

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

18 (c-5) (Blank).

19 (c-6) (Blank).

20 (c-7) (Blank).

21 (c-8) (Blank). ~~Special provisions for State fiscal year~~
22 ~~2022. Notwithstanding any other provision of this Section, for~~
23 ~~State fiscal year 2022, 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~~

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

21 (c-9) Special provisions for State fiscal year 2023.
22 Notwithstanding any other provision of this Section, for State
23 fiscal year 2023, transfers among line item appropriations to
24 a State agency from the same State treasury fund may be made
25 for operational or lump sum expenses only, provided that the
26 sum of such transfers for a State agency in State fiscal year

1 2023 shall not exceed 4% of the aggregate amount appropriated
2 to that State agency for operational or lump sum expenses for
3 State fiscal year 2023. For the purpose of this subsection,
4 "operational or lump sum expenses" includes the following
5 objects: personal services; extra help; student and inmate
6 compensation; State contributions to retirement systems; State
7 contributions to social security; State contributions for
8 employee group insurance; contractual services; travel;
9 commodities; printing; equipment; electronic data processing;
10 operation of automotive equipment; telecommunications
11 services; travel and allowance for committed, paroled, and
12 discharged prisoners; library books; federal matching grants
13 for student loans; refunds; workers' compensation,
14 occupational disease, and tort claims; late interest penalties
15 under the State Prompt Payment Act and Sections 368a and 370a
16 of the Illinois Insurance Code; lump sum and other purposes;
17 and lump sum operations. For the purpose of this subsection,
18 "State agency" does not include the Attorney General, the
19 Secretary of State, the Comptroller, the Treasurer, or the
20 judicial or legislative branches.

21 (c-10) Special provisions for State fiscal year 2024.
22 Notwithstanding any other provision of this Section, for State
23 fiscal year 2024, transfers among line item appropriations to
24 a State agency from the same State treasury fund may be made
25 for operational or lump sum expenses only, provided that the
26 sum of such transfers for a State agency in State fiscal year

1 2024 shall not exceed 8% of the aggregate amount appropriated
2 to that State agency for operational or lump sum expenses for
3 State fiscal year 2024. For the purpose of this subsection,
4 "operational or lump sum expenses" includes the following
5 objects: personal services; extra help; student and inmate
6 compensation; State contributions to retirement systems; State
7 contributions to social security; State contributions for
8 employee group insurance; contractual services; travel;
9 commodities; printing; equipment; electronic data processing;
10 operation of automotive equipment; telecommunications
11 services; travel and allowance for committed, paroled, and
12 discharged prisoners; library books; federal matching grants
13 for student loans; refunds; workers' compensation,
14 occupational disease, and tort claims; late interest penalties
15 under the State Prompt Payment Act and Sections 368a and 370a
16 of the Illinois Insurance Code; lump sum and other purposes;
17 and lump sum operations. For the purpose of this subsection,
18 "State agency" does not include the Attorney General, the
19 Secretary of State, the Comptroller, the Treasurer, or the
20 judicial or legislative branches.

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

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

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

22 (e) The State Board of Education, in consultation with the
23 State Comptroller, may transfer line item appropriations for
24 General State Aid or Evidence-Based Funding among the Common
25 School Fund and the Education Assistance Fund, and, for State
26 fiscal year 2020 and each fiscal year thereafter, the Fund for

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

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

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

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

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

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

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

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

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

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

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

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

5 (g) For State fiscal year 2024 and each fiscal year
6 thereafter, if requested by an agency chief executive officer
7 and authorized and approved by the Comptroller, the
8 Comptroller may direct and the Treasurer shall transfer funds
9 from the General Revenue Fund to fund payroll expenses that
10 meet the payroll transaction exception criteria as defined by
11 the Comptroller in the Statewide Accounting Management System
12 (SAMS) Manual. The agency shall then transfer these funds back
13 to the General Revenue Fund within 7 days.

14 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
15 101-275, eff. 8-9-19; 101-636, eff. 6-10-20; 102-16, eff.
16 6-17-21; 102-699, eff. 4-19-22.)

17 (30 ILCS 105/25) (from Ch. 127, par. 161)

18 Sec. 25. Fiscal year limitations.

19 (a) All appropriations shall be available for expenditure
20 for the fiscal year or for a lesser period if the Act making
21 that appropriation so specifies. A deficiency or emergency
22 appropriation shall be available for expenditure only through
23 June 30 of the year when the Act making that appropriation is
24 enacted unless that Act otherwise provides.

25 (b) Outstanding liabilities as of June 30, payable from

1 appropriations which have otherwise expired, may be paid out
2 of the expiring appropriations during the 2-month period
3 ending at the close of business on August 31. Any service
4 involving professional or artistic skills or any personal
5 services by an employee whose compensation is subject to
6 income tax withholding must be performed as of June 30 of the
7 fiscal year in order to be considered an "outstanding
8 liability as of June 30" that is thereby eligible for payment
9 out of the expiring appropriation.

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

25 (b-2) (Blank).

26 (b-2.5) (Blank).

1 (b-2.6) (Blank).

2 (b-2.6a) (Blank).

3 (b-2.6b) (Blank).

4 (b-2.6c) (Blank).

5 (b-2.6d) All outstanding liabilities as of June 30, 2020,
6 payable from appropriations that would otherwise expire at the
7 conclusion of the lapse period for fiscal year 2020, and
8 interest penalties payable on those liabilities under the
9 State Prompt Payment Act, may be paid out of the expiring
10 appropriations until December 31, 2020, without regard to the
11 fiscal year in which the payment is made, as long as vouchers
12 for the liabilities are received by the Comptroller no later
13 than September 30, 2020.

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

21 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, and each
22 fiscal year thereafter ~~2019, 2020, 2021, 2022, and 2023,~~
23 interest penalties payable under the State Prompt Payment Act
24 associated with a voucher for which payment is issued after
25 June 30 may be paid out of the next fiscal year's
26 appropriation. The future year appropriation must be for the

1 same purpose and from the same fund as the original payment. An
2 interest penalty voucher submitted against a future year
3 appropriation must be submitted within 60 days after the
4 issuance of the associated voucher, except that, for fiscal
5 year 2018 only, an interest penalty voucher submitted against
6 a future year appropriation must be submitted within 60 days
7 of June 5, 2019 (the effective date of Public Act 101-10). The
8 Comptroller must issue the interest payment within 60 days
9 after acceptance of the interest voucher.

10 (b-3) Medical payments may be made by the Department of
11 Veterans' Affairs from its appropriations for those purposes
12 for any fiscal year, without regard to the fact that the
13 medical services being compensated for by such payment may
14 have been rendered in a prior fiscal year, except as required
15 by subsection (j) of this Section. Beginning on June 30, 2021,
16 medical payments 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-4) Medical payments and child care payments may be made
21 by the Department of Human Services (as successor to the
22 Department of Public Aid) from appropriations for those
23 purposes for any fiscal year, without regard to the fact that
24 the medical or child care services being compensated for by
25 such payment may have been rendered in a prior fiscal year; and
26 payments may be made at the direction of the Department of

1 Healthcare and Family Services (or successor agency) from the
2 Health Insurance Reserve Fund without regard to any fiscal
3 year limitations, except as required by subsection (j) of this
4 Section. Beginning on June 30, 2021, medical and child care
5 payments made by the Department of Human Services and payments
6 made at the discretion of the Department of Healthcare and
7 Family Services (or successor agency) from the Health
8 Insurance Reserve Fund and payable from appropriations that
9 have otherwise expired may be paid out of the expiring
10 appropriation during the 4-month period ending at the close of
11 business on October 31.

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

1 (b-6) (Blank).

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

7 (b-8) Reimbursements to eligible airport sponsors for the
8 construction or upgrading of Automated Weather Observation
9 Systems may be made by the Department of Transportation from
10 appropriations for those purposes for any fiscal year, without
11 regard to the fact that the qualification or obligation may
12 have occurred in a prior fiscal year, provided that at the time
13 the expenditure was made the project had been approved by the
14 Department of Transportation prior to June 1, 2012 and, as a
15 result of recent changes in federal funding formulas, can no
16 longer receive federal reimbursement.

17 (b-9) (Blank).

18 (c) Further, payments may be made by the Department of
19 Public Health and the Department of Human Services (acting as
20 successor to the Department of Public Health under the
21 Department of Human Services Act) from their respective
22 appropriations for grants for medical care to or on behalf of
23 premature and high-mortality risk infants and their mothers
24 and for grants for supplemental food supplies provided under
25 the United States Department of Agriculture Women, Infants and
26 Children Nutrition Program, for any fiscal year without regard

1 to the fact that the services being compensated for by such
2 payment may have been rendered in a prior fiscal year, except
3 as required by subsection (j) of this Section. Beginning on
4 June 30, 2021, payments made by the Department of Public
5 Health and the Department of Human Services from their
6 respective appropriations for grants for medical care to or on
7 behalf of premature and high-mortality risk infants and their
8 mothers and for grants for supplemental food supplies provided
9 under the United States Department of Agriculture Women,
10 Infants and Children Nutrition Program payable from
11 appropriations that have otherwise expired may be paid out of
12 the expiring appropriations during the 4-month period ending
13 at the close of business on October 31.

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

1 (e) The Department of Healthcare and Family Services, the
2 Department of Human Services (acting as successor to the
3 Department of Public Aid), and the Department of Human
4 Services making fee-for-service payments relating to substance
5 abuse treatment services provided during a previous fiscal
6 year shall each annually submit to the State Comptroller,
7 Senate President, Senate Minority Leader, Speaker of the
8 House, House Minority Leader, the respective Chairmen and
9 Minority Spokesmen of the Appropriations Committees of the
10 Senate and the House, on or before November 30, a report that
11 shall document by program or service category those
12 expenditures from the most recently completed fiscal year used
13 to pay for (i) services provided in prior fiscal years and (ii)
14 services for which claims were received in prior fiscal years.

15 (f) The Department of Human Services (as successor to the
16 Department of Public Aid) shall annually submit to the State
17 Comptroller, Senate President, Senate Minority Leader, Speaker
18 of the House, House Minority Leader, and the respective
19 Chairmen and Minority Spokesmen of the Appropriations
20 Committees of the Senate and the House, on or before December
21 31, a report of fiscal year funds used to pay for services
22 (other than medical care) provided in any prior fiscal year.
23 This report shall document by program or service category
24 those expenditures from the most recently completed fiscal
25 year used to pay for services provided in prior fiscal years.

26 (g) In addition, each annual report required to be

1 submitted by the Department of Healthcare and Family Services
2 under subsection (e) shall include the following information
3 with respect to the State's Medicaid program:

4 (1) Explanations of the exact causes of the variance
5 between the previous year's estimated and actual
6 liabilities.

7 (2) Factors affecting the Department of Healthcare and
8 Family Services' liabilities, including, but not limited
9 to, numbers of aid recipients, levels of medical service
10 utilization by aid recipients, and inflation in the cost
11 of medical services.

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

14 (h) As provided in Section 4 of the General Assembly
15 Compensation Act, any utility bill for service provided to a
16 General Assembly member's district office for a period
17 including portions of 2 consecutive fiscal years may be paid
18 from funds appropriated for such expenditure in either fiscal
19 year.

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

22 (1) billing user agencies in advance for payments or
23 authorized inter-fund transfers based on estimated charges
24 for goods or services;

25 (2) issuing credits, refunding through inter-fund
26 transfers, or reducing future inter-fund transfers during

1 the subsequent fiscal year for all user agency payments or
2 authorized inter-fund transfers received during the prior
3 fiscal year which were in excess of the final amounts owed
4 by the user agency for that period; and

5 (3) issuing catch-up billings to user agencies during
6 the subsequent fiscal year for amounts remaining due when
7 payments or authorized inter-fund transfers received from
8 the user agency during the prior fiscal year were less
9 than the total amount owed for that period.

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

18 (i-1) Beginning on July 1, 2021, all outstanding
19 liabilities, not payable during the 4-month lapse period as
20 described in subsections (b-1), (b-3), (b-4), (b-5), and (c)
21 of this Section, that are made from appropriations for that
22 purpose for any fiscal year, without regard to the fact that
23 the services being compensated for by those payments may have
24 been rendered in a prior fiscal year, are limited to only those
25 claims that have been incurred but for which a proper bill or
26 invoice as defined by the State Prompt Payment Act has not been

1 received by September 30th following the end of the fiscal
2 year in which the service was rendered.

3 (j) Notwithstanding any other provision of this Act, the
4 aggregate amount of payments to be made without regard for
5 fiscal year limitations as contained in subsections (b-1),
6 (b-3), (b-4), (b-5), and (c) of this Section, and determined
7 by using Generally Accepted Accounting Principles, shall not
8 exceed the following amounts:

9 (1) \$6,000,000,000 for outstanding liabilities related
10 to fiscal year 2012;

11 (2) \$5,300,000,000 for outstanding liabilities related
12 to fiscal year 2013;

13 (3) \$4,600,000,000 for outstanding liabilities related
14 to fiscal year 2014;

15 (4) \$4,000,000,000 for outstanding liabilities related
16 to fiscal year 2015;

17 (5) \$3,300,000,000 for outstanding liabilities related
18 to fiscal year 2016;

19 (6) \$2,600,000,000 for outstanding liabilities related
20 to fiscal year 2017;

21 (7) \$2,000,000,000 for outstanding liabilities related
22 to fiscal year 2018;

23 (8) \$1,300,000,000 for outstanding liabilities related
24 to fiscal year 2019;

25 (9) \$600,000,000 for outstanding liabilities related
26 to fiscal year 2020; and

1 (10) \$0 for outstanding liabilities related to fiscal
2 year 2021 and fiscal years thereafter.

3 (k) Department of Healthcare and Family Services Medical
4 Assistance Payments.

5 (1) Definition of Medical Assistance.

6 For purposes of this subsection, the term "Medical
7 Assistance" shall include, but not necessarily be
8 limited to, medical programs and services authorized
9 under Titles XIX and XXI of the Social Security Act,
10 the Illinois Public Aid Code, the Children's Health
11 Insurance Program Act, the Covering ALL KIDS Health
12 Insurance Act, the Long Term Acute Care Hospital
13 Quality Improvement Transfer Program Act, and medical
14 care to or on behalf of persons suffering from chronic
15 renal disease, persons suffering from hemophilia, and
16 victims of sexual assault.

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

19 (A) The maximum amounts of annual unpaid Medical
20 Assistance bills received and recorded by the
21 Department of Healthcare and Family Services on or
22 before June 30th of a particular fiscal year
23 attributable in aggregate to the General Revenue Fund,
24 Healthcare Provider Relief Fund, Tobacco Settlement
25 Recovery Fund, Long-Term Care Provider Fund, and the
26 Drug Rebate Fund that may be paid in total by the

1 Department from future fiscal year Medical Assistance
2 appropriations to those funds are: \$700,000,000 for
3 fiscal year 2013 and \$100,000,000 for fiscal year 2014
4 and each fiscal year thereafter.

5 (B) Bills for Medical Assistance services rendered
6 in a particular fiscal year, but received and recorded
7 by the Department of Healthcare and Family Services
8 after June 30th of that fiscal year, may be paid from
9 either appropriations for that fiscal year or future
10 fiscal year appropriations for Medical Assistance.
11 Such payments shall not be subject to the requirements
12 of subparagraph (A).

13 (C) Medical Assistance bills received by the
14 Department of Healthcare and Family Services in a
15 particular fiscal year, but subject to payment amount
16 adjustments in a future fiscal year may be paid from a
17 future fiscal year's appropriation for Medical
18 Assistance. Such payments shall not be subject to the
19 requirements of subparagraph (A).

20 (D) Medical Assistance payments made by the
21 Department of Healthcare and Family Services from
22 funds other than those specifically referenced in
23 subparagraph (A) may be made from appropriations for
24 those purposes for any fiscal year without regard to
25 the fact that the Medical Assistance services being
26 compensated for by such payment may have been rendered

1 in a prior fiscal year. Such payments shall not be
2 subject to the requirements of subparagraph (A).

3 (3) Extended lapse period for Department of Healthcare
4 and Family Services Medical Assistance payments.
5 Notwithstanding any other State law to the contrary,
6 outstanding Department of Healthcare and Family Services
7 Medical Assistance liabilities, as of June 30th, payable
8 from appropriations which have otherwise expired, may be
9 paid out of the expiring appropriations during the 4-month
10 period ending at the close of business on October 31st.

11 (1) The changes to this Section made by Public Act 97-691
12 shall be effective for payment of Medical Assistance bills
13 incurred in fiscal year 2013 and future fiscal years. The
14 changes to this Section made by Public Act 97-691 shall not be
15 applied to Medical Assistance bills incurred in fiscal year
16 2012 or prior fiscal years.

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

23 (Source: P.A. 101-10, eff. 6-5-19; 101-275, eff. 8-9-19;
24 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-291, eff.
25 8-6-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22.)

1 Section 5-55. The State Revenue Sharing Act is amended by
2 changing Section 12 as follows:

3 (30 ILCS 115/12) (from Ch. 85, par. 616)

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

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

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

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

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

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

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

1 additional compensation as provided by law for court reporters
2 under the Court Reporters Act.

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

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

26 Prior to December 31, 1980, as soon as may be after the end

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

1 several taxing districts the respective amounts allocated to
2 them.

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

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

1 commencing on January 1, 1988.

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

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

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

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

1 administrative and other authorized expenses as limited by
2 the appropriation and the amount determined by: (a) \$2.8
3 million for fiscal year 1981; (b) for fiscal year 1982,
4 .54% of the funds distributed from the fund during the
5 preceding fiscal year; (c) for fiscal year 1983 through
6 fiscal year 1988, .54% of the funds distributed from the
7 fund during the preceding fiscal year less .02% of such
8 fund for fiscal year 1983 and less .02% of such funds for
9 each fiscal year thereafter; (d) for fiscal year 1989
10 through fiscal year 2011 no more than 105% of the actual
11 administrative expenses of the prior fiscal year; (e) for
12 fiscal year 2012 and beyond, a sufficient amount to pay
13 (i) stipends, additional compensation, salary
14 reimbursements, and other amounts directed to be paid out
15 of this Fund for local officials as authorized or required
16 by statute and (ii) the ordinary and contingent expenses
17 of the Property Tax Appeal Board and the expenses of the
18 Department of Revenue incurred in administering the
19 collection and distribution of moneys paid into the Fund;
20 (f) for fiscal years 2012 and 2013 only, a sufficient
21 amount to pay stipends, additional compensation, salary
22 reimbursements, and other amounts directed to be paid out
23 of this Fund for regional offices and officials as
24 authorized or required by statute; or (g) for fiscal years
25 2018 through 2024 ~~2023~~ only, a sufficient amount to pay
26 amounts directed to be paid out of this Fund for public

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

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

24 The Personal Property Replacement Ratio of each taxing
25 district outside Cook County shall be the ratio which the Tax
26 Base of that taxing district bears to the Downstate Tax Base.

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

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

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

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

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

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

19 If two or more taxing districts in existence on July 1,
20 1979, or a successor or successors thereto shall consolidate
21 into one taxing district, the Tax Base of such consolidated
22 taxing district shall be the sum of the Tax Bases of each of
23 the taxing districts which have consolidated.

24 If a single taxing district in existence on July 1, 1979,
25 or a successor or successors thereto shall be divided into two
26 or more separate taxing districts, the tax base of the taxing

1 district so divided shall be allocated to each of the
2 resulting taxing districts in proportion to the then current
3 equalized assessed value of each resulting taxing district.

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

14 If a community college district is created after July 1,
15 1979, beginning on January 1, 1996 (the effective date of
16 Public Act 89-327), its Tax Base shall be 3.5% of the sum of
17 the personal property tax collected for the 1977 tax year
18 within the territorial jurisdiction of the district.

19 The amounts allocated and paid to taxing districts
20 pursuant to the provisions of Public Act 81-1st Special
21 Session-1 shall be deemed to be substitute revenues for the
22 revenues derived from taxes imposed on personal property
23 pursuant to the provisions of the "Revenue Act of 1939" or "An
24 Act for the assessment and taxation of private car line
25 companies", approved July 22, 1943, as amended, or Section 414
26 of the Illinois Insurance Code, prior to the abolition of such

1 taxes and shall be used for the same purposes as the revenues
2 derived from ad valorem taxes on real estate.

3 Monies received by any taxing districts from the Personal
4 Property Tax Replacement Fund shall be first applied toward
5 payment of the proportionate amount of debt service which was
6 previously levied and collected from extensions against
7 personal property on bonds outstanding as of December 31, 1978
8 and next applied toward payment of the proportionate share of
9 the pension or retirement obligations of the taxing district
10 which were previously levied and collected from extensions
11 against personal property. For each such outstanding bond
12 issue, the County Clerk shall determine the percentage of the
13 debt service which was collected from extensions against real
14 estate in the taxing district for 1978 taxes payable in 1979,
15 as related to the total amount of such levies and collections
16 from extensions against both real and personal property. For
17 1979 and subsequent years' taxes, the County Clerk shall levy
18 and extend taxes against the real estate of each taxing
19 district which will yield the said percentage or percentages
20 of the debt service on such outstanding bonds. The balance of
21 the amount necessary to fully pay such debt service shall
22 constitute a first and prior lien upon the monies received by
23 each such taxing district through the Personal Property Tax
24 Replacement Fund and shall be first applied or set aside for
25 such purpose. In counties having fewer than 3,000,000
26 inhabitants, the amendments to this paragraph as made by

1 Public Act 81-1255 shall be first applicable to 1980 taxes to
2 be collected in 1981.

3 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
4 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

5 Section 5-60. The Railsplitter Tobacco Settlement
6 Authority Act is amended by changing Section 3-5 as follows:

7 (30 ILCS 171/3-5)

8 Sec. 3-5. Certain powers of the Authority. The Authority
9 shall have the power to:

10 (1) sue and be sued;

11 (2) have a seal and alter the same at pleasure;

12 (3) make and alter by-laws for its organization and
13 internal management and make rules and regulations
14 governing the use of its property and facilities;

15 (4) appoint by and with the consent of the Attorney
16 General, assistant attorneys for such Authority; those
17 assistant attorneys shall be under the control, direction,
18 and supervision of the Attorney General and shall serve at
19 his or her pleasure;

20 (5) retain special counsel, subject to the approval of
21 the Attorney General, as needed from time to time, and fix
22 their compensation, provided however, such special counsel
23 shall be subject to the control, direction and supervision
24 of the Attorney General and shall serve at his or her

1 pleasure;

2 (6) make and execute contracts and all other
3 instruments necessary or convenient for the exercise of
4 its powers and functions under this Section and to
5 commence any action to protect or enforce any right
6 conferred upon it by any law, contract, or other
7 agreement, provided that any underwriter, financial
8 advisor, bond counsel, or other professional providing
9 services to the Authority may be selected pursuant to
10 solicitations issued and completed by the Governor's
11 Office of Management and Budget for those services;

12 (7) appoint officers and agents, prescribe their
13 duties and qualifications, fix their compensation and
14 engage the services of private consultants and counsel on
15 a contract basis for rendering professional and technical
16 assistance and advice, provided that this shall not be
17 construed to limit the authority of the Attorney General
18 provided in Section 4 of the Attorney General Act;

19 (8) pay its operating expenses and its financing
20 costs, including its reasonable costs of issuance and sale
21 and those of the Attorney General, if any, in a total
22 amount not greater than 1% of the principal amount of the
23 proceeds of the bond sale;

24 (9) borrow money in its name and issue negotiable
25 bonds and provide for the rights of the holders thereof as
26 otherwise provided in this Act;

1 (10) procure insurance against any loss in connection
2 with its activities, properties, and assets in such amount
3 and from such insurers as it deems desirable;

4 (11) invest any funds or other moneys under its
5 custody and control in investment securities, including in
6 defeasance collateral, as that term is defined in any bond
7 indenture to which the Authority is party, or under any
8 related bond facility;

9 (12) as security for the payment of the principal of
10 and interest on any bonds issued by it pursuant to this Act
11 and any agreement made in connection therewith and for its
12 obligations under any related bond facility, pledge all or
13 any part of the tobacco settlement revenues;

14 (13) receive payments, transfers of funds, or other
15 moneys from any source in furtherance of a defeasance of
16 bonds, provide notice to an indenture trustee of the
17 defeasance of outstanding bonds, and execute and deliver
18 those instruments necessary to discharge the lien of the
19 trustee and the security interest of the holders of
20 outstanding bonds created under an indenture; and

21 (14) do any and all things necessary or convenient to
22 carry out its purposes and exercise the powers expressly
23 given and granted in this Section.

24 (Source: P.A. 96-958, eff. 7-1-10.)

25 Section 5-62. The Illinois Procurement Code is amended by

1 changing Sections 1-10, 10-10, and 10-20 as follows:

2 (30 ILCS 500/1-10)

3 Sec. 1-10. Application.

4 (a) This Code applies only to procurements for which
5 bidders, offerors, potential contractors, or contractors were
6 first solicited on or after July 1, 1998. This Code shall not
7 be construed to affect or impair any contract, or any
8 provision of a contract, entered into based on a solicitation
9 prior to the implementation date of this Code as described in
10 Article 99, including, but not limited to, any covenant
11 entered into with respect to any revenue bonds or similar
12 instruments. All procurements for which contracts are
13 solicited between the effective date of Articles 50 and 99 and
14 July 1, 1998 shall be substantially in accordance with this
15 Code and its intent.

16 (b) This Code shall apply regardless of the source of the
17 funds with which the contracts are paid, including federal
18 assistance moneys. This Code shall not apply to:

19 (1) Contracts between the State and its political
20 subdivisions or other governments, or between State
21 governmental bodies, except as specifically provided in
22 this Code.

23 (2) Grants, except for the filing requirements of
24 Section 20-80.

25 (3) Purchase of care, except as provided in Section

1 5-30.6 of the Illinois Public Aid Code and this Section.

2 (4) Hiring of an individual as an employee and not as
3 an independent contractor, whether pursuant to an
4 employment code or policy or by contract directly with
5 that individual.

6 (5) Collective bargaining contracts.

7 (6) Purchase of real estate, except that notice of
8 this type of contract with a value of more than \$25,000
9 must be published in the Procurement Bulletin within 10
10 calendar days after the deed is recorded in the county of
11 jurisdiction. The notice shall identify the real estate
12 purchased, the names of all parties to the contract, the
13 value of the contract, and the effective date of the
14 contract.

15 (7) Contracts necessary to prepare for anticipated
16 litigation, enforcement actions, or investigations,
17 provided that the chief legal counsel to the Governor
18 shall give his or her prior approval when the procuring
19 agency is one subject to the jurisdiction of the Governor,
20 and provided that the chief legal counsel of any other
21 procuring entity subject to this Code shall give his or
22 her prior approval when the procuring entity is not one
23 subject to the jurisdiction of the Governor.

24 (8) (Blank).

25 (9) Procurement expenditures by the Illinois
26 Conservation Foundation when only private funds are used.

1 (10) (Blank).

2 (11) Public-private agreements entered into according
3 to the procurement requirements of Section 20 of the
4 Public-Private Partnerships for Transportation Act and
5 design-build agreements entered into according to the
6 procurement requirements of Section 25 of the
7 Public-Private Partnerships for Transportation Act.

8 (12) (A) Contracts for legal, financial, and other
9 professional and artistic services entered into by the
10 Illinois Finance Authority in which the State of Illinois
11 is not obligated. Such contracts shall be awarded through
12 a competitive process authorized by the members of the
13 Illinois Finance Authority and are subject to Sections
14 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
15 as well as the final approval by the members of the
16 Illinois Finance Authority of the terms of the contract.

17 (B) Contracts for legal and financial services entered
18 into by the Illinois Housing Development Authority in
19 connection with the issuance of bonds in which the State
20 of Illinois is not obligated. Such contracts shall be
21 awarded through a competitive process authorized by the
22 members of the Illinois Housing Development Authority and
23 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
24 and 50-37 of this Code, as well as the final approval by
25 the members of the Illinois Housing Development Authority
26 of the terms of the contract.

1 (13) Contracts for services, commodities, and
2 equipment to support the delivery of timely forensic
3 science services in consultation with and subject to the
4 approval of the Chief Procurement Officer as provided in
5 subsection (d) of Section 5-4-3a of the Unified Code of
6 Corrections, except for the requirements of Sections
7 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
8 Code; however, the Chief Procurement Officer may, in
9 writing with justification, waive any certification
10 required under Article 50 of this Code. For any contracts
11 for services which are currently provided by members of a
12 collective bargaining agreement, the applicable terms of
13 the collective bargaining agreement concerning
14 subcontracting shall be followed.

15 On and after January 1, 2019, this paragraph (13),
16 except for this sentence, is inoperative.

17 (14) Contracts for participation expenditures required
18 by a domestic or international trade show or exhibition of
19 an exhibitor, member, or sponsor.

20 (15) Contracts with a railroad or utility that
21 requires the State to reimburse the railroad or utilities
22 for the relocation of utilities for construction or other
23 public purpose. Contracts included within this paragraph
24 (15) shall include, but not be limited to, those
25 associated with: relocations, crossings, installations,
26 and maintenance. For the purposes of this paragraph (15),

1 "railroad" means any form of non-highway ground
2 transportation that runs on rails or electromagnetic
3 guideways and "utility" means: (1) public utilities as
4 defined in Section 3-105 of the Public Utilities Act, (2)
5 telecommunications carriers as defined in Section 13-202
6 of the Public Utilities Act, (3) electric cooperatives as
7 defined in Section 3.4 of the Electric Supplier Act, (4)
8 telephone or telecommunications cooperatives as defined in
9 Section 13-212 of the Public Utilities Act, (5) rural
10 water or waste water systems with 10,000 connections or
11 less, (6) a holder as defined in Section 21-201 of the
12 Public Utilities Act, and (7) municipalities owning or
13 operating utility systems consisting of public utilities
14 as that term is defined in Section 11-117-2 of the
15 Illinois Municipal Code.

16 (16) Procurement expenditures necessary for the
17 Department of Public Health to provide the delivery of
18 timely newborn screening services in accordance with the
19 Newborn Metabolic Screening Act.

20 (17) Procurement expenditures necessary for the
21 Department of Agriculture, the Department of Financial and
22 Professional Regulation, the Department of Human Services,
23 and the Department of Public Health to implement the
24 Compassionate Use of Medical Cannabis Program and Opioid
25 Alternative Pilot Program requirements and ensure access
26 to medical cannabis for patients with debilitating medical

1 conditions in accordance with the Compassionate Use of
2 Medical Cannabis Program Act.

3 (18) This Code does not apply to any procurements
4 necessary for the Department of Agriculture, the
5 Department of Financial and Professional Regulation, the
6 Department of Human Services, the Department of Commerce
7 and Economic Opportunity, and the Department of Public
8 Health to implement the Cannabis Regulation and Tax Act if
9 the applicable agency has made a good faith determination
10 that it is necessary and appropriate for the expenditure
11 to fall within this exemption and if the process is
12 conducted in a manner substantially in accordance with the
13 requirements of Sections 20-160, 25-60, 30-22, 50-5,
14 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
15 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
16 Section 50-35, compliance applies only to contracts or
17 subcontracts over \$100,000. Notice of each contract
18 entered into under this paragraph (18) that is related to
19 the procurement of goods and services identified in
20 paragraph (1) through (9) of this subsection shall be
21 published in the Procurement Bulletin within 14 calendar
22 days after contract execution. The Chief Procurement
23 Officer shall prescribe the form and content of the
24 notice. Each agency shall provide the Chief Procurement
25 Officer, on a monthly basis, in the form and content
26 prescribed by the Chief Procurement Officer, a report of

1 contracts that are related to the procurement of goods and
2 services identified in this subsection. At a minimum, this
3 report shall include the name of the contractor, a
4 description of the supply or service provided, the total
5 amount of the contract, the term of the contract, and the
6 exception to this Code utilized. A copy of any or all of
7 these contracts shall be made available to the Chief
8 Procurement Officer immediately upon request. The Chief
9 Procurement Officer shall submit a report to the Governor
10 and General Assembly no later than November 1 of each year
11 that includes, at a minimum, an annual summary of the
12 monthly information reported to the Chief Procurement
13 Officer. This exemption becomes inoperative 5 years after
14 June 25, 2019 (the effective date of Public Act 101-27).

15 (19) Acquisition of modifications or adjustments,
16 limited to assistive technology devices and assistive
17 technology services, adaptive equipment, repairs, and
18 replacement parts to provide reasonable accommodations (i)
19 that enable a qualified applicant with a disability to
20 complete the job application process and be considered for
21 the position such qualified applicant desires, (ii) that
22 modify or adjust the work environment to enable a
23 qualified current employee with a disability to perform
24 the essential functions of the position held by that
25 employee, (iii) to enable a qualified current employee
26 with a disability to enjoy equal benefits and privileges

1 of employment as are enjoyed by other similarly situated
2 employees without disabilities, and (iv) that allow a
3 customer, client, claimant, or member of the public
4 seeking State services full use and enjoyment of and
5 access to its programs, services, or benefits.

6 For purposes of this paragraph (19):

7 "Assistive technology devices" means any item, piece
8 of equipment, or product system, whether acquired
9 commercially off the shelf, modified, or customized, that
10 is used to increase, maintain, or improve functional
11 capabilities of individuals with disabilities.

12 "Assistive technology services" means any service that
13 directly assists an individual with a disability in
14 selection, acquisition, or use of an assistive technology
15 device.

16 "Qualified" has the same meaning and use as provided
17 under the federal Americans with Disabilities Act when
18 describing an individual with a disability.

19 (20) Procurement expenditures necessary for the
20 Illinois Commerce Commission to hire third-party
21 facilitators pursuant to Sections 16-105.17 and 16-108.18
22 of the Public Utilities Act or an ombudsman pursuant to
23 Section 16-107.5 of the Public Utilities Act, a
24 facilitator pursuant to Section 16-105.17 of the Public
25 Utilities Act, or a grid auditor pursuant to Section
26 16-105.10 of the Public Utilities Act.

1 (21) Procurement expenditures for the purchase,
2 renewal, and expansion of software, software licenses, or
3 software maintenance agreements that support the efforts
4 of the Illinois State Police to enforce, regulate, and
5 administer the Firearm Owners Identification Card Act, the
6 Firearm Concealed Carry Act, the Firearms Restraining
7 Order Act, the Firearm Dealer License Certification Act,
8 the Law Enforcement Agencies Data System (LEADS), the
9 Uniform Crime Reporting Act, the Criminal Identification
10 Act, the Uniform Conviction Information Act, and the Gun
11 Trafficking Information Act, or establish or maintain
12 record management systems necessary to conduct human
13 trafficking investigations or gun trafficking or other
14 stolen firearm investigations. This paragraph (21) applies
15 to contracts entered into on or after the effective date
16 of this amendatory Act of the 102nd General Assembly and
17 the renewal of contracts that are in effect on the
18 effective date of this amendatory Act of the 102nd General
19 Assembly.

20 (22) Contracts for project management services and
21 system integration services required for the completion of
22 the State's enterprise resource planning project. This
23 exemption becomes inoperative 5 years after the effective
24 date of the changes made to this Section by this
25 amendatory Act of the 103rd General Assembly. This
26 paragraph (22) applies to contracts entered into on or

1 after the effective date of the changes made to this
2 Section by this amendatory Act of the 103rd General
3 Assembly and the renewal of contracts that are in effect
4 on the effective date of the changes made to this Section
5 by this amendatory Act of the 103rd General Assembly.

6 Notwithstanding any other provision of law, for contracts
7 with an annual value of more than \$100,000 entered into on or
8 after October 1, 2017 under an exemption provided in any
9 paragraph of this subsection (b), except paragraph (1), (2),
10 or (5), each State agency shall post to the appropriate
11 procurement bulletin the name of the contractor, a description
12 of the supply or service provided, the total amount of the
13 contract, the term of the contract, and the exception to the
14 Code utilized. The chief procurement officer shall submit a
15 report to the Governor and General Assembly no later than
16 November 1 of each year that shall include, at a minimum, an
17 annual summary of the monthly information reported to the
18 chief procurement officer.

19 (c) This Code does not apply to the electric power
20 procurement process provided for under Section 1-75 of the
21 Illinois Power Agency Act and Section 16-111.5 of the Public
22 Utilities Act.

23 (d) Except for Section 20-160 and Article 50 of this Code,
24 and as expressly required by Section 9.1 of the Illinois
25 Lottery Law, the provisions of this Code do not apply to the
26 procurement process provided for under Section 9.1 of the

1 Illinois Lottery Law.

2 (e) This Code does not apply to the process used by the
3 Capital Development Board to retain a person or entity to
4 assist the Capital Development Board with its duties related
5 to the determination of costs of a clean coal SNG brownfield
6 facility, as defined by Section 1-10 of the Illinois Power
7 Agency Act, as required in subsection (h-3) of Section 9-220
8 of the Public Utilities Act, including calculating the range
9 of capital costs, the range of operating and maintenance
10 costs, or the sequestration costs or monitoring the
11 construction of clean coal SNG brownfield facility for the
12 full duration of construction.

13 (f) (Blank).

14 (g) (Blank).

15 (h) This Code does not apply to the process to procure or
16 contracts entered into in accordance with Sections 11-5.2 and
17 11-5.3 of the Illinois Public Aid Code.

18 (i) Each chief procurement officer may access records
19 necessary to review whether a contract, purchase, or other
20 expenditure is or is not subject to the provisions of this
21 Code, unless such records would be subject to attorney-client
22 privilege.

23 (j) This Code does not apply to the process used by the
24 Capital Development Board to retain an artist or work or works
25 of art as required in Section 14 of the Capital Development
26 Board Act.

1 (k) This Code does not apply to the process to procure
2 contracts, or contracts entered into, by the State Board of
3 Elections or the State Electoral Board for hearing officers
4 appointed pursuant to the Election Code.

5 (l) This Code does not apply to the processes used by the
6 Illinois Student Assistance Commission to procure supplies and
7 services paid for from the private funds of the Illinois
8 Prepaid Tuition Fund. As used in this subsection (l), "private
9 funds" means funds derived from deposits paid into the
10 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

11 (m) This Code shall apply regardless of the source of
12 funds with which contracts are paid, including federal
13 assistance moneys. Except as specifically provided in this
14 Code, this Code shall not apply to procurement expenditures
15 necessary for the Department of Public Health to conduct the
16 Healthy Illinois Survey in accordance with Section 2310-431 of
17 the Department of Public Health Powers and Duties Law of the
18 Civil Administrative Code of Illinois.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
20 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff.
21 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
22 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
23 102-1116, eff. 1-10-23.)

24 (30 ILCS 500/10-10)

25 Sec. 10-10. Independent State purchasing officers.

1 (a) The chief procurement officer shall appoint and
2 determine the salary of a State purchasing officer for each
3 agency that the chief procurement officer is responsible for
4 under Section 1-15.15. A State purchasing officer shall be
5 located in the State agency that the officer serves but shall
6 report to his or her respective chief procurement officer. The
7 State purchasing officer shall have direct communication with
8 agency staff assigned to assist with any procurement process.
9 At the direction of his or her respective chief procurement
10 officer, a State purchasing officer shall have the authority
11 to (i) review any contract or contract amendment prior to
12 execution to ensure that applicable procurement and
13 contracting standards were followed and (ii) approve or reject
14 contracts for a purchasing agency. If the State purchasing
15 officer provides written approval of the contract, the head of
16 the applicable State agency shall have the authority to sign
17 and enter into that contract. All actions of a State
18 purchasing officer are subject to review by a chief
19 procurement officer in accordance with procedures and policies
20 established by the chief procurement officer.

21 (a-5) A State purchasing officer may (i) attend any
22 procurement meetings; (ii) access any records or files related
23 to procurement; (iii) submit reports to the chief procurement
24 officer on procurement issues; (iv) ensure the State agency is
25 maintaining appropriate records; and (v) ensure transparency
26 of the procurement process.

1 (a-10) If a State purchasing officer is aware of
2 misconduct, waste, or inefficiency with respect to State
3 procurement, the State purchasing officer shall advise the
4 State agency of the issue in writing. If the State agency does
5 not correct the issue, the State purchasing officer shall
6 report the problem, in writing, to the chief procurement
7 officer and appropriate Inspector General.

8 (b) In addition to any other requirement or qualification
9 required by State law, within 30 months after appointment, a
10 State purchasing officer must be a Certified Professional
11 Public Buyer or a Certified Public Purchasing Officer,
12 pursuant to certification by the Universal Public Purchasing
13 Certification Council or the Institute for Supply Management.
14 A State purchasing officer shall serve a term of 5 years
15 beginning on the date of the officer's appointment. A State
16 purchasing officer shall have an office located in the State
17 agency that the officer serves but shall report to the chief
18 procurement officer. A State purchasing officer may be removed
19 by a chief procurement officer for cause after a hearing by the
20 Executive Ethics Commission. The chief procurement officer or
21 executive officer of the State agency housing the State
22 purchasing officer may institute a complaint against the State
23 purchasing officer by filing such a complaint with the
24 Commission and the Commission shall have a public hearing
25 based on the complaint. The State purchasing officer, chief
26 procurement officer, and executive officer of the State agency

1 shall receive notice of the hearing and shall be permitted to
2 present their respective arguments on the complaint. After the
3 hearing, the Commission shall make a non-binding
4 recommendation on whether the State purchasing officer shall
5 be removed. The salary of a State purchasing officer shall be
6 established by the chief procurement officer and may not be
7 diminished during the officer's term. In the absence of an
8 appointed State purchasing officer, the applicable chief
9 procurement officer shall exercise the procurement authority
10 created by this Code and may appoint a temporary acting State
11 purchasing officer.

12 (c) Each State purchasing officer owes a fiduciary duty to
13 the State.

14 (Source: P.A. 100-43, eff. 8-9-17.)

15 (30 ILCS 500/10-20)

16 Sec. 10-20. Independent chief procurement officers.

17 (a) Appointment. Within 60 calendar days after the
18 effective date of this amendatory Act of the 96th General
19 Assembly, the Executive Ethics Commission, with the advice and
20 consent of the Senate shall appoint or approve 4 chief
21 procurement officers, one for each of the following
22 categories:

23 (1) for procurements for construction and
24 construction-related services committed by law to the
25 jurisdiction or responsibility of the Capital Development

1 Board;

2 (2) for procurements for all construction,
3 construction-related services, operation of any facility,
4 and the provision of any service or activity committed by
5 law to the jurisdiction or responsibility of the Illinois
6 Department of Transportation, including the direct or
7 reimbursable expenditure of all federal funds for which
8 the Department of Transportation is responsible or
9 accountable for the use thereof in accordance with federal
10 law, regulation, or procedure, the chief procurement
11 officer recommended for approval under this item appointed
12 by the Secretary of Transportation after consent by the
13 Executive Ethics Commission;

14 (3) for all procurements made by a public institution
15 of higher education; and

16 (4) for all other procurement needs of State agencies.

17 For fiscal year 2024, the Executive Ethics Commission
18 shall set aside from its appropriation those amounts necessary
19 for the use of the 4 chief procurement officers for the
20 ordinary and contingent expenses of their respective
21 procurement offices. From the amounts set aside by the
22 Commission, each chief procurement officer shall control the
23 internal operations of his or her procurement office and shall
24 procure the necessary equipment, materials, and services to
25 perform the duties of that office, including hiring necessary
26 procurement personnel, legal advisors and other employees, and

1 may establish, in the exercise of the chief procurement
2 officer's discretion, the compensation of the office's
3 employees, which includes the State purchasing officers and
4 any legal advisors. The Executive Ethics Commission shall have
5 no control over the employees of the chief procurement
6 officers. The Executive Ethics Commission shall provide
7 administrative support services, including payroll, for each
8 procurement office. A chief procurement officer shall be
9 ~~responsible to the Executive Ethics Commission but must be~~
10 ~~located within the agency that the officer provides with~~
11 ~~procurement services. The chief procurement officer for higher~~
12 ~~education shall have an office located within the Board of~~
13 ~~Higher Education, unless otherwise designated by the Executive~~
14 ~~Ethics Commission. The chief procurement officer for all other~~
15 ~~procurement needs of the State shall have an office located~~
16 ~~within the Department of Central Management Services, unless~~
17 ~~otherwise designated by the Executive Ethics Commission.~~

18 (b) Terms and independence. Each chief procurement officer
19 appointed under this Section shall serve for a term of 5 years
20 beginning on the date of the officer's appointment. The chief
21 procurement officer may be removed for cause after a hearing
22 by the Executive Ethics Commission. The Governor or the
23 director of a State agency directly responsible to the
24 Governor may institute a complaint against the officer by
25 filing such complaint with the Commission. The Commission
26 shall have a hearing based on the complaint. The officer and

1 the complainant shall receive reasonable notice of the hearing
2 and shall be permitted to present their respective arguments
3 on the complaint. After the hearing, the Commission shall make
4 a finding on the complaint and may take disciplinary action,
5 including but not limited to removal of the officer.

6 The salary of a chief procurement officer shall be
7 established by the Executive Ethics Commission and may not be
8 diminished during the officer's term. The salary may not
9 exceed the salary of the director of a State agency for which
10 the officer serves as chief procurement officer.

11 (c) Qualifications. In addition to any other requirement
12 or qualification required by State law, each chief procurement
13 officer must within 12 months of employment be a Certified
14 Professional Public Buyer or a Certified Public Purchasing
15 Officer, pursuant to certification by the Universal Public
16 Purchasing Certification Council, and must reside in Illinois.

17 (d) Fiduciary duty. Each chief procurement officer owes a
18 fiduciary duty to the State.

19 (e) Vacancy. In case of a vacancy in one or more of the
20 offices of a chief procurement officer under this Section
21 during the recess of the Senate, the Executive Ethics
22 Commission shall make a temporary appointment until the next
23 meeting of the Senate, when the Executive Ethics Commission
24 shall nominate some person to fill the office, and any person
25 so nominated who is confirmed by the Senate shall hold office
26 during the remainder of the term and until his or her successor

1 is appointed and qualified. If the Senate is not in session at
2 the time this amendatory Act of the 96th General Assembly
3 takes effect, the Executive Ethics Commission shall make a
4 temporary appointment as in the case of a vacancy.

5 (f) (Blank).

6 (g) (Blank).

7 (Source: P.A. 98-1076, eff. 1-1-15.)

8 Section 5-65. The Illinois Works Jobs Program Act is
9 amended by changing Section 20-15 as follows:

10 (30 ILCS 559/20-15)

11 Sec. 20-15. Illinois Works Preapprenticeship Program;
12 Illinois Works Bid Credit Program.

13 (a) The Illinois Works Preapprenticeship Program is
14 established and shall be administered by the Department. The
15 goal of the Illinois Works Preapprenticeship Program is to
16 create a network of community-based organizations throughout
17 the State that will recruit, prescreen, and provide
18 preapprenticeship skills training, for which participants may
19 attend free of charge and receive a stipend, to create a
20 qualified, diverse pipeline of workers who are prepared for
21 careers in the construction and building trades. Upon
22 completion of the Illinois Works Preapprenticeship Program,
23 the candidates will be skilled and work-ready.

24 (b) There is created the Illinois Works Fund, a special

1 fund in the State treasury. The Illinois Works Fund shall be
2 administered by the Department. The Illinois Works Fund shall
3 be used to provide funding for community-based organizations
4 throughout the State. In addition to any other transfers that
5 may be provided for by law, on and after July 1, 2019 at the
6 direction of the Director of the Governor's Office of
7 Management and Budget, the State Comptroller shall direct and
8 the State Treasurer shall transfer amounts not exceeding a
9 total of \$50,000,000 ~~\$25,000,000~~ from the Rebuild Illinois
10 Projects Fund to the Illinois Works Fund.

11 (c) Each community-based organization that receives
12 funding from the Illinois Works Fund shall provide an annual
13 report to the Illinois Works Review Panel by April 1 of each
14 calendar year. The annual report shall include the following
15 information:

16 (1) a description of the community-based
17 organization's recruitment, screening, and training
18 efforts;

19 (2) the number of individuals who apply to,
20 participate in, and complete the community-based
21 organization's program, broken down by race, gender, age,
22 and veteran status; and

23 (3) the number of the individuals referenced in item (2)
24 of this subsection who are initially accepted and placed
25 into apprenticeship programs in the construction and
26 building trades.

1 (d) The Department shall create and administer the
2 Illinois Works Bid Credit Program that shall provide economic
3 incentives, through bid credits, to encourage contractors and
4 subcontractors to provide contracting and employment
5 opportunities to historically underrepresented populations in
6 the construction industry.

7 The Illinois Works Bid Credit Program shall allow
8 contractors and subcontractors to earn bid credits for use
9 toward future bids for public works projects contracted by the
10 State or an agency of the State in order to increase the
11 chances that the contractor and the subcontractors will be
12 selected.

13 Contractors or subcontractors may be eligible for bid
14 credits for employing apprentices who have completed the
15 Illinois Works Preapprenticeship Program on public works
16 projects contracted by the State or any agency of the State.
17 Contractors or subcontractors shall earn bid credits at a rate
18 established by the Department and based on labor hours worked
19 on State-contracted public works projects by apprentices who
20 have completed the Illinois Works Preapprenticeship Program.
21 The Department shall establish the rate by rule and shall
22 publish it on the Department's website. The rule may include
23 maximum bid credits allowed per contractor, per subcontractor,
24 per apprentice, per bid, or per year.

25 The Illinois Works Credit Bank is hereby created and shall
26 be administered by the Department. The Illinois Works Credit

1 Bank shall track the bid credits.

2 A contractor or subcontractor who has been awarded bid
3 credits under any other State program for employing
4 apprentices who have completed the Illinois Works
5 Preapprenticeship Program is not eligible to receive bid
6 credits under the Illinois Works Bid Credit Program relating
7 to the same contract.

8 The Department shall report to the Illinois Works Review
9 Panel the following: (i) the number of bid credits awarded by
10 the Department; (ii) the number of bid credits submitted by
11 the contractor or subcontractor to the agency administering
12 the public works contract; and (iii) the number of bid credits
13 accepted by the agency for such contract. Any agency that
14 awards bid credits pursuant to the Illinois Works Credit Bank
15 Program shall report to the Department the number of bid
16 credits it accepted for the public works contract.

17 Upon a finding that a contractor or subcontractor has
18 reported falsified records to the Department in order to
19 fraudulently obtain bid credits, the Department may bar the
20 contractor or subcontractor from participating in the Illinois
21 Works Bid Credit Program and may suspend the contractor or
22 subcontractor from bidding on or participating in any public
23 works project. False or fraudulent claims for payment relating
24 to false bid credits may be subject to damages and penalties
25 under applicable law.

26 (e) The Department shall adopt any rules deemed necessary

1 to implement this Section. In order to provide for the
2 expeditious and timely implementation of this Act, the
3 Department may adopt emergency rules. The adoption of
4 emergency rules authorized by this subsection is deemed to be
5 necessary for the public interest, safety, and welfare.

6 (Source: P.A. 101-31, eff. 6-28-19; 101-601, eff. 12-10-19.)

7 Section 5-70. The Private Colleges and Universities
8 Capital Distribution Formula Act is amended by changing
9 Section 25-15 as follows:

10 (30 ILCS 769/25-15)

11 Sec. 25-15. Transfer of funds to another independent
12 college.

13 (a) If an institution received a grant under this Article
14 and subsequently fails to meet the definition of "independent
15 college", the remaining funds shall be re-distributed as
16 provided in Section 25-10 to those institutions that have an
17 active grant under this Article, unless the campus or
18 facilities for which the grant was given are subsequently
19 operated by another institution that qualifies as an
20 independent college under this Article.

21 (b) If the facilities of a former independent college are
22 operated by another entity that qualifies as an independent
23 college as provided in subsection (a) of this Section, then
24 the entire balance of the grant provided under this Article

1 remaining on the date the former independent college ceased
2 operations, including any amount that had been withheld after
3 the former independent college ceased operations, shall be
4 transferred to the successor independent college for the
5 purpose of the grant ~~operating those facilities~~ for the
6 duration of the grant.

7 (c) In the event that, on or before July 16, 2014 (the
8 effective date of Public Act 98-715) ~~this amendatory Act of~~
9 ~~the 98th General Assembly~~, the remaining funds have been
10 re-allocated or re-distributed to other independent colleges,
11 or the Illinois Board of Higher Education has planned for the
12 remaining funds to be re-allocated or re-distributed to other
13 independent colleges, before the 5-year period provided under
14 this Act for the utilization of funds has ended, any funds so
15 re-allocated or re-distributed shall be deducted from future
16 allocations to those other independent colleges and
17 re-allocated or re-distributed to the initial institution or
18 the successor entity operating the facilities of the original
19 institution if: (i) the institution that failed to meet the
20 definition of "independent college" once again meets the
21 definition of "independent college" before the 5-year period
22 has expired; or (ii) the facility or facilities of the former
23 independent college are operated by another entity that
24 qualifies as an independent college before the 5-year period
25 has expired.

26 (d) Notwithstanding subsection (a) of this Section, on or

1 after the effective date of the changes made to this Section by
2 this amendatory Act of the 103rd General Assembly, remaining
3 funds returned to the State by an institution that failed to
4 meet the definition of "independent college" and that received
5 a grant from appropriations enacted prior to June 28, 2019,
6 shall not be re-distributed. Any such funds shall instead be
7 added to the funds made available in the first grant cycle
8 under subsection (d) of Section 25-10 by the Board of Higher
9 Education following the effective date of the changes made to
10 this Section by this amendatory Act of the 103rd General
11 Assembly and shall be distributed pursuant to the formula as
12 provided in subsection (d) of Section 25-10.

13 (Source: P.A. 101-10, eff. 6-5-19.)

14 Section 5-75. The Illinois Income Tax Act is amended by
15 changing Section 901 as follows:

16 (35 ILCS 5/901)

17 Sec. 901. Collection authority.

18 (a) In general. The Department shall collect the taxes
19 imposed by this Act. The Department shall collect certified
20 past due child support amounts under Section 2505-650 of the
21 Department of Revenue Law of the Civil Administrative Code of
22 Illinois. Except as provided in subsections (b), (c), (e),
23 (f), (g), and (h) of this Section, money collected pursuant to
24 subsections (a) and (b) of Section 201 of this Act shall be

1 paid into the General Revenue Fund in the State treasury;
2 money collected pursuant to subsections (c) and (d) of Section
3 201 of this Act shall be paid into the Personal Property Tax
4 Replacement Fund, a special fund in the State Treasury; and
5 money collected under Section 2505-650 of the Department of
6 Revenue Law of the Civil Administrative Code of Illinois shall
7 be paid into the Child Support Enforcement Trust Fund, a
8 special fund outside the State Treasury, or to the State
9 Disbursement Unit established under Section 10-26 of the
10 Illinois Public Aid Code, as directed by the Department of
11 Healthcare and Family Services.

12 (b) Local Government Distributive Fund. Beginning August
13 1, 2017 and continuing through July 31, 2022, the Treasurer
14 shall transfer each month from the General Revenue Fund to the
15 Local Government Distributive Fund an amount equal to the sum
16 of: (i) 6.06% (10% of the ratio of the 3% individual income tax
17 rate prior to 2011 to the 4.95% individual income tax rate
18 after July 1, 2017) of the net revenue realized from the tax
19 imposed by subsections (a) and (b) of Section 201 of this Act
20 upon individuals, trusts, and estates during the preceding
21 month; (ii) 6.85% (10% of the ratio of the 4.8% corporate
22 income tax rate prior to 2011 to the 7% corporate income tax
23 rate after July 1, 2017) of the net revenue realized from the
24 tax imposed by subsections (a) and (b) of Section 201 of this
25 Act upon corporations during the preceding month; and (iii)
26 beginning February 1, 2022, 6.06% of the net revenue realized

1 from the tax imposed by subsection (p) of Section 201 of this
2 Act upon electing pass-through entities. Beginning August 1,
3 2022 and continuing through July 31, 2023, the Treasurer shall
4 transfer each month from the General Revenue Fund to the Local
5 Government Distributive Fund an amount equal to the sum of:
6 (i) 6.16% of the net revenue realized from the tax imposed by
7 subsections (a) and (b) of Section 201 of this Act upon
8 individuals, trusts, and estates during the preceding month;
9 (ii) 6.85% of the net revenue realized from the tax imposed by
10 subsections (a) and (b) of Section 201 of this Act upon
11 corporations during the preceding month; and (iii) 6.16% of
12 the net revenue realized from the tax imposed by subsection
13 (p) of Section 201 of this Act upon electing pass-through
14 entities. Beginning August 1, 2023, the Treasurer shall
15 transfer each month from the General Revenue Fund to the Local
16 Government Distributive Fund an amount equal to the sum of:
17 (i) 6.47% of the net revenue realized from the tax imposed by
18 subsections (a) and (b) of Section 201 of this Act upon
19 individuals, trusts, and estates during the preceding month;
20 (ii) 6.85% of the net revenue realized from the tax imposed by
21 subsections (a) and (b) of Section 201 of this Act upon
22 corporations during the preceding month; and (iii) 6.47% of
23 the net revenue realized from the tax imposed by subsection
24 (p) of Section 201 of this Act upon electing pass-through
25 entities. Net revenue realized for a month shall be defined as
26 the revenue from the tax imposed by subsections (a) and (b) of

1 Section 201 of this Act which is deposited into ~~in~~ the General
2 Revenue Fund, the Education Assistance Fund, the Income Tax
3 Surcharge Local Government Distributive Fund, the Fund for the
4 Advancement of Education, and the Commitment to Human Services
5 Fund during the month minus the amount paid out of the General
6 Revenue Fund in State warrants during that same month as
7 refunds to taxpayers for overpayment of liability under the
8 tax imposed by subsections (a) and (b) of Section 201 of this
9 Act.

10 Notwithstanding any provision of law to the contrary,
11 beginning on July 6, 2017 (the effective date of Public Act
12 100-23), those amounts required under this subsection (b) to
13 be transferred by the Treasurer into the Local Government
14 Distributive Fund from the General Revenue Fund shall be
15 directly deposited into the Local Government Distributive Fund
16 as the revenue is realized from the tax imposed by subsections
17 (a) and (b) of Section 201 of this Act.

18 (c) Deposits Into Income Tax Refund Fund.

19 (1) Beginning on January 1, 1989 and thereafter, the
20 Department shall deposit a percentage of the amounts
21 collected pursuant to subsections (a) and (b)(1), (2), and
22 (3) of Section 201 of this Act into a fund in the State
23 treasury known as the Income Tax Refund Fund. Beginning
24 with State fiscal year 1990 and for each fiscal year
25 thereafter, the percentage deposited into the Income Tax
26 Refund Fund during a fiscal year shall be the Annual

1 Percentage. For fiscal year 2011, the Annual Percentage
2 shall be 8.75%. For fiscal year 2012, the Annual
3 Percentage shall be 8.75%. For fiscal year 2013, the
4 Annual Percentage shall be 9.75%. For fiscal year 2014,
5 the Annual Percentage shall be 9.5%. For fiscal year 2015,
6 the Annual Percentage shall be 10%. For fiscal year 2018,
7 the Annual Percentage shall be 9.8%. For fiscal year 2019,
8 the Annual Percentage shall be 9.7%. For fiscal year 2020,
9 the Annual Percentage shall be 9.5%. For fiscal year 2021,
10 the Annual Percentage shall be 9%. For fiscal year 2022,
11 the Annual Percentage shall be 9.25%. For fiscal year
12 2023, the Annual Percentage shall be 9.25%. For fiscal
13 year 2024, the Annual Percentage shall be 9.15%. For all
14 other fiscal years, the Annual Percentage shall be
15 calculated as a fraction, the numerator of which shall be
16 the amount of refunds approved for payment by the
17 Department during the preceding fiscal year as a result of
18 overpayment of tax liability under subsections (a) and
19 (b) (1), (2), and (3) of Section 201 of this Act plus the
20 amount of such refunds remaining approved but unpaid at
21 the end of the preceding fiscal year, minus the amounts
22 transferred into the Income Tax Refund Fund from the
23 Tobacco Settlement Recovery Fund, and the denominator of
24 which shall be the amounts which will be collected
25 pursuant to subsections (a) and (b) (1), (2), and (3) of
26 Section 201 of this Act during the preceding fiscal year;

1 except that in State fiscal year 2002, the Annual
2 Percentage shall in no event exceed 7.6%. The Director of
3 Revenue shall certify the Annual Percentage to the
4 Comptroller on the last business day of the fiscal year
5 immediately preceding the fiscal year for which it is to
6 be effective.

7 (2) Beginning on January 1, 1989 and thereafter, the
8 Department shall deposit a percentage of the amounts
9 collected pursuant to subsections (a) and (b) (6), (7), and
10 (8), (c) and (d) of Section 201 of this Act into a fund in
11 the State treasury known as the Income Tax Refund Fund.
12 Beginning with State fiscal year 1990 and for each fiscal
13 year thereafter, the percentage deposited into the Income
14 Tax Refund Fund during a fiscal year shall be the Annual
15 Percentage. For fiscal year 2011, the Annual Percentage
16 shall be 17.5%. For fiscal year 2012, the Annual
17 Percentage shall be 17.5%. For fiscal year 2013, the
18 Annual Percentage shall be 14%. For fiscal year 2014, the
19 Annual Percentage shall be 13.4%. For fiscal year 2015,
20 the Annual Percentage shall be 14%. For fiscal year 2018,
21 the Annual Percentage shall be 17.5%. For fiscal year
22 2019, the Annual Percentage shall be 15.5%. For fiscal
23 year 2020, the Annual Percentage shall be 14.25%. For
24 fiscal year 2021, the Annual Percentage shall be 14%. For
25 fiscal year 2022, the Annual Percentage shall be 15%. For
26 fiscal year 2023, the Annual Percentage shall be 14.5%.

1 For fiscal year 2024, the Annual Percentage shall be 14%.

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

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

24 (d) Expenditures from Income Tax Refund Fund.

25 (1) Beginning January 1, 1989, money in the Income Tax
26 Refund Fund shall be expended exclusively for the purpose

1 of paying refunds resulting from overpayment of tax
2 liability under Section 201 of this Act and for making
3 transfers pursuant to this subsection (d), except that in
4 State fiscal years 2022 and 2023, moneys in the Income Tax
5 Refund Fund shall also be used to pay one-time rebate
6 payments as provided under Sections 208.5 and 212.1.

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

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

26 (4) As soon as possible after the end of each fiscal

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

12 (4.5) As soon as possible after the end of fiscal year
13 1999 and of each fiscal year thereafter, the Director
14 shall order transferred and the State Treasurer and State
15 Comptroller shall transfer from the Income Tax Refund Fund
16 to the General Revenue Fund any surplus remaining in the
17 Income Tax Refund Fund as of the end of such fiscal year;
18 excluding for fiscal years 2000, 2001, and 2002 amounts
19 attributable to transfers under item (3) of subsection (c)
20 less refunds resulting from the earned income tax credit,
21 and excluding for fiscal year 2022 amounts attributable to
22 transfers from the General Revenue Fund authorized by
23 Public Act 102-700 ~~this amendatory Act of the 102nd~~
24 ~~General Assembly.~~

25 (5) This Act shall constitute an irrevocable and
26 continuing appropriation from the Income Tax Refund Fund

1 for the purposes of (i) paying refunds upon the order of
2 the Director in accordance with the provisions of this
3 Section and (ii) paying one-time rebate payments under
4 Sections 208.5 and 212.1.

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

1 Local Government Distributive Fund in the State Treasury.

2 (f) Deposits into the Fund for the Advancement of
3 Education. Beginning February 1, 2015, the Department shall
4 deposit the following portions of the revenue realized from
5 the tax imposed upon individuals, trusts, and estates by
6 subsections (a) and (b) of Section 201 of this Act, minus
7 deposits into the Income Tax Refund Fund, into the Fund for the
8 Advancement of Education:

9 (1) beginning February 1, 2015, and prior to February
10 1, 2025, 1/30; and

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

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

17 (g) Deposits into the Commitment to Human Services Fund.
18 Beginning February 1, 2015, the Department shall deposit the
19 following portions of the revenue realized from the tax
20 imposed upon individuals, trusts, and estates by subsections
21 (a) and (b) of Section 201 of this Act, minus deposits into the
22 Income Tax Refund Fund, into the Commitment to Human Services
23 Fund:

24 (1) beginning February 1, 2015, and prior to February
25 1, 2025, 1/30; and

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

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

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

18 (Source: P.A. 101-8, see Section 99 for effective date;
19 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.
20 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,
21 eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff. 4-19-22;
22 102-813, eff. 5-13-22; revised 8-2-22.)

23 Section 5-80. The Hotel Operators' Occupation Tax Act is
24 amended by changing Section 6 as follows:

1 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

2 Sec. 6. Filing of returns and distribution of revenue
3 ~~proceeds~~. Except as provided hereinafter in this Section, on
4 or before the last day of each calendar month, every person
5 engaged in the business of renting, leasing or letting rooms
6 in a hotel in this State during the preceding calendar month
7 shall file a return with the Department, stating:

8 1. The name of the operator;

9 2. His residence address and the address of his
10 principal place of business and the address of the
11 principal place of business (if that is a different
12 address) from which he engages in the business of renting,
13 leasing or letting rooms in a hotel in this State;

14 3. Total amount of rental receipts received by him
15 during the preceding calendar month from renting, leasing
16 or letting rooms during such preceding calendar month;

17 4. Total amount of rental receipts received by him
18 during the preceding calendar month from renting, leasing
19 or letting rooms to permanent residents during such
20 preceding calendar month;

21 5. Total amount of other exclusions from gross rental
22 receipts allowed by this Act;

23 6. Gross rental receipts which were received by him
24 during the preceding calendar month and upon the basis of
25 which the tax is imposed;

26 7. The amount of tax due;

1 8. Such other reasonable information as the Department
2 may require.

3 If the operator's average monthly tax liability to the
4 Department does not exceed \$200, the Department may authorize
5 his returns to be filed on a quarter annual basis, with the
6 return for January, February and March of a given year being
7 due by April 30 of such year; with the return for April, May
8 and June of a given year being due by July 31 of such year;
9 with the return for July, August and September of a given year
10 being due by October 31 of such year, and with the return for
11 October, November and December of a given year being due by
12 January 31 of the following year.

13 If the operator's average monthly tax liability to the
14 Department does not exceed \$50, the Department may authorize
15 his returns to be filed on an annual basis, with the return for
16 a given year being due by January 31 of the following year.

17 Such quarter annual and annual returns, as to form and
18 substance, shall be subject to the same requirements as
19 monthly returns.

20 Notwithstanding any other provision in this Act concerning
21 the time within which an operator may file his return, in the
22 case of any operator who ceases to engage in a kind of business
23 which makes him responsible for filing returns under this Act,
24 such operator shall file a final return under this Act with the
25 Department not more than 1 month after discontinuing such
26 business.

1 Where the same person has more than 1 business registered
2 with the Department under separate registrations under this
3 Act, such person shall not file each return that is due as a
4 single return covering all such registered businesses, but
5 shall file separate returns for each such registered business.

6 In his return, the operator shall determine the value of
7 any consideration other than money received by him in
8 connection with the renting, leasing or letting of rooms in
9 the course of his business and he shall include such value in
10 his return. Such determination shall be subject to review and
11 revision by the Department in the manner hereinafter provided
12 for the correction of returns.

13 Where the operator is a corporation, the return filed on
14 behalf of such corporation shall be signed by the president,
15 vice-president, secretary or treasurer or by the properly
16 accredited agent of such corporation.

17 The person filing the return herein provided for shall, at
18 the time of filing such return, pay to the Department the
19 amount of tax herein imposed. The operator filing the return
20 under this Section shall, at the time of filing such return,
21 pay to the Department the amount of tax imposed by this Act
22 less a discount of 2.1% or \$25 per calendar year, whichever is
23 greater, which is allowed to reimburse the operator for the
24 expenses incurred in keeping records, preparing and filing
25 returns, remitting the tax and supplying data to the
26 Department on request.

1 If any payment provided for in this Section exceeds the
2 operator's liabilities under this Act, as shown on an original
3 return, the Department may authorize the operator to credit
4 such excess payment against liability subsequently to be
5 remitted to the Department under this Act, in accordance with
6 reasonable rules adopted by the Department. If the Department
7 subsequently determines that all or any part of the credit
8 taken was not actually due to the operator, the operator's
9 discount shall be reduced by an amount equal to the difference
10 between the discount as applied to the credit taken and that
11 actually due, and that operator shall be liable for penalties
12 and interest on such difference.

13 There shall be deposited into ~~in~~ the Build Illinois Fund
14 in the State Treasury for each State fiscal year 40% of the
15 amount of total net revenue ~~proceeds~~ from the tax imposed by
16 subsection (a) of Section 3. Of the remaining 60%: (i)
17 \$5,000,000 shall be deposited into ~~in~~ the Illinois Sports
18 Facilities Fund and credited to the Subsidy Account each
19 fiscal year by making monthly deposits in the amount of 1/8 of
20 \$5,000,000 plus cumulative deficiencies in such deposits for
21 prior months, and (ii) an amount equal to the then applicable
22 Advance Amount ~~additional \$8,000,000~~ shall be deposited into
23 ~~in~~ the Illinois Sports Facilities Fund and credited to the
24 Advance Account each fiscal year by making monthly deposits in
25 the amount of 1/8 of the then applicable Advance Amount
26 ~~\$8,000,000~~ plus any cumulative deficiencies in such deposits

1 for prior months; ~~provided, that for fiscal years ending after~~
2 ~~June 30, 2001, the amount to be so deposited into the Illinois~~
3 ~~Sports Facilities Fund and credited to the Advance Account~~
4 ~~each fiscal year shall be increased from \$8,000,000 to the~~
5 ~~then applicable Advance Amount and the required monthly~~
6 ~~deposits beginning with July 2001 shall be in the amount of 1/8~~
7 ~~of the then applicable Advance Amount plus any cumulative~~
8 ~~deficiencies in those deposits for prior months. (The deposits~~
9 ~~of the additional \$8,000,000 or the then applicable Advance~~
10 ~~Amount, as applicable, during each fiscal year shall be~~
11 ~~treated as advances of funds to the Illinois Sports Facilities~~
12 ~~Authority for its corporate purposes to the extent paid to the~~
13 ~~Authority or its trustee and shall be repaid into the General~~
14 ~~Revenue Fund in the State Treasury by the State Treasurer on~~
15 ~~behalf of the Authority pursuant to Section 19 of the Illinois~~
16 ~~Sports Facilities Authority Act, as amended. If in any fiscal~~
17 ~~year the full amount of the then applicable Advance Amount is~~
18 ~~not repaid into the General Revenue Fund, then the deficiency~~
19 ~~shall be paid from the amount in the Local Government~~
20 ~~Distributive Fund that would otherwise be allocated to the~~
21 ~~City of Chicago under the State Revenue Sharing Act.)~~

22 For purposes of the foregoing paragraph, the term "Advance
23 Amount" means, for fiscal year 2002, \$22,179,000, and for
24 subsequent fiscal years through fiscal year 2033, 105.615% of
25 the Advance Amount for the immediately preceding fiscal year,
26 rounded up to the nearest \$1,000.

1 ~~Of the remaining 60% of the amount of total net proceeds~~
2 ~~prior to August 1, 2011 from the tax imposed by subsection (a)~~
3 ~~of Section 3 after all required deposits in the Illinois~~
4 ~~Sports Facilities Fund, the amount equal to 8% of the net~~
5 ~~revenue realized from this Act plus an amount equal to 8% of~~
6 ~~the net revenue realized from any tax imposed under Section~~
7 ~~4.05 of the Chicago World's Fair 1992 Authority Act during the~~
8 ~~preceding month shall be deposited in the Local Tourism Fund~~
9 ~~each month for purposes authorized by Section 605-705 of the~~
10 ~~Department of Commerce and Economic Opportunity Law (20 ILCS~~
11 ~~605/605-705).~~ Of the remaining 60% of the amount of total net
12 revenue proceeds beginning on August 1, 2011 through June 30,
13 2023, from the tax imposed by subsection (a) of Section 3 after
14 all required deposits into ~~in~~ the Illinois Sports Facilities
15 Fund, an amount equal to 8% of the net revenue realized from
16 this Act ~~plus an amount equal to 8% of the net revenue realized~~
17 ~~from any tax imposed under Section 4.05 of the Chicago World's~~
18 ~~Fair 1992 Authority Act~~ during the preceding month shall be
19 deposited as follows: 18% of such amount shall be deposited
20 into the Chicago Travel Industry Promotion Fund for the
21 purposes described in subsection (n) of Section 5 of the
22 Metropolitan Pier and Exposition Authority Act and the
23 remaining 82% of such amount shall be deposited into the Local
24 Tourism Fund each month for purposes authorized by Section
25 605-705 of the Department of Commerce and Economic Opportunity
26 Law. ~~Beginning on August 1, 1999 and ending on July 31, 2011,~~

1 ~~an amount equal to 4.5% of the net revenue realized from the~~
2 ~~Hotel Operators' Occupation Tax Act during the preceding month~~
3 ~~shall be deposited into the International Tourism Fund for the~~
4 ~~purposes authorized in Section 605-707 of the Department of~~
5 ~~Commerce and Economic Opportunity Law.~~ Beginning on August 1,
6 2011 and through June 30, 2023, an amount equal to 4.5% of the
7 net revenue realized from this Act during the preceding month
8 shall be deposited as follows: 55% of such amount shall be
9 deposited into the Chicago Travel Industry Promotion Fund for
10 the purposes described in subsection (n) of Section 5 of the
11 Metropolitan Pier and Exposition Authority Act and the
12 remaining 45% of such amount deposited into the International
13 Tourism Fund for the purposes authorized in Section 605-707 of
14 the Department of Commerce and Economic Opportunity Law. "Net
15 revenue realized ~~for a month~~" means the revenue collected by
16 the State under this ~~that~~ Act ~~during the previous month~~ less
17 the amount paid out ~~during that same month~~ as refunds to
18 taxpayers for overpayment of liability under this ~~that~~ Act.

19 Beginning on July 1, 2023, of the remaining 60% of the
20 amount of total net revenue realized from the tax imposed
21 under subsection (a) of Section 3, after all required deposits
22 into the Illinois Sports Facilities Fund:

23 (1) an amount equal to 8% of the net revenue realized
24 under this Act for the preceding month shall be deposited
25 as follows: 82% to the Local Tourism Fund and 18% to the
26 Chicago Travel Industry Promotion Fund; and

1 (2) an amount equal to 4.5% of the net revenue
2 realized under this Act for the preceding month shall be
3 deposited as follows: 55% to the Chicago Travel Industry
4 Promotion Fund and 45% to the International Tourism Fund.

5 After making all these deposits, any remaining net revenue
6 realized from ~~all other proceeds of~~ the tax imposed under
7 subsection (a) of Section 3 shall be deposited into ~~in~~ the
8 Tourism Promotion Fund in the State Treasury. All moneys
9 received by the Department from the additional tax imposed
10 under subsection (b) of Section 3 shall be deposited into the
11 Build Illinois Fund in the State Treasury.

12 The Department may, upon separate written notice to a
13 taxpayer, require the taxpayer to prepare and file with the
14 Department on a form prescribed by the Department within not
15 less than 60 days after receipt of the notice an annual
16 information return for the tax year specified in the notice.
17 Such annual return to the Department shall include a statement
18 of gross receipts as shown by the operator's last State income
19 tax return. If the total receipts of the business as reported
20 in the State income tax return do not agree with the gross
21 receipts reported to the Department for the same period, the
22 operator shall attach to his annual information return a
23 schedule showing a reconciliation of the 2 amounts and the
24 reasons for the difference. The operator's annual information
25 return to the Department shall also disclose payroll ~~pay-roll~~
26 information of the operator's business during the year covered

1 by such return and any additional reasonable information which
2 the Department deems would be helpful in determining the
3 accuracy of the monthly, quarterly or annual tax returns by
4 such operator as hereinbefore provided for in this Section.

5 If the annual information return required by this Section
6 is not filed when and as required the taxpayer shall be liable
7 for a penalty in an amount determined in accordance with
8 Section 3-4 of the Uniform Penalty and Interest Act until such
9 return is filed as required, the penalty to be assessed and
10 collected in the same manner as any other penalty provided for
11 in this Act.

12 The chief executive officer, proprietor, owner or highest
13 ranking manager shall sign the annual return to certify the
14 accuracy of the information contained therein. Any person who
15 willfully signs the annual return containing false or
16 inaccurate information shall be guilty of perjury and punished
17 accordingly. The annual return form prescribed by the
18 Department shall include a warning that the person signing the
19 return may be liable for perjury.

20 The foregoing portion of this Section concerning the
21 filing of an annual information return shall not apply to an
22 operator who is not required to file an income tax return with
23 the United States Government.

24 (Source: P.A. 102-16, eff. 6-17-21.)

25 Section 5-85. The Motor Fuel Tax Law is amended by

1 changing Section 8 as follows:

2 (35 ILCS 505/8) (from Ch. 120, par. 424)

3 Sec. 8. Distribution of proceeds of tax. Except as
4 provided in subsection (a-1) of this Section, Section 8a,
5 subdivision (h)(1) of Section 12a, Section 13a.6, and items
6 13, 14, 15, and 16 of Section 15, all money received by the
7 Department under this Act, including payments made to the
8 Department by member jurisdictions participating in the
9 International Fuel Tax Agreement, shall be deposited into ~~in~~ a
10 special fund in the State treasury, to be known as the "Motor
11 Fuel Tax Fund", and shall be used as follows:

12 (a) 2 1/2 cents per gallon of the tax collected on special
13 fuel under paragraph (b) of Section 2 and Section 13a of this
14 Act shall be transferred to the State Construction Account
15 Fund in the State Treasury; the remainder of the tax collected
16 on special fuel under paragraph (b) of Section 2 and Section
17 13a of this Act shall be deposited into the Road Fund;

18 (a-1) Beginning on July 1, 2019, an amount equal to the
19 amount of tax collected under subsection (a) of Section 2 and
20 Section 13a as a result of the increase in the tax rate under
21 subsection (a) of Section 2 authorized by Public Act 101-32
22 shall be deposited ~~transferred~~ each month into the
23 Transportation Renewal Fund; provided, however, that the
24 amount that represents the part (b) portion of the rate under
25 Section 13a shall be deposited each month into the Motor Fuel

1 Tax Fund and the Transportation Renewal Fund in the same
2 proportion as the amount collected under subsection (a) of
3 Section 2;

4 (b) \$420,000 shall be transferred each month to the State
5 Boating Act Fund to be used by the Department of Natural
6 Resources for the purposes specified in Article X of the Boat
7 Registration and Safety Act;

8 (c) \$3,500,000 shall be transferred each month to the
9 Grade Crossing Protection Fund to be used as follows: not less
10 than \$12,000,000 each fiscal year shall be used for the
11 construction or reconstruction of rail highway grade
12 separation structures; \$5,500,000 in fiscal year 2022 and each
13 fiscal year thereafter shall be transferred to the
14 Transportation Regulatory Fund and shall be used to pay the
15 cost of administration of the Illinois Commerce Commission's
16 railroad safety program in connection with its duties under
17 subsection (3) of Section 18c-7401 of the Illinois Vehicle
18 Code, with the remainder to be used by the Department of
19 Transportation upon order of the Illinois Commerce Commission,
20 to pay that part of the cost apportioned by such Commission to
21 the State to cover the interest of the public in the use of
22 highways, roads, streets, or pedestrian walkways in the county
23 highway system, township and district road system, or
24 municipal street system as defined in the Illinois Highway
25 Code, as the same may from time to time be amended, for
26 separation of grades, for installation, construction or

1 reconstruction of crossing protection or reconstruction,
2 alteration, relocation including construction or improvement
3 of any existing highway necessary for access to property or
4 improvement of any grade crossing and grade crossing surface
5 including the necessary highway approaches thereto of any
6 railroad across the highway or public road, or for the
7 installation, construction, reconstruction, or maintenance of
8 safety treatments to deter trespassing or a pedestrian walkway
9 over or under a railroad right-of-way, as provided for in and
10 in accordance with Section 18c-7401 of the Illinois Vehicle
11 Code. The Commission may order up to \$2,000,000 per year in
12 Grade Crossing Protection Fund moneys for the improvement of
13 grade crossing surfaces and up to \$300,000 per year for the
14 maintenance and renewal of 4-quadrant gate vehicle detection
15 systems located at non-high speed rail grade crossings. In
16 entering orders for projects for which payments from the Grade
17 Crossing Protection Fund will be made, the Commission shall
18 account for expenditures authorized by the orders on a cash
19 rather than an accrual basis. For purposes of this requirement
20 an "accrual basis" assumes that the total cost of the project
21 is expended in the fiscal year in which the order is entered,
22 while a "cash basis" allocates the cost of the project among
23 fiscal years as expenditures are actually made. To meet the
24 requirements of this subsection, the Illinois Commerce
25 Commission shall develop annual and 5-year project plans of
26 rail crossing capital improvements that will be paid for with

1 moneys from the Grade Crossing Protection Fund. The annual
2 project plan shall identify projects for the succeeding fiscal
3 year and the 5-year project plan shall identify projects for
4 the 5 directly succeeding fiscal years. The Commission shall
5 submit the annual and 5-year project plans for this Fund to the
6 Governor, the President of the Senate, the Senate Minority
7 Leader, the Speaker of the House of Representatives, and the
8 Minority Leader of the House of Representatives on the first
9 Wednesday in April of each year;

10 (d) of the amount remaining after allocations provided for
11 in subsections (a), (a-1), (b), and (c), a sufficient amount
12 shall be reserved to pay all of the following:

13 (1) the costs of the Department of Revenue in
14 administering this Act;

15 (2) the costs of the Department of Transportation in
16 performing its duties imposed by the Illinois Highway Code
17 for supervising the use of motor fuel tax funds
18 apportioned to municipalities, counties and road
19 districts;

20 (3) refunds provided for in Section 13, refunds for
21 overpayment of decal fees paid under Section 13a.4 of this
22 Act, and refunds provided for under the terms of the
23 International Fuel Tax Agreement referenced in Section
24 14a;

25 (4) from October 1, 1985 until June 30, 1994, the
26 administration of the Vehicle Emissions Inspection Law,

1 which amount shall be certified monthly by the
2 Environmental Protection Agency to the State Comptroller
3 and shall promptly be transferred by the State Comptroller
4 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
5 Inspection Fund, and for the period July 1, 1994 through
6 June 30, 2000, one-twelfth of \$25,000,000 each month, for
7 the period July 1, 2000 through June 30, 2003, one-twelfth
8 of \$30,000,000 each month, and \$15,000,000 on July 1,
9 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000
10 on each July 1 and October 1, or as soon thereafter as may
11 be practical, during the period July 1, 2004 through June
12 30, 2012, and \$30,000,000 on June 1, 2013, or as soon
13 thereafter as may be practical, and \$15,000,000 on July 1
14 and October 1, or as soon thereafter as may be practical,
15 during the period of July 1, 2013 through June 30, 2015,
16 for the administration of the Vehicle Emissions Inspection
17 Law of 2005, to be transferred by the State Comptroller
18 and Treasurer from the Motor Fuel Tax Fund into the
19 Vehicle Inspection Fund;

20 (4.5) beginning on July 1, 2019, the costs of the
21 Environmental Protection Agency for the administration of
22 the Vehicle Emissions Inspection Law of 2005 shall be
23 paid, subject to appropriation, from the Motor Fuel Tax
24 Fund into the Vehicle Inspection Fund; beginning in 2019,
25 no later than December 31 of each year, or as soon
26 thereafter as practical, the State Comptroller shall

1 direct and the State Treasurer shall transfer from the
2 Vehicle Inspection Fund to the Motor Fuel Tax Fund any
3 balance remaining in the Vehicle Inspection Fund in excess
4 of \$2,000,000;

5 (5) amounts ordered paid by the Court of Claims; and

6 (6) payment of motor fuel use taxes due to member
7 jurisdictions under the terms of the International Fuel
8 Tax Agreement. The Department shall certify these amounts
9 to the Comptroller by the 15th day of each month; the
10 Comptroller shall cause orders to be drawn for such
11 amounts, and the Treasurer shall administer those amounts
12 on or before the last day of each month;

13 (e) after allocations for the purposes set forth in
14 subsections (a), (a-1), (b), (c), and (d), the remaining
15 amount shall be apportioned as follows:

16 (1) Until January 1, 2000, 58.4%, and beginning
17 January 1, 2000, 45.6% shall be deposited as follows:

18 (A) 37% into the State Construction Account Fund,
19 and

20 (B) 63% into the Road Fund, \$1,250,000 of which
21 shall be reserved each month for the Department of
22 Transportation to be used in accordance with the
23 provisions of Sections 6-901 through 6-906 of the
24 Illinois Highway Code;

25 (2) Until January 1, 2000, 41.6%, and beginning
26 January 1, 2000, 54.4% shall be transferred to the

1 Department of Transportation to be distributed as follows:

2 (A) 49.10% to the municipalities of the State,

3 (B) 16.74% to the counties of the State having
4 1,000,000 or more inhabitants,

5 (C) 18.27% to the counties of the State having
6 less than 1,000,000 inhabitants,

7 (D) 15.89% to the road districts of the State.

8 If a township is dissolved under Article 24 of the
9 Township Code, McHenry County shall receive any moneys
10 that would have been distributed to the township under
11 this subparagraph, except that a municipality that assumes
12 the powers and responsibilities of a road district under
13 paragraph (6) of Section 24-35 of the Township Code shall
14 receive any moneys that would have been distributed to the
15 township in a percent equal to the area of the dissolved
16 road district or portion of the dissolved road district
17 over which the municipality assumed the powers and
18 responsibilities compared to the total area of the
19 dissolved township. The moneys received under this
20 subparagraph shall be used in the geographic area of the
21 dissolved township. If a township is reconstituted as
22 provided under Section 24-45 of the Township Code, McHenry
23 County or a municipality shall no longer be distributed
24 moneys under this subparagraph.

25 As soon as may be after the first day of each month, the
26 Department of Transportation shall allot to each municipality

1 its share of the amount apportioned to the several
2 municipalities which shall be in proportion to the population
3 of such municipalities as determined by the last preceding
4 municipal census if conducted by the Federal Government or
5 Federal census. If territory is annexed to any municipality
6 subsequent to the time of the last preceding census the
7 corporate authorities of such municipality may cause a census
8 to be taken of such annexed territory and the population so
9 ascertained for such territory shall be added to the
10 population of the municipality as determined by the last
11 preceding census for the purpose of determining the allotment
12 for that municipality. If the population of any municipality
13 was not determined by the last Federal census preceding any
14 apportionment, the apportionment to such municipality shall be
15 in accordance with any census taken by such municipality. Any
16 municipal census used in accordance with this Section shall be
17 certified to the Department of Transportation by the clerk of
18 such municipality, and the accuracy thereof shall be subject
19 to approval of the Department which may make such corrections
20 as it ascertains to be necessary.

21 As soon as may be after the first day of each month, the
22 Department of Transportation shall allot to each county its
23 share of the amount apportioned to the several counties of the
24 State as herein provided. Each allotment to the several
25 counties having less than 1,000,000 inhabitants shall be in
26 proportion to the amount of motor vehicle license fees

1 received from the residents of such counties, respectively,
2 during the preceding calendar year. The Secretary of State
3 shall, on or before April 15 of each year, transmit to the
4 Department of Transportation a full and complete report
5 showing the amount of motor vehicle license fees received from
6 the residents of each county, respectively, during the
7 preceding calendar year. The Department of Transportation
8 shall, each month, use for allotment purposes the last such
9 report received from the Secretary of State.

10 As soon as may be after the first day of each month, the
11 Department of Transportation shall allot to the several
12 counties their share of the amount apportioned for the use of
13 road districts. The allotment shall be apportioned among the
14 several counties in the State in the proportion which the
15 total mileage of township or district roads in the respective
16 counties bears to the total mileage of all township and
17 district roads in the State. Funds allotted to the respective
18 counties for the use of road districts therein shall be
19 allocated to the several road districts in the county in the
20 proportion which the total mileage of such township or
21 district roads in the respective road districts bears to the
22 total mileage of all such township or district roads in the
23 county. After July 1 of any year prior to 2011, no allocation
24 shall be made for any road district unless it levied a tax for
25 road and bridge purposes in an amount which will require the
26 extension of such tax against the taxable property in any such

1 road district at a rate of not less than either .08% of the
2 value thereof, based upon the assessment for the year
3 immediately prior to the year in which such tax was levied and
4 as equalized by the Department of Revenue or, in DuPage
5 County, an amount equal to or greater than \$12,000 per mile of
6 road under the jurisdiction of the road district, whichever is
7 less. Beginning July 1, 2011 and each July 1 thereafter, an
8 allocation shall be made for any road district if it levied a
9 tax for road and bridge purposes. In counties other than
10 DuPage County, if the amount of the tax levy requires the
11 extension of the tax against the taxable property in the road
12 district at a rate that is less than 0.08% of the value
13 thereof, based upon the assessment for the year immediately
14 prior to the year in which the tax was levied and as equalized
15 by the Department of Revenue, then the amount of the
16 allocation for that road district shall be a percentage of the
17 maximum allocation equal to the percentage obtained by
18 dividing the rate extended by the district by 0.08%. In DuPage
19 County, if the amount of the tax levy requires the extension of
20 the tax against the taxable property in the road district at a
21 rate that is less than the lesser of (i) 0.08% of the value of
22 the taxable property in the road district, based upon the
23 assessment for the year immediately prior to the year in which
24 such tax was levied and as equalized by the Department of
25 Revenue, or (ii) a rate that will yield an amount equal to
26 \$12,000 per mile of road under the jurisdiction of the road

1 district, then the amount of the allocation for the road
2 district shall be a percentage of the maximum allocation equal
3 to the percentage obtained by dividing the rate extended by
4 the district by the lesser of (i) 0.08% or (ii) the rate that
5 will yield an amount equal to \$12,000 per mile of road under
6 the jurisdiction of the road district.

7 Prior to 2011, if any road district has levied a special
8 tax for road purposes pursuant to Sections 6-601, 6-602, and
9 6-603 of the Illinois Highway Code, and such tax was levied in
10 an amount which would require extension at a rate of not less
11 than .08% of the value of the taxable property thereof, as
12 equalized or assessed by the Department of Revenue, or, in
13 DuPage County, an amount equal to or greater than \$12,000 per
14 mile of road under the jurisdiction of the road district,
15 whichever is less, such levy shall, however, be deemed a
16 proper compliance with this Section and shall qualify such
17 road district for an allotment under this Section. Beginning
18 in 2011 and thereafter, if any road district has levied a
19 special tax for road purposes under Sections 6-601, 6-602, and
20 6-603 of the Illinois Highway Code, and the tax was levied in
21 an amount that would require extension at a rate of not less
22 than 0.08% of the value of the taxable property of that road
23 district, as equalized or assessed by the Department of
24 Revenue or, in DuPage County, an amount equal to or greater
25 than \$12,000 per mile of road under the jurisdiction of the
26 road district, whichever is less, that levy shall be deemed a

1 proper compliance with this Section and shall qualify such
2 road district for a full, rather than proportionate, allotment
3 under this Section. If the levy for the special tax is less
4 than 0.08% of the value of the taxable property, or, in DuPage
5 County if the levy for the special tax is less than the lesser
6 of (i) 0.08% or (ii) \$12,000 per mile of road under the
7 jurisdiction of the road district, and if the levy for the
8 special tax is more than any other levy for road and bridge
9 purposes, then the levy for the special tax qualifies the road
10 district for a proportionate, rather than full, allotment
11 under this Section. If the levy for the special tax is equal to
12 or less than any other levy for road and bridge purposes, then
13 any allotment under this Section shall be determined by the
14 other levy for road and bridge purposes.

15 Prior to 2011, if a township has transferred to the road
16 and bridge fund money which, when added to the amount of any
17 tax levy of the road district would be the equivalent of a tax
18 levy requiring extension at a rate of at least .08%, or, in
19 DuPage County, an amount equal to or greater than \$12,000 per
20 mile of road under the jurisdiction of the road district,
21 whichever is less, such transfer, together with any such tax
22 levy, shall be deemed a proper compliance with this Section
23 and shall qualify the road district for an allotment under
24 this Section.

25 In counties in which a property tax extension limitation
26 is imposed under the Property Tax Extension Limitation Law,

1 road districts may retain their entitlement to a motor fuel
2 tax allotment or, beginning in 2011, their entitlement to a
3 full allotment if, at the time the property tax extension
4 limitation was imposed, the road district was levying a road
5 and bridge tax at a rate sufficient to entitle it to a motor
6 fuel tax allotment and continues to levy the maximum allowable
7 amount after the imposition of the property tax extension
8 limitation. Any road district may in all circumstances retain
9 its entitlement to a motor fuel tax allotment or, beginning in
10 2011, its entitlement to a full allotment if it levied a road
11 and bridge tax in an amount that will require the extension of
12 the tax against the taxable property in the road district at a
13 rate of not less than 0.08% of the assessed value of the
14 property, based upon the assessment for the year immediately
15 preceding the year in which the tax was levied and as equalized
16 by the Department of Revenue or, in DuPage County, an amount
17 equal to or greater than \$12,000 per mile of road under the
18 jurisdiction of the road district, whichever is less.

19 As used in this Section, the term "road district" means
20 any road district, including a county unit road district,
21 provided for by the Illinois Highway Code; and the term
22 "township or district road" means any road in the township and
23 district road system as defined in the Illinois Highway Code.
24 For the purposes of this Section, "township or district road"
25 also includes such roads as are maintained by park districts,
26 forest preserve districts and conservation districts. The

1 Department of Transportation shall determine the mileage of
2 all township and district roads for the purposes of making
3 allotments and allocations of motor fuel tax funds for use in
4 road districts.

5 Payment of motor fuel tax moneys to municipalities and
6 counties shall be made as soon as possible after the allotment
7 is made. The treasurer of the municipality or county may
8 invest these funds until their use is required and the
9 interest earned by these investments shall be limited to the
10 same uses as the principal funds.

11 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
12 101-493, eff. 8-23-19; 102-16, eff. 6-17-21; 102-558, eff.
13 8-20-21; 102-699, eff. 4-19-22.)

14 Section 5-87. The Illinois Pension Code is amended by
15 changing Sections 1A-112, 2-121.1, and 16-132 and by adding
16 Sections 2-105.3 and 2-105.4 as follows:

17 (40 ILCS 5/1A-112)

18 Sec. 1A-112. Fees.

19 (a) Every pension fund that is required to file an annual
20 statement under Section 1A-109 shall pay to the Department an
21 annual compliance fee. In the case of a pension fund under
22 Article 3 or 4 of this Code, (i) prior to the conclusion of the
23 transition period, the annual compliance fee shall be 0.02% (2
24 basis points) of the total assets of the pension fund, as

1 reported in the most current annual statement of the fund, but
2 not more than \$8,000 and (ii) after the conclusion of the
3 transition period, the annual compliance fee shall be \$8,000
4 and shall be paid by the Consolidated Fund. In the case of all
5 other pension funds and retirement systems, the annual
6 compliance fee shall be \$8,000. Effective July 1, 2023, each
7 pension fund established under Article 3 or 4 of this Code
8 shall pay an annual compliance fee of at least 0.02% but not
9 more than 0.05% of the total assets of the pension fund, as
10 reported in the most current annual statement of the fund, to
11 the Department of Insurance unless the appropriate
12 Consolidated Fund agrees to conduct an audit or examination of
13 all pension funds as provided in Section 1A-104. The
14 Department shall have the discretion to set the annual
15 compliance fee to be paid by each pension fund to cover the
16 cost of the compliance audits. The Department shall provide
17 written notice to each Article 3 and Article 4 pension fund of
18 the amount of the annual compliance fee due not less than 60
19 days prior to the fee payment deadline.

20 (b) The annual compliance fee shall be due on June 30 for
21 the following State fiscal year, except that the fee payable
22 in 1997 for fiscal year 1998 shall be due no earlier than 30
23 days following the effective date of this amendatory Act of
24 1997.

25 (c) Any information obtained by the Division that is
26 available to the public under the Freedom of Information Act

1 and is either compiled in published form or maintained on a
2 computer processible medium shall be furnished upon the
3 written request of any applicant and the payment of a
4 reasonable information services fee established by the
5 Director, sufficient to cover the total cost to the Division
6 of compiling, processing, maintaining, and generating the
7 information. The information may be furnished by means of
8 published copy or on a computer processed or computer
9 processible medium.

10 No fee may be charged to any person for information that
11 the Division is required by law to furnish to that person.

12 (d) Except as otherwise provided in this Section, all fees
13 and penalties collected by the Department under this Code
14 shall be deposited into the Public Pension Regulation Fund.

15 (e) Fees collected under subsection (c) of this Section
16 and money collected under Section 1A-107 shall be deposited
17 into the Technology Management Revolving Fund and credited to
18 the account of the Department's Public Pension Division. This
19 income shall be used exclusively for the purposes set forth in
20 Section 1A-107. Notwithstanding the provisions of Section
21 408.2 of the Illinois Insurance Code, no surplus funds
22 remaining in this account shall be deposited in the Insurance
23 Financial Regulation Fund. All money in this account that the
24 Director certifies is not needed for the purposes set forth in
25 Section 1A-107 of this Code shall be transferred to the Public
26 Pension Regulation Fund.

1 (f) Nothing in this Code prohibits the General Assembly
2 from appropriating funds from the General Revenue Fund to the
3 Department for the purpose of administering or enforcing this
4 Code.

5 (Source: P.A. 100-23, eff. 7-6-17; 101-610, eff. 1-1-20.)

6 (40 ILCS 5/2-105.3 new)

7 Sec. 2-105.3. Tier 1 participant; Tier 2 participant.

8 "Tier 1 participant": A participant who first became a
9 participant before January 1, 2011.

10 "Tier 2 participant": A participant who first became a
11 participant on or after January 1, 2011.

12 (40 ILCS 5/2-105.4 new)

13 Sec. 2-105.4. Tier 1 retiree. "Tier 1 retiree" means a
14 former Tier 1 participant who has made the election to retire
15 and has terminated service.

16 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

17 Sec. 2-121.1. Survivor's annuity; amount ~~annuity~~ ~~amount~~.

18 (a) A surviving spouse shall be entitled to 66 2/3% of the
19 amount of retirement annuity to which the participant or
20 annuitant was entitled on the date of death, without regard to
21 whether the participant had attained age 55 prior to his or her
22 death, subject to a minimum payment of 10% of salary. If a
23 surviving spouse, regardless of age, has in his or her care at

1 the date of death any eligible child or children of the
2 participant, the survivor's annuity shall be the greater of
3 the following: (1) 66 2/3% of the amount of retirement annuity
4 to which the participant or annuitant was entitled on the date
5 of death, or (2) 30% of the participant's salary increased by
6 10% of salary on account of each such child, subject to a total
7 payment for the surviving spouse and children of 50% of
8 salary. If eligible children survive but there is no surviving
9 spouse, or if the surviving spouse dies or becomes
10 disqualified by remarriage while eligible children survive,
11 each eligible child shall be entitled to an annuity of 20% of
12 salary, subject to a maximum total payment for all such
13 children of 50% of salary.

14 However, the survivor's annuity payable under this Section
15 shall not be less than 100% of the amount of retirement annuity
16 to which the participant or annuitant was entitled on the date
17 of death, if he or she is survived by a dependent disabled
18 child.

19 The salary to be used for determining these benefits shall
20 be the salary used for determining the amount of retirement
21 annuity as provided in Section 2-119.01.

22 (b) Upon the death of a participant after the termination
23 of service or upon death of an annuitant, the maximum total
24 payment to a surviving spouse and eligible children, or to
25 eligible children alone if there is no surviving spouse, shall
26 be 75% of the retirement annuity to which the participant or

1 annuitant was entitled, unless there is a dependent disabled
2 child among the survivors.

3 (c) When a child ceases to be an eligible child, the
4 annuity to that child, or to the surviving spouse on account of
5 that child, shall thereupon cease, and the annuity payable to
6 the surviving spouse or other eligible children shall be
7 recalculated if necessary.

8 Upon the ineligibility of the last eligible child, the
9 annuity shall immediately revert to the amount payable upon
10 death of a participant or annuitant who leaves no eligible
11 children. If the surviving spouse is then under age 50, the
12 annuity as revised shall be deferred until the attainment of
13 age 50.

14 (d) Beginning January 1, 1990, every survivor's annuity
15 shall be increased (1) on each January 1 occurring on or after
16 the commencement of the annuity if the deceased member died
17 while receiving a retirement annuity, or (2) in other cases,
18 on each January 1 occurring on or after the first anniversary
19 of the commencement of the annuity, by an amount equal to 3% of
20 the current amount of the annuity, including any previous
21 increases under this Article. Such increases shall apply
22 without regard to whether the deceased member was in service
23 on or after the effective date of this amendatory Act of 1991,
24 but shall not accrue for any period prior to January 1, 1990.

25 (d-5) Notwithstanding any other provision of this Article,
26 the initial survivor's annuity of a survivor of a participant

1 who first becomes a participant on or after January 1, 2011
2 (the effective date of Public Act 96-889) shall be in the
3 amount of 66 2/3% of the amount of the retirement annuity to
4 which the participant or annuitant was entitled on the date of
5 death and shall be increased (1) on each January 1 occurring on
6 or after the commencement of the annuity if the deceased
7 member died while receiving a retirement annuity or (2) in
8 other cases, on each January 1 occurring on or after the first
9 anniversary of the commencement of the annuity, by an amount
10 equal to 3% or the annual unadjusted percentage increase in
11 the Consumer Price Index for All Urban Consumers as determined
12 by the Public Pension Division of the Department of Insurance
13 under subsection (a) of Section 2-108.1, whichever is less, of
14 the survivor's annuity then being paid.

15 The provisions of this subsection (d-5) shall not apply to
16 a survivor's annuity of a survivor of a participant who died in
17 service before January 1, 2023.

18 (e) Notwithstanding any other provision of this Article,
19 beginning January 1, 1990, the minimum survivor's annuity
20 payable to any person who is entitled to receive a survivor's
21 annuity under this Article shall be \$300 per month, without
22 regard to whether or not the deceased participant was in
23 service on the effective date of this amendatory Act of 1989.

24 (f) In the case of a proportional survivor's annuity
25 arising under the Retirement Systems Reciprocal Act where the
26 amount payable by the System on January 1, 1993 is less than

1 \$300 per month, the amount payable by the System shall be
2 increased beginning on that date by a monthly amount equal to
3 \$2 for each full year that has expired since the annuity began.

4 (g) Notwithstanding any other provision of this Code, the
5 survivor's annuity payable to an eligible survivor of a Tier 2
6 participant who died in service prior to January 1, 2023 shall
7 be calculated in accordance with the provisions applicable to
8 the survivors of a deceased Tier 1 participant.
9 Notwithstanding Section 1-103.1, the changes to this Section
10 made by this amendatory Act of the 103rd General Assembly
11 apply without regard to whether the participant was in active
12 service before the effective date of the changes made to this
13 Section by this amendatory Act of the 103rd General Assembly.

14 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

15 (40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)

16 Sec. 16-132. Retirement annuity eligibility. A member who
17 has at least 20 years of creditable service is entitled to a
18 retirement annuity upon or after attainment of age 55. A
19 member who has at least 10 but less than 20 years of creditable
20 service is entitled to a retirement annuity upon or after
21 attainment of age 60. A member who has at least 5 but less than
22 10 years of creditable service is entitled to a retirement
23 annuity upon or after attainment of age 62. A member who (i)
24 has earned during the period immediately preceding the last
25 day of service at least one year of contributing creditable

1 service as an employee of a department as defined in Section
2 14-103.04, (ii) has earned at least 5 years of contributing
3 creditable service as an employee of a department as defined
4 in Section 14-103.04, and (iii) retires on or after January 1,
5 2001 is entitled to a retirement annuity upon or after
6 attainment of an age which, when added to the number of years
7 of his or her total creditable service, equals at least 85.
8 Portions of years shall be counted as decimal equivalents.

9 A member who is eligible to receive a retirement annuity
10 of at least 74.6% of final average salary and will attain age
11 55 on or before December 31 during the year which commences on
12 July 1 shall be deemed to attain age 55 on the preceding June
13 1.

14 A member meeting the above eligibility conditions is
15 entitled to a retirement annuity upon written application to
16 the board setting forth the date the member wishes the
17 retirement annuity to commence. However, the effective date of
18 the retirement annuity shall be no earlier than the day
19 following the last day of creditable service, regardless of
20 the date of official termination of employment; however, upon
21 written application within 6 months after the effective date
22 of the changes made to this Section by this amendatory Act of
23 the 103rd General Assembly by a member or annuitant, the
24 creditable service and earnings received in the last fiscal
25 year of employment may be disregarded when determining the
26 retirement effective date and the retirement benefit ~~except~~

1 ~~that the effective date of a retirement annuity may be after~~
2 ~~the date of official termination of employment~~ as long as such
3 employment is for (1) less than 10 days in length; ~~and~~ (2) less
4 than \$2,500 ~~\$2,000~~ in creditable earnings; and (3) the last
5 fiscal year of employment includes only a fiscal year
6 beginning on or after July 1, 2016 and ending before June
7 30,2023 compensation. The retirement effective date may not,
8 as a result of the application of this amendatory Act of the
9 103rd General Assembly, be earlier than July 1, 2016.

10 To be eligible for a retirement annuity, a member shall
11 not be employed as a teacher in the schools included under this
12 System or under Article 17, except (i) as provided in Section
13 16-118 or 16-150.1, (ii) if the member is disabled (in which
14 event, eligibility for salary must cease), or (iii) if the
15 System is required by federal law to commence payment due to
16 the member's age; the changes to this sentence made by this
17 amendatory Act of the 93rd General Assembly apply without
18 regard to whether the member terminated employment before or
19 after its effective date.

20 (Source: P.A. 102-871, eff. 5-13-22.)

21 (40 ILCS 5/2-105.1 rep.)

22 (40 ILCS 5/2-105.2 rep.)

23 Section 5-88. The Illinois Pension Code is amended by
24 repealing Sections 2-105.1 and 2-105.2.

1 Section 5-89. The Innovation Development and Economy Act
2 is amended by changing Sections 20, 30, and 50 as follows:

3 (50 ILCS 470/20)

4 Sec. 20. Approval of STAR bond projects. The governing
5 body of a political subdivision may establish one or more STAR
6 bond projects in any STAR bond district. A STAR bond project
7 which is partially outside the boundaries of a municipality
8 must also be approved by the governing body of the county by
9 resolution.

10 (a) After the establishment of a STAR bond district, the
11 master developer may propose one or more STAR bond projects to
12 a political subdivision and the master developer shall, in
13 cooperation with the political subdivision, prepare a STAR
14 bond project plan in consultation with the planning commission
15 of the political subdivision, if any. The STAR bond project
16 plan may be implemented in separate development stages.

17 (b) Any political subdivision considering a STAR bond
18 project within a STAR bond district shall notify the
19 Department, which shall cause to be prepared an independent
20 feasibility study by a feasibility consultant with certified
21 copies provided to the political subdivision, the Director,
22 and the Department of Commerce and Economic Opportunity. The
23 feasibility study shall include the following:

24 (1) the estimated amount of pledged STAR revenues
25 expected to be collected in each year through the maturity

1 date of the proposed STAR bonds;

2 (2) a statement of how the jobs and taxes obtained
3 from the STAR bond project will contribute significantly
4 to the economic development of the State and region;

5 (3) visitation expectations;

6 (4) the unique quality of the project;

7 (5) an economic impact study;

8 (6) a market study;

9 (7) integration and collaboration with other resources
10 or businesses;

11 (8) the quality of service and experience provided, as
12 measured against national consumer standards for the
13 specific target market;

14 (9) project accountability, measured according to best
15 industry practices;

16 (10) the expected return on State and local investment
17 that the STAR bond project is anticipated to produce; and

18 (11) an anticipated principal and interest payment
19 schedule on the STAR bonds.

20 The feasibility consultant, along with the independent
21 economist and any other consultants commissioned to perform
22 the studies and other analysis required by the feasibility
23 study, shall be selected by the Director with the approval of
24 the political subdivision. The consultants shall be retained
25 by the Director and the Department shall be reimbursed by the
26 master developer for the costs to retain the consultants.

1 The failure to include all information enumerated in this
2 subsection in the feasibility study for a STAR bond project
3 shall not affect the validity of STAR bonds issued pursuant to
4 this Act.

5 (c) If the political subdivision determines the STAR bond
6 project is feasible, the STAR bond project plan shall include:

7 (1) a summary of the feasibility study;

8 (2) a reference to the STAR bond district plan that
9 identifies the STAR bond project area that is set forth in
10 the STAR bond project plan that is being considered;

11 (3) a legal description and map of the STAR bond
12 project area to be developed or redeveloped;

13 (4) a description of the buildings and facilities
14 proposed to be constructed or improved in such STAR bond
15 project area, including destination users and an
16 entertainment user, as applicable;

17 (5) a copy of letters of intent to locate within the
18 STAR bond district signed by both the master developer and
19 the appropriate corporate officer of at least one
20 destination user for the first STAR bond project proposed
21 within the district; and

22 (6) any other information the governing body of the
23 political subdivision deems reasonable and necessary to
24 advise the public of the intent of the STAR bond project
25 plan.

26 (d) Before a political subdivision may hold a public

1 hearing to consider a STAR bond project plan, the political
2 subdivision must apply to the Department for approval of the
3 STAR bond project plan. An application for approval of a STAR
4 bond project plan must not be approved unless all of the
5 components of the feasibility study set forth in items (1)
6 through (11) of subsection (b) have been completed and
7 submitted to the Department for review. In addition to
8 reviewing all of the other elements of the STAR bond project
9 plan required under subsection (c), which must be included in
10 the application (which plan must include a letter or letters
11 of intent as required under subdivision (c)(5) in order to
12 receive Director approval), the Director must review the
13 feasibility study and consider all of the components of the
14 feasibility study set forth in items (1) through (11) of
15 subsection (b) of Section 20, including without limitation the
16 economic impact study and the financial benefit of the
17 proposed STAR bond project to the local, regional, and State
18 economies, the proposed adverse impacts on similar businesses
19 and projects as well as municipalities within the market area,
20 and the net effect of the proposed STAR bond project on the
21 local, regional, and State economies. In addition to the
22 economic impact study, the political subdivision must also
23 submit to the Department, as part of its application, the
24 financial and other information that substantiates the basis
25 for the conclusion of the economic impact study, in the form
26 and manner as required by the Department, so that the

1 Department can verify the results of the study. In addition to
2 any other criteria in this subsection, to approve the STAR
3 bond project plan, the Director must be satisfied that the
4 proposed destination user is in fact a true destination user
5 and also find that the STAR bond project plan is in accordance
6 with the purpose of this Act and the public interest. The
7 Director shall either approve or deny the STAR bond project
8 plan based on the criteria in this subsection. In granting its
9 approval, the Department may require the political subdivision
10 to execute a binding agreement or memorandum of understanding
11 with the State. The terms of the agreement or memorandum may
12 include, among other things, the political subdivision's
13 repayment of the State sales tax increment distributed to it
14 should any violation of the agreement or memorandum or this
15 Act occur.

16 (e) Upon a finding by the planning and zoning commission
17 of the political subdivision that the STAR bond project plan
18 is consistent with the intent of the comprehensive plan for
19 the development of the political subdivision and upon issuance
20 of written approval of the STAR bond project plan from the
21 Director pursuant to subsection (d) of Section 20, the
22 governing body of the political subdivision shall adopt a
23 resolution stating that the political subdivision is
24 considering the adoption of the STAR bond project plan. The
25 resolution shall:

26 (1) give notice that a public hearing will be held to

1 consider the adoption of the STAR bond project plan and
2 fix the date, hour, and place of the public hearing;

3 (2) describe the general boundaries of the STAR bond
4 district within which the STAR bond project will be
5 located and the date of establishment of the STAR bond
6 district;

7 (3) describe the general boundaries of the area
8 proposed to be included within the STAR bond project area;

9 (4) provide that the STAR bond project plan and map of
10 the area to be redeveloped or developed are available for
11 inspection during regular office hours in the offices of
12 the political subdivision; and

13 (5) contain a summary of the terms and conditions of
14 any proposed project development agreement with the
15 political subdivision.

16 (f) A public hearing shall be conducted to consider the
17 adoption of any STAR bond project plan.

18 (1) The date fixed for the public hearing to consider
19 the adoption of the STAR bond project plan shall be not
20 less than 20 nor more than 90 days following the date of
21 the adoption of the resolution fixing the date of the
22 hearing.

23 (2) A copy of the political subdivision's resolution
24 providing for the public hearing shall be sent by
25 certified mail, return receipt requested, to the governing
26 body of the county. A copy of the political subdivision's

1 resolution providing for the public hearing shall be sent
2 by certified mail, return receipt requested, to each
3 person or persons in whose name the general taxes for the
4 last preceding year were paid on each parcel of land lying
5 within the proposed STAR bond project area within 10 days
6 following the date of the adoption of the resolution. The
7 resolution shall be published once in a newspaper of
8 general circulation in the political subdivision not less
9 than one week nor more than 3 weeks preceding the date
10 fixed for the public hearing. A map or aerial photo
11 clearly delineating the area of land proposed to be
12 included within the STAR bond project area shall be
13 published with the resolution.

14 (3) The hearing shall be held at a location that is
15 within 20 miles of the STAR bond district, in a facility
16 that can accommodate a large crowd, and in a facility that
17 is accessible to persons with disabilities.

18 (4) At the public hearing, a representative of the
19 political subdivision or master developer shall present
20 the STAR bond project plan. Following the presentation of
21 the STAR bond project plan, all interested persons shall
22 be given an opportunity to be heard. The governing body
23 may continue the date and time of the public hearing.

24 (g) Upon conclusion of the public hearing, the governing
25 body of the political subdivision may adopt the STAR bond
26 project plan by a resolution approving the STAR bond project

1 plan.

2 (h) After the adoption by the corporate authorities of the
3 political subdivision of a STAR bond project plan, the
4 political subdivision may enter into a project development
5 agreement if the master developer has requested the political
6 subdivision to be a party to the project development agreement
7 pursuant to subsection (b) of Section 25.

8 (i) Within 30 days after the adoption by the political
9 subdivision of a STAR bond project plan, the clerk of the
10 political subdivision shall transmit a copy of the legal
11 description of the land and a list of all new and existing
12 mailing addresses within the STAR bond district, a copy of the
13 resolution adopting the STAR bond project plan, and a map or
14 plat indicating the boundaries of the STAR bond project area
15 to the clerk, treasurer, and governing body of the county and
16 to the Department of Revenue. Within 30 days of creation of any
17 new mailing addresses within a STAR bond district, the clerk
18 of the political subdivision shall provide written notice of
19 such new addresses to the Department of Revenue.

20 If a certified copy of the resolution adopting the STAR
21 bond project plan is filed with the Department on or before the
22 first day of April, the Department, if all other requirements
23 of this subsection are met, shall proceed to collect and
24 allocate any local sales tax increment and any State sales tax
25 increment in accordance with the provisions of this Act as of
26 the first day of July next following the adoption and filing.

1 If a certified copy of the resolution adopting the STAR bond
2 project plan is filed with the Department after April 1 but on
3 or before the first day of October, the Department, if all
4 other requirements of this subsection are met, shall proceed
5 to collect and allocate any local sales tax increment and any
6 State sales tax increment in accordance with the provisions of
7 this Act as of the first day of January next following the
8 adoption and filing.

9 Any substantial changes to a STAR bond project plan as
10 adopted shall be subject to a public hearing following
11 publication of notice thereof in a newspaper of general
12 circulation in the political subdivision and approval by
13 resolution of the governing body of the political subdivision.

14 The Department of Revenue shall not collect or allocate
15 any local sales tax increment or State sales tax increment
16 until the political subdivision also provides, in the manner
17 prescribed by the Department, the boundaries of the STAR bond
18 project area and each address in the STAR bond project area in
19 such a way that the Department can determine by its address
20 whether a business is located in the STAR bond project area.
21 The political subdivision must provide this boundary and
22 address information to the Department on or before April 1 for
23 administration and enforcement under this Act by the
24 Department beginning on the following July 1 and on or before
25 October 1 for administration and enforcement under this Act by
26 the Department beginning on the following January 1. The

1 Department of Revenue shall not administer or enforce any
2 change made to the boundaries of a STAR bond project or any
3 address change, addition, or deletion until the political
4 subdivision reports the boundary change or address change,
5 addition, or deletion to the Department in the manner
6 prescribed by the Department. The political subdivision must
7 provide this boundary change or address change, addition, or
8 deletion information to the Department on or before April 1
9 for administration and enforcement by the Department of the
10 change, addition, or deletion beginning on the following July
11 1 and on or before October 1 for administration and
12 enforcement by the Department of the change, addition, or
13 deletion beginning on the following January 1. If a retailer
14 is incorrectly included or excluded from the list of those
15 located in the STAR bond project, the Department of Revenue
16 shall be held harmless if it reasonably relied on information
17 provided by the political subdivision.

18 (j) Any STAR bond project must be approved by the
19 political subdivision prior to that date which is 23 years
20 from the date of the approval of the STAR bond district,
21 provided however that any amendments to such STAR bond project
22 may occur following such date.

23 (k) Any developer of a STAR bond project shall commence
24 work on the STAR bond project within 3 years from the date of
25 adoption of the STAR bond project plan. If the developer fails
26 to commence work on the STAR bond project within the 3-year

1 period, funding for the project shall cease and the developer
2 of the project or complex shall have one year to appeal to the
3 political subdivision for reapproval of the project and
4 funding. If the project is reapproved, the 3-year period for
5 commencement shall begin again on the date of the reapproval.

6 (l) After the adoption by the corporate authorities of the
7 political subdivision of a STAR bond project plan and approval
8 of the Director pursuant to subsection (d) of Section 20, the
9 political subdivision may authorize the issuance of the STAR
10 bonds in one or more series to finance the STAR bond project in
11 accordance with the provisions of this Act.

12 (m) The maximum maturity of STAR bonds issued to finance a
13 STAR bond project shall not exceed 23 years from the first date
14 of distribution of State sales tax revenues from such STAR
15 bond project to the political subdivision unless the political
16 subdivision extends such maturity by resolution up to a
17 maximum of 35 years from such first distribution date. Any
18 such extension shall require the approval of the Director. In
19 no event shall the maximum maturity date for any STAR bonds
20 exceed that date which is 35 years from the first distribution
21 date of the first STAR bonds issued in a STAR bond district.

22 (Source: P.A. 96-939, eff. 6-24-10.)

23 (50 ILCS 470/30)

24 Sec. 30. STAR bonds; source of payment. Any political
25 subdivision shall have the power to issue STAR bonds in one or

1 more series to finance the undertaking of any STAR bond
2 project in accordance with the provisions of this Act and the
3 Omnibus Bond Acts. STAR bonds may be issued as revenue bonds,
4 alternate bonds, or general obligation bonds as defined in and
5 subject to the procedures provided in the Local Government
6 Debt Reform Act.

7 (a) STAR bonds may be made payable, both as to principal
8 and interest, from the following revenues, which to the extent
9 pledged by each respective political subdivision or other
10 public entity for such purpose shall constitute pledged STAR
11 revenues:

12 (1) revenues of the political subdivision derived from
13 or held in connection with the undertaking and carrying
14 out of any STAR bond project or projects under this Act;

15 (2) available private funds and contributions, grants,
16 tax credits, or other financial assistance from the State
17 or federal government;

18 (3) STAR bond occupation taxes created pursuant to
19 Section 31 and designated as pledged STAR revenues by the
20 political subdivision;

21 (4) all of the local sales tax increment of a
22 municipality, county, or other unit of local government;

23 (5) any special service area taxes collected within
24 the STAR bond district under the Special Service Area Tax
25 Act, may be used for the purposes of funding project costs
26 or paying debt service on STAR bonds in addition to the

1 purposes contained in the special service area plan;

2 (6) all of the State sales tax increment;

3 (7) any other revenues appropriated by the political
4 subdivision; and

5 (8) any combination of these methods.

6 (b) The political subdivision may pledge the pledged STAR
7 revenues to the repayment of STAR bonds prior to,
8 simultaneously with, or subsequent to the issuance of the STAR
9 bonds.

10 (c) Bonds issued as revenue bonds shall not be general
11 obligations of the political subdivision, nor in any event
12 shall they give rise to a charge against its general credit or
13 taxing powers, or be payable out of any funds or properties
14 other than those set forth in subsection (a) and the bonds
15 shall so state on their face.

16 (d) For each STAR bond project financed with STAR bonds
17 payable from the pledged STAR revenues, the political
18 subdivision shall prepare and submit to the Department of
19 Revenue by June 1 of each year a report describing the status
20 of the STAR bond project, any expenditures of the proceeds of
21 STAR bonds that have occurred for the preceding calendar year,
22 and any expenditures of the proceeds of the bonds expected to
23 occur in the future, including the amount of pledged STAR
24 revenue, the amount of revenue that has been spent, the
25 projected amount of the revenue, and the anticipated use of
26 the revenue. Each annual report shall be accompanied by an

1 affidavit of the master developer certifying the contents of
2 the report as true to the best of the master developer's
3 knowledge. The Department of Revenue shall have the right, but
4 not the obligation, to request the Illinois Auditor General to
5 review the annual report and the political subdivision's
6 records containing the source information for the report for
7 the purpose of verifying the report's contents. If the
8 Illinois Auditor General declines the request for review, the
9 Department of Revenue shall have the right to select an
10 independent third-party auditor to conduct an audit of the
11 annual report and the political subdivision's records
12 containing the source information for the report. The
13 reasonable cost of the audit shall be paid by the master
14 developer. The master development agreement shall grant the
15 Department of Revenue and the Illinois Auditor General the
16 right to review the records of the political subdivision
17 containing the source information for the report.

18 (e) There is created in the State treasury a special fund
19 to be known as the STAR Bonds Revenue Fund. As soon as possible
20 after the first day of each month, beginning January 1, 2011,
21 upon certification of the Department of Revenue, the
22 Comptroller shall order transferred, and the Treasurer shall
23 transfer, from the General Revenue Fund to the STAR Bonds
24 Revenue Fund the State sales tax increment for the second
25 preceding month, less 3% of that amount, which shall be
26 transferred into the Tax Compliance and Administration Fund

1 and shall be used by the Department, subject to appropriation,
2 to cover the costs of the Department in administering the
3 Innovation Development and Economy Act. As soon as possible
4 after the first day of each month, beginning January 1, 2011,
5 upon certification of the Department of Revenue, the
6 Comptroller shall order transferred, and the Treasurer shall
7 transfer, from the Local Government Tax Fund to the STAR Bonds
8 Revenue Fund the local sales tax increment for the second
9 preceding month, as provided in Section 6z-18 of the State
10 Finance Act and from the County and Mass Transit District Fund
11 to the STAR Bonds Revenue Fund the local sales tax increment
12 for the second preceding month, as provided in Section 6z-20
13 of the State Finance Act.

14 On or before the 25th day of each calendar month,
15 beginning on January 1, 2011, the Department shall prepare and
16 certify to the Comptroller the disbursement of stated sums of
17 money out of the STAR Bonds Revenue Fund to named
18 municipalities and counties, the municipalities and counties
19 to be those entitled to distribution of taxes or penalties
20 paid to the Department during the second preceding calendar
21 month. The amount to be paid to each municipality or county
22 shall be the amount of the State sales tax increment and the
23 local sales tax increment (not including credit memoranda or
24 the amount transferred into the Tax Compliance and
25 Administration Fund) collected during the second preceding
26 calendar month by the Department from retailers and servicemen

1 on transactions at places of business located within a STAR
2 bond district in that municipality or county, plus an amount
3 the Department determines is necessary to offset any amounts
4 which were erroneously paid to a different taxing body, and
5 not including an amount equal to the amount of refunds made
6 during the second preceding calendar month by the Department,
7 and not including any amount which the Department determines
8 is necessary to offset any amounts which are payable to a
9 different taxing body but were erroneously paid to the
10 municipality or county. Within 10 days after receipt, by the
11 Comptroller, of the disbursement certification to the
12 municipalities and counties, provided for in this Section to
13 be given to the Comptroller by the Department, the Comptroller
14 shall cause the orders to be drawn for the respective amounts
15 in accordance with the directions contained in such
16 certification.

17 When certifying the amount of monthly disbursement to a
18 municipality or county under this subsection, the Department
19 shall increase or decrease that amount by an amount necessary
20 to offset any misallocation of previous disbursements. The
21 offset amount shall be the amount erroneously disbursed within
22 the 6 months preceding the time a misallocation is discovered.

23 The corporate authorities of the political subdivision
24 shall deposit the proceeds for the STAR Bonds Revenue Fund
25 into a special fund of the political subdivision called the
26 "(Name of political subdivision) STAR Bond District Revenue

1 Fund" for the purpose of paying or reimbursing STAR bond
2 project costs and obligations incurred in the payment of those
3 costs.

4 If the political subdivision fails to issue STAR bonds
5 within 180 days after the first distribution to the political
6 subdivision from the STAR Bonds Revenue Fund, the Department
7 of Revenue shall cease distribution of the State sales tax
8 increment to the political subdivision, shall transfer any
9 State sales tax increment in the STAR Bonds Revenue Fund to the
10 General Revenue Fund, and shall cease deposits of State sales
11 tax increment amounts into the STAR Bonds Revenue Fund. The
12 political subdivision shall repay all of the State sales tax
13 increment distributed to the political subdivision to date,
14 which amounts shall be deposited into the General Revenue
15 Fund. If not repaid within 90 days after notice from the State,
16 the Department of Revenue shall withhold distributions to the
17 political subdivision from the Local Government Tax Fund until
18 the excess amount is repaid, which withheld amounts shall be
19 transferred to the General Revenue Fund. At such time as the
20 political subdivision notifies the Department of Revenue in
21 writing that it has issued STAR Bonds in accordance with this
22 Act and provides the Department with a copy of the political
23 subdivision's official statement, bond purchase agreements,
24 indenture, or other evidence of bond sale, the Department of
25 Revenue shall resume deposits of the State sales tax increment
26 into the STAR Bonds Revenue Fund and distribution of the State

1 sales tax increment to the political subdivision in accordance
2 with this Section.

3 (f) As of the seventh anniversary of the first date of
4 distribution of State sales tax revenues from the first STAR
5 bond project in the STAR bond district, and as of every fifth
6 anniversary thereafter until final maturity of all STAR bonds
7 issued in a STAR bond district, the portion of the aggregate
8 proceeds of STAR bonds issued to date that is derived from the
9 State sales tax increment pledged to pay STAR bonds in any STAR
10 bond district shall not exceed 50% of the total development
11 costs in the STAR bond district to date. The Illinois Auditor
12 General shall make the foregoing determination on said seventh
13 anniversary and every 5 years thereafter until final maturity
14 of all STAR bonds issued in a STAR bond district. If at any
15 time after the seventh anniversary of the first date of
16 distribution of State sales tax revenues from the first STAR
17 bond project in the STAR bond district the Illinois Auditor
18 General determines that the portion of the aggregate proceeds
19 of STAR bonds issued to date that is derived from the State
20 sales tax increment pledged to pay STAR bonds in any STAR bond
21 district has exceeded 50% of the total development costs in
22 the STAR bond district, no additional STAR bonds may be issued
23 in the STAR bond district until the percentage is reduced to
24 50% or below. When the percentage has been reduced to 50% or
25 below, the master developer shall have the right, at its own
26 cost, to obtain a new audit prepared by an independent

1 third-party auditor verifying compliance and shall provide
2 such audit to the Illinois Auditor General for review and
3 approval. Upon the Illinois Auditor General's determination
4 from the audit that the percentage has been reduced to 50% or
5 below, STAR bonds may again be issued in the STAR bond
6 district.

7 (g) Notwithstanding the provisions of the Tax Increment
8 Allocation Redevelopment Act, if any portion of property taxes
9 attributable to the increase in equalized assessed value
10 within a STAR bond district are, at the time of formation of
11 the STAR bond district, already subject to tax increment
12 financing under the Tax Increment Allocation Redevelopment
13 Act, then the tax increment for such portion shall be frozen at
14 the base year established in accordance with this Act, and all
15 future incremental increases over the base year shall not be
16 subject to tax increment financing under the Tax Increment
17 Allocation Redevelopment Act. Any party otherwise entitled to
18 receipt of incremental tax revenues through an existing tax
19 increment financing district shall be entitled to continue to
20 receive such revenues up to the amount frozen in the base year.
21 Nothing in this Act shall affect the prior qualification of
22 existing redevelopment project costs incurred that are
23 eligible for reimbursement under the Tax Increment Allocation
24 Redevelopment Act. In such event, prior to approving a STAR
25 bond district, the political subdivision forming the STAR bond
26 district shall take such action as is necessary, including

1 amending the existing tax increment financing district
2 redevelopment plan, to carry out the provisions of this Act.

3 (Source: P.A. 96-939, eff. 6-24-10.)

4 (50 ILCS 470/50)

5 Sec. 50. Reporting taxes. Notwithstanding any other
6 provisions of law to the contrary, the Department of Revenue
7 shall provide a certified report of the State sales tax
8 increment and local sales tax increment from all taxpayers
9 within a STAR bond district to the bond trustee, escrow agent,
10 or paying agent for such bonds upon the written request of the
11 political subdivision on or before the 25th day of each month.
12 Such report shall provide a detailed allocation of State sales
13 tax increment and local sales tax increment from each local
14 sales tax and State sales tax reported to the Department of
15 Revenue.

16 (a) The bond trustee, escrow agent, or paying agent shall
17 keep such sales and use tax reports and the information
18 contained therein confidential, but may use such information
19 for purposes of allocating and depositing the sales and use
20 tax revenues in connection with the bonds used to finance
21 project costs in such STAR bond district. Except as otherwise
22 provided herein, the sales and use tax reports received by the
23 bond trustee, escrow agent, or paying agent shall be subject
24 to the provisions of Chapter 35 of the Illinois Compiled
25 Statutes, including Section 3 of the Retailers' Occupation Tax

1 Act and Section 9 of the Use Tax Act.

2 (b) The political subdivision shall determine when the
3 amount of sales tax and other revenues that have been
4 collected and distributed to the bond debt service or reserve
5 fund is sufficient to satisfy all principal and interest costs
6 to the maturity date or dates of any STAR bond issued by a
7 political subdivision to finance a STAR bond project and shall
8 give the Department of Revenue written notice of such
9 determination. The notice shall include a date certain on
10 which deposits into the STAR Bonds Revenue Fund for that STAR
11 bond project shall terminate and shall be provided to the
12 Department of Revenue at least 60 days prior to that date.
13 Thereafter, all sales tax and other revenues shall be
14 collected and distributed in accordance with applicable law.

15 If the political subdivision fails to give timely notice
16 under this subsection (b), the Department of Revenue, upon
17 discovery of this failure, shall cease distribution of the
18 State sales tax increment to the political subdivision, shall
19 transfer any State sales tax increment in the STAR Bonds
20 Revenue Fund to the General Revenue Fund, and shall cease
21 deposits of State sales tax increment amounts into the STAR
22 Bonds Revenue Fund. Any amount of State sales tax increment
23 distributed to the political subdivision from the STAR Bonds
24 Revenue Fund in excess of the amount sufficient to satisfy all
25 principal and interest costs to the maturity date or dates of
26 any STAR bond issued by the political subdivision to finance a

1 STAR bond project shall be repaid to the Department of Revenue
2 and deposited into the General Revenue Fund. If not repaid
3 within 90 days after notice from the State, the Department of
4 Revenue shall withhold distributions to the political
5 subdivision from the Local Government Tax Fund until the
6 excess amount is repaid, which withheld amounts shall be
7 transferred to the General Revenue Fund.

8 (Source: P.A. 96-939, eff. 6-24-10.)

9 Section 5-90. The Illinois Police Training Act is amended
10 by changing Section 6 as follows:

11 (50 ILCS 705/6) (from Ch. 85, par. 506)

12 Sec. 6. Powers and duties of the Board; selection and
13 certification of schools. The Board shall select and certify
14 schools within the State of Illinois for the purpose of
15 providing basic training for probationary law enforcement
16 officers, probationary county corrections officers, and court
17 security officers and of providing advanced or in-service
18 training for permanent law enforcement officers or permanent
19 county corrections officers, which schools may be either
20 publicly or privately owned and operated. In addition, the
21 Board has the following power and duties:

22 a. To require law enforcement agencies to furnish such
23 reports and information as the Board deems necessary to
24 fully implement this Act.

1 b. To establish appropriate mandatory minimum
2 standards relating to the training of probationary local
3 law enforcement officers or probationary county
4 corrections officers, and in-service training of permanent
5 law enforcement officers.

6 c. To provide appropriate certification to those
7 probationary officers who successfully complete the
8 prescribed minimum standard basic training course.

9 d. To review and approve annual training curriculum
10 for county sheriffs.

11 e. To review and approve applicants to ensure that no
12 applicant is admitted to a certified academy unless the
13 applicant is a person of good character and has not been
14 convicted of, found guilty of, entered a plea of guilty
15 to, or entered a plea of nolo contendere to a felony
16 offense, any of the misdemeanors in Sections 11-1.50,
17 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,
18 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,
19 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
20 violation of any Section of Part E of Title III of the
21 Criminal Code of 1961 or the Criminal Code of 2012, or
22 subsection (a) of Section 17-32 of the Criminal Code of
23 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
24 the Cannabis Control Act, or a crime involving moral
25 turpitude under the laws of this State or any other state
26 which if committed in this State would be punishable as a

1 felony or a crime of moral turpitude, or any felony or
2 misdemeanor in violation of federal law or the law of any
3 state that is the equivalent of any of the offenses
4 specified therein. The Board may appoint investigators who
5 shall enforce the duties conferred upon the Board by this
6 Act.

7 For purposes of this paragraph e, a person is
8 considered to have been convicted of, found guilty of, or
9 entered a plea of guilty to, plea of nolo contendere to
10 regardless of whether the adjudication of guilt or
11 sentence is withheld or not entered thereon. This includes
12 sentences of supervision, conditional discharge, or first
13 offender probation, or any similar disposition provided
14 for by law.

15 f. To establish statewide standards for minimum
16 standards regarding regular mental health screenings for
17 probationary and permanent police officers, ensuring that
18 counseling sessions and screenings remain confidential.

19 g. To review and ensure all law enforcement officers
20 remain in compliance with this Act, and any administrative
21 rules adopted under this Act.

22 h. To suspend any certificate for a definite period,
23 limit or restrict any certificate, or revoke any
24 certificate.

25 i. The Board and the Panel shall have power to secure
26 by its subpoena and bring before it any person or entity in

1 this State and to take testimony either orally or by
2 deposition or both with the same fees and mileage and in
3 the same manner as prescribed by law in judicial
4 proceedings in civil cases in circuit courts of this
5 State. The Board and the Panel shall also have the power to
6 subpoena the production of documents, papers, files,
7 books, documents, and records, whether in physical or
8 electronic form, in support of the charges and for
9 defense, and in connection with a hearing or
10 investigation.

11 j. The Executive Director, the administrative law
12 judge designated by the Executive Director, and each
13 member of the Board and the Panel shall have the power to
14 administer oaths to witnesses at any hearing that the
15 Board is authorized to conduct under this Act and any
16 other oaths required or authorized to be administered by
17 the Board under this Act.

18 k. In case of the neglect or refusal of any person to
19 obey a subpoena issued by the Board and the Panel, any
20 circuit court, upon application of the Board and the
21 Panel, through the Illinois Attorney General, may order
22 such person to appear before the Board and the Panel give
23 testimony or produce evidence, and any failure to obey
24 such order is punishable by the court as a contempt
25 thereof. This order may be served by personal delivery, by
26 email, or by mail to the address of record or email address

1 of record.

2 1. The Board shall have the power to administer state
3 certification examinations. Any and all records related to
4 these examinations, including, but not limited to, test
5 questions, test formats, digital files, answer responses,
6 answer keys, and scoring information shall be exempt from
7 disclosure.

8 m. To make grants, subject to appropriation, to units
9 of local government and public institutions of higher
10 education for the purposes of hiring and retaining law
11 enforcement officers.

12 n. To make grants, subject to appropriation, to local
13 law enforcement agencies for costs associated with the
14 expansion and support of National Integrated Ballistic
15 Information Network (NIBIN) and other ballistic technology
16 equipment for ballistic testing.

17 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
18 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
19 25-40, eff. 1-1-22; 102-687, eff. 12-17-21; 102-694, eff.
20 1-7-22; 102-1115, eff. 1-9-23.)

21 Section 5-92. The Metropolitan Pier and Exposition
22 Authority Act is amended by changing Section 5 as follows:

23 (70 ILCS 210/5) (from Ch. 85, par. 1225)

24 Sec. 5. The Metropolitan Pier and Exposition Authority

1 shall also have the following rights and powers:

2 (a) To accept from Chicago Park Fair, a corporation,
3 an assignment of whatever sums of money it may have
4 received from the Fair and Exposition Fund, allocated by
5 the Department of Agriculture of the State of Illinois,
6 and Chicago Park Fair is hereby authorized to assign, set
7 over and transfer any of those funds to the Metropolitan
8 Pier and Exposition Authority. The Authority has the right
9 and power hereafter to receive sums as may be distributed
10 to it by the Department of Agriculture of the State of
11 Illinois from the Fair and Exposition Fund pursuant to the
12 provisions of Sections 5, 6i, and 28 of the State Finance
13 Act. All sums received by the Authority shall be held in
14 the sole custody of the secretary-treasurer of the
15 Metropolitan Pier and Exposition Board.

16 (b) To accept the assignment of, assume and execute
17 any contracts heretofore entered into by Chicago Park
18 Fair.

19 (c) To acquire, own, construct, equip, lease, operate
20 and maintain grounds, buildings and facilities to carry
21 out its corporate purposes and duties, and to carry out or
22 otherwise provide for the recreational, cultural,
23 commercial or residential development of Navy Pier, and to
24 fix and collect just, reasonable and nondiscriminatory
25 charges for the use thereof. The charges so collected
26 shall be made available to defray the reasonable expenses

1 of the Authority and to pay the principal of and the
2 interest upon any revenue bonds issued by the Authority.
3 The Authority shall be subject to and comply with the Lake
4 Michigan and Chicago Lakefront Protection Ordinance, the
5 Chicago Building Code, the Chicago Zoning Ordinance, and
6 all ordinances and regulations of the City of Chicago
7 contained in the following Titles of the Municipal Code of
8 Chicago: Businesses, Occupations and Consumer Protection;
9 Health and Safety; Fire Prevention; Public Peace, Morals
10 and Welfare; Utilities and Environmental Protection;
11 Streets, Public Ways, Parks, Airports and Harbors;
12 Electrical Equipment and Installation; Housing and
13 Economic Development (only Chapter 5-4 thereof); and
14 Revenue and Finance (only so far as such Title pertains to
15 the Authority's duty to collect taxes on behalf of the
16 City of Chicago).

17 (d) To enter into contracts treating in any manner
18 with the objects and purposes of this Act.

19 (e) To lease any buildings to the Adjutant General of
20 the State of Illinois for the use of the Illinois National
21 Guard or the Illinois Naval Militia.

22 (f) To exercise the right of eminent domain by
23 condemnation proceedings in the manner provided by the
24 Eminent Domain Act, including, with respect to Site B
25 only, the authority to exercise quick take condemnation by
26 immediate vesting of title under Article 20 of the Eminent

1 Domain Act, to acquire any privately owned real or
2 personal property and, with respect to Site B only, public
3 property used for rail transportation purposes (but no
4 such taking of such public property shall, in the
5 reasonable judgment of the owner, interfere with such rail
6 transportation) for the lawful purposes of the Authority
7 in Site A, at Navy Pier, and at Site B. Just compensation
8 for property taken or acquired under this paragraph shall
9 be paid in money or, notwithstanding any other provision
10 of this Act and with the agreement of the owner of the
11 property to be taken or acquired, the Authority may convey
12 substitute property or interests in property or enter into
13 agreements with the property owner, including leases,
14 licenses, or concessions, with respect to any property
15 owned by the Authority, or may provide for other lawful
16 forms of just compensation to the owner. Any property
17 acquired in condemnation proceedings shall be used only as
18 provided in this Act. Except as otherwise provided by law,
19 the City of Chicago shall have a right of first refusal
20 prior to any sale of any such property by the Authority to
21 a third party other than substitute property. The
22 Authority shall develop and implement a relocation plan
23 for businesses displaced as a result of the Authority's
24 acquisition of property. The relocation plan shall be
25 substantially similar to provisions of the Uniform
26 Relocation Assistance and Real Property Acquisition Act

1 and regulations promulgated under that Act relating to
2 assistance to displaced businesses. To implement the
3 relocation plan the Authority may acquire property by
4 purchase or gift or may exercise the powers authorized in
5 this subsection (f), except the immediate vesting of title
6 under Article 20 of the Eminent Domain Act, to acquire
7 substitute private property within one mile of Site B for
8 the benefit of displaced businesses located on property
9 being acquired by the Authority. However, no such
10 substitute property may be acquired by the Authority
11 unless the mayor of the municipality in which the property
12 is located certifies in writing that the acquisition is
13 consistent with the municipality's land use and economic
14 development policies and goals. The acquisition of
15 substitute property is declared to be for public use. In
16 exercising the powers authorized in this subsection (f),
17 the Authority shall use its best efforts to relocate
18 businesses within the area of McCormick Place or, failing
19 that, within the City of Chicago.

20 (g) To enter into contracts relating to construction
21 projects which provide for the delivery by the contractor
22 of a completed project, structure, improvement, or
23 specific portion thereof, for a fixed maximum price, which
24 contract may provide that the delivery of the project,
25 structure, improvement, or specific portion thereof, for
26 the fixed maximum price is insured or guaranteed by a

1 third party capable of completing the construction.

2 (h) To enter into agreements with any person with
3 respect to the use and occupancy of the grounds,
4 buildings, and facilities of the Authority, including
5 concession, license, and lease agreements on terms and
6 conditions as the Authority determines. Notwithstanding
7 Section 24, agreements with respect to the use and
8 occupancy of the grounds, buildings, and facilities of the
9 Authority for a term of more than one year shall be entered
10 into in accordance with the procurement process provided
11 for in Section 25.1.

12 (i) To enter into agreements with any person with
13 respect to the operation and management of the grounds,
14 buildings, and facilities of the Authority or the
15 provision of goods and services on terms and conditions as
16 the Authority determines.

17 (j) After conducting the procurement process provided
18 for in Section 25.1, to enter into one or more contracts to
19 provide for the design and construction of all or part of
20 the Authority's Expansion Project grounds, buildings, and
21 facilities. Any contract for design and construction of
22 the Expansion Project shall be in the form authorized by
23 subsection (g), shall be for a fixed maximum price not in
24 excess of the funds that are authorized to be made
25 available for those purposes during the term of the
26 contract, and shall be entered into before commencement of

1 construction.

2 (k) To enter into agreements, including project
3 agreements with labor unions, that the Authority deems
4 necessary to complete the Expansion Project or any other
5 construction or improvement project in the most timely and
6 efficient manner and without strikes, picketing, or other
7 actions that might cause disruption or delay and thereby
8 add to the cost of the project.

9 (l) To provide incentives to organizations and
10 entities that agree to make use of the grounds, buildings,
11 and facilities of the Authority for conventions, meetings,
12 or trade shows. The incentives may take the form of
13 discounts from regular fees charged by the Authority,
14 subsidies for or assumption of the costs incurred with
15 respect to the convention, meeting, or trade show, or
16 other inducements. The Authority shall award incentives to
17 attract or retain conventions, meetings, and trade shows
18 under the terms set forth in this subsection (l) from
19 amounts appropriated to the Authority from the
20 Metropolitan Pier and Exposition Authority Incentive Fund
21 for this purpose.

22 No later than May 15 of each year, the Chief Executive
23 Officer of the Metropolitan Pier and Exposition Authority
24 shall certify to the State Comptroller and the State
25 Treasurer the amounts of incentive grant funds used,
26 including incentive grant funds used for future events

1 under the provisions of this Section, during the current
2 fiscal year to provide incentives for conventions,
3 meetings, or trade shows that:

4 (i) have been approved by the Authority, in
5 consultation with an organization meeting the
6 qualifications set out in Section 5.6 of this Act,
7 provided the Authority has entered into a marketing
8 agreement with such an organization,

9 (ii) (A) for fiscal years prior to 2022 and after
10 2024, demonstrate registered attendance (or projected
11 attendance for future events) in excess of 5,000
12 individuals or in excess of 10,000 individuals, as
13 appropriate;

14 (B) for fiscal years 2022 through 2024,
15 demonstrate registered attendance (or projected
16 attendance for future events) in excess of 3,000
17 individuals or in excess of 5,000 individuals, as
18 appropriate; or

19 (C) for fiscal years 2022 and 2023, regardless of
20 registered attendance, demonstrate incurrence of costs
21 associated with mitigation of COVID-19, including, but
22 not limited to, costs for testing and screening,
23 contact tracing and notification, personal protective
24 equipment, and other physical and organizational
25 costs, and

26 (iii) in the case of subparagraphs (A) and (B) of

1 paragraph (ii), but for the incentive, would not have
2 used (or, in the case of a future event, committed to
3 use) the facilities of the Authority for the
4 convention, meeting, or trade show. The State
5 Comptroller may request that the Auditor General
6 conduct an audit of the accuracy of the certification.
7 If the State Comptroller determines by this process of
8 certification that incentive funds, in whole or in
9 part, were disbursed by the Authority by means other
10 than in accordance with the standards of this
11 subsection (1), then any amount transferred to the
12 Metropolitan Pier and Exposition Authority Incentive
13 Fund shall be reduced during the next subsequent
14 transfer in direct proportion to that amount
15 determined to be in violation of the terms set forth in
16 this subsection (1).

17 On July 15, 2012, the Comptroller shall order
18 transferred, and the Treasurer shall transfer, into the
19 Metropolitan Pier and Exposition Authority Incentive Fund
20 from the General Revenue Fund the sum of \$7,500,000 plus
21 an amount equal to the incentive grant funds certified by
22 the Chief Executive Officer as having been lawfully paid
23 under the provisions of this Section in the previous 2
24 fiscal years that have not otherwise been transferred into
25 the Metropolitan Pier and Exposition Authority Incentive
26 Fund, provided that transfers in excess of \$15,000,000

1 shall not be made in any fiscal year.

2 On July 15, 2013, the Comptroller shall order
3 transferred, and the Treasurer shall transfer, into the
4 Metropolitan Pier and Exposition Authority Incentive Fund
5 from the General Revenue Fund the sum of \$7,500,000 plus
6 an amount equal to the incentive grant funds certified by
7 the Chief Executive Officer as having been lawfully paid
8 under the provisions of this Section in the previous
9 fiscal year that have not otherwise been transferred into
10 the Metropolitan Pier and Exposition Authority Incentive
11 Fund, provided that transfers in excess of \$15,000,000
12 shall not be made in any fiscal year.

13 On July 15, 2014, and every year thereafter, the
14 Comptroller shall order transferred, and the Treasurer
15 shall transfer, into the Metropolitan Pier and Exposition
16 Authority Incentive Fund from the General Revenue Fund an
17 amount equal to the incentive grant funds certified by the
18 Chief Executive Officer as (i) having been lawfully paid
19 under the provisions of this Section in the previous
20 fiscal year or incurred by the Authority for a future
21 event under the provisions of this Section and (ii) ~~that~~
22 have not otherwise having been ~~been~~ transferred into the
23 Metropolitan Pier and Exposition Authority Incentive Fund,
24 provided that (1) no transfers with respect to any
25 previous fiscal year shall be made after the transfer has
26 been made with respect to the 2017 fiscal year until the

1 transfer that is made for the 2022 fiscal year and
2 thereafter, and no transfers with respect to any previous
3 fiscal year shall be made after the transfer has been made
4 with respect to the 2026 fiscal year, and (2) transfers in
5 excess of \$15,000,000 shall not be made in any fiscal
6 year.

7 After a transfer has been made under this subsection
8 (1), the Chief Executive Officer shall file a request for
9 payment with the Comptroller evidencing that the incentive
10 grants have been made and the Comptroller shall thereafter
11 order paid, and the Treasurer shall pay, the requested
12 amounts to the Metropolitan Pier and Exposition Authority.

13 Excluding any amounts related to the payment of costs
14 associated with the mitigation of COVID-19 in accordance
15 with this subsection (1), in no case shall more than
16 \$5,000,000 be used in any one year by the Authority for
17 incentives granted to conventions, meetings, or trade
18 shows with a registered attendance (or projected
19 attendance for future events) of (1) more than 5,000 and
20 less than 10,000 prior to the 2022 fiscal year and after
21 the 2024 fiscal year and (2) more than 3,000 and less than
22 5,000 for fiscal years 2022 through 2024. Amounts in the
23 Metropolitan Pier and Exposition Authority Incentive Fund
24 shall only be used by the Authority for incentives paid to
25 attract or retain conventions, meetings, and trade shows
26 as provided in this subsection (1).

1 "Future event" means a convention, meeting, or trade show
2 that executed an agreement during the fiscal year to use the
3 facilities of the Authority after fiscal year 2026; provided
4 that the agreement is entered into with the Authority or with
5 an organization that meets the qualifications set out in
6 Section 5.6 of this Act and that has entered into a marketing
7 agreement with the Authority.

8 (1-5) The Village of Rosemont shall provide incentives
9 from amounts transferred into the Convention Center
10 Support Fund to retain and attract conventions, meetings,
11 or trade shows to the Donald E. Stephens Convention Center
12 under the terms set forth in this subsection (1-5).

13 No later than May 15 of each year, the Mayor of the
14 Village of Rosemont or his or her designee shall certify
15 to the State Comptroller and the State Treasurer the
16 amounts of incentive grant funds used during the previous
17 fiscal year to provide incentives for conventions,
18 meetings, or trade shows that (1) have been approved by
19 the Village, (2) demonstrate registered attendance in
20 excess of 5,000 individuals, and (3) but for the
21 incentive, would not have used the Donald E. Stephens
22 Convention Center facilities for the convention, meeting,
23 or trade show. The State Comptroller may request that the
24 Auditor General conduct an audit of the accuracy of the
25 certification.

26 If the State Comptroller determines by this process of

1 certification that incentive funds, in whole or in part,
2 were disbursed by the Village by means other than in
3 accordance with the standards of this subsection (1-5),
4 then the amount transferred to the Convention Center
5 Support Fund shall be reduced during the next subsequent
6 transfer in direct proportion to that amount determined to
7 be in violation of the terms set forth in this subsection
8 (1-5).

9 On July 15, 2012, and each year thereafter, the
10 Comptroller shall order transferred, and the Treasurer
11 shall transfer, into the Convention Center Support Fund
12 from the General Revenue Fund the amount of \$5,000,000 for
13 (i) incentives to attract large conventions, meetings, and
14 trade shows to the Donald E. Stephens Convention Center,
15 and (ii) to be used by the Village of Rosemont for the
16 repair, maintenance, and improvement of the Donald E.
17 Stephens Convention Center and for debt service on debt
18 instruments issued for those purposes by the village. No
19 later than 30 days after the transfer, the Comptroller
20 shall order paid, and the Treasurer shall pay, to the
21 Village of Rosemont the amounts transferred.

22 (m) To enter into contracts with any person conveying
23 the naming rights or other intellectual property rights
24 with respect to the grounds, buildings, and facilities of
25 the Authority.

26 (n) To enter into grant agreements with the Chicago

1 Convention and Tourism Bureau providing for the marketing
2 of the convention facilities to large and small
3 conventions, meetings, and trade shows and the promotion
4 of the travel industry in the City of Chicago, provided
5 such agreements meet the requirements of Section 5.6 of
6 this Act. Receipts of the Authority from the increase in
7 the airport departure tax authorized in subsection (f) of
8 Section 13 of this Act by Public Act 96-898 and, subject to
9 appropriation to the Authority, funds deposited in the
10 Chicago Travel Industry Promotion Fund pursuant to Section
11 6 of the Hotel Operators' Occupation Tax Act shall be
12 granted to the Bureau for such purposes.

13 For Fiscal Year 2023 only, the Department of Commerce
14 and Economic Opportunity shall enter into the grant
15 agreements described in this subsection in place of the
16 Authority. The grant agreements entered into by the
17 Department and the Bureau under this subsection are not
18 subject to the matching funds requirements or the other
19 terms and conditions of Section 605-705 of the Department
20 of Commerce and Economic Opportunity Law of the Civil
21 Administrative Code of Illinois. Subject to appropriation,
22 funds transferred into the Chicago Travel Industry
23 Promotion Fund pursuant to subsection (f) of Section
24 6z-121 of the State Finance Act shall be granted to the
25 Bureau for the purposes described in this subsection. The
26 Department shall have authority to make expenditures from

1 the Chicago Travel Industry Promotion Fund solely for the
2 purpose of providing grants to the Bureau.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

4 Section 5-95. The School Code is amended by adding
5 Sections 2-3.196 and 2-3.197 and by changing Sections 2-3.186,
6 10-22.36, 18-8.15, and 27-23.1 as follows:

7 (105 ILCS 5/2-3.186)

8 Sec. 2-3.186. Freedom Schools; grant program.

9 (a) The General Assembly recognizes and values the
10 contributions that Freedom Schools make to enhance the lives
11 of Black students. The General Assembly makes all of the
12 following findings:

13 (1) The fundamental goal of the Freedom Schools of the
14 1960s was to provide quality education for all students,
15 to motivate active civic engagement, and to empower
16 disenfranchised communities. The renowned and progressive
17 curriculum of Freedom Schools allowed students of all ages
18 to experience a new and liberating form of education that
19 directly related to the imperatives of their lives, their
20 communities, and the Freedom Movement.

21 (2) Freedom Schools continue to demonstrate the proven
22 benefits of critical civic engagement and
23 intergenerational effects by providing historically
24 disadvantaged students, including African American

1 students and other students of color, with quality
2 instruction that fosters student confidence, critical
3 thinking, and social and emotional development.

4 (3) Freedom Schools offer culturally relevant learning
5 opportunities with the academic and social supports that
6 Black children need by utilizing quality teaching,
7 challenging and engaging curricula, wrap-around supports,
8 a positive school climate, and strong ties to family and
9 community. Freedom Schools have a clear focus on results.

10 (4) Public schools serve a foundational role in the
11 education of over 2,000,000 students in this State.

12 (b) The State Board of Education shall establish a Freedom
13 School network to supplement the learning taking place in
14 public schools by awarding one or more grants as set forth in
15 subsection (e) to create Freedom Schools ~~creating a 6 week~~
16 ~~summer program with an organization~~ with a mission to improve
17 the odds for children in poverty by ~~that operates Freedom~~
18 ~~Schools in multiple states~~ using a research-based and
19 multicultural curriculum for disenfranchised communities most
20 affected by the opportunity gap and learning loss caused by
21 the pandemic, and by expanding the teaching of African
22 American history, developing leadership skills, and providing
23 an understanding of the tenets of the civil rights movement.
24 The teachers in Freedom Schools must be from the local
25 community, with an emphasis on historically disadvantaged
26 youth, including African American students and other students

1 of color, so that (i) these individuals have access to ~~summer~~
2 jobs and teaching experiences that serve as a long-term
3 pipeline to educational careers and the hiring of minority
4 educators in public schools, (ii) these individuals are
5 elevated as content experts and community leaders, and (iii)
6 Freedom School students have access to both mentorship and
7 equitable educational resources.

8 (c) A Freedom School shall intentionally and imaginatively
9 implement strategies that focus on all of the following:

10 (1) Racial justice and equity.

11 (2) Transparency and building trusting relationships.

12 (3) Self-determination and governance.

13 (4) Building on community strengths and community
14 wisdom.

15 (5) Utilizing current data, best practices, and
16 evidence.

17 (6) Shared leadership and collaboration.

18 (7) A reflective learning culture.

19 (8) A whole-child approach to education.

20 (9) Literacy.

21 (d) The State Board of Education, in the establishment of
22 Freedom Schools, shall strive for authentic parent and
23 community engagement during the development of Freedom Schools
24 and their curriculum. Authentic parent and community
25 engagement includes all of the following:

26 (1) A shared responsibility that values equal

1 partnerships between families and professionals.

2 (2) Ensuring that students and families who are
3 directly impacted by Freedom School policies and practices
4 are the decision-makers in the creation, design,
5 implementation, and assessment of those policies and
6 practices.

7 (3) Genuine respect for the culture and diversity of
8 families.

9 (4) Relationships that center around the goal of
10 supporting family well-being and children's development
11 and learning.

12 (e) Subject to appropriation, the State Board of Education
13 shall establish and implement a grant program to provide
14 grants to public schools, public community colleges, and
15 not-for-profit, community-based organizations to facilitate
16 improved educational outcomes for historically disadvantaged
17 students, including African American students and other
18 students of color in grades pre-kindergarten through 12 in
19 alignment with the integrity and practices of the Freedom
20 School model established during the civil rights movement.
21 Grant recipients under the program may include, but are not
22 limited to, entities that work with the Children's Defense
23 Fund or offer established programs with proven results and
24 outcomes. The State Board of Education shall award grants to
25 eligible entities that demonstrate a likelihood of reasonable
26 success in achieving the goals identified in the grant

1 application, including, but not limited to, all of the
2 following:

3 (1) Engaging, culturally relevant, and challenging
4 curricula.

5 (2) High-quality teaching.

6 (3) Wrap-around supports and opportunities.

7 (4) Positive discipline practices, such as restorative
8 justice.

9 (5) Inclusive leadership.

10 (f) The Freedom Schools Fund is created as a special fund
11 in the State treasury. The Fund shall consist of
12 appropriations from the General Revenue Fund, grant funds from
13 the federal government, and donations from educational and
14 private foundations. All money in the Fund shall be used,
15 subject to appropriation, by the State Board of Education for
16 the purposes of this Section and to support related
17 activities.

18 (g) The State Board of Education may adopt any rules
19 necessary to implement this Section.

20 (Source: P.A. 101-654, eff. 3-8-21; 102-209, eff. 11-30-21

21 (See Section 5 of P.A. 102-671 for effective date of P.A.
22 102-209).)

23 (105 ILCS 5/2-3.196 new)

24 Sec. 2-3.196. Teacher Vacancy Grant Pilot Program.

25 (a) Subject to appropriation, beginning in Fiscal Year

1 2024, the State Board of Education shall administer a 3-year
2 Teacher Vacancy Grant Pilot Program for the allocation of
3 formula grant funds to school districts to support the
4 reduction of unfilled teaching positions throughout the State.
5 The State Board shall identify which districts are eligible to
6 apply for a 3-year grant under this Section by reviewing the
7 State Board's Fiscal Year 2023 annual unfilled teaching
8 positions report to determine which districts designated as
9 Tier 1, Tier 2, and Tier 3 under Section 18-8.15 have the
10 greatest need for funds. Based on the National Center for
11 Education Statistics locale classifications, 60% of eligible
12 districts shall be rural districts and 40% of eligible
13 districts shall be urban districts. Continued funding for the
14 grant in Fiscal Year 2025 and Fiscal Year 2026 is subject to
15 appropriation. The State Board shall post, on its website,
16 information about the grant program and the list of identified
17 districts that are eligible to apply for a grant under this
18 subsection.

19 (b) A school district that is determined to be eligible
20 for a grant under subsection (a) and that chooses to
21 participate in the program must submit an application to the
22 State Board that describes the relevant context for the need
23 for teacher vacancy support, suspected causes of teacher
24 vacancies in the district, and the district's plan in
25 utilizing grant funds to reduce unfilled teaching positions
26 throughout the district. If an eligible school district

1 chooses not to participate in the program, the State Board
2 shall identify a potential replacement district by using the
3 same methodology described in subsection (a).

4 (c) Grant funds awarded under this Section may be used for
5 financial incentives to support the recruitment and hiring of
6 teachers, programs and incentives to strengthen teacher
7 pipelines, or investments to sustain teachers and reduce
8 attrition among teachers. Grant funds shall be used only for
9 the purposes outlined in the district's application to the
10 State Board to reduce unfilled teaching positions. Grant funds
11 shall not be used for any purposes not approved by the State
12 Board.

13 (d) A school district that receives grant funds under this
14 Section shall submit an annual report to the State Board that
15 includes, but is not limited to, a summary of all grant-funded
16 activities implemented to reduce unfilled teaching positions,
17 progress towards reducing unfilled teaching positions, the
18 number of unfilled teaching positions in the district in the
19 preceding fiscal year, the number of new teachers hired during
20 the program, the teacher attrition rate, the number of
21 individuals participating in any programs designed to reduce
22 attrition, the number of teachers retained using support of
23 the grant funds, participation in any strategic pathway
24 programs created under the program, and the number of and
25 participation in any new pathways into teaching positions
26 created under the program.

1 (e) No later than March 1, 2027, the State Board shall
2 submit a report to the Governor and the General Assembly on the
3 efficacy of the pilot program that includes a summary of the
4 information received under subsection (d) and an overview of
5 its activities to support grantees.

6 (105 ILCS 5/2-3.197 new)

7 Sec. 2-3.197. Imagination Library of Illinois; grant
8 program. To promote the development of a comprehensive
9 statewide initiative for encouraging preschool age children to
10 develop a love of reading and learning, the State Board of
11 Education is authorized to develop, fund, support, promote,
12 and operate the Imagination Library of Illinois Program, which
13 is hereby established. For purposes of this Section, "State
14 program" means the Imagination Library of Illinois Program.

15 (a) State program funds shall be used to provide, through
16 Dolly Parton's Imagination Library, one age-appropriate book,
17 per month, to each registered child from birth to age 5 in
18 participating counties. Books shall be sent monthly to each
19 registered child's home at no cost to families. Subject to an
20 annual appropriation, the State Board of Education shall
21 contribute the State's matching funds per the cost-sharing
22 framework established by Dolly Parton's Imagination Library
23 for the State program. The State program shall contribute the
24 50% match of funds required of local programs participating in
25 Dolly Parton's Imagination Library. Local program partners

1 shall match the State program funds to provide the remaining
2 50% match of funds required by Dolly Parton's Imagination
3 Library.

4 (1) The Imagination Library of Illinois Fund is hereby
5 created as a special fund in the State Treasury. The State
6 Board of Education may accept gifts, grants, awards,
7 donations, matching contributions, appropriations,
8 interest income, public or private bequests, and cost
9 sharings from any individuals, businesses, governments, or
10 other third-party sources, and any federal funds. All
11 moneys received under this Section shall be deposited into
12 the Imagination Library of Illinois Fund. Any moneys that
13 are unobligated or unexpended at the end of a fiscal year
14 shall remain in the Imagination Library of Illinois Fund,
15 shall not lapse into the General Revenue Fund, and shall
16 be available to the Board for expenditure in the next
17 fiscal year, subject to appropriation. Notwithstanding any
18 other law to the contrary, this Fund is not subject to
19 sweeps, administrative chargebacks, or any other fiscal or
20 budgetary maneuver that in any way would transfer any
21 amount from this Fund into any other fund of the State.

22 (2) Moneys received under this Section are subject to
23 appropriation by the General Assembly and may only be
24 expended for purposes consistent with the conditions under
25 which the moneys were received, including, but not limited
26 to, the following:

1 (i) Moneys in the Fund shall be used to provide
2 age-appropriate books on a monthly basis, at home, to
3 each child registered in the Imagination Library of
4 Illinois Program, from birth through their fifth
5 birthday, at no cost to families, through Dolly
6 Parton's Imagination Library.

7 (ii) Subject to availability, moneys in the Fund
8 shall be allocated to qualified local entities that
9 provide a dollar-for-dollar match for the program. As
10 used in this Section, "qualified local entity" means
11 any existing or new local Dolly Parton's Imagination
12 Library affiliate.

13 (iii) Moneys in the Fund may be used by the State
14 Board of Education to pay for administrative expenses
15 of the State program, including associated operating
16 expenses of the State Board of Education or any
17 nonprofit entity that coordinates the State program
18 pursuant to subsection (b).

19 (b) The State Board of Education shall coordinate with a
20 nonprofit entity qualified under Section 501(c)(3) of the
21 Internal Revenue Code to operate the State program. That
22 organization must be organized solely to promote and encourage
23 reading by the children of the State, for the purpose of
24 implementing this Section.

25 (c) The State Board of Education shall provide oversight
26 of the nonprofit entity that operates the State program

1 pursuant to subsection (b) to ensure the nonprofit entity does
2 all of the following:

3 (1) Promotes the statewide development of local Dolly
4 Parton's Imagination Library programs.

5 (2) Advances and strengthens local Dolly Parton's
6 Imagination Library programs with the goal of increasing
7 enrollment.

8 (3) Develops community engagement.

9 (4) Develops, promotes, and coordinates a public
10 awareness campaign to make donors aware of the opportunity
11 to donate to the affiliate programs and make the public
12 aware of the opportunity to register eligible children to
13 receive books through the program.

14 (5) Administers the local match requirement and
15 coordinates the collection and remittance of local program
16 costs for books and mailing.

17 (6) Develops statewide marketing and communication
18 plans.

19 (7) Solicits donations, gifts, and other funding from
20 statewide partners to financially support local Dolly
21 Parton's Imagination Library programs.

22 (8) Identifies and applies for available grant awards.

23 (d) The State Board of Education shall make publicly
24 available on an annual basis information regarding the number
25 of local programs that exist, where the local programs are
26 located, the number of children that are enrolled in the

1 program, the number of books that have been provided, and
2 those entities or organizations that serve as local partners.

3 (e) The State Board of Education may adopt rules as may be
4 needed for the administration of the Imagination Library of
5 Illinois Program.

6 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

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

8 (a) To build or purchase a building for school classroom
9 or instructional purposes upon the approval of a majority of
10 the voters upon the proposition at a referendum held for such
11 purpose or in accordance with Section 17-2.11, 19-3.5, or
12 19-3.10. The board may initiate such referendum by resolution.
13 The board shall certify the resolution and proposition to the
14 proper election authority for submission in accordance with
15 the general election law.

16 The questions of building one or more new buildings for
17 school purposes or office facilities, and issuing bonds for
18 the purpose of borrowing money to purchase one or more
19 buildings or sites for such buildings or office sites, to
20 build one or more new buildings for school purposes or office
21 facilities or to make additions and improvements to existing
22 school buildings, may be combined into one or more
23 propositions on the ballot.

24 Before erecting, or purchasing or remodeling such a
25 building the board shall submit the plans and specifications

1 respecting heating, ventilating, lighting, seating, water
2 supply, toilets and safety against fire to the regional
3 superintendent of schools having supervision and control over
4 the district, for approval in accordance with Section 2-3.12.

5 Notwithstanding any of the foregoing, no referendum shall
6 be required if the purchase, construction, or building of any
7 such building (1) occurs while the building is being leased by
8 the school district or (2) is paid with (A) funds derived from
9 the sale or disposition of other buildings, land, or
10 structures of the school district or (B) funds received (i) as
11 a grant under the School Construction Law or (ii) as gifts or
12 donations, provided that no funds to purchase, construct, or
13 build such building, other than lease payments, are derived
14 from the district's bonded indebtedness or the tax levy of the
15 district.

16 Notwithstanding any of the foregoing, no referendum shall
17 be required if the purchase, construction, or building of any
18 such building is paid with funds received from the County
19 School Facility and Resources Occupation Tax Law under Section
20 5-1006.7 of the Counties Code or from the proceeds of bonds or
21 other debt obligations secured by revenues obtained from that
22 Law.

23 Notwithstanding any of the foregoing, for Decatur School
24 District Number 61, no referendum shall be required if at
25 least 50% of the cost of the purchase, construction, or
26 building of any such building is paid, or will be paid, with

1 funds received or expected to be received as part of, or
2 otherwise derived from, any COVID-19 pandemic relief program
3 or funding source, including, but not limited to, Elementary
4 and Secondary School Emergency Relief Fund grant proceeds.

5 (b) Notwithstanding the provisions of subsection (a), for
6 any school district: (i) that is a tier 1 school, (ii) that has
7 a population of less than 50,000 inhabitants, (iii) whose
8 student population is between 5,800 and 6,300, (iv) in which
9 57% to 62% of students are low-income, and (v) whose average
10 district spending is between \$10,000 to \$12,000 per pupil,
11 until July 1, 2025, no referendum shall be required if at least
12 50% of the cost of the purchase, construction, or building of
13 any such building is paid, or will be paid, with funds received
14 or expected to be received as part of, or otherwise derived
15 from, the federal Consolidated Appropriations Act and the
16 federal American Rescue Plan Act of 2021.

17 For this subsection (b), the school board must hold at
18 least 2 public hearings, the sole purpose of which shall be to
19 discuss the decision to construct a school building and to
20 receive input from the community. The notice of each public
21 hearing that sets forth the time, date, place, and name or
22 description of the school building that the school board is
23 considering constructing must be provided at least 10 days
24 prior to the hearing by publication on the school board's
25 Internet website.

26 (c) Notwithstanding the provisions of subsection (a) and

1 (b), for Cahokia Community Unit School District 187, no
2 referendum shall be required for the lease of any building for
3 school or educational purposes if the cost is paid or will be
4 paid with funds available at the time of the lease in the
5 district's existing fund balances to fund the lease of a
6 building during the 2023-2024 or 2024-2025 school year.

7 For the purposes of this subsection (c), the school board
8 must hold at least 2 public hearings, the sole purpose of which
9 shall be to discuss the decision to lease a school building and
10 to receive input from the community. The notice of each public
11 hearing that sets forth the time, date, place, and name or
12 description of the school building that the school board is
13 considering leasing must be provided at least 10 days prior to
14 the hearing by publication on the school district's website.

15 (Source: P.A. 101-455, eff. 8-23-19; 102-16, eff. 6-17-21;
16 102-699, eff. 7-1-22.)

17 (105 ILCS 5/18-8.15)

18 Sec. 18-8.15. Evidence-Based Funding for student success
19 for the 2017-2018 and subsequent school years.

20 (a) General provisions.

21 (1) The purpose of this Section is to ensure that, by
22 June 30, 2027 and beyond, this State has a kindergarten
23 through grade 12 public education system with the capacity
24 to ensure the educational development of all persons to
25 the limits of their capacities in accordance with Section

1 1 of Article X of the Constitution of the State of
2 Illinois. To accomplish that objective, this Section
3 creates a method of funding public education that is
4 evidence-based; is sufficient to ensure every student
5 receives a meaningful opportunity to learn irrespective of
6 race, ethnicity, sexual orientation, gender, or
7 community-income level; and is sustainable and
8 predictable. When fully funded under this Section, every
9 school shall have the resources, based on what the
10 evidence indicates is needed, to:

11 (A) provide all students with a high quality
12 education that offers the academic, enrichment, social
13 and emotional support, technical, and career-focused
14 programs that will allow them to become competitive
15 workers, responsible parents, productive citizens of
16 this State, and active members of our national
17 democracy;

18 (B) ensure all students receive the education they
19 need to graduate from high school with the skills
20 required to pursue post-secondary education and
21 training for a rewarding career;

22 (C) reduce, with a goal of eliminating, the
23 achievement gap between at-risk and non-at-risk
24 students by raising the performance of at-risk
25 students and not by reducing standards; and

26 (D) ensure this State satisfies its obligation to

1 assume the primary responsibility to fund public
2 education and simultaneously relieve the
3 disproportionate burden placed on local property taxes
4 to fund schools.

5 (2) The Evidence-Based Funding formula under this
6 Section shall be applied to all Organizational Units in
7 this State. The Evidence-Based Funding formula outlined in
8 this Act is based on the formula outlined in Senate Bill 1
9 of the 100th General Assembly, as passed by both
10 legislative chambers. As further defined and described in
11 this Section, there are 4 major components of the
12 Evidence-Based Funding model:

13 (A) First, the model calculates a unique Adequacy
14 Target for each Organizational Unit in this State that
15 considers the costs to implement research-based
16 activities, the unit's student demographics, and
17 regional wage differences.

18 (B) Second, the model calculates each
19 Organizational Unit's Local Capacity, or the amount
20 each Organizational Unit is assumed to contribute
21 toward its Adequacy Target from local resources.

22 (C) Third, the model calculates how much funding
23 the State currently contributes to the Organizational
24 Unit and adds that to the unit's Local Capacity to
25 determine the unit's overall current adequacy of
26 funding.

1 (D) Finally, the model's distribution method
2 allocates new State funding to those Organizational
3 Units that are least well-funded, considering both
4 Local Capacity and State funding, in relation to their
5 Adequacy Target.

6 (3) An Organizational Unit receiving any funding under
7 this Section may apply those funds to any fund so received
8 for which that Organizational Unit is authorized to make
9 expenditures by law.

10 (4) As used in this Section, the following terms shall
11 have the meanings ascribed in this paragraph (4):

12 "Adequacy Target" is defined in paragraph (1) of
13 subsection (b) of this Section.

14 "Adjusted EAV" is defined in paragraph (4) of
15 subsection (d) of this Section.

16 "Adjusted Local Capacity Target" is defined in
17 paragraph (3) of subsection (c) of this Section.

18 "Adjusted Operating Tax Rate" means a tax rate for all
19 Organizational Units, for which the State Superintendent
20 shall calculate and subtract for the Operating Tax Rate a
21 transportation rate based on total expenses for
22 transportation services under this Code, as reported on
23 the most recent Annual Financial Report in Pupil
24 Transportation Services, function 2550 in both the
25 Education and Transportation funds and functions 4110 and
26 4120 in the Transportation fund, less any corresponding

1 fiscal year State of Illinois scheduled payments excluding
2 net adjustments for prior years for regular, vocational,
3 or special education transportation reimbursement pursuant
4 to Section 29-5 or subsection (b) of Section 14-13.01 of
5 this Code divided by the Adjusted EAV. If an
6 Organizational Unit's corresponding fiscal year State of
7 Illinois scheduled payments excluding net adjustments for
8 prior years for regular, vocational, or special education
9 transportation reimbursement pursuant to Section 29-5 or
10 subsection (b) of Section 14-13.01 of this Code exceed the
11 total transportation expenses, as defined in this
12 paragraph, no transportation rate shall be subtracted from
13 the Operating Tax Rate.

14 "Allocation Rate" is defined in paragraph (3) of
15 subsection (g) of this Section.

16 "Alternative School" means a public school that is
17 created and operated by a regional superintendent of
18 schools and approved by the State Board.

19 "Applicable Tax Rate" is defined in paragraph (1) of
20 subsection (d) of this Section.

21 "Assessment" means any of those benchmark, progress
22 monitoring, formative, diagnostic, and other assessments,
23 in addition to the State accountability assessment, that
24 assist teachers' needs in understanding the skills and
25 meeting the needs of the students they serve.

26 "Assistant principal" means a school administrator

1 duly endorsed to be employed as an assistant principal in
2 this State.

3 "At-risk student" means a student who is at risk of
4 not meeting the Illinois Learning Standards or not
5 graduating from elementary or high school and who
6 demonstrates a need for vocational support or social
7 services beyond that provided by the regular school
8 program. All students included in an Organizational Unit's
9 Low-Income Count, as well as all English learner and
10 disabled students attending the Organizational Unit, shall
11 be considered at-risk students under this Section.

12 "Average Student Enrollment" or "ASE" for fiscal year
13 2018 means, for an Organizational Unit, the greater of the
14 average number of students (grades K through 12) reported
15 to the State Board as enrolled in the Organizational Unit
16 on October 1 in the immediately preceding school year,
17 plus the pre-kindergarten students who receive special
18 education services of 2 or more hours a day as reported to
19 the State Board on December 1 in the immediately preceding
20 school year, or the average number of students (grades K
21 through 12) reported to the State Board as enrolled in the
22 Organizational Unit on October 1, plus the
23 pre-kindergarten students who receive special education
24 services of 2 or more hours a day as reported to the State
25 Board on December 1, for each of the immediately preceding
26 3 school years. For fiscal year 2019 and each subsequent

1 fiscal year, "Average Student Enrollment" or "ASE" means,
2 for an Organizational Unit, the greater of the average
3 number of students (grades K through 12) reported to the
4 State Board as enrolled in the Organizational Unit on
5 October 1 and March 1 in the immediately preceding school
6 year, plus the pre-kindergarten students who receive
7 special education services as reported to the State Board
8 on October 1 and March 1 in the immediately preceding
9 school year, or the average number of students (grades K
10 through 12) reported to the State Board as enrolled in the
11 Organizational Unit on October 1 and March 1, plus the
12 pre-kindergarten students who receive special education
13 services as reported to the State Board on October 1 and
14 March 1, for each of the immediately preceding 3 school
15 years. For the purposes of this definition, "enrolled in
16 the Organizational Unit" means the number of students
17 reported to the State Board who are enrolled in schools
18 within the Organizational Unit that the student attends or
19 would attend if not placed or transferred to another
20 school or program to receive needed services. For the
21 purposes of calculating "ASE", all students, grades K
22 through 12, excluding those attending kindergarten for a
23 half day and students attending an alternative education
24 program operated by a regional office of education or
25 intermediate service center, shall be counted as 1.0. All
26 students attending kindergarten for a half day shall be

1 counted as 0.5, unless in 2017 by June 15 or by March 1 in
2 subsequent years, the school district reports to the State
3 Board of Education the intent to implement full-day
4 kindergarten district-wide for all students, then all
5 students attending kindergarten shall be counted as 1.0.
6 Special education pre-kindergarten students shall be
7 counted as 0.5 each. If the State Board does not collect or
8 has not collected both an October 1 and March 1 enrollment
9 count by grade or a December 1 collection of special
10 education pre-kindergarten students as of August 31, 2017
11 (the effective date of Public Act 100-465), it shall
12 establish such collection for all future years. For any
13 year in which a count by grade level was collected only
14 once, that count shall be used as the single count
15 available for computing a 3-year average ASE. Funding for
16 programs operated by a regional office of education or an
17 intermediate service center must be calculated using the
18 Evidence-Based Funding formula under this Section for the
19 2019-2020 school year and each subsequent school year
20 until separate adequacy formulas are developed and adopted
21 for each type of program. ASE for a program operated by a
22 regional office of education or an intermediate service
23 center must be determined by the March 1 enrollment for
24 the program. For the 2019-2020 school year, the ASE used
25 in the calculation must be the first-year ASE and, in that
26 year only, the assignment of students served by a regional

1 office of education or intermediate service center shall
2 not result in a reduction of the March enrollment for any
3 school district. For the 2020-2021 school year, the ASE
4 must be the greater of the current-year ASE or the 2-year
5 average ASE. Beginning with the 2021-2022 school year, the
6 ASE must be the greater of the current-year ASE or the
7 3-year average ASE. School districts shall submit the data
8 for the ASE calculation to the State Board within 45 days
9 of the dates required in this Section for submission of
10 enrollment data in order for it to be included in the ASE
11 calculation. For fiscal year 2018 only, the ASE
12 calculation shall include only enrollment taken on October
13 1. In recognition of the impact of COVID-19, the
14 definition of "Average Student Enrollment" or "ASE" shall
15 be adjusted for calculations under this Section for fiscal
16 years 2022 through 2024. For fiscal years 2022 through
17 2024, the enrollment used in the calculation of ASE
18 representing the 2020-2021 school year shall be the
19 greater of the enrollment for the 2020-2021 school year or
20 the 2019-2020 school year.

21 "Base Funding Guarantee" is defined in paragraph (10)
22 of subsection (g) of this Section.

23 "Base Funding Minimum" is defined in subsection (e) of
24 this Section.

25 "Base Tax Year" means the property tax levy year used
26 to calculate the Budget Year allocation of primary State

1 aid.

2 "Base Tax Year's Extension" means the product of the
3 equalized assessed valuation utilized by the county clerk
4 in the Base Tax Year multiplied by the limiting rate as
5 calculated by the county clerk and defined in PTELL.

6 "Bilingual Education Allocation" means the amount of
7 an Organizational Unit's final Adequacy Target
8 attributable to bilingual education divided by the
9 Organizational Unit's final Adequacy Target, the product
10 of which shall be multiplied by the amount of new funding
11 received pursuant to this Section. An Organizational
12 Unit's final Adequacy Target attributable to bilingual
13 education shall include all additional investments in
14 English learner students' adequacy elements.

15 "Budget Year" means the school year for which primary
16 State aid is calculated and awarded under this Section.

17 "Central office" means individual administrators and
18 support service personnel charged with managing the
19 instructional programs, business and operations, and
20 security of the Organizational Unit.

21 "Comparable Wage Index" or "CWI" means a regional cost
22 differentiation metric that measures systemic, regional
23 variations in the salaries of college graduates who are
24 not educators. The CWI utilized for this Section shall,
25 for the first 3 years of Evidence-Based Funding
26 implementation, be the CWI initially developed by the

1 National Center for Education Statistics, as most recently
2 updated by Texas A & M University. In the fourth and
3 subsequent years of Evidence-Based Funding implementation,
4 the State Superintendent shall re-determine the CWI using
5 a similar methodology to that identified in the Texas A & M
6 University study, with adjustments made no less frequently
7 than once every 5 years.

8 "Computer technology and equipment" means computers
9 servers, notebooks, network equipment, copiers, printers,
10 instructional software, security software, curriculum
11 management courseware, and other similar materials and
12 equipment.

13 "Computer technology and equipment investment
14 allocation" means the final Adequacy Target amount of an
15 Organizational Unit assigned to Tier 1 or Tier 2 in the
16 prior school year attributable to the additional \$285.50
17 per student computer technology and equipment investment
18 grant divided by the Organizational Unit's final Adequacy
19 Target, the result of which shall be multiplied by the
20 amount of new funding received pursuant to this Section.
21 An Organizational Unit assigned to a Tier 1 or Tier 2 final
22 Adequacy Target attributable to the received computer
23 technology and equipment investment grant shall include
24 all additional investments in computer technology and
25 equipment adequacy elements.

26 "Core subject" means mathematics; science; reading,

1 English, writing, and language arts; history and social
2 studies; world languages; and subjects taught as Advanced
3 Placement in high schools.

4 "Core teacher" means a regular classroom teacher in
5 elementary schools and teachers of a core subject in
6 middle and high schools.

7 "Core Intervention teacher (tutor)" means a licensed
8 teacher providing one-on-one or small group tutoring to
9 students struggling to meet proficiency in core subjects.

10 "CPPRT" means corporate personal property replacement
11 tax funds paid to an Organizational Unit during the
12 calendar year one year before the calendar year in which a
13 school year begins, pursuant to "An Act in relation to the
14 abolition of ad valorem personal property tax and the
15 replacement of revenues lost thereby, and amending and
16 repealing certain Acts and parts of Acts in connection
17 therewith", certified August 14, 1979, as amended (Public
18 Act 81-1st S.S.-1).

19 "EAV" means equalized assessed valuation as defined in
20 paragraph (2) of subsection (d) of this Section and
21 calculated in accordance with paragraph (3) of subsection
22 (d) of this Section.

23 "ECI" means the Bureau of Labor Statistics' national
24 employment cost index for civilian workers in educational
25 services in elementary and secondary schools on a
26 cumulative basis for the 12-month calendar year preceding

1 the fiscal year of the Evidence-Based Funding calculation.

2 "EIS Data" means the employment information system
3 data maintained by the State Board on educators within
4 Organizational Units.

5 "Employee benefits" means health, dental, and vision
6 insurance offered to employees of an Organizational Unit,
7 the costs associated with the statutorily required payment
8 of the normal cost of the Organizational Unit's teacher
9 pensions, Social Security employer contributions, and
10 Illinois Municipal Retirement Fund employer contributions.

11 "English learner" or "EL" means a child included in
12 the definition of "English learners" under Section 14C-2
13 of this Code participating in a program of transitional
14 bilingual education or a transitional program of
15 instruction meeting the requirements and program
16 application procedures of Article 14C of this Code. For
17 the purposes of collecting the number of EL students
18 enrolled, the same collection and calculation methodology
19 as defined above for "ASE" shall apply to English
20 learners, with the exception that EL student enrollment
21 shall include students in grades pre-kindergarten through
22 12.

23 "Essential Elements" means those elements, resources,
24 and educational programs that have been identified through
25 academic research as necessary to improve student success,
26 improve academic performance, close achievement gaps, and

1 provide for other per student costs related to the
2 delivery and leadership of the Organizational Unit, as
3 well as the maintenance and operations of the unit, and
4 which are specified in paragraph (2) of subsection (b) of
5 this Section.

6 "Evidence-Based Funding" means State funding provided
7 to an Organizational Unit pursuant to this Section.

8 "Extended day" means academic and enrichment programs
9 provided to students outside the regular school day before
10 and after school or during non-instructional times during
11 the school day.

12 "Extension Limitation Ratio" means a numerical ratio
13 in which the numerator is the Base Tax Year's Extension
14 and the denominator is the Preceding Tax Year's Extension.

15 "Final Percent of Adequacy" is defined in paragraph
16 (4) of subsection (f) of this Section.

17 "Final Resources" is defined in paragraph (3) of
18 subsection (f) of this Section.

19 "Full-time equivalent" or "FTE" means the full-time
20 equivalency compensation for staffing the relevant
21 position at an Organizational Unit.

22 "Funding Gap" is defined in paragraph (1) of
23 subsection (g).

24 "Hybrid District" means a partial elementary unit
25 district created pursuant to Article 11E of this Code.

26 "Instructional assistant" means a core or special

1 education, non-licensed employee who assists a teacher in
2 the classroom and provides academic support to students.

3 "Instructional facilitator" means a qualified teacher
4 or licensed teacher leader who facilitates and coaches
5 continuous improvement in classroom instruction; provides
6 instructional support to teachers in the elements of
7 research-based instruction or demonstrates the alignment
8 of instruction with curriculum standards and assessment
9 tools; develops or coordinates instructional programs or
10 strategies; develops and implements training; chooses
11 standards-based instructional materials; provides
12 teachers with an understanding of current research; serves
13 as a mentor, site coach, curriculum specialist, or lead
14 teacher; or otherwise works with fellow teachers, in
15 collaboration, to use data to improve instructional
16 practice or develop model lessons.

17 "Instructional materials" means relevant
18 instructional materials for student instruction,
19 including, but not limited to, textbooks, consumable
20 workbooks, laboratory equipment, library books, and other
21 similar materials.

22 "Laboratory School" means a public school that is
23 created and operated by a public university and approved
24 by the State Board.

25 "Librarian" means a teacher with an endorsement as a
26 library information specialist or another individual whose

1 primary responsibility is overseeing library resources
2 within an Organizational Unit.

3 "Limiting rate for Hybrid Districts" means the
4 combined elementary school and high school limiting rates.

5 "Local Capacity" is defined in paragraph (1) of
6 subsection (c) of this Section.

7 "Local Capacity Percentage" is defined in subparagraph
8 (A) of paragraph (2) of subsection (c) of this Section.

9 "Local Capacity Ratio" is defined in subparagraph (B)
10 of paragraph (2) of subsection (c) of this Section.

11 "Local Capacity Target" is defined in paragraph (2) of
12 subsection (c) of this Section.

13 "Low-Income Count" means, for an Organizational Unit
14 in a fiscal year, the higher of the average number of
15 students for the prior school year or the immediately
16 preceding 3 school years who, as of July 1 of the
17 immediately preceding fiscal year (as determined by the
18 Department of Human Services), are eligible for at least
19 one of the following low-income programs: Medicaid, the
20 Children's Health Insurance Program, Temporary Assistance
21 for Needy Families (TANF), or the Supplemental Nutrition
22 Assistance Program, excluding pupils who are eligible for
23 services provided by the Department of Children and Family
24 Services. Until such time that grade level low-income
25 populations become available, grade level low-income
26 populations shall be determined by applying the low-income

1 percentage to total student enrollments by grade level.
2 The low-income percentage is determined by dividing the
3 Low-Income Count by the Average Student Enrollment. The
4 low-income percentage for programs operated by a regional
5 office of education or an intermediate service center must
6 be set to the weighted average of the low-income
7 percentages of all of the school districts in the service
8 region. The weighted low-income percentage is the result
9 of multiplying the low-income percentage of each school
10 district served by the regional office of education or
11 intermediate service center by each school district's
12 Average Student Enrollment, summarizing those products and
13 dividing the total by the total Average Student Enrollment
14 for the service region.

15 "Maintenance and operations" means custodial services,
16 facility and ground maintenance, facility operations,
17 facility security, routine facility repairs, and other
18 similar services and functions.

19 "Minimum Funding Level" is defined in paragraph (9) of
20 subsection (g) of this Section.

21 "New Property Tax Relief Pool Funds" means, for any
22 given fiscal year, all State funds appropriated under
23 Section 2-3.170 of this Code.

24 "New State Funds" means, for a given school year, all
25 State funds appropriated for Evidence-Based Funding in
26 excess of the amount needed to fund the Base Funding

1 Minimum for all Organizational Units in that school year.

2 "Nurse" means an individual licensed as a certified
3 school nurse, in accordance with the rules established for
4 nursing services by the State Board, who is an employee of
5 and is available to provide health care-related services
6 for students of an Organizational Unit.

7 "Operating Tax Rate" means the rate utilized in the
8 previous year to extend property taxes for all purposes,
9 except Bond and Interest, Summer School, Rent, Capital
10 Improvement, and Vocational Education Building purposes.
11 For Hybrid Districts, the Operating Tax Rate shall be the
12 combined elementary and high school rates utilized in the
13 previous year to extend property taxes for all purposes,
14 except Bond and Interest, Summer School, Rent, Capital
15 Improvement, and Vocational Education Building purposes.

16 "Organizational Unit" means a Laboratory School or any
17 public school district that is recognized as such by the
18 State Board and that contains elementary schools typically
19 serving kindergarten through 5th grades, middle schools
20 typically serving 6th through 8th grades, high schools
21 typically serving 9th through 12th grades, a program
22 established under Section 2-3.66 or 2-3.41, or a program
23 operated by a regional office of education or an
24 intermediate service center under Article 13A or 13B. The
25 General Assembly acknowledges that the actual grade levels
26 served by a particular Organizational Unit may vary

1 slightly from what is typical.

2 "Organizational Unit CWI" is determined by calculating
3 the CWI in the region and original county in which an
4 Organizational Unit's primary administrative office is
5 located as set forth in this paragraph, provided that if
6 the Organizational Unit CWI as calculated in accordance
7 with this paragraph is less than 0.9, the Organizational
8 Unit CWI shall be increased to 0.9. Each county's current
9 CWI value shall be adjusted based on the CWI value of that
10 county's neighboring Illinois counties, to create a
11 "weighted adjusted index value". This shall be calculated
12 by summing the CWI values of all of a county's adjacent
13 Illinois counties and dividing by the number of adjacent
14 Illinois counties, then taking the weighted value of the
15 original county's CWI value and the adjacent Illinois
16 county average. To calculate this weighted value, if the
17 number of adjacent Illinois counties is greater than 2,
18 the original county's CWI value will be weighted at 0.25
19 and the adjacent Illinois county average will be weighted
20 at 0.75. If the number of adjacent Illinois counties is 2,
21 the original county's CWI value will be weighted at 0.33
22 and the adjacent Illinois county average will be weighted
23 at 0.66. The greater of the county's current CWI value and
24 its weighted adjusted index value shall be used as the
25 Organizational Unit CWI.

26 "Preceding Tax Year" means the property tax levy year

1 immediately preceding the Base Tax Year.

2 "Preceding Tax Year's Extension" means the product of
3 the equalized assessed valuation utilized by the county
4 clerk in the Preceding Tax Year multiplied by the
5 Operating Tax Rate.

6 "Preliminary Percent of Adequacy" is defined in
7 paragraph (2) of subsection (f) of this Section.

8 "Preliminary Resources" is defined in paragraph (2) of
9 subsection (f) of this Section.

10 "Principal" means a school administrator duly endorsed
11 to be employed as a principal in this State.

12 "Professional development" means training programs for
13 licensed staff in schools, including, but not limited to,
14 programs that assist in implementing new curriculum
15 programs, provide data focused or academic assessment data
16 training to help staff identify a student's weaknesses and
17 strengths, target interventions, improve instruction,
18 encompass instructional strategies for English learner,
19 gifted, or at-risk students, address inclusivity, cultural
20 sensitivity, or implicit bias, or otherwise provide
21 professional support for licensed staff.

22 "Prototypical" means 450 special education
23 pre-kindergarten and kindergarten through grade 5 students
24 for an elementary school, 450 grade 6 through 8 students
25 for a middle school, and 600 grade 9 through 12 students
26 for a high school.

1 "PTELL" means the Property Tax Extension Limitation
2 Law.

3 "PTELL EAV" is defined in paragraph (4) of subsection
4 (d) of this Section.

5 "Pupil support staff" means a nurse, psychologist,
6 social worker, family liaison personnel, or other staff
7 member who provides support to at-risk or struggling
8 students.

9 "Real Receipts" is defined in paragraph (1) of
10 subsection (d) of this Section.

11 "Regionalization Factor" means, for a particular
12 Organizational Unit, the figure derived by dividing the
13 Organizational Unit CWI by the Statewide Weighted CWI.

14 "School counselor" means a licensed school counselor
15 who provides guidance and counseling support for students
16 within an Organizational Unit.

17 "School site staff" means the primary school secretary
18 and any additional clerical personnel assigned to a
19 school.

20 "Special education" means special educational
21 facilities and services, as defined in Section 14-1.08 of
22 this Code.

23 "Special Education Allocation" means the amount of an
24 Organizational Unit's final Adequacy Target attributable
25 to special education divided by the Organizational Unit's
26 final Adequacy Target, the product of which shall be

1 multiplied by the amount of new funding received pursuant
2 to this Section. An Organizational Unit's final Adequacy
3 Target attributable to special education shall include all
4 special education investment adequacy elements.

5 "Specialist teacher" means a teacher who provides
6 instruction in subject areas not included in core
7 subjects, including, but not limited to, art, music,
8 physical education, health, driver education,
9 career-technical education, and such other subject areas
10 as may be mandated by State law or provided by an
11 Organizational Unit.

12 "Specially Funded Unit" means an Alternative School,
13 safe school, Department of Juvenile Justice school,
14 special education cooperative or entity recognized by the
15 State Board as a special education cooperative,
16 State-approved charter school, or alternative learning
17 opportunities program that received direct funding from
18 the State Board during the 2016-2017 school year through
19 any of the funding sources included within the calculation
20 of the Base Funding Minimum or Glenwood Academy.

21 "Supplemental Grant Funding" means supplemental
22 general State aid funding received by an Organizational
23 Unit during the 2016-2017 school year pursuant to
24 subsection (H) of Section 18-8.05 of this Code (now
25 repealed).

26 "State Adequacy Level" is the sum of the Adequacy

1 Targets of all Organizational Units.

2 "State Board" means the State Board of Education.

3 "State Superintendent" means the State Superintendent
4 of Education.

5 "Statewide Weighted CWI" means a figure determined by
6 multiplying each Organizational Unit CWI times the ASE for
7 that Organizational Unit creating a weighted value,
8 summing all Organizational Units' weighted values, and
9 dividing by the total ASE of all Organizational Units,
10 thereby creating an average weighted index.

11 "Student activities" means non-credit producing
12 after-school programs, including, but not limited to,
13 clubs, bands, sports, and other activities authorized by
14 the school board of the Organizational Unit.

15 "Substitute teacher" means an individual teacher or
16 teaching assistant who is employed by an Organizational
17 Unit and is temporarily serving the Organizational Unit on
18 a per diem or per period-assignment basis to replace
19 another staff member.

20 "Summer school" means academic and enrichment programs
21 provided to students during the summer months outside of
22 the regular school year.

23 "Supervisory aide" means a non-licensed staff member
24 who helps in supervising students of an Organizational
25 Unit, but does so outside of the classroom, in situations
26 such as, but not limited to, monitoring hallways and

1 playgrounds, supervising lunchrooms, or supervising
2 students when being transported in buses serving the
3 Organizational Unit.

4 "Target Ratio" is defined in paragraph (4) of
5 subsection (g).

6 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
7 in paragraph (3) of subsection (g).

8 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
9 Funding", "Tier 3 Aggregate Funding", and "Tier 4
10 Aggregate Funding" are defined in paragraph (1) of
11 subsection (g).

12 (b) Adequacy Target calculation.

13 (1) Each Organizational Unit's Adequacy Target is the
14 sum of the Organizational Unit's cost of providing
15 Essential Elements, as calculated in accordance with this
16 subsection (b), with the salary amounts in the Essential
17 Elements multiplied by a Regionalization Factor calculated
18 pursuant to paragraph (3) of this subsection (b).

19 (2) The Essential Elements are attributable on a pro
20 rata basis related to defined subgroups of the ASE of each
21 Organizational Unit as specified in this paragraph (2),
22 with investments and FTE positions pro rata funded based
23 on ASE counts in excess of or less than the thresholds set
24 forth in this paragraph (2). The method for calculating
25 attributable pro rata costs and the defined subgroups
26 thereto are as follows:

1 (A) Core class size investments. Each
2 Organizational Unit shall receive the funding required
3 to support that number of FTE core teacher positions
4 as is needed to keep the respective class sizes of the
5 Organizational Unit to the following maximum numbers:

6 (i) For grades kindergarten through 3, the
7 Organizational Unit shall receive funding required
8 to support one FTE core teacher position for every
9 15 Low-Income Count students in those grades and
10 one FTE core teacher position for every 20
11 non-Low-Income Count students in those grades.

12 (ii) For grades 4 through 12, the
13 Organizational Unit shall receive funding required
14 to support one FTE core teacher position for every
15 20 Low-Income Count students in those grades and
16 one FTE core teacher position for every 25
17 non-Low-Income Count students in those grades.

18 The number of non-Low-Income Count students in a
19 grade shall be determined by subtracting the
20 Low-Income students in that grade from the ASE of the
21 Organizational Unit for that grade.

22 (B) Specialist teacher investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover that number of FTE specialist teacher
25 positions that correspond to the following
26 percentages:

1 (i) if the Organizational Unit operates an
2 elementary or middle school, then 20.00% of the
3 number of the Organizational Unit's core teachers,
4 as determined under subparagraph (A) of this
5 paragraph (2); and

6 (ii) if such Organizational Unit operates a
7 high school, then 33.33% of the number of the
8 Organizational Unit's core teachers.

9 (C) Instructional facilitator investments. Each
10 Organizational Unit shall receive the funding needed
11 to cover one FTE instructional facilitator position
12 for every 200 combined ASE of pre-kindergarten
13 children with disabilities and all kindergarten
14 through grade 12 students of the Organizational Unit.

15 (D) Core intervention teacher (tutor) investments.
16 Each Organizational Unit shall receive the funding
17 needed to cover one FTE teacher position for each
18 prototypical elementary, middle, and high school.

19 (E) Substitute teacher investments. Each
20 Organizational Unit shall receive the funding needed
21 to cover substitute teacher costs that is equal to
22 5.70% of the minimum pupil attendance days required
23 under Section 10-19 of this Code for all full-time
24 equivalent core, specialist, and intervention
25 teachers, school nurses, special education teachers
26 and instructional assistants, instructional

1 facilitators, and summer school and extended day
2 teacher positions, as determined under this paragraph
3 (2), at a salary rate of 33.33% of the average salary
4 for grade K through 12 teachers and 33.33% of the
5 average salary of each instructional assistant
6 position.

7 (F) Core school counselor investments. Each
8 Organizational Unit shall receive the funding needed
9 to cover one FTE school counselor for each 450
10 combined ASE of pre-kindergarten children with
11 disabilities and all kindergarten through grade 5
12 students, plus one FTE school counselor for each 250
13 grades 6 through 8 ASE middle school students, plus
14 one FTE school counselor for each 250 grades 9 through
15 12 ASE high school students.

16 (G) Nurse investments. Each Organizational Unit
17 shall receive the funding needed to cover one FTE
18 nurse for each 750 combined ASE of pre-kindergarten
19 children with disabilities and all kindergarten
20 through grade 12 students across all grade levels it
21 serves.

22 (H) Supervisory aide investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover one FTE for each 225 combined ASE of
25 pre-kindergarten children with disabilities and all
26 kindergarten through grade 5 students, plus one FTE

1 for each 225 ASE middle school students, plus one FTE
2 for each 200 ASE high school students.

3 (I) Librarian investments. Each Organizational
4 Unit shall receive the funding needed to cover one FTE
5 librarian for each prototypical elementary school,
6 middle school, and high school and one FTE aide or
7 media technician for every 300 combined ASE of
8 pre-kindergarten children with disabilities and all
9 kindergarten through grade 12 students.

10 (J) Principal investments. Each Organizational
11 Unit shall receive the funding needed to cover one FTE
12 principal position for each prototypical elementary
13 school, plus one FTE principal position for each
14 prototypical middle school, plus one FTE principal
15 position for each prototypical high school.

16 (K) Assistant principal investments. Each
17 Organizational Unit shall receive the funding needed
18 to cover one FTE assistant principal position for each
19 prototypical elementary school, plus one FTE assistant
20 principal position for each prototypical middle
21 school, plus one FTE assistant principal position for
22 each prototypical high school.

23 (L) School site staff investments. Each
24 Organizational Unit shall receive the funding needed
25 for one FTE position for each 225 ASE of
26 pre-kindergarten children with disabilities and all

1 kindergarten through grade 5 students, plus one FTE
2 position for each 225 ASE middle school students, plus
3 one FTE position for each 200 ASE high school
4 students.

5 (M) Gifted investments. Each Organizational Unit
6 shall receive \$40 per kindergarten through grade 12
7 ASE.

8 (N) Professional development investments. Each
9 Organizational Unit shall receive \$125 per student of
10 the combined ASE of pre-kindergarten children with
11 disabilities and all kindergarten through grade 12
12 students for trainers and other professional
13 development-related expenses for supplies and
14 materials.

15 (O) Instructional material investments. Each
16 Organizational Unit shall receive \$190 per student of
17 the combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students to cover instructional material costs.

20 (P) Assessment investments. Each Organizational
21 Unit shall receive \$25 per student of the combined ASE
22 of pre-kindergarten children with disabilities and all
23 kindergarten through grade 12 students to cover
24 assessment costs.

25 (Q) Computer technology and equipment investments.
26 Each Organizational Unit shall receive \$285.50 per

1 student of the combined ASE of pre-kindergarten
2 children with disabilities and all kindergarten
3 through grade 12 students to cover computer technology
4 and equipment costs. For the 2018-2019 school year and
5 subsequent school years, Organizational Units assigned
6 to Tier 1 and Tier 2 in the prior school year shall
7 receive an additional \$285.50 per student of the
8 combined ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 12
10 students to cover computer technology and equipment
11 costs in the Organizational Unit's Adequacy Target.
12 The State Board may establish additional requirements
13 for Organizational Unit expenditures of funds received
14 pursuant to this subparagraph (Q), including a
15 requirement that funds received pursuant to this
16 subparagraph (Q) may be used only for serving the
17 technology needs of the district. It is the intent of
18 Public Act 100-465 that all Tier 1 and Tier 2 districts
19 receive the addition to their Adequacy Target in the
20 following year, subject to compliance with the
21 requirements of the State Board.

22 (R) Student activities investments. Each
23 Organizational Unit shall receive the following
24 funding amounts to cover student activities: \$100 per
25 kindergarten through grade 5 ASE student in elementary
26 school, plus \$200 per ASE student in middle school,

1 plus \$675 per ASE student in high school.

2 (S) Maintenance and operations investments. Each
3 Organizational Unit shall receive \$1,038 per student
4 of the combined ASE of pre-kindergarten children with
5 disabilities and all kindergarten through grade 12
6 students for day-to-day maintenance and operations
7 expenditures, including salary, supplies, and
8 materials, as well as purchased services, but
9 excluding employee benefits. The proportion of salary
10 for the application of a Regionalization Factor and
11 the calculation of benefits is equal to \$352.92.

12 (T) Central office investments. Each
13 Organizational Unit shall receive \$742 per student of
14 the combined ASE of pre-kindergarten children with
15 disabilities and all kindergarten through grade 12
16 students to cover central office operations, including
17 administrators and classified personnel charged with
18 managing the instructional programs, business and
19 operations of the school district, and security
20 personnel. The proportion of salary for the
21 application of a Regionalization Factor and the
22 calculation of benefits is equal to \$368.48.

23 (U) Employee benefit investments. Each
24 Organizational Unit shall receive 30% of the total of
25 all salary-calculated elements of the Adequacy Target,
26 excluding substitute teachers and student activities

1 investments, to cover benefit costs. For central
2 office and maintenance and operations investments, the
3 benefit calculation shall be based upon the salary
4 proportion of each investment. If at any time the
5 responsibility for funding the employer normal cost of
6 teacher pensions is assigned to school districts, then
7 that amount certified by the Teachers' Retirement
8 System of the State of Illinois to be paid by the
9 Organizational Unit for the preceding school year
10 shall be added to the benefit investment. For any
11 fiscal year in which a school district organized under
12 Article 34 of this Code is responsible for paying the
13 employer normal cost of teacher pensions, then that
14 amount of its employer normal cost plus the amount for
15 retiree health insurance as certified by the Public
16 School Teachers' Pension and Retirement Fund of
17 Chicago to be paid by the school district for the
18 preceding school year that is statutorily required to
19 cover employer normal costs and the amount for retiree
20 health insurance shall be added to the 30% specified
21 in this subparagraph (U). The Teachers' Retirement
22 System of the State of Illinois and the Public School
23 Teachers' Pension and Retirement Fund of Chicago shall
24 submit such information as the State Superintendent
25 may require for the calculations set forth in this
26 subparagraph (U).

1 (V) Additional investments in low-income students.
2 In addition to and not in lieu of all other funding
3 under this paragraph (2), each Organizational Unit
4 shall receive funding based on the average teacher
5 salary for grades K through 12 to cover the costs of:

6 (i) one FTE intervention teacher (tutor)
7 position for every 125 Low-Income Count students;

8 (ii) one FTE pupil support staff position for
9 every 125 Low-Income Count students;

10 (iii) one FTE extended day teacher position
11 for every 120 Low-Income Count students; and

12 (iv) one FTE summer school teacher position
13 for every 120 Low-Income Count students.

14 (W) Additional investments in English learner
15 students. In addition to and not in lieu of all other
16 funding under this paragraph (2), each Organizational
17 Unit shall receive funding based on the average
18 teacher salary for grades K through 12 to cover the
19 costs of:

20 (i) one FTE intervention teacher (tutor)
21 position for every 125 English learner students;

22 (ii) one FTE pupil support staff position for
23 every 125 English learner students;

24 (iii) one FTE extended day teacher position
25 for every 120 English learner students;

26 (iv) one FTE summer school teacher position

1 for every 120 English learner students; and

2 (v) one FTE core teacher position for every
3 100 English learner students.

4 (X) Special education investments. Each
5 Organizational Unit shall receive funding based on the
6 average teacher salary for grades K through 12 to
7 cover special education as follows:

8 (i) one FTE teacher position for every 141
9 combined ASE of pre-kindergarten children with
10 disabilities and all kindergarten through grade 12
11 students;

12 (ii) one FTE instructional assistant for every
13 141 combined ASE of pre-kindergarten children with
14 disabilities and all kindergarten through grade 12
15 students; and

16 (iii) one FTE psychologist position for every
17 1,000 combined ASE of pre-kindergarten children
18 with disabilities and all kindergarten through
19 grade 12 students.

20 (3) For calculating the salaries included within the
21 Essential Elements, the State Superintendent shall
22 annually calculate average salaries to the nearest dollar
23 using the employment information system data maintained by
24 the State Board, limited to public schools only and
25 excluding special education and vocational cooperatives,
26 schools operated by the Department of Juvenile Justice,

1 and charter schools, for the following positions:

2 (A) Teacher for grades K through 8.

3 (B) Teacher for grades 9 through 12.

4 (C) Teacher for grades K through 12.

5 (D) School counselor for grades K through 8.

6 (E) School counselor for grades 9 through 12.

7 (F) School counselor for grades K through 12.

8 (G) Social worker.

9 (H) Psychologist.

10 (I) Librarian.

11 (J) Nurse.

12 (K) Principal.

13 (L) Assistant principal.

14 For the purposes of this paragraph (3), "teacher"
15 includes core teachers, specialist and elective teachers,
16 instructional facilitators, tutors, special education
17 teachers, pupil support staff teachers, English learner
18 teachers, extended day teachers, and summer school
19 teachers. Where specific grade data is not required for
20 the Essential Elements, the average salary for
21 corresponding positions shall apply. For substitute
22 teachers, the average teacher salary for grades K through
23 12 shall apply.

24 For calculating the salaries included within the
25 Essential Elements for positions not included within EIS
26 Data, the following salaries shall be used in the first

1 year of implementation of Evidence-Based Funding:

2 (i) school site staff, \$30,000; and

3 (ii) non-instructional assistant, instructional
4 assistant, library aide, library media tech, or
5 supervisory aide: \$25,000.

6 In the second and subsequent years of implementation
7 of Evidence-Based Funding, the amounts in items (i) and
8 (ii) of this paragraph (3) shall annually increase by the
9 ECI.

10 The salary amounts for the Essential Elements
11 determined pursuant to subparagraphs (A) through (L), (S)
12 and (T), and (V) through (X) of paragraph (2) of
13 subsection (b) of this Section shall be multiplied by a
14 Regionalization Factor.

15 (c) Local Capacity calculation.

16 (1) Each Organizational Unit's Local Capacity
17 represents an amount of funding it is assumed to
18 contribute toward its Adequacy Target for purposes of the
19 Evidence-Based Funding formula calculation. "Local
20 Capacity" means either (i) the Organizational Unit's Local
21 Capacity Target as calculated in accordance with paragraph
22 (2) of this subsection (c) if its Real Receipts are equal
23 to or less than its Local Capacity Target or (ii) the
24 Organizational Unit's Adjusted Local Capacity, as
25 calculated in accordance with paragraph (3) of this
26 subsection (c) if Real Receipts are more than its Local

1 Capacity Target.

2 (2) "Local Capacity Target" means, for an
3 Organizational Unit, that dollar amount that is obtained
4 by multiplying its Adequacy Target by its Local Capacity
5 Ratio.

6 (A) An Organizational Unit's Local Capacity
7 Percentage is the conversion of the Organizational
8 Unit's Local Capacity Ratio, as such ratio is
9 determined in accordance with subparagraph (B) of this
10 paragraph (2), into a cumulative distribution
11 resulting in a percentile ranking to determine each
12 Organizational Unit's relative position to all other
13 Organizational Units in this State. The calculation of
14 Local Capacity Percentage is described in subparagraph
15 (C) of this paragraph (2).

16 (B) An Organizational Unit's Local Capacity Ratio
17 in a given year is the percentage obtained by dividing
18 its Adjusted EAV or PTELL EAV, whichever is less, by
19 its Adequacy Target, with the resulting ratio further
20 adjusted as follows:

21 (i) for Organizational Units serving grades
22 kindergarten through 12 and Hybrid Districts, no
23 further adjustments shall be made;

24 (ii) for Organizational Units serving grades
25 kindergarten through 8, the ratio shall be
26 multiplied by 9/13;

1 (iii) for Organizational Units serving grades
2 9 through 12, the Local Capacity Ratio shall be
3 multiplied by $4/13$; and

4 (iv) for an Organizational Unit with a
5 different grade configuration than those specified
6 in items (i) through (iii) of this subparagraph
7 (B), the State Superintendent shall determine a
8 comparable adjustment based on the grades served.

9 (C) The Local Capacity Percentage is equal to the
10 percentile ranking of the district. Local Capacity
11 Percentage converts each Organizational Unit's Local
12 Capacity Ratio to a cumulative distribution resulting
13 in a percentile ranking to determine each
14 Organizational Unit's relative position to all other
15 Organizational Units in this State. The Local Capacity
16 Percentage cumulative distribution resulting in a
17 percentile ranking for each Organizational Unit shall
18 be calculated using the standard normal distribution
19 of the score in relation to the weighted mean and
20 weighted standard deviation and Local Capacity Ratios
21 of all Organizational Units. If the value assigned to
22 any Organizational Unit is in excess of 90%, the value
23 shall be adjusted to 90%. For Laboratory Schools, the
24 Local Capacity Percentage shall be set at 10% in
25 recognition of the absence of EAV and resources from
26 the public university that are allocated to the

1 Laboratory School. For programs operated by a regional
2 office of education or an intermediate service center,
3 the Local Capacity Percentage must be set at 10% in
4 recognition of the absence of EAV and resources from
5 school districts that are allocated to the regional
6 office of education or intermediate service center.
7 The weighted mean for the Local Capacity Percentage
8 shall be determined by multiplying each Organizational
9 Unit's Local Capacity Ratio times the ASE for the unit
10 creating a weighted value, summing the weighted values
11 of all Organizational Units, and dividing by the total
12 ASE of all Organizational Units. The weighted standard
13 deviation shall be determined by taking the square
14 root of the weighted variance of all Organizational
15 Units' Local Capacity Ratio, where the variance is
16 calculated by squaring the difference between each
17 unit's Local Capacity Ratio and the weighted mean,
18 then multiplying the variance for each unit times the
19 ASE for the unit to create a weighted variance for each
20 unit, then summing all units' weighted variance and
21 dividing by the total ASE of all units.

22 (D) For any Organizational Unit, the
23 Organizational Unit's Adjusted Local Capacity Target
24 shall be reduced by either (i) the school board's
25 remaining contribution pursuant to paragraph (ii) of
26 subsection (b-4) of Section 16-158 of the Illinois

1 Pension Code in a given year or (ii) the board of
2 education's remaining contribution pursuant to
3 paragraph (iv) of subsection (b) of Section 17-129 of
4 the Illinois Pension Code absent the employer normal
5 cost portion of the required contribution and amount
6 allowed pursuant to subdivision (3) of Section
7 17-142.1 of the Illinois Pension Code in a given year.
8 In the preceding sentence, item (i) shall be certified
9 to the State Board of Education by the Teachers'
10 Retirement System of the State of Illinois and item
11 (ii) shall be certified to the State Board of
12 Education by the Public School Teachers' Pension and
13 Retirement Fund of the City of Chicago.

14 (3) If an Organizational Unit's Real Receipts are more
15 than its Local Capacity Target, then its Local Capacity
16 shall equal an Adjusted Local Capacity Target as
17 calculated in accordance with this paragraph (3). The
18 Adjusted Local Capacity Target is calculated as the sum of
19 the Organizational Unit's Local Capacity Target and its
20 Real Receipts Adjustment. The Real Receipts Adjustment
21 equals the Organizational Unit's Real Receipts less its
22 Local Capacity Target, with the resulting figure
23 multiplied by the Local Capacity Percentage.

24 As used in this paragraph (3), "Real Percent of
25 Adequacy" means the sum of an Organizational Unit's Real
26 Receipts, CPPRT, and Base Funding Minimum, with the

1 resulting figure divided by the Organizational Unit's
2 Adequacy Target.

3 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
4 for purposes of the Local Capacity calculation.

5 (1) An Organizational Unit's Real Receipts are the
6 product of its Applicable Tax Rate and its Adjusted EAV.
7 An Organizational Unit's Applicable Tax Rate is its
8 Adjusted Operating Tax Rate for property within the
9 Organizational Unit.

10 (2) The State Superintendent shall calculate the
11 equalized assessed valuation, or EAV, of all taxable
12 property of each Organizational Unit as of September 30 of
13 the previous year in accordance with paragraph (3) of this
14 subsection (d). The State Superintendent shall then
15 determine the Adjusted EAV of each Organizational Unit in
16 accordance with paragraph (4) of this subsection (d),
17 which Adjusted EAV figure shall be used for the purposes
18 of calculating Local Capacity.

19 (3) To calculate Real Receipts and EAV, the Department
20 of Revenue shall supply to the State Superintendent the
21 value as equalized or assessed by the Department of
22 Revenue of all taxable property of every Organizational
23 Unit, together with (i) the applicable tax rate used in
24 extending taxes for the funds of the Organizational Unit
25 as of September 30 of the previous year and (ii) the
26 limiting rate for all Organizational Units subject to

1 property tax extension limitations as imposed under PTELL.

2 (A) The Department of Revenue shall add to the
3 equalized assessed value of all taxable property of
4 each Organizational Unit situated entirely or
5 partially within a county that is or was subject to the
6 provisions of Section 15-176 or 15-177 of the Property
7 Tax Code (i) an amount equal to the total amount by
8 which the homestead exemption allowed under Section
9 15-176 or 15-177 of the Property Tax Code for real
10 property situated in that Organizational Unit exceeds
11 the total amount that would have been allowed in that
12 Organizational Unit if the maximum reduction under
13 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
14 in all other counties in tax year 2003 or (II) \$5,000
15 in all counties in tax year 2004 and thereafter and
16 (ii) an amount equal to the aggregate amount for the
17 taxable year of all additional exemptions under
18 Section 15-175 of the Property Tax Code for owners
19 with a household income of \$30,000 or less. The county
20 clerk of any county that is or was subject to the
21 provisions of Section 15-176 or 15-177 of the Property
22 Tax Code shall annually calculate and certify to the
23 Department of Revenue for each Organizational Unit all
24 homestead exemption amounts under Section 15-176 or
25 15-177 of the Property Tax Code and all amounts of
26 additional exemptions under Section 15-175 of the

1 Property Tax Code for owners with a household income
2 of \$30,000 or less. It is the intent of this
3 subparagraph (A) that if the general homestead
4 exemption for a parcel of property is determined under
5 Section 15-176 or 15-177 of the Property Tax Code
6 rather than Section 15-175, then the calculation of
7 EAV shall not be affected by the difference, if any,
8 between the amount of the general homestead exemption
9 allowed for that parcel of property under Section
10 15-176 or 15-177 of the Property Tax Code and the
11 amount that would have been allowed had the general
12 homestead exemption for that parcel of property been
13 determined under Section 15-175 of the Property Tax
14 Code. It is further the intent of this subparagraph
15 (A) that if additional exemptions are allowed under
16 Section 15-175 of the Property Tax Code for owners
17 with a household income of less than \$30,000, then the
18 calculation of EAV shall not be affected by the
19 difference, if any, because of those additional
20 exemptions.

21 (B) With respect to any part of an Organizational
22 Unit within a redevelopment project area in respect to
23 which a municipality has adopted tax increment
24 allocation financing pursuant to the Tax Increment
25 Allocation Redevelopment Act, Division 74.4 of Article
26 11 of the Illinois Municipal Code, or the Industrial

1 Jobs Recovery Law, Division 74.6 of Article 11 of the
2 Illinois Municipal Code, no part of the current EAV of
3 real property located in any such project area that is
4 attributable to an increase above the total initial
5 EAV of such property shall be used as part of the EAV
6 of the Organizational Unit, until such time as all
7 redevelopment project costs have been paid, as
8 provided in Section 11-74.4-8 of the Tax Increment
9 Allocation Redevelopment Act or in Section 11-74.6-35
10 of the Industrial Jobs Recovery Law. For the purpose
11 of the EAV of the Organizational Unit, the total
12 initial EAV or the current EAV, whichever is lower,
13 shall be used until such time as all redevelopment
14 project costs have been paid.

15 (B-5) The real property equalized assessed
16 valuation for a school district shall be adjusted by
17 subtracting from the real property value, as equalized
18 or assessed by the Department of Revenue, for the
19 district an amount computed by dividing the amount of
20 any abatement of taxes under Section 18-170 of the
21 Property Tax Code by 3.00% for a district maintaining
22 grades kindergarten through 12, by 2.30% for a
23 district maintaining grades kindergarten through 8, or
24 by 1.05% for a district maintaining grades 9 through
25 12 and adjusted by an amount computed by dividing the
26 amount of any abatement of taxes under subsection (a)

1 of Section 18-165 of the Property Tax Code by the same
2 percentage rates for district type as specified in
3 this subparagraph (B-5).

4 (C) For Organizational Units that are Hybrid
5 Districts, the State Superintendent shall use the
6 lesser of the adjusted equalized assessed valuation
7 for property within the partial elementary unit
8 district for elementary purposes, as defined in
9 Article 11E of this Code, or the adjusted equalized
10 assessed valuation for property within the partial
11 elementary unit district for high school purposes, as
12 defined in Article 11E of this Code.

13 (D) If a school district's boundaries span
14 multiple counties, then the Department of Revenue
15 shall send to the State Board, for the purposes of
16 calculating Evidence-Based Funding, the limiting rate
17 and individual rates by purpose for the county that
18 contains the majority of the school district's
19 equalized assessed valuation.

20 (4) An Organizational Unit's Adjusted EAV shall be the
21 average of its EAV over the immediately preceding 3 years
22 or the lesser of its EAV in the immediately preceding year
23 or the average of its EAV over the immediately preceding 3
24 years if the EAV in the immediately preceding year has
25 declined by 10% or more when comparing the 2 most recent
26 years. In the event of Organizational Unit reorganization,

1 consolidation, or annexation, the Organizational Unit's
2 Adjusted EAV for the first 3 years after such change shall
3 be as follows: the most current EAV shall be used in the
4 first year, the average of a 2-year EAV or its EAV in the
5 immediately preceding year if the EAV declines by 10% or
6 more when comparing the 2 most recent years for the second
7 year, and the lesser of a 3-year average EAV or its EAV in
8 the immediately preceding year if the Adjusted EAV
9 declines by 10% or more when comparing the 2 most recent
10 years for the third year. For any school district whose
11 EAV in the immediately preceding year is used in
12 calculations, in the following year, the Adjusted EAV
13 shall be the average of its EAV over the immediately
14 preceding 2 years or the immediately preceding year if
15 that year represents a decline of 10% or more when
16 comparing the 2 most recent years.

17 "PTELL EAV" means a figure calculated by the State
18 Board for Organizational Units subject to PTELL as
19 described in this paragraph (4) for the purposes of
20 calculating an Organizational Unit's Local Capacity Ratio.
21 Except as otherwise provided in this paragraph (4), the
22 PTELL EAV of an Organizational Unit shall be equal to the
23 product of the equalized assessed valuation last used in
24 the calculation of general State aid under Section 18-8.05
25 of this Code (now repealed) or Evidence-Based Funding
26 under this Section and the Organizational Unit's Extension

1 Limitation Ratio. If an Organizational Unit has approved
2 or does approve an increase in its limiting rate, pursuant
3 to Section 18-190 of the Property Tax Code, affecting the
4 Base Tax Year, the PTELL EAV shall be equal to the product
5 of the equalized assessed valuation last used in the
6 calculation of general State aid under Section 18-8.05 of
7 this Code (now repealed) or Evidence-Based Funding under
8 this Section multiplied by an amount equal to one plus the
9 percentage increase, if any, in the Consumer Price Index
10 for All Urban Consumers for all items published by the
11 United States Department of Labor for the 12-month
12 calendar year preceding the Base Tax Year, plus the
13 equalized assessed valuation of new property, annexed
14 property, and recovered tax increment value and minus the
15 equalized assessed valuation of disconnected property.

16 As used in this paragraph (4), "new property" and
17 "recovered tax increment value" shall have the meanings
18 set forth in the Property Tax Extension Limitation Law.

19 (e) Base Funding Minimum calculation.

20 (1) For the 2017-2018 school year, the Base Funding
21 Minimum of an Organizational Unit or a Specially Funded
22 Unit shall be the amount of State funds distributed to the
23 Organizational Unit or Specially Funded Unit during the
24 2016-2017 school year prior to any adjustments and
25 specified appropriation amounts described in this
26 paragraph (1) from the following Sections, as calculated

1 by the State Superintendent: Section 18-8.05 of this Code
2 (now repealed); Section 5 of Article 224 of Public Act
3 99-524 (equity grants); Section 14-7.02b of this Code
4 (funding for children requiring special education
5 services); Section 14-13.01 of this Code (special
6 education facilities and staffing), except for
7 reimbursement of the cost of transportation pursuant to
8 Section 14-13.01; Section 14C-12 of this Code (English
9 learners); and Section 18-4.3 of this Code (summer
10 school), based on an appropriation level of \$13,121,600.
11 For a school district organized under Article 34 of this
12 Code, the Base Funding Minimum also includes (i) the funds
13 allocated to the school district pursuant to Section 1D-1
14 of this Code attributable to funding programs authorized
15 by the Sections of this Code listed in the preceding
16 sentence and (ii) the difference between (I) the funds
17 allocated to the school district pursuant to Section 1D-1
18 of this Code attributable to the funding programs
19 authorized by Section 14-7.02 (non-public special
20 education reimbursement), subsection (b) of Section
21 14-13.01 (special education transportation), Section 29-5
22 (transportation), Section 2-3.80 (agricultural
23 education), Section 2-3.66 (truants' alternative
24 education), Section 2-3.62 (educational service centers),
25 and Section 14-7.03 (special education - orphanage) of
26 this Code and Section 15 of the Childhood Hunger Relief

1 Act (free breakfast program) and (II) the school
2 district's actual expenditures for its non-public special
3 education, special education transportation,
4 transportation programs, agricultural education, truants'
5 alternative education, services that would otherwise be
6 performed by a regional office of education, special
7 education orphanage expenditures, and free breakfast, as
8 most recently calculated and reported pursuant to
9 subsection (f) of Section 1D-1 of this Code. The Base
10 Funding Minimum for Glenwood Academy shall be \$952,014
11 ~~\$625,500~~. For programs operated by a regional office of
12 education or an intermediate service center, the Base
13 Funding Minimum must be the total amount of State funds
14 allocated to those programs in the 2018-2019 school year
15 and amounts provided pursuant to Article 34 of Public Act
16 100-586 and Section 3-16 of this Code. All programs
17 established after June 5, 2019 (the effective date of
18 Public Act 101-10) and administered by a regional office
19 of education or an intermediate service center must have
20 an initial Base Funding Minimum set to an amount equal to
21 the first-year ASE multiplied by the amount of per pupil
22 funding received in the previous school year by the lowest
23 funded similar existing program type. If the enrollment
24 for a program operated by a regional office of education
25 or an intermediate service center is zero, then it may not
26 receive Base Funding Minimum funds for that program in the

1 next fiscal year, and those funds must be distributed to
2 Organizational Units under subsection (g).

3 (2) For the 2018-2019 and subsequent school years, the
4 Base Funding Minimum of Organizational Units and Specially
5 Funded Units shall be the sum of (i) the amount of
6 Evidence-Based Funding for the prior school year, (ii) the
7 Base Funding Minimum for the prior school year, and (iii)
8 any amount received by a school district pursuant to
9 Section 7 of Article 97 of Public Act 100-21.

10 For the 2022-2023 school year, the Base Funding
11 Minimum of Organizational Units shall be the amounts
12 recalculated by the State Board of Education for Fiscal
13 Year 2019 through Fiscal Year 2022 that were necessary due
14 to average student enrollment errors for districts
15 organized under Article 34 of this Code, plus the Fiscal
16 Year 2022 property tax relief grants provided under
17 Section 2-3.170 of this Code, ensuring each Organizational
18 Unit has the correct amount of resources for Fiscal Year
19 2023 Evidence-Based Funding calculations and that Fiscal
20 Year 2023 Evidence-Based Funding Distributions are made in
21 accordance with this Section.

22 (3) Subject to approval by the General Assembly as
23 provided in this paragraph (3), an Organizational Unit
24 that meets all of the following criteria, as determined by
25 the State Board, shall have District Intervention Money
26 added to its Base Funding Minimum at the time the Base

1 Funding Minimum is calculated by the State Board:

2 (A) The Organizational Unit is operating under an
3 Independent Authority under Section 2-3.25f-5 of this
4 Code for a minimum of 4 school years or is subject to
5 the control of the State Board pursuant to a court
6 order for a minimum of 4 school years.

7 (B) The Organizational Unit was designated as a
8 Tier 1 or Tier 2 Organizational Unit in the previous
9 school year under paragraph (3) of subsection (g) of
10 this Section.

11 (C) The Organizational Unit demonstrates
12 sustainability through a 5-year financial and
13 strategic plan.

14 (D) The Organizational Unit has made sufficient
15 progress and achieved sufficient stability in the
16 areas of governance, academic growth, and finances.

17 As part of its determination under this paragraph (3),
18 the State Board may consider the Organizational Unit's
19 summative designation, any accreditations of the
20 Organizational Unit, or the Organizational Unit's
21 financial profile, as calculated by the State Board.

22 If the State Board determines that an Organizational
23 Unit has met the criteria set forth in this paragraph (3),
24 it must submit a report to the General Assembly, no later
25 than January 2 of the fiscal year in which the State Board
26 makes its determination, on the amount of District

1 Intervention Money to add to the Organizational Unit's
2 Base Funding Minimum. The General Assembly must review the
3 State Board's report and may approve or disapprove, by
4 joint resolution, the addition of District Intervention
5 Money. If the General Assembly fails to act on the report
6 within 40 calendar days from the receipt of the report,
7 the addition of District Intervention Money is deemed
8 approved. If the General Assembly approves the amount of
9 District Intervention Money to be added to the
10 Organizational Unit's Base Funding Minimum, the District
11 Intervention Money must be added to the Base Funding
12 Minimum annually thereafter.

13 For the first 4 years following the initial year that
14 the State Board determines that an Organizational Unit has
15 met the criteria set forth in this paragraph (3) and has
16 received funding under this Section, the Organizational
17 Unit must annually submit to the State Board, on or before
18 November 30, a progress report regarding its financial and
19 strategic plan under subparagraph (C) of this paragraph
20 (3). The plan shall include the financial data from the
21 past 4 annual financial reports or financial audits that
22 must be presented to the State Board by November 15 of each
23 year and the approved budget financial data for the
24 current year. The plan shall be developed according to the
25 guidelines presented to the Organizational Unit by the
26 State Board. The plan shall further include financial

1 projections for the next 3 fiscal years and include a
2 discussion and financial summary of the Organizational
3 Unit's facility needs. If the Organizational Unit does not
4 demonstrate sufficient progress toward its 5-year plan or
5 if it has failed to file an annual financial report, an
6 annual budget, a financial plan, a deficit reduction plan,
7 or other financial information as required by law, the
8 State Board may establish a Financial Oversight Panel
9 under Article 1H of this Code. However, if the
10 Organizational Unit already has a Financial Oversight
11 Panel, the State Board may extend the duration of the
12 Panel.

13 (f) Percent of Adequacy and Final Resources calculation.

14 (1) The Evidence-Based Funding formula establishes a
15 Percent of Adequacy for each Organizational Unit in order
16 to place such units into tiers for the purposes of the
17 funding distribution system described in subsection (g) of
18 this Section. Initially, an Organizational Unit's
19 Preliminary Resources and Preliminary Percent of Adequacy
20 are calculated pursuant to paragraph (2) of this
21 subsection (f). Then, an Organizational Unit's Final
22 Resources and Final Percent of Adequacy are calculated to
23 account for the Organizational Unit's poverty
24 concentration levels pursuant to paragraphs (3) and (4) of
25 this subsection (f).

26 (2) An Organizational Unit's Preliminary Resources are

1 equal to the sum of its Local Capacity Target, CPPRT, and
2 Base Funding Minimum. An Organizational Unit's Preliminary
3 Percent of Adequacy is the lesser of (i) its Preliminary
4 Resources divided by its Adequacy Target or (ii) 100%.

5 (3) Except for Specially Funded Units, an
6 Organizational Unit's Final Resources are equal to the sum
7 of its Local Capacity, CPPRT, and Adjusted Base Funding
8 Minimum. The Base Funding Minimum of each Specially Funded
9 Unit shall serve as its Final Resources, except that the
10 Base Funding Minimum for State-approved charter schools
11 shall not include any portion of general State aid
12 allocated in the prior year based on the per capita
13 tuition charge times the charter school enrollment.

14 (4) An Organizational Unit's Final Percent of Adequacy
15 is its Final Resources divided by its Adequacy Target. An
16 Organizational Unit's Adjusted Base Funding Minimum is
17 equal to its Base Funding Minimum less its Supplemental
18 Grant Funding, with the resulting figure added to the
19 product of its Supplemental Grant Funding and Preliminary
20 Percent of Adequacy.

21 (g) Evidence-Based Funding formula distribution system.

22 (1) In each school year under the Evidence-Based
23 Funding formula, each Organizational Unit receives funding
24 equal to the sum of its Base Funding Minimum and the unit's
25 allocation of New State Funds determined pursuant to this
26 subsection (g). To allocate New State Funds, the

1 Evidence-Based Funding formula distribution system first
2 places all Organizational Units into one of 4 tiers in
3 accordance with paragraph (3) of this subsection (g),
4 based on the Organizational Unit's Final Percent of
5 Adequacy. New State Funds are allocated to each of the 4
6 tiers as follows: Tier 1 Aggregate Funding equals 50% of
7 all New State Funds, Tier 2 Aggregate Funding equals 49%
8 of all New State Funds, Tier 3 Aggregate Funding equals
9 0.9% of all New State Funds, and Tier 4 Aggregate Funding
10 equals 0.1% of all New State Funds. Each Organizational
11 Unit within Tier 1 or Tier 2 receives an allocation of New
12 State Funds equal to its tier Funding Gap, as defined in
13 the following sentence, multiplied by the tier's
14 Allocation Rate determined pursuant to paragraph (4) of
15 this subsection (g). For Tier 1, an Organizational Unit's
16 Funding Gap equals the tier's Target Ratio, as specified
17 in paragraph (5) of this subsection (g), multiplied by the
18 Organizational Unit's Adequacy Target, with the resulting
19 amount reduced by the Organizational Unit's Final
20 Resources. For Tier 2, an Organizational Unit's Funding
21 Gap equals the tier's Target Ratio, as described in
22 paragraph (5) of this subsection (g), multiplied by the
23 Organizational Unit's Adequacy Target, with the resulting
24 amount reduced by the Organizational Unit's Final
25 Resources and its Tier 1 funding allocation. To determine
26 the Organizational Unit's Funding Gap, the resulting

1 amount is then multiplied by a factor equal to one minus
2 the Organizational Unit's Local Capacity Target
3 percentage. Each Organizational Unit within Tier 3 or Tier
4 4 receives an allocation of New State Funds equal to the
5 product of its Adequacy Target and the tier's Allocation
6 Rate, as specified in paragraph (4) of this subsection
7 (g).

8 (2) To ensure equitable distribution of dollars for
9 all Tier 2 Organizational Units, no Tier 2 Organizational
10 Unit shall receive fewer dollars per ASE than any Tier 3
11 Organizational Unit. Each Tier 2 and Tier 3 Organizational
12 Unit shall have its funding allocation divided by its ASE.
13 Any Tier 2 Organizational Unit with a funding allocation
14 per ASE below the greatest Tier 3 allocation per ASE shall
15 get a funding allocation equal to the greatest Tier 3
16 funding allocation per ASE multiplied by the
17 Organizational Unit's ASE. Each Tier 2 Organizational
18 Unit's Tier 2 funding allocation shall be multiplied by
19 the percentage calculated by dividing the original Tier 2
20 Aggregate Funding by the sum of all Tier 2 Organizational
21 Units' Tier 2 funding allocation after adjusting
22 districts' funding below Tier 3 levels.

23 (3) Organizational Units are placed into one of 4
24 tiers as follows:

25 (A) Tier 1 consists of all Organizational Units,
26 except for Specially Funded Units, with a Percent of

1 Adequacy less than the Tier 1 Target Ratio. The Tier 1
2 Target Ratio is the ratio level that allows for Tier 1
3 Aggregate Funding to be distributed, with the Tier 1
4 Allocation Rate determined pursuant to paragraph (4)
5 of this subsection (g).

6 (B) Tier 2 consists of all Tier 1 Units and all
7 other Organizational Units, except for Specially
8 Funded Units, with a Percent of Adequacy of less than
9 0.90.

10 (C) Tier 3 consists of all Organizational Units,
11 except for Specially Funded Units, with a Percent of
12 Adequacy of at least 0.90 and less than 1.0.

13 (D) Tier 4 consists of all Organizational Units
14 with a Percent of Adequacy of at least 1.0.

15 (4) The Allocation Rates for Tiers 1 through 4 are
16 determined as follows:

17 (A) The Tier 1 Allocation Rate is 30%.

18 (B) The Tier 2 Allocation Rate is the result of the
19 following equation: Tier 2 Aggregate Funding, divided
20 by the sum of the Funding Gaps for all Tier 2
21 Organizational Units, unless the result of such
22 equation is higher than 1.0. If the result of such
23 equation is higher than 1.0, then the Tier 2
24 Allocation Rate is 1.0.

25 (C) The Tier 3 Allocation Rate is the result of the
26 following equation: Tier 3 Aggregate Funding, divided

1 by the sum of the Adequacy Targets of all Tier 3
2 Organizational Units.

3 (D) The Tier 4 Allocation Rate is the result of the
4 following equation: Tier 4 Aggregate Funding, divided
5 by the sum of the Adequacy Targets of all Tier 4
6 Organizational Units.

7 (5) A tier's Target Ratio is determined as follows:

8 (A) The Tier 1 Target Ratio is the ratio level that
9 allows for Tier 1 Aggregate Funding to be distributed
10 with the Tier 1 Allocation Rate.

11 (B) The Tier 2 Target Ratio is 0.90.

12 (C) The Tier 3 Target Ratio is 1.0.

13 (6) If, at any point, the Tier 1 Target Ratio is
14 greater than 90%, then all Tier 1 funding shall be
15 allocated to Tier 2 and no Tier 1 Organizational Unit's
16 funding may be identified.

17 (7) In the event that all Tier 2 Organizational Units
18 receive funding at the Tier 2 Target Ratio level, any
19 remaining New State Funds shall be allocated to Tier 3 and
20 Tier 4 Organizational Units.

21 (8) If any Specially Funded Units, excluding Glenwood
22 Academy, recognized by the State Board do not qualify for
23 direct funding following the implementation of Public Act
24 100-465 from any of the funding sources included within
25 the definition of Base Funding Minimum, the unqualified
26 portion of the Base Funding Minimum shall be transferred

1 to one or more appropriate Organizational Units as
2 determined by the State Superintendent based on the prior
3 year ASE of the Organizational Units.

4 (8.5) If a school district withdraws from a special
5 education cooperative, the portion of the Base Funding
6 Minimum that is attributable to the school district may be
7 redistributed to the school district upon withdrawal. The
8 school district and the cooperative must include the
9 amount of the Base Funding Minimum that is to be
10 reapportioned in their withdrawal agreement and notify the
11 State Board of the change with a copy of the agreement upon
12 withdrawal.

13 (9) The Minimum Funding Level is intended to establish
14 a target for State funding that will keep pace with
15 inflation and continue to advance equity through the
16 Evidence-Based Funding formula. The target for State
17 funding of New Property Tax Relief Pool Funds is
18 \$50,000,000 for State fiscal year 2019 and subsequent
19 State fiscal years. The Minimum Funding Level is equal to
20 \$350,000,000. In addition to any New State Funds, no more
21 than \$50,000,000 New Property Tax Relief Pool Funds may be
22 counted toward the Minimum Funding Level. If the sum of
23 New State Funds and applicable New Property Tax Relief
24 Pool Funds are less than the Minimum Funding Level, than
25 funding for tiers shall be reduced in the following
26 manner:

1 (A) First, Tier 4 funding shall be reduced by an
2 amount equal to the difference between the Minimum
3 Funding Level and New State Funds until such time as
4 Tier 4 funding is exhausted.

5 (B) Next, Tier 3 funding shall be reduced by an
6 amount equal to the difference between the Minimum
7 Funding Level and New State Funds and the reduction in
8 Tier 4 funding until such time as Tier 3 funding is
9 exhausted.

10 (C) Next, Tier 2 funding shall be reduced by an
11 amount equal to the difference between the Minimum
12 Funding Level and New State Funds and the reduction in
13 Tier 4 and Tier 3.

14 (D) Finally, Tier 1 funding shall be reduced by an
15 amount equal to the difference between the Minimum
16 Funding level and New State Funds and the reduction in
17 Tier 2, 3, and 4 funding. In addition, the Allocation
18 Rate for Tier 1 shall be reduced to a percentage equal
19 to the Tier 1 Allocation Rate set by paragraph (4) of
20 this subsection (g), multiplied by the result of New
21 State Funds divided by the Minimum Funding Level.

22 (9.5) For State fiscal year 2019 and subsequent State
23 fiscal years, if New State Funds exceed \$300,000,000, then
24 any amount in excess of \$300,000,000 shall be dedicated
25 for purposes of Section 2-3.170 of this Code up to a
26 maximum of \$50,000,000.

1 (10) In the event of a decrease in the amount of the
2 appropriation for this Section in any fiscal year after
3 implementation of this Section, the Organizational Units
4 receiving Tier 1 and Tier 2 funding, as determined under
5 paragraph (3) of this subsection (g), shall be held
6 harmless by establishing a Base Funding Guarantee equal to
7 the per pupil kindergarten through grade 12 funding
8 received in accordance with this Section in the prior
9 fiscal year. Reductions shall be made to the Base Funding
10 Minimum of Organizational Units in Tier 3 and Tier 4 on a
11 per pupil basis equivalent to the total number of the ASE
12 in Tier 3-funded and Tier 4-funded Organizational Units
13 divided by the total reduction in State funding. The Base
14 Funding Minimum as reduced shall continue to be applied to
15 Tier 3 and Tier 4 Organizational Units and adjusted by the
16 relative formula when increases in appropriations for this
17 Section resume. In no event may State funding reductions
18 to Organizational Units in Tier 3 or Tier 4 exceed an
19 amount that would be less than the Base Funding Minimum
20 established in the first year of implementation of this
21 Section. If additional reductions are required, all school
22 districts shall receive a reduction by a per pupil amount
23 equal to the aggregate additional appropriation reduction
24 divided by the total ASE of all Organizational Units.

25 (11) The State Superintendent shall make minor
26 adjustments to the distribution formula set forth in this

1 subsection (g) to account for the rounding of percentages
2 to the nearest tenth of a percentage and dollar amounts to
3 the nearest whole dollar.

4 (h) State Superintendent administration of funding and
5 district submission requirements.

6 (1) The State Superintendent shall, in accordance with
7 appropriations made by the General Assembly, meet the
8 funding obligations created under this Section.

9 (2) The State Superintendent shall calculate the
10 Adequacy Target for each Organizational Unit under this
11 Section. No Evidence-Based Funding shall be distributed
12 within an Organizational Unit without the approval of the
13 unit's school board.

14 (3) Annually, the State Superintendent shall calculate
15 and report to each Organizational Unit the unit's
16 aggregate financial adequacy amount, which shall be the
17 sum of the Adequacy Target for each Organizational Unit.
18 The State Superintendent shall calculate and report
19 separately for each Organizational Unit the unit's total
20 State funds allocated for its students with disabilities.
21 The State Superintendent shall calculate and report
22 separately for each Organizational Unit the amount of
23 funding and applicable FTE calculated for each Essential
24 Element of the unit's Adequacy Target.

25 (4) Annually, the State Superintendent shall calculate
26 and report to each Organizational Unit the amount the unit

1 must expend on special education and bilingual education
2 and computer technology and equipment for Organizational
3 Units assigned to Tier 1 or Tier 2 that received an
4 additional \$285.50 per student computer technology and
5 equipment investment grant to their Adequacy Target
6 pursuant to the unit's Base Funding Minimum, Special
7 Education Allocation, Bilingual Education Allocation, and
8 computer technology and equipment investment allocation.

9 (5) Moneys distributed under this Section shall be
10 calculated on a school year basis, but paid on a fiscal
11 year basis, with payments beginning in August and
12 extending through June. Unless otherwise provided, the
13 moneys appropriated for each fiscal year shall be
14 distributed in 22 equal payments at least 2 times monthly
15 to each Organizational Unit. If moneys appropriated for
16 any fiscal year are distributed other than monthly, the
17 distribution shall be on the same basis for each
18 Organizational Unit.

19 (6) Any school district that fails, for any given
20 school year, to maintain school as required by law or to
21 maintain a recognized school is not eligible to receive
22 Evidence-Based Funding. In case of non-recognition of one
23 or more attendance centers in a school district otherwise
24 operating recognized schools, the claim of the district
25 shall be reduced in the proportion that the enrollment in
26 the attendance center or centers bears to the enrollment

1 of the school district. "Recognized school" means any
2 public school that meets the standards for recognition by
3 the State Board. A school district or attendance center
4 not having recognition status at the end of a school term
5 is entitled to receive State aid payments due upon a legal
6 claim that was filed while it was recognized.

7 (7) School district claims filed under this Section
8 are subject to Sections 18-9 and 18-12 of this Code,
9 except as otherwise provided in this Section.

10 (8) Each fiscal year, the State Superintendent shall
11 calculate for each Organizational Unit an amount of its
12 Base Funding Minimum and Evidence-Based Funding that shall
13 be deemed attributable to the provision of special
14 educational facilities and services, as defined in Section
15 14-1.08 of this Code, in a manner that ensures compliance
16 with maintenance of State financial support requirements
17 under the federal Individuals with Disabilities Education
18 Act. An Organizational Unit must use such funds only for
19 the provision of special educational facilities and
20 services, as defined in Section 14-1.08 of this Code, and
21 must comply with any expenditure verification procedures
22 adopted by the State Board.

23 (9) All Organizational Units in this State must submit
24 annual spending plans by the end of September of each year
25 to the State Board as part of the annual budget process,
26 which shall describe how each Organizational Unit will

1 utilize the Base Funding Minimum and Evidence-Based
2 Funding it receives from this State under this Section
3 with specific identification of the intended utilization
4 of Low-Income, English learner, and special education
5 resources. Additionally, the annual spending plans of each
6 Organizational Unit shall describe how the Organizational
7 Unit expects to achieve student growth and how the
8 Organizational Unit will achieve State education goals, as
9 defined by the State Board. The State Superintendent may,
10 from time to time, identify additional requisites for
11 Organizational Units to satisfy when compiling the annual
12 spending plans required under this subsection (h). The
13 format and scope of annual spending plans shall be
14 developed by the State Superintendent and the State Board
15 of Education. School districts that serve students under
16 Article 14C of this Code shall continue to submit
17 information as required under Section 14C-12 of this Code.

18 (10) No later than January 1, 2018, the State
19 Superintendent shall develop a 5-year strategic plan for
20 all Organizational Units to help in planning for adequacy
21 funding under this Section. The State Superintendent shall
22 submit the plan to the Governor and the General Assembly,
23 as provided in Section 3.1 of the General Assembly
24 Organization Act. The plan shall include recommendations
25 for:

26 (A) a framework for collaborative, professional,

1 innovative, and 21st century learning environments
2 using the Evidence-Based Funding model;

3 (B) ways to prepare and support this State's
4 educators for successful instructional careers;

5 (C) application and enhancement of the current
6 financial accountability measures, the approved State
7 plan to comply with the federal Every Student Succeeds
8 Act, and the Illinois Balanced Accountability Measures
9 in relation to student growth and elements of the
10 Evidence-Based Funding model; and

11 (D) implementation of an effective school adequacy
12 funding system based on projected and recommended
13 funding levels from the General Assembly.

14 (11) On an annual basis, the State Superintendent must
15 recalibrate all of the following per pupil elements of the
16 Adequacy Target and applied to the formulas, based on the
17 study of average expenses and as reported in the most
18 recent annual financial report:

19 (A) Gifted under subparagraph (M) of paragraph (2)
20 of subsection (b).

21 (B) Instructional materials under subparagraph (O)
22 of paragraph (2) of subsection (b).

23 (C) Assessment under subparagraph (P) of paragraph
24 (2) of subsection (b).

25 (D) Student activities under subparagraph (R) of
26 paragraph (2) of subsection (b).

1 (E) Maintenance and operations under subparagraph
2 (S) of paragraph (2) of subsection (b).

3 (F) Central office under subparagraph (T) of
4 paragraph (2) of subsection (b).

5 (i) Professional Review Panel.

6 (1) A Professional Review Panel is created to study
7 and review topics related to the implementation and effect
8 of Evidence-Based Funding, as assigned by a joint
9 resolution or Public Act of the General Assembly or a
10 motion passed by the State Board of Education. The Panel
11 must provide recommendations to and serve the Governor,
12 the General Assembly, and the State Board. The State
13 Superintendent or his or her designee must serve as a
14 voting member and chairperson of the Panel. The State
15 Superintendent must appoint a vice chairperson from the
16 membership of the Panel. The Panel must advance
17 recommendations based on a three-fifths majority vote of
18 Panel members present and voting. A minority opinion may
19 also accompany any recommendation of the Panel. The Panel
20 shall be appointed by the State Superintendent, except as
21 otherwise provided in paragraph (2) of this subsection (i)
22 and include the following members:

23 (A) Two appointees that represent district
24 superintendents, recommended by a statewide
25 organization that represents district superintendents.

26 (B) Two appointees that represent school boards,

1 recommended by a statewide organization that
2 represents school boards.

3 (C) Two appointees from districts that represent
4 school business officials, recommended by a statewide
5 organization that represents school business
6 officials.

7 (D) Two appointees that represent school
8 principals, recommended by a statewide organization
9 that represents school principals.

10 (E) Two appointees that represent teachers,
11 recommended by a statewide organization that
12 represents teachers.

13 (F) Two appointees that represent teachers,
14 recommended by another statewide organization that
15 represents teachers.

16 (G) Two appointees that represent regional
17 superintendents of schools, recommended by
18 organizations that represent regional superintendents.

19 (H) Two independent experts selected solely by the
20 State Superintendent.

21 (I) Two independent experts recommended by public
22 universities in this State.

23 (J) One member recommended by a statewide
24 organization that represents parents.

25 (K) Two representatives recommended by collective
26 impact organizations that represent major metropolitan

1 areas or geographic areas in Illinois.

2 (L) One member from a statewide organization
3 focused on research-based education policy to support
4 a school system that prepares all students for
5 college, a career, and democratic citizenship.

6 (M) One representative from a school district
7 organized under Article 34 of this Code.

8 The State Superintendent shall ensure that the
9 membership of the Panel includes representatives from
10 school districts and communities reflecting the
11 geographic, socio-economic, racial, and ethnic diversity
12 of this State. The State Superintendent shall additionally
13 ensure that the membership of the Panel includes
14 representatives with expertise in bilingual education and
15 special education. Staff from the State Board shall staff
16 the Panel.

17 (2) In addition to those Panel members appointed by
18 the State Superintendent, 4 members of the General
19 Assembly shall be appointed as follows: one member of the
20 House of Representatives appointed by the Speaker of the
21 House of Representatives, one member of the Senate
22 appointed by the President of the Senate, one member of
23 the House of Representatives appointed by the Minority
24 Leader of the House of Representatives, and one member of
25 the Senate appointed by the Minority Leader of the Senate.
26 There shall be one additional member appointed by the

1 Governor. All members appointed by legislative leaders or
2 the Governor shall be non-voting, ex officio members.

3 (3) The Panel must study topics at the direction of
4 the General Assembly or State Board of Education, as
5 provided under paragraph (1). The Panel may also study the
6 following topics at the direction of the chairperson:

7 (A) The format and scope of annual spending plans
8 referenced in paragraph (9) of subsection (h) of this
9 Section.

10 (B) The Comparable Wage Index under this Section.

11 (C) Maintenance and operations, including capital
12 maintenance and construction costs.

13 (D) "At-risk student" definition.

14 (E) Benefits.

15 (F) Technology.

16 (G) Local Capacity Target.

17 (H) Funding for Alternative Schools, Laboratory
18 Schools, safe schools, and alternative learning
19 opportunities programs.

20 (I) Funding for college and career acceleration
21 strategies.

22 (J) Special education investments.

23 (K) Early childhood investments, in collaboration
24 with the Illinois Early Learning Council.

25 (4) (Blank).

26 (5) Within 5 years after the implementation of this

1 Section, and every 5 years thereafter, the Panel shall
2 complete an evaluative study of the entire Evidence-Based
3 Funding model, including an assessment of whether or not
4 the formula is achieving State goals. The Panel shall
5 report to the State Board, the General Assembly, and the
6 Governor on the findings of the study.

7 (6) (Blank).

8 (7) To ensure that (i) the Adequacy Target calculation
9 under subsection (b) accurately reflects the needs of
10 students living in poverty or attending schools located in
11 areas of high poverty, (ii) racial equity within the
12 Evidence-Based Funding formula is explicitly explored and
13 advanced, and (iii) the funding goals of the formula
14 distribution system established under this Section are
15 sufficient to provide adequate funding for every student
16 and to fully fund every school in this State, the Panel
17 shall review the Essential Elements under paragraph (2) of
18 subsection (b). The Panel shall consider all of the
19 following in its review:

20 (A) The financial ability of school districts to
21 provide instruction in a foreign language to every
22 student and whether an additional Essential Element
23 should be added to the formula to ensure that every
24 student has access to instruction in a foreign
25 language.

26 (B) The adult-to-student ratio for each Essential

1 Element in which a ratio is identified. The Panel
2 shall consider whether the ratio accurately reflects
3 the staffing needed to support students living in
4 poverty or who have traumatic backgrounds.

5 (C) Changes to the Essential Elements that may be
6 required to better promote racial equity and eliminate
7 structural racism within schools.

8 (D) The impact of investing \$350,000,000 in
9 additional funds each year under this Section and an
10 estimate of when the school system will become fully
11 funded under this level of appropriation.

12 (E) Provide an overview of alternative funding
13 structures that would enable the State to become fully
14 funded at an earlier date.

15 (F) The potential to increase efficiency and to
16 find cost savings within the school system to expedite
17 the journey to a fully funded system.

18 (G) The appropriate levels for reenrolling and
19 graduating high-risk high school students who have
20 been previously out of school. These outcomes shall
21 include enrollment, attendance, skill gains, credit
22 gains, graduation or promotion to the next grade
23 level, and the transition to college, training, or
24 employment, with an emphasis on progressively
25 increasing the overall attendance.

26 (H) The evidence-based or research-based practices

1 that are shown to reduce the gaps and disparities
2 experienced by African American students in academic
3 achievement and educational performance, including
4 practices that have been shown to reduce disparities
5 in disciplinary rates, drop-out rates, graduation
6 rates, college matriculation rates, and college
7 completion rates.

8 On or before December 31, 2021, the Panel shall report
9 to the State Board, the General Assembly, and the Governor
10 on the findings of its review. This paragraph (7) is
11 inoperative on and after July 1, 2022.

12 (8) On or before April 1, 2024, the Panel must submit a
13 report to the General Assembly on annual adjustments to
14 Glenwood Academy's base-funding minimum in a similar
15 fashion to school districts under this Section.

16 (j) References. Beginning July 1, 2017, references in
17 other laws to general State aid funds or calculations under
18 Section 18-8.05 of this Code (now repealed) shall be deemed to
19 be references to evidence-based model formula funds or
20 calculations under this Section.

21 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;
22 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.
23 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21;
24 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff.
25 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

1 (105 ILCS 5/27-23.1) (from Ch. 122, par. 27-23.1)

2 Sec. 27-23.1. Parenting education.

3 (a) The State Board of Education must assist each school
4 district that offers an evidence-based parenting education
5 model. School districts may provide instruction in parenting
6 education for grades 6 through 12 and include such instruction
7 in the courses of study regularly taught therein. School
8 districts may give regular school credit for satisfactory
9 completion by the student of such courses.

10 As used in this subsection (a), "parenting education"
11 means and includes instruction in the following:

12 (1) Child growth and development, including prenatal
13 development.

14 (2) Childbirth and child care.

15 (3) Family structure, function and management.

16 (4) Prenatal and postnatal care for mothers and
17 infants.

18 (5) Prevention of child abuse.

19 (6) The physical, mental, emotional, social, economic
20 and psychological aspects of interpersonal and family
21 relationships.

22 (7) Parenting skill development.

23 The State Board of Education shall assist those districts
24 offering parenting education instruction, upon request, in
25 developing instructional materials, training teachers, and
26 establishing appropriate time allotments for each of the areas

1 included in such instruction.

2 School districts may offer parenting education courses
3 during that period of the day which is not part of the regular
4 school day. Residents of the school district may enroll in
5 such courses. The school board may establish fees and collect
6 such charges as may be necessary for attendance at such
7 courses in an amount not to exceed the per capita cost of the
8 operation thereof, except that the board may waive all or part
9 of such charges if it determines that the individual is
10 indigent or that the educational needs of the individual
11 requires his or her attendance at such courses.

12 (b) Beginning with the 2019-2020 school year, from
13 appropriations made for the purposes of this Section, the
14 State Board of Education shall implement and administer a
15 7-year ~~3-year~~ pilot program supporting the health and wellness
16 student-learning requirement by utilizing a unit of
17 instruction on parenting education in participating school
18 districts that maintain grades 9 through 12, to be determined
19 by the participating school districts. The program is
20 encouraged to include, but is not be limited to, instruction
21 on (i) family structure, function, and management, (ii) the
22 prevention of child abuse, (iii) the physical, mental,
23 emotional, social, economic, and psychological aspects of
24 interpersonal and family relationships, and (iv) parenting
25 education competency development that is aligned to the social
26 and emotional learning standards of the student's grade level.

1 Instruction under this subsection (b) may be included in the
2 Comprehensive Health Education Program set forth under Section
3 3 of the Critical Health Problems and Comprehensive Health
4 Education Act. The State Board of Education is authorized to
5 make grants to school districts that apply to participate in
6 the pilot program under this subsection (b). The State Board
7 of Education shall by rule provide for the form of the
8 application and criteria to be used and applied in selecting
9 participating urban, suburban, and rural school districts. The
10 provisions of this subsection (b), other than this sentence,
11 are inoperative at the conclusion of the pilot program.

12 (Source: P.A. 100-1043, eff. 8-23-18.)

13 Section 5-100. The School Construction Law is amended by
14 changing Section 5-300 as follows:

15 (105 ILCS 230/5-300)

16 Sec. 5-300. Early childhood construction grants.

17 (a) The Capital Development Board is authorized to make
18 grants to public school districts and not-for-profit entities
19 for early childhood construction projects, except that in
20 fiscal year 2024 those grants may be made only to public school
21 districts. These grants shall be paid out of moneys
22 appropriated for that purpose from the School Construction
23 Fund, the Build Illinois Bond Fund, or the Rebuild Illinois
24 Projects Fund. No grants may be awarded to entities providing

1 services within private residences. A public school district
2 or other eligible entity must provide local matching funds in
3 the following manner:

4 (1) A public school district assigned to Tier 1 under
5 Section 18-8.15 of the School Code or any other eligible
6 entity in an area encompassed by that district must
7 provide local matching funds in an amount equal to 3% of
8 the grant awarded under this Section.

9 (2) A public school district assigned to Tier 2 under
10 Section 18-8.15 of the School Code or any other eligible
11 entity in an area encompassed by that district must
12 provide local matching funds in an amount equal to 7.5% of
13 the grant awarded under this Section.

14 (3) A public school district assigned to Tier 3 under
15 Section 18-8.15 of the School Code or any other eligible
16 entity in an area encompassed by that district must
17 provide local matching funds in an amount equal to 8.75%
18 of the grant awarded under this Section.

19 (4) A public school district assigned to Tier 4 under
20 Section 18-8.15 of the School Code or any other eligible
21 entity in an area encompassed by that district must
22 provide local matching funds in an amount equal to 10% of
23 the grant awarded under this Section.

24 A public school district or other eligible entity has no
25 entitlement to a grant under this Section.

26 (b) The Capital Development Board shall adopt rules to

1 implement this Section. These rules need not be the same as the
2 rules for school construction project grants or school
3 maintenance project grants. The rules may specify:

4 (1) the manner of applying for grants;

5 (2) project eligibility requirements;

6 (3) restrictions on the use of grant moneys;

7 (4) the manner in which school districts and other
8 eligible entities must account for the use of grant
9 moneys;

10 (5) requirements that new or improved facilities be
11 used for early childhood and other related programs for a
12 period of at least 10 years; and

13 (6) any other provision that the Capital Development
14 Board determines to be necessary or useful for the
15 administration of this Section.

16 (b-5) When grants are made to non-profit corporations for
17 the acquisition or construction of new facilities, the Capital
18 Development Board or any State agency it so designates shall
19 hold title to or place a lien on the facility for a period of
20 10 years after the date of the grant award, after which title
21 to the facility shall be transferred to the non-profit
22 corporation or the lien shall be removed, provided that the
23 non-profit corporation has complied with the terms of its
24 grant agreement. When grants are made to non-profit
25 corporations for the purpose of renovation or rehabilitation,
26 if the non-profit corporation does not comply with item (5) of

1 subsection (b) of this Section, the Capital Development Board
2 or any State agency it so designates shall recover the grant
3 pursuant to the procedures outlined in the Illinois Grant
4 Funds Recovery Act.

5 (c) The Capital Development Board, in consultation with
6 the State Board of Education, shall establish standards for
7 the determination of priority needs concerning early childhood
8 projects based on projects located in communities in the State
9 with the greatest underserved population of young children,
10 utilizing Census data and other reliable local early childhood
11 service data.

12 (d) In each school year in which early childhood
13 construction project grants are awarded, 20% of the total
14 amount awarded shall be awarded to a school district with a
15 population of more than 500,000, provided that the school
16 district complies with the requirements of this Section and
17 the rules adopted under this Section.

18 (Source: P.A. 102-16, eff. 6-17-21.)

19 Section 5-104. The Public Community College Act is amended
20 by changing Section 2-16.02 as follows:

21 (110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

22 Sec. 2-16.02. Grants. Any community college district that
23 maintains a community college recognized by the State Board
24 shall receive, when eligible, grants enumerated in this

1 Section. Funded semester credit hours or other measures or
2 both as specified by the State Board shall be used to
3 distribute grants to community colleges. Funded semester
4 credit hours shall be defined, for purposes of this Section,
5 as the greater of (1) the number of semester credit hours, or
6 equivalent, in all funded instructional categories of students
7 who have been certified as being in attendance at midterm
8 during the respective terms of the base fiscal year or (2) the
9 average of semester credit hours, or equivalent, in all funded
10 instructional categories of students who have been certified
11 as being in attendance at midterm during the respective terms
12 of the base fiscal year and the 2 prior fiscal years. For
13 purposes of this Section, "base fiscal year" means the fiscal
14 year 2 years prior to the fiscal year for which the grants are
15 appropriated. Such students shall have been residents of
16 Illinois and shall have been enrolled in courses that are part
17 of instructional program categories approved by the State
18 Board and that are applicable toward an associate degree or
19 certificate. Courses that are eligible for reimbursement are
20 those courses for which the district pays 50% or more of the
21 program costs from unrestricted revenue sources, with the
22 exception of dual credit courses and courses offered by
23 contract with the Department of Corrections in correctional
24 institutions. For the purposes of this Section, "unrestricted
25 revenue sources" means those revenues in which the provider of
26 the revenue imposes no financial limitations upon the district

1 as it relates to the expenditure of the funds. Except for
2 Fiscal Year 2012, base operating grants shall be paid based on
3 rates per funded semester credit hour or equivalent calculated
4 by the State Board for funded instructional categories using
5 cost of instruction, enrollment, inflation, and other relevant
6 factors. For Fiscal Year 2012, the allocations for base
7 operating grants to community college districts shall be the
8 same as they were in Fiscal Year 2011, reduced or increased
9 proportionately according to the appropriation for base
10 operating grants for Fiscal Year 2012.

11 Equalization grants shall be calculated by the State Board
12 by determining a local revenue factor for each district by:
13 (A) adding (1) each district's Corporate Personal Property
14 Replacement Fund allocations from the base fiscal year or the
15 average of the base fiscal year and prior year, whichever is
16 less, divided by the applicable statewide average tax rate to
17 (2) the district's most recently audited year's equalized
18 assessed valuation or the average of the most recently audited
19 year and prior year, whichever is less, (B) then dividing by
20 the district's audited full-time equivalent resident students
21 for the base fiscal year or the average for the base fiscal
22 year and the 2 prior fiscal years, whichever is greater, and
23 (C) then multiplying by the applicable statewide average tax
24 rate. The State Board shall calculate a statewide weighted
25 average threshold by applying the same methodology to the
26 totals of all districts' Corporate Personal Property Tax

1 Replacement Fund allocations, equalized assessed valuations,
2 and audited full-time equivalent district resident students
3 and multiplying by the applicable statewide average tax rate.
4 The difference between the statewide weighted average
5 threshold and the local revenue factor, multiplied by the
6 number of full-time equivalent resident students, shall
7 determine the amount of equalization funding that each
8 district is eligible to receive. A percentage factor, as
9 determined by the State Board, may be applied to the statewide
10 threshold as a method for allocating equalization funding. A
11 minimum equalization grant of an amount per district as
12 determined by the State Board shall be established for any
13 community college district which qualifies for an equalization
14 grant based upon the preceding criteria, but becomes
15 ineligible for equalization funding, or would have received a
16 grant of less than the minimum equalization grant, due to
17 threshold prorations applied to reduce equalization funding.
18 As of July 1, 2013, a community college district eligible to
19 receive an equalization grant based upon the preceding
20 criteria must maintain a minimum required combined in-district
21 tuition and universal fee rate per semester credit hour equal
22 to 70% of the State-average combined rate, as determined by
23 the State Board, or the total revenue received by the
24 community college district from combined in-district tuition
25 and universal fees must be at least 30% of the total revenue
26 received by the community college district, as determined by

1 the State Board, for equalization funding. As of July 1, 2004,
2 a community college district must maintain a minimum required
3 operating tax rate equal to at least 95% of its maximum
4 authorized tax rate to qualify for equalization funding. This
5 95% minimum tax rate requirement shall be based upon the
6 maximum operating tax rate as limited by the Property Tax
7 Extension Limitation Law.

8 The State Board shall distribute such other grants as may
9 be authorized or appropriated by the General Assembly. The
10 State Board may adopt any rules necessary for the purposes of
11 implementing and distributing funds pursuant to an authorized
12 or appropriated grant.

13 Each community college district entitled to State grants
14 under this Section must submit a report of its enrollment to
15 the State Board not later than 30 days following the end of
16 each semester or term in a format prescribed by the State
17 Board. These semester credit hours, or equivalent, shall be
18 certified by each district on forms provided by the State
19 Board. Each district's certified semester credit hours, or
20 equivalent, are subject to audit pursuant to Section 3-22.1.

21 The State Board shall certify, prepare, and submit monthly
22 vouchers to the State Comptroller setting forth an amount
23 equal to one-twelfth of the grants approved by the State Board
24 for base operating grants and equalization grants. The State
25 Board shall prepare and submit to the State Comptroller
26 vouchers for payments of other grants as appropriated by the

1 General Assembly. If the amount appropriated for grants is
2 different from the amount provided for such grants under this
3 Act, the grants shall be proportionately reduced or increased
4 accordingly.

5 For the purposes of this Section, "resident student" means
6 a student in a community college district who maintains
7 residency in that district or meets other residency
8 definitions established by the State Board, and who was
9 enrolled either in one of the approved instructional program
10 categories in that district, or in another community college
11 district to which the resident's district is paying tuition
12 under Section 6-2 or with which the resident's district has
13 entered into a cooperative agreement in lieu of such tuition.
14 Students shall be classified as residents of the community
15 college district without meeting the 30-day residency
16 requirement of the district if they are currently residing in
17 the district and are youth (i) who are currently under the
18 legal guardianship of the Illinois Department of Children and
19 Family Services or have recently been emancipated from the
20 Department and (ii) who had previously met the 30-day
21 residency requirement of the district but who had a placement
22 change into a new community college district. The student, a
23 caseworker or other personnel of the Department, or the
24 student's attorney or guardian ad litem appointed under the
25 Juvenile Court Act of 1987 shall provide the district with
26 proof of current in-district residency.

1 For the purposes of this Section, a "full-time equivalent"
2 student is equal to 30 semester credit hours.

3 The Illinois Community College Board Contracts and Grants
4 Fund is hereby created in the State Treasury. Items of income
5 to this fund shall include any grants, awards, endowments, or
6 like proceeds, and where appropriate, other funds made
7 available through contracts with governmental, public, and
8 private agencies or persons. The General Assembly shall from
9 time to time make appropriations payable from such fund for
10 the support, improvement, and expenses of the State Board and
11 Illinois community college districts.

12 (Source: P.A. 99-845, eff. 1-1-17; 100-884, eff. 1-1-19.)

13 Section 5-105. The Higher Education Student Assistance Act
14 is amended by changing Sections 35 and 65.100 as follows:

15 (110 ILCS 947/35)

16 Sec. 35. Monetary award program.

17 (a) The Commission shall, each year, receive and consider
18 applications for grant assistance under this Section. Subject
19 to a separate appropriation for such purposes, an applicant is
20 eligible for a grant under this Section when the Commission
21 finds that the applicant:

22 (1) is a resident of this State and a citizen or
23 permanent resident of the United States;

24 (2) is enrolled or has been accepted for enrollment in

1 a qualified institution for the purpose of obtaining a
2 degree, certificate, or other credential offered by the
3 institution, as applicable; and

4 (3) in the absence of grant assistance, will be
5 deterred by financial considerations from completing an
6 educational program at the qualified institution of his or
7 her choice.

8 (b) The Commission shall award renewals only upon the
9 student's application and upon the Commission's finding that
10 the applicant:

11 (1) has remained a student in good standing;

12 (2) remains a resident of this State; and

13 (3) is in a financial situation that continues to
14 warrant assistance.

15 (c) All grants shall be applicable only to tuition and
16 necessary fee costs. The Commission shall determine the grant
17 amount for each student, which shall not exceed the smallest
18 of the following amounts:

19 (1) subject to appropriation, \$5,468 for fiscal year
20 2009, \$5,968 for fiscal year 2010, \$6,468 for fiscal year
21 2011 and each fiscal year thereafter through fiscal year
22 2022, ~~and~~ \$8,508 for fiscal year 2023, and \$10,896 for
23 fiscal year 2024 and each fiscal year thereafter, or such
24 lesser amount as the Commission finds to be available,
25 during an academic year;

26 (2) the amount which equals 2 semesters or 3 quarters

1 tuition and other necessary fees required generally by the
2 institution of all full-time undergraduate students; or

3 (3) such amount as the Commission finds to be
4 appropriate in view of the applicant's financial
5 resources.

6 Subject to appropriation, the maximum grant amount for
7 students not subject to subdivision (1) of this subsection (c)
8 must be increased by the same percentage as any increase made
9 by law to the maximum grant amount under subdivision (1) of
10 this subsection (c).

11 "Tuition and other necessary fees" as used in this Section
12 include the customary charge for instruction and use of
13 facilities in general, and the additional fixed fees charged
14 for specified purposes, which are required generally of
15 nongrant recipients for each academic period for which the
16 grant applicant actually enrolls, but do not include fees
17 payable only once or breakage fees and other contingent
18 deposits which are refundable in whole or in part. The
19 Commission may prescribe, by rule not inconsistent with this
20 Section, detailed provisions concerning the computation of
21 tuition and other necessary fees.

22 (d) No applicant, including those presently receiving
23 scholarship assistance under this Act, is eligible for
24 monetary award program consideration under this Act after
25 receiving a baccalaureate degree or the equivalent of 135
26 semester credit hours of award payments.

1 (d-5) In this subsection (d-5), "renewing applicant" means
2 a student attending an institution of higher learning who
3 received a Monetary Award Program grant during the prior
4 academic year. Beginning with the processing of applications
5 for the 2020-2021 academic year, the Commission shall annually
6 publish a priority deadline date for renewing applicants.
7 Subject to appropriation, a renewing applicant who files by
8 the published priority deadline date shall receive a grant if
9 he or she continues to meet the eligibility requirements under
10 this Section. A renewing applicant's failure to apply by the
11 priority deadline date established under this subsection (d-5)
12 shall not disqualify him or her from receiving a grant if
13 sufficient funding is available to provide awards after that
14 date.

15 (e) The Commission, in determining the number of grants to
16 be offered, shall take into consideration past experience with
17 the rate of grant funds unclaimed by recipients. The
18 Commission shall notify applicants that grant assistance is
19 contingent upon the availability of appropriated funds.

20 (e-5) The General Assembly finds and declares that it is
21 an important purpose of the Monetary Award Program to
22 facilitate access to college both for students who pursue
23 postsecondary education immediately following high school and
24 for those who pursue postsecondary education later in life,
25 particularly Illinoisans who are dislocated workers with
26 financial need and who are seeking to improve their economic

1 position through education. For the 2015-2016 and 2016-2017
2 academic years, the Commission shall give additional and
3 specific consideration to the needs of dislocated workers with
4 the intent of allowing applicants who are dislocated workers
5 an opportunity to secure financial assistance even if applying
6 later than the general pool of applicants. The Commission's
7 consideration shall include, in determining the number of
8 grants to be offered, an estimate of the resources needed to
9 serve dislocated workers who apply after the Commission
10 initially suspends award announcements for the upcoming
11 regular academic year, but prior to the beginning of that
12 academic year. For the purposes of this subsection (e-5), a
13 dislocated worker is defined as in the federal Workforce
14 Innovation and Opportunity Act.

15 (f) (Blank).

16 (g) The Commission shall determine the eligibility of and
17 make grants to applicants enrolled at qualified for-profit
18 institutions in accordance with the criteria set forth in this
19 Section. The eligibility of applicants enrolled at such
20 for-profit institutions shall be limited as follows:

21 (1) Beginning with the academic year 1997, only to
22 eligible first-time freshmen and first-time transfer
23 students who have attained an associate degree.

24 (2) Beginning with the academic year 1998, only to
25 eligible freshmen students, transfer students who have
26 attained an associate degree, and students who receive a

1 grant under paragraph (1) for the academic year 1997 and
2 whose grants are being renewed for the academic year 1998.

3 (3) Beginning with the academic year 1999, to all
4 eligible students.

5 (h) The Commission may award a grant to an eligible
6 applicant enrolled at an Illinois public institution of higher
7 learning in a program that will culminate in the award of an
8 occupational or career and technical certificate as that term
9 is defined in 23 Ill. Adm. Code 1501.301.

10 (i) The Commission may adopt rules to implement this
11 Section.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-699, eff. 4-19-22.)

13 (110 ILCS 947/65.100)

14 (Section scheduled to be repealed on October 1, 2024)

15 Sec. 65.100. AIM HIGH Grant Pilot Program.

16 (a) The General Assembly makes all of the following
17 findings:

18 (1) Both access and affordability are important
19 aspects of the Illinois Public Agenda for College and
20 Career Success report.

21 (2) This State is in the top quartile with respect to
22 the percentage of family income needed to pay for college.

23 (3) Research suggests that as loan amounts increase,
24 rather than an increase in grant amounts, the probability
25 of college attendance decreases.

1 (4) There is further research indicating that
2 socioeconomic status may affect the willingness of
3 students to use loans to attend college.

4 (5) Strategic use of tuition discounting can decrease
5 the amount of loans that students must use to pay for
6 tuition.

7 (6) A modest, individually tailored tuition discount
8 can make the difference in a student choosing to attend
9 college and enhance college access for low-income and
10 middle-income families.

11 (7) Even if the federally calculated financial need
12 for college attendance is met, the federally determined
13 Expected Family Contribution can still be a daunting
14 amount.

15 (8) This State is the second largest exporter of
16 students in the country.

17 (9) When talented Illinois students attend
18 universities in this State, the State and those
19 universities benefit.

20 (10) State universities in other states have adopted
21 pricing and incentives that allow many Illinois residents
22 to pay less to attend an out-of-state university than to
23 remain in this State for college.

24 (11) Supporting Illinois student attendance at
25 Illinois public universities can assist in State efforts
26 to maintain and educate a highly trained workforce.

1 (12) Modest tuition discounts that are individually
2 targeted and tailored can result in enhanced revenue for
3 public universities.

4 (13) By increasing a public university's capacity to
5 strategically use tuition discounting, the public
6 university will be capable of creating enhanced tuition
7 revenue by increasing enrollment yields.

8 (b) In this Section:

9 "Eligible applicant" means a student from any high school
10 in this State, whether or not recognized by the State Board of
11 Education, who is engaged in a program of study that in due
12 course will be completed by the end of the school year and who
13 meets all of the qualifications and requirements under this
14 Section.

15 "Tuition and other necessary fees" includes the customary
16 charge for instruction and use of facilities in general and
17 the additional fixed fees charged for specified purposes that
18 are required generally of non-grant recipients for each
19 academic period for which the grant applicant actually
20 enrolls, but does not include fees payable only once or
21 breakage fees and other contingent deposits that are
22 refundable in whole or in part. The Commission may adopt, by
23 rule not inconsistent with this Section, detailed provisions
24 concerning the computation of tuition and other necessary
25 fees.

26 (c) Beginning with the 2019-2020 academic year, each

1 public university may establish a merit-based scholarship
2 pilot program known as the AIM HIGH Grant Pilot Program. Each
3 year, the Commission shall receive and consider applications
4 from public universities under this Section. Subject to
5 appropriation and any tuition waiver limitation established by
6 the Board of Higher Education, a public university campus may
7 award a grant to a student under this Section if it finds that
8 the applicant meets all of the following criteria:

9 (1) He or she is a resident of this State and a citizen
10 or eligible noncitizen of the United States.

11 (2) He or she files a Free Application for Federal
12 Student Aid and demonstrates financial need with a
13 household income no greater than 8 ~~6~~ times the poverty
14 guidelines updated periodically in the Federal Register by
15 the U.S. Department of Health and Human Services under the
16 authority of 42 U.S.C. 9902(2). The household income of
17 the applicant at the time of initial application shall be
18 deemed to be the household income of the applicant for the
19 duration of the pilot program.

20 (3) He or she meets the minimum cumulative grade point
21 average or ACT or SAT college admissions test score, as
22 determined by the public university campus.

23 (4) He or she is enrolled in a public university as an
24 undergraduate student on a full-time basis.

25 (5) He or she has not yet received a baccalaureate
26 degree or the equivalent of 135 semester credit hours.

1 (6) He or she is not incarcerated.

2 (7) He or she is not in default on any student loan or
3 does not owe a refund or repayment on any State or federal
4 grant or scholarship.

5 (8) Any other reasonable criteria, as determined by
6 the public university campus.

7 (d) Each public university campus shall determine grant
8 renewal criteria consistent with the requirements under this
9 Section.

10 (e) Each participating public university campus shall post
11 on its Internet website criteria and eligibility requirements
12 for receiving awards that use funds under this Section that
13 include a range in the sizes of these individual awards. The
14 criteria and amounts must also be reported to the Commission
15 and the Board of Higher Education, who shall post the
16 information on their respective Internet websites.

17 (f) After enactment of an appropriation for this Program,
18 the Commission shall determine an allocation of funds to each
19 public university in an amount proportionate to the number of
20 undergraduate students who are residents of this State and
21 citizens or eligible noncitizens of the United States and who
22 were enrolled at each public university campus in the previous
23 academic year. All applications must be made to the Commission
24 on or before a date determined by the Commission and on forms
25 that the Commission shall provide to each public university
26 campus. The form of the application and the information

1 required shall be determined by the Commission and shall
2 include, without limitation, the total public university
3 campus funds used to match funds received from the Commission
4 in the previous academic year under this Section, if any, the
5 total enrollment of undergraduate students who are residents
6 of this State from the previous academic year, and any
7 supporting documents as the Commission deems necessary. Each
8 public university campus shall match the amount of funds
9 received by the Commission with financial aid for eligible
10 students.

11 A public university in which an average of at least 49% of
12 the students seeking a bachelor's degree or certificate
13 received a Pell Grant over the prior 3 academic years, as
14 reported to the Commission, shall match 20% of the amount of
15 funds awarded in a given academic year with non-loan financial
16 aid for eligible students. A public university in which an
17 average of less than 49% of the students seeking a bachelor's
18 degree or certificate received a Pell Grant over the prior 3
19 academic years, as reported to the Commission, shall match 60%
20 of the amount of funds awarded in a given academic year with
21 non-loan financial aid for eligible students.

22 A public university campus is not required to claim its
23 entire allocation. The Commission shall make available to all
24 public universities, on a date determined by the Commission,
25 any unclaimed funds and the funds must be made available to
26 those public university campuses in the proportion determined

1 under this subsection (f), excluding from the calculation
2 those public university campuses not claiming their full
3 allocations.

4 Each public university campus may determine the award
5 amounts for eligible students on an individual or broad basis,
6 but, subject to renewal eligibility, each renewed award may
7 not be less than the amount awarded to the eligible student in
8 his or her first year attending the public university campus.
9 Notwithstanding this limitation, a renewal grant may be
10 reduced due to changes in the student's cost of attendance,
11 including, but not limited to, if a student reduces the number
12 of credit hours in which he or she is enrolled, but remains a
13 full-time student, or switches to a course of study with a
14 lower tuition rate.

15 An eligible applicant awarded grant assistance under this
16 Section is eligible to receive other financial aid. Total
17 grant aid to the student from all sources may not exceed the
18 total cost of attendance at the public university campus.

19 (g) All money allocated to a public university campus
20 under this Section may be used only for financial aid purposes
21 for students attending the public university campus during the
22 academic year, not including summer terms. Notwithstanding any
23 other provision of law to the contrary, any funds received by a
24 public university campus under this Section that are not
25 granted to students in the academic year for which the funds
26 are received may be retained by the public university campus

1 for expenditure on students participating in the Program or
2 students eligible to participate in the Program.

3 (h) Each public university campus that establishes a
4 Program under this Section must annually report to the
5 Commission, on or before a date determined by the Commission,
6 the number of undergraduate students enrolled at that campus
7 who are residents of this State.

8 (i) Each public university campus must report to the
9 Commission the total non-loan financial aid amount given by
10 the public university campus to undergraduate students in the
11 2017-2018 academic year, not including the summer term. To be
12 eligible to receive funds under the Program, a public
13 university campus may not decrease the total amount of
14 non-loan financial aid it gives to undergraduate students, not
15 including any funds received from the Commission under this
16 Section or any funds used to match grant awards under this
17 Section, to an amount lower than the reported amount for the
18 2017-2018 academic year, not including the summer term.

19 (j) On or before a date determined by the Commission, each
20 public university campus that participates in the Program
21 under this Section shall annually submit a report to the
22 Commission with all of the following information:

23 (1) The Program's impact on tuition revenue and
24 enrollment goals and increase in access and affordability
25 at the public university campus.

26 (2) Total funds received by the public university

1 campus under the Program.

2 (3) Total non-loan financial aid awarded to
3 undergraduate students attending the public university
4 campus.

5 (4) Total amount of funds matched by the public
6 university campus.

7 (5) Total amount of claimed and unexpended funds
8 retained by the public university campus.

9 (6) The percentage of total financial aid distributed
10 under the Program by the public university campus.

11 (7) The total number of students receiving grants from
12 the public university campus under the Program and those
13 students' grade level, race, gender, income level, family
14 size, Monetary Award Program eligibility, Pell Grant
15 eligibility, and zip code of residence and the amount of
16 each grant award. This information shall include unit
17 record data on those students regarding variables
18 associated with the parameters of the public university's
19 Program, including, but not limited to, a student's ACT or
20 SAT college admissions test score, high school or
21 university cumulative grade point average, or program of
22 study.

23 On or before October 1, 2020 and annually on or before
24 October 1 thereafter, the Commission shall submit a report
25 with the findings under this subsection (j) and any other
26 information regarding the AIM HIGH Grant Pilot Program to (i)

1 the Governor, (ii) the Speaker of the House of
2 Representatives, (iii) the Minority Leader of the House of
3 Representatives, (iv) the President of the Senate, and (v) the
4 Minority Leader of the Senate. The reports to the General
5 Assembly shall be filed with the Clerk of the House of
6 Representatives and the Secretary of the Senate in electronic
7 form only, in the manner that the Clerk and the Secretary shall
8 direct. The Commission's report may not disaggregate data to a
9 level that may disclose personally identifying information of
10 individual students.

11 The sharing and reporting of student data under this
12 subsection (j) must be in accordance with the requirements
13 under the federal Family Educational Rights and Privacy Act of
14 1974 and the Illinois School Student Records Act. All parties
15 must preserve the confidentiality of the information as
16 required by law. The names of the grant recipients under this
17 Section are not subject to disclosure under the Freedom of
18 Information Act.

19 Public university campuses that fail to submit a report
20 under this subsection (j) or that fail to adhere to any other
21 requirements under this Section may not be eligible for
22 distribution of funds under the Program for the next academic
23 year, but may be eligible for distribution of funds for each
24 academic year thereafter.

25 (k) The Commission shall adopt rules to implement this
26 Section.

1 (1) This Section is repealed on October 1, 2024.
2 (Source: P.A. 100-587, eff. 6-4-18; 100-1015, eff. 8-21-18;
3 100-1183, eff. 4-4-19; 101-81, eff. 7-12-19; 101-613, eff.
4 6-1-20; 101-643, eff. 6-18-20; 101-654, eff. 3-8-21.)

5 Section 5-110. If and only if House Bill 2041 of the 103rd
6 General Assembly becomes law, then the Private College Act is
7 amended by adding Section 14.12 as follows:

8 (110 ILCS 1005/14.12 new)

9 Sec. 14.12. Transfer of Fund Balance. On the effective
10 date of this Section, or as soon thereafter as practical, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer the remaining balance from the Private College
13 Academic Quality Assurance Fund into the Academic Quality
14 Assurance Fund. Upon completion of the transfer, the Private
15 College Academic Quality Assurance Fund is dissolved, and any
16 future deposits due to that Fund and any outstanding
17 obligations or liabilities of that Fund pass to the Academic
18 Quality Assurance Fund. This Section is repealed on January 1,
19 2024.

20 Section 5-120. The Illinois Health Benefits Exchange Law
21 is amended by adding Section 5-30 as follows:

22 (215 ILCS 122/5-30 new)

1 Sec. 5-30. Transfers from Insurance Producer
2 Administration Fund. During fiscal year 2024 only, at the
3 direction of and upon notification from the Director of
4 Insurance, the State Comptroller shall direct and the State
5 Treasurer shall transfer up to a total of \$10,000,000 from the
6 Insurance Producer Administration Fund to the Illinois Health
7 Benefits Exchange Fund. This Section is repealed on January 1,
8 2025.

9 Section 5-121. The Auction License Act is amended by
10 changing Section 10-50 as follows:

11 (225 ILCS 407/10-50)

12 (Section scheduled to be repealed on January 1, 2030)

13 Sec. 10-50. Fees; disposition of funds.

14 (a) The Department shall establish by rule a schedule of
15 fees for the administration and maintenance of this Act. Such
16 fees shall be nonrefundable.

17 (b) Prior to July 1, 2023, all fees collected under this
18 Act shall be deposited into the General Professions Dedicated
19 Fund and appropriated to the Department for the ordinary and
20 contingent expenses of the Department in the administration of
21 this Act. Beginning on July 1, 2023, all fees, fines,
22 penalties, or other monies received or collected pursuant to
23 this Act shall be deposited in the Division of Real Estate
24 General Fund. On or after July 1, 2023, at the direction of the

1 Department, the Comptroller shall direct and the Treasurer
2 shall transfer the remaining balance of funds collected under
3 this Act from the General Professions Dedicated Fund to the
4 Division of Real Estate General Fund.

5 (Source: P.A. 102-970, eff. 5-27-22.)

6 Section 5-123. The Illinois Horse Racing Act of 1975 is
7 amended by changing Sections 30 and 31 as follows:

8 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

9 Sec. 30. (a) The General Assembly declares that it is the
10 policy of this State to encourage the breeding of thoroughbred
11 horses in this State and the ownership of such horses by
12 residents of this State in order to provide for: sufficient
13 numbers of high quality thoroughbred horses to participate in
14 thoroughbred racing meetings in this State, and to establish
15 and preserve the agricultural and commercial benefits of such
16 breeding and racing industries to the State of Illinois. It is
17 the intent of the General Assembly to further this policy by
18 the provisions of this Act.

19 (b) Each organization licensee conducting a thoroughbred
20 racing meeting pursuant to this Act shall provide at least two
21 races each day limited to Illinois conceived and foaled horses
22 or Illinois foaled horses or both. A minimum of 6 races shall
23 be conducted each week limited to Illinois conceived and
24 foaled or Illinois foaled horses or both. No horses shall be

1 permitted to start in such races unless duly registered under
2 the rules of the Department of Agriculture.

3 (c) Conditions of races under subsection (b) shall be
4 commensurate with past performance, quality, and class of
5 Illinois conceived and foaled and Illinois foaled horses
6 available. If, however, sufficient competition cannot be had
7 among horses of that class on any day, the races may, with
8 consent of the Board, be eliminated for that day and
9 substitute races provided.

10 (d) There is hereby created a special fund of the State
11 Treasury to be known as the Illinois Thoroughbred Breeders
12 Fund.

13 Beginning on June 28, 2019 (the effective date of Public
14 Act 101-31) ~~this amendatory Act of the 101st General Assembly,~~
15 the Illinois Thoroughbred Breeders Fund shall become a
16 non-appropriated trust fund held separate from State moneys.
17 Expenditures from this Fund shall no longer be subject to
18 appropriation.

19 Except as provided in subsection (g) of Section 27 of this
20 Act, 8.5% of all the monies received by the State as privilege
21 taxes on Thoroughbred racing meetings shall be paid into the
22 Illinois Thoroughbred Breeders Fund.

23 Notwithstanding any provision of law to the contrary,
24 amounts deposited into the Illinois Thoroughbred Breeders Fund
25 from revenues generated by gaming pursuant to an organization
26 gaming license issued under the Illinois Gambling Act after

1 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
2 ~~amendatory Act of the 101st General Assembly~~ shall be in
3 addition to tax and fee amounts paid under this Section for
4 calendar year 2019 and thereafter.

5 (e) The Illinois Thoroughbred Breeders Fund shall be
6 administered by the Department of Agriculture with the advice
7 and assistance of the Advisory Board created in subsection (f)
8 of this Section.

9 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
10 shall consist of the Director of the Department of
11 Agriculture, who shall serve as Chairman; a member of the
12 Illinois Racing Board, designated by it; 2 representatives of
13 the organization licensees conducting thoroughbred racing
14 meetings, recommended by them; 2 representatives of the
15 Illinois Thoroughbred Breeders and Owners Foundation,
16 recommended by it; one representative of the Horsemen's
17 Benevolent Protective Association; and one representative from
18 the Illinois Thoroughbred Horsemen's Association. Advisory
19 Board members shall serve for 2 years commencing January 1 of
20 each odd numbered year. If representatives of the organization
21 licensees conducting thoroughbred racing meetings, the
22 Illinois Thoroughbred Breeders and Owners Foundation, the
23 Horsemen's Benevolent Protection Association, and the Illinois
24 Thoroughbred Horsemen's Association have not been recommended
25 by January 1, of each odd numbered year, the Director of the
26 Department of Agriculture shall make an appointment for the

1 organization failing to so recommend a member of the Advisory
2 Board. Advisory Board members shall receive no compensation
3 for their services as members but shall be reimbursed for all
4 actual and necessary expenses and disbursements incurred in
5 the execution of their official duties.

6 (g) Monies expended from the Illinois Thoroughbred
7 Breeders Fund shall be expended by the Department of
8 Agriculture, with the advice and assistance of the Illinois
9 Thoroughbred Breeders Fund Advisory Board, for the following
10 purposes only:

11 (1) To provide purse supplements to owners of horses
12 participating in races limited to Illinois conceived and
13 foaled and Illinois foaled horses. Any such purse
14 supplements shall not be included in and shall be paid in
15 addition to any purses, stakes, or breeders' awards
16 offered by each organization licensee as determined by
17 agreement between such organization licensee and an
18 organization representing the horsemen. No monies from the
19 Illinois Thoroughbred Breeders Fund shall be used to
20 provide purse supplements for claiming races in which the
21 minimum claiming price is less than \$7,500.

22 (2) To provide stakes and awards to be paid to the
23 owners of the winning horses in certain races limited to
24 Illinois conceived and foaled and Illinois foaled horses
25 designated as stakes races.

26 (2.5) To provide an award to the owner or owners of an

1 Illinois conceived and foaled or Illinois foaled horse
2 that wins a maiden special weight, an allowance, overnight
3 handicap race, or claiming race with claiming price of
4 \$10,000 or more providing the race is not restricted to
5 Illinois conceived and foaled or Illinois foaled horses.
6 Awards shall also be provided to the owner or owners of
7 Illinois conceived and foaled and Illinois foaled horses
8 that place second or third in those races. To the extent
9 that additional moneys are required to pay the minimum
10 additional awards of 40% of the purse the horse earns for
11 placing first, second or third in those races for Illinois
12 foaled horses and of 60% of the purse the horse earns for
13 placing first, second or third in those races for Illinois
14 conceived and foaled horses, those moneys shall be
15 provided from the purse account at the track where earned.

16 (3) To provide stallion awards to the owner or owners
17 of any stallion that is duly registered with the Illinois
18 Thoroughbred Breeders Fund Program whose duly registered
19 Illinois conceived and foaled offspring wins a race
20 conducted at an Illinois thoroughbred racing meeting other
21 than a claiming race, provided that the stallion stood
22 service within Illinois at the time the offspring was
23 conceived and that the stallion did not stand for service
24 outside of Illinois at any time during the year in which
25 the offspring was conceived.

26 (4) To provide \$75,000 annually for purses to be

1 distributed to county fairs that provide for the running
2 of races during each county fair exclusively for the
3 thoroughbreds conceived and foaled in Illinois. The
4 conditions of the races shall be developed by the county
5 fair association and reviewed by the Department with the
6 advice and assistance of the Illinois Thoroughbred
7 Breeders Fund Advisory Board. There shall be no wagering
8 of any kind on the running of Illinois conceived and
9 foaled races at county fairs.

10 (4.1) To provide purse money for an Illinois stallion
11 stakes program.

12 (5) No less than 90% of all monies expended from the
13 Illinois Thoroughbred Breeders Fund shall be expended for
14 the purposes in (1), (2), (2.5), (3), (4), (4.1), and (5)
15 as shown above.

16 (6) To provide for educational programs regarding the
17 thoroughbred breeding industry.

18 (7) To provide for research programs concerning the
19 health, development and care of the thoroughbred horse.

20 (8) To provide for a scholarship and training program
21 for students of equine veterinary medicine.

22 (9) To provide for dissemination of public information
23 designed to promote the breeding of thoroughbred horses in
24 Illinois.

25 (10) To provide for all expenses incurred in the
26 administration of the Illinois Thoroughbred Breeders Fund.

1 (h) The Illinois Thoroughbred Breeders Fund is not subject
2 to administrative charges or chargebacks, including, but not
3 limited to, those authorized under Section 8h of the State
4 Finance Act.

5 (i) A sum equal to 13% of the first prize money of every
6 purse won by an Illinois foaled or Illinois conceived and
7 foaled horse in races not limited to Illinois foaled horses or
8 Illinois conceived and foaled horses, or both, shall be paid
9 by the organization licensee conducting the horse race
10 meeting. Such sum shall be paid 50% from the organization
11 licensee's share of the money wagered and 50% from the purse
12 account as follows: 11 1/2% to the breeder of the winning horse
13 and 1 1/2% to the organization representing thoroughbred
14 breeders and owners who representative serves on the Illinois
15 Thoroughbred Breeders Fund Advisory Board for verifying the
16 amounts of breeders' awards earned, ensuring their
17 distribution in accordance with this Act, and servicing and
18 promoting the Illinois thoroughbred horse racing industry.
19 Beginning in the calendar year in which an organization
20 licensee that is eligible to receive payments under paragraph
21 (13) of subsection (g) of Section 26 of this Act begins to
22 receive funds from gaming pursuant to an organization gaming
23 license issued under the Illinois Gambling Act, a sum equal to
24 21 1/2% of the first prize money of every purse won by an
25 Illinois foaled or an Illinois conceived and foaled horse in
26 races not limited to an Illinois conceived and foaled horse,

1 or both, shall be paid 30% from the organization licensee's
2 account and 70% from the purse account as follows: 20% to the
3 breeder of the winning horse and 1 1/2% to the organization
4 representing thoroughbred breeders and owners whose
5 representatives serve on the Illinois Thoroughbred Breeders
6 Fund Advisory Board for verifying the amounts of breeders'
7 awards earned, ensuring their distribution in accordance with
8 this Act, and servicing and promoting the Illinois
9 Thoroughbred racing industry. The organization representing
10 thoroughbred breeders and owners shall cause all expenditures
11 of monies received under this subsection (i) to be audited at
12 least annually by a registered public accountant. The
13 organization shall file copies of each annual audit with the
14 Racing Board, the Clerk of the House of Representatives and
15 the Secretary of the Senate, and shall make copies of each
16 annual audit available to the public upon request and upon
17 payment of the reasonable cost of photocopying the requested
18 number of copies. Such payments shall not reduce any award to
19 the owner of the horse or reduce the taxes payable under this
20 Act. Upon completion of its racing meet, each organization
21 licensee shall deliver to the organization representing
22 thoroughbred breeders and owners whose representative serves
23 on the Illinois Thoroughbred Breeders Fund Advisory Board a
24 listing of all the Illinois foaled and the Illinois conceived
25 and foaled horses which won breeders' awards and the amount of
26 such breeders' awards under this subsection to verify accuracy

1 of payments and assure proper distribution of breeders' awards
2 in accordance with the provisions of this Act. Such payments
3 shall be delivered by the organization licensee within 30 days
4 of the end of each race meeting.

5 (j) A sum equal to 13% of the first prize money won in
6 every race limited to Illinois foaled horses or Illinois
7 conceived and foaled horses, or both, shall be paid in the
8 following manner by the organization licensee conducting the
9 horse race meeting, 50% from the organization licensee's share
10 of the money wagered and 50% from the purse account as follows:
11 1 1/2% to the breeders of the horses in each such race which
12 are the official first, second, third, and fourth finishers
13 and 1 1/2% to the organization representing thoroughbred
14 breeders and owners whose representatives serve on the
15 Illinois Thoroughbred Breeders Fund Advisory Board for
16 verifying the amounts of breeders' awards earned, ensuring
17 their proper distribution in accordance with this Act, and
18 servicing and promoting the Illinois horse racing industry.
19 Beginning in the calendar year in which an organization
20 licensee that is eligible to receive payments under paragraph
21 (13) of subsection (g) of Section 26 of this Act begins to
22 receive funds from gaming pursuant to an organization gaming
23 license issued under the Illinois Gambling Act, a sum of 21
24 1/2% of every purse in a race limited to Illinois foaled horses
25 or Illinois conceived and foaled horses, or both, shall be
26 paid by the organization licensee conducting the horse race

1 meeting. Such sum shall be paid 30% from the organization
2 licensee's account and 70% from the purse account as follows:
3 20% to the breeders of the horses in each such race who are
4 official first, second, third and fourth finishers and 1 1/2%
5 to the organization representing thoroughbred breeders and
6 owners whose representatives serve on the Illinois
7 Thoroughbred Breeders Fund Advisory Board for verifying the
8 amounts of breeders' awards earned, ensuring their proper
9 distribution in accordance with this Act, and servicing and
10 promoting the Illinois thoroughbred horse racing industry. The
11 organization representing thoroughbred breeders and owners
12 shall cause all expenditures of moneys received under this
13 subsection (j) to be audited at least annually by a registered
14 public accountant. The organization shall file copies of each
15 annual audit with the Racing Board, the Clerk of the House of
16 Representatives and the Secretary of the Senate, and shall
17 make copies of each annual audit available to the public upon
18 request and upon payment of the reasonable cost of
19 photocopying the requested number of copies. The copies of the
20 audit to the General Assembly shall be filed with the Clerk of
21 the House of Representatives and the Secretary of the Senate
22 in electronic form only, in the manner that the Clerk and the
23 Secretary shall direct.

24 The amounts paid to the breeders in accordance with this
25 subsection shall be distributed as follows:

26 (1) 60% of such sum shall be paid to the breeder of the

1 horse which finishes in the official first position;

2 (2) 20% of such sum shall be paid to the breeder of the
3 horse which finishes in the official second position;

4 (3) 15% of such sum shall be paid to the breeder of the
5 horse which finishes in the official third position; and

6 (4) 5% of such sum shall be paid to the breeder of the
7 horse which finishes in the official fourth position.

8 Such payments shall not reduce any award to the owners of a
9 horse or reduce the taxes payable under this Act. Upon
10 completion of its racing meet, each organization licensee
11 shall deliver to the organization representing thoroughbred
12 breeders and owners whose representative serves on the
13 Illinois Thoroughbred Breeders Fund Advisory Board a listing
14 of all the Illinois foaled and the Illinois conceived and
15 foaled horses which won breeders' awards and the amount of
16 such breeders' awards in accordance with the provisions of
17 this Act. Such payments shall be delivered by the organization
18 licensee within 30 days of the end of each race meeting.

19 (k) The term "breeder", as used herein, means the owner of
20 the mare at the time the foal is dropped. An "Illinois foaled
21 horse" is a foal dropped by a mare which enters this State on
22 or before December 1, in the year in which the horse is bred,
23 provided the mare remains continuously in this State until its
24 foal is born. An "Illinois foaled horse" also means a foal born
25 of a mare in the same year as the mare enters this State on or
26 before March 1, and remains in this State at least 30 days

1 after foaling, is bred back during the season of the foaling to
2 an Illinois Registered Stallion (unless a veterinarian
3 certifies that the mare should not be bred for health
4 reasons), and is not bred to a stallion standing in any other
5 state during the season of foaling. An "Illinois foaled horse"
6 also means a foal born in Illinois of a mare purchased at
7 public auction subsequent to the mare entering this State on
8 or before March 1 of the foaling year providing the mare is
9 owned solely by one or more Illinois residents or an Illinois
10 entity that is entirely owned by one or more Illinois
11 residents.

12 (1) The Department of Agriculture shall, by rule, with the
13 advice and assistance of the Illinois Thoroughbred Breeders
14 Fund Advisory Board:

15 (1) Qualify stallions for Illinois breeding; such
16 stallions to stand for service within the State of
17 Illinois at the time of a foal's conception. Such stallion
18 must not stand for service at any place outside the State
19 of Illinois during the calendar year in which the foal is
20 conceived. The Department of Agriculture may assess and
21 collect an application fee of up to \$500 for the
22 registration of Illinois-eligible stallions. All fees
23 collected are to be held in trust accounts for the
24 purposes set forth in this Act and in accordance with
25 Section 205-15 of the Department of Agriculture Law.

26 (2) Provide for the registration of Illinois conceived

1 and foaled horses and Illinois foaled horses. No such
2 horse shall compete in the races limited to Illinois
3 conceived and foaled horses or Illinois foaled horses or
4 both unless registered with the Department of Agriculture.
5 The Department of Agriculture may prescribe such forms as
6 are necessary to determine the eligibility of such horses.
7 The Department of Agriculture may assess and collect
8 application fees for the registration of Illinois-eligible
9 foals. All fees collected are to be held in trust accounts
10 for the purposes set forth in this Act and in accordance
11 with Section 205-15 of the Department of Agriculture Law.
12 No person shall knowingly prepare or cause preparation of
13 an application for registration of such foals containing
14 false information.

15 (m) The Department of Agriculture, with the advice and
16 assistance of the Illinois Thoroughbred Breeders Fund Advisory
17 Board, shall provide that certain races limited to Illinois
18 conceived and foaled and Illinois foaled horses be stakes
19 races and determine the total amount of stakes and awards to be
20 paid to the owners of the winning horses in such races.

21 In determining the stakes races and the amount of awards
22 for such races, the Department of Agriculture shall consider
23 factors, including but not limited to, the amount of money
24 transferred into ~~appropriated for~~ the Illinois Thoroughbred
25 Breeders Fund ~~program~~, organization licensees' contributions,
26 availability of stakes caliber horses as demonstrated by past

1 performances, whether the race can be coordinated into the
2 proposed racing dates within organization licensees' racing
3 dates, opportunity for colts and fillies and various age
4 groups to race, public wagering on such races, and the
5 previous racing schedule.

6 (n) The Board and the organization licensee shall notify
7 the Department of the conditions and minimum purses for races
8 limited to Illinois conceived and foaled and Illinois foaled
9 horses conducted for each organization licensee conducting a
10 thoroughbred racing meeting. The Department of Agriculture
11 with the advice and assistance of the Illinois Thoroughbred
12 Breeders Fund Advisory Board may allocate monies for purse
13 supplements for such races. In determining whether to allocate
14 money and the amount, the Department of Agriculture shall
15 consider factors, including but not limited to, the amount of
16 money transferred into ~~appropriated for~~ the Illinois
17 Thoroughbred Breeders Fund ~~program~~, the number of races that
18 may occur, and the organization licensee's purse structure.

19 (o) (Blank).

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

22 Sec. 31. (a) The General Assembly declares that it is the
23 policy of this State to encourage the breeding of standardbred
24 horses in this State and the ownership of such horses by
25 residents of this State in order to provide for: sufficient

1 numbers of high quality standardbred horses to participate in
2 harness racing meetings in this State, and to establish and
3 preserve the agricultural and commercial benefits of such
4 breeding and racing industries to the State of Illinois. It is
5 the intent of the General Assembly to further this policy by
6 the provisions of this Section of this Act.

7 (b) Each organization licensee conducting a harness racing
8 meeting pursuant to this Act shall provide for at least two
9 races each race program limited to Illinois conceived and
10 foaled horses. A minimum of 6 races shall be conducted each
11 week limited to Illinois conceived and foaled horses. No
12 horses shall be permitted to start in such races unless duly
13 registered under the rules of the Department of Agriculture.

14 (b-5) Organization licensees, not including the Illinois
15 State Fair or the DuQuoin State Fair, shall provide stake
16 races and early closer races for Illinois conceived and foaled
17 horses so that purses distributed for such races shall be no
18 less than 17% of total purses distributed for harness racing
19 in that calendar year in addition to any stakes payments and
20 starting fees contributed by horse owners.

21 (b-10) Each organization licensee conducting a harness
22 racing meeting pursuant to this Act shall provide an owner
23 award to be paid from the purse account equal to 12% of the
24 amount earned by Illinois conceived and foaled horses
25 finishing in the first 3 positions in races that are not
26 restricted to Illinois conceived and foaled horses. The owner

1 awards shall not be paid on races below the \$10,000 claiming
2 class.

3 (c) Conditions of races under subsection (b) shall be
4 commensurate with past performance, quality and class of
5 Illinois conceived and foaled horses available. If, however,
6 sufficient competition cannot be had among horses of that
7 class on any day, the races may, with consent of the Board, be
8 eliminated for that day and substitute races provided.

9 (d) There is hereby created a special fund of the State
10 Treasury to be known as the Illinois Standardbred Breeders
11 Fund. Beginning on June 28, 2019 (the effective date of Public
12 Act 101-31), the Illinois Standardbred Breeders Fund shall
13 become a non-appropriated trust fund held separate and apart
14 from State moneys. Expenditures from this Fund shall no longer
15 be subject to appropriation.

16 During the calendar year 1981, and each year thereafter,
17 except as provided in subsection (g) of Section 27 of this Act,
18 eight and one-half per cent of all the monies received by the
19 State as privilege taxes on harness racing meetings shall be
20 paid into the Illinois Standardbred Breeders Fund.

21 (e) Notwithstanding any provision of law to the contrary,
22 amounts deposited into the Illinois Standardbred Breeders Fund
23 from revenues generated by gaming pursuant to an organization
24 gaming license issued under the Illinois Gambling Act after
25 June 28, 2019 (the effective date of Public Act 101-31) shall
26 be in addition to tax and fee amounts paid under this Section

1 for calendar year 2019 and thereafter. The Illinois
2 Standardbred Breeders Fund shall be administered by the
3 Department of Agriculture with the assistance and advice of
4 the Advisory Board created in subsection (f) of this Section.

5 (f) The Illinois Standardbred Breeders Fund Advisory Board
6 is hereby created. The Advisory Board shall consist of the
7 Director of the Department of Agriculture, who shall serve as
8 Chairman; the Superintendent of the Illinois State Fair; a
9 member of the Illinois Racing Board, designated by it; a
10 representative of the largest association of Illinois
11 standardbred owners and breeders, recommended by it; a
12 representative of a statewide association representing
13 agricultural fairs in Illinois, recommended by it, such
14 representative to be from a fair at which Illinois conceived
15 and foaled racing is conducted; a representative of the
16 organization licensees conducting harness racing meetings,
17 recommended by them; a representative of the Breeder's
18 Committee of the association representing the largest number
19 of standardbred owners, breeders, trainers, caretakers, and
20 drivers, recommended by it; and a representative of the
21 association representing the largest number of standardbred
22 owners, breeders, trainers, caretakers, and drivers,
23 recommended by it. Advisory Board members shall serve for 2
24 years commencing January 1 of each odd numbered year. If
25 representatives of the largest association of Illinois
26 standardbred owners and breeders, a statewide association of

1 agricultural fairs in Illinois, the association representing
2 the largest number of standardbred owners, breeders, trainers,
3 caretakers, and drivers, a member of the Breeder's Committee
4 of the association representing the largest number of
5 standardbred owners, breeders, trainers, caretakers, and
6 drivers, and the organization licensees conducting harness
7 racing meetings have not been recommended by January 1 of each
8 odd numbered year, the Director of the Department of
9 Agriculture shall make an appointment for the organization
10 failing to so recommend a member of the Advisory Board.
11 Advisory Board members shall receive no compensation for their
12 services as members but shall be reimbursed for all actual and
13 necessary expenses and disbursements incurred in the execution
14 of their official duties.

15 (g) Monies expended from the Illinois Standardbred
16 Breeders Fund shall be expended by the Department of
17 Agriculture, with the assistance and advice of the Illinois
18 Standardbred Breeders Fund Advisory Board for the following
19 purposes only:

20 1. To provide purses for races limited to Illinois
21 conceived and foaled horses at the State Fair and the
22 DuQuoin State Fair.

23 2. To provide purses for races limited to Illinois
24 conceived and foaled horses at county fairs.

25 3. To provide purse supplements for races limited to
26 Illinois conceived and foaled horses conducted by

1 associations conducting harness racing meetings.

2 4. No less than 75% of all monies in the Illinois
3 Standardbred Breeders Fund shall be expended for purses in
4 1, 2, and 3 as shown above.

5 5. In the discretion of the Department of Agriculture
6 to provide awards to harness breeders of Illinois
7 conceived and foaled horses which win races conducted by
8 organization licensees conducting harness racing meetings.
9 A breeder is the owner of a mare at the time of conception.
10 No more than 10% of all moneys transferred into ~~monies~~
11 ~~appropriated from~~ the Illinois Standardbred Breeders Fund
12 shall be expended for such harness breeders awards. No
13 more than 25% of the amount expended for harness breeders
14 awards shall be expended for expenses incurred in the
15 administration of such harness breeders awards.

16 6. To pay for the improvement of racing facilities
17 located at the State Fair and County fairs.

18 7. To pay the expenses incurred in the administration
19 of the Illinois Standardbred Breeders Fund.

20 8. To promote the sport of harness racing, including
21 grants up to a maximum of \$7,500 per fair per year for
22 conducting pari-mutuel wagering during the advertised
23 dates of a county fair.

24 9. To pay up to \$50,000 annually for the Department of
25 Agriculture to conduct drug testing at county fairs racing
26 standardbred horses.

1 (h) The Illinois Standardbred Breeders Fund is not subject
2 to administrative charges or chargebacks, including, but not
3 limited to, those authorized under Section 8h of the State
4 Finance Act.

5 (i) A sum equal to 13% of the first prize money of the
6 gross purse won by an Illinois conceived and foaled horse
7 shall be paid 50% by the organization licensee conducting the
8 horse race meeting to the breeder of such winning horse from
9 the organization licensee's account and 50% from the purse
10 account of the licensee. Such payment shall not reduce any
11 award to the owner of the horse or reduce the taxes payable
12 under this Act. Such payment shall be delivered by the
13 organization licensee at the end of each quarter.

14 (j) The Department of Agriculture shall, by rule, with the
15 assistance and advice of the Illinois Standardbred Breeders
16 Fund Advisory Board:

17 1. Qualify stallions for Illinois Standardbred
18 Breeders Fund breeding. Such stallion shall stand for
19 service at and within the State of Illinois at the time of
20 a foal's conception, and such stallion must not stand for
21 service at any place outside the State of Illinois during
22 that calendar year in which the foal is conceived.
23 However, on and after January 1, 2018, semen from an
24 Illinois stallion may be transported outside the State of
25 Illinois.

26 2. Provide for the registration of Illinois conceived

1 and foaled horses and no such horse shall compete in the
2 races limited to Illinois conceived and foaled horses
3 unless registered with the Department of Agriculture. The
4 Department of Agriculture may prescribe such forms as may
5 be necessary to determine the eligibility of such horses.
6 No person shall knowingly prepare or cause preparation of
7 an application for registration of such foals containing
8 false information. A mare (dam) must be in the State at
9 least 30 days prior to foaling or remain in the State at
10 least 30 days at the time of foaling. However, the
11 requirement that a mare (dam) must be in the State at least
12 30 days before foaling or remain in the State at least 30
13 days at the time of foaling shall not be in effect from
14 January 1, 2018 until January 1, 2022. Beginning with the
15 1996 breeding season and for foals of 1997 and thereafter,
16 a foal conceived by transported semen may be eligible for
17 Illinois conceived and foaled registration provided all
18 breeding and foaling requirements are met. The stallion
19 must be qualified for Illinois Standardbred Breeders Fund
20 breeding at the time of conception. The foal must be
21 dropped in Illinois and properly registered with the
22 Department of Agriculture in accordance with this Act.
23 However, from January 1, 2018 until January 1, 2022, the
24 requirement for a mare to be inseminated within the State
25 of Illinois and the requirement for a foal to be dropped in
26 Illinois are inapplicable.

1 3. Provide that at least a 5-day racing program shall
2 be conducted at the State Fair each year, unless an
3 alternate racing program is requested by the Illinois
4 Standardbred Breeders Fund Advisory Board, which program
5 shall include at least the following races limited to
6 Illinois conceived and foaled horses: (a) a 2-year-old
7 Trot and Pace, and Filly Division of each; (b) a
8 3-year-old Trot and Pace, and Filly Division of each; (c)
9 an aged Trot and Pace, and Mare Division of each.

10 4. Provide for the payment of nominating, sustaining
11 and starting fees for races promoting the sport of harness
12 racing and for the races to be conducted at the State Fair
13 as provided in subsection (j) 3 of this Section provided
14 that the nominating, sustaining and starting payment
15 required from an entrant shall not exceed 2% of the purse
16 of such race. All nominating, sustaining and starting
17 payments shall be held for the benefit of entrants and
18 shall be paid out as part of the respective purses for such
19 races. Nominating, sustaining and starting fees shall be
20 held in trust accounts for the purposes as set forth in
21 this Act and in accordance with Section 205-15 of the
22 Department of Agriculture Law.

23 5. Provide for the registration with the Department of
24 Agriculture of Colt Associations or county fairs desiring
25 to sponsor races at county fairs.

26 6. Provide for the promotion of producing standardbred

1 racehorses by providing a bonus award program for owners
2 of 2-year-old horses that win multiple major stakes races
3 that are limited to Illinois conceived and foaled horses.

4 (k) The Department of Agriculture, with the advice and
5 assistance of the Illinois Standardbred Breeders Fund Advisory
6 Board, may allocate monies for purse supplements for such
7 races. In determining whether to allocate money and the
8 amount, the Department of Agriculture shall consider factors,
9 including, but not limited to, the amount of money transferred
10 into ~~appropriated for~~ the Illinois Standardbred Breeders Fund
11 ~~program~~, the number of races that may occur, and an
12 organization licensee's purse structure. The organization
13 licensee shall notify the Department of Agriculture of the
14 conditions and minimum purses for races limited to Illinois
15 conceived and foaled horses to be conducted by each
16 organization licensee conducting a harness racing meeting for
17 which purse supplements have been negotiated.

18 (l) All races held at county fairs and the State Fair which
19 receive funds from the Illinois Standardbred Breeders Fund
20 shall be conducted in accordance with the rules of the United
21 States Trotting Association unless otherwise modified by the
22 Department of Agriculture.

23 (m) At all standardbred race meetings held or conducted
24 under authority of a license granted by the Board, and at all
25 standardbred races held at county fairs which are approved by
26 the Department of Agriculture or at the Illinois or DuQuoin

1 State Fairs, no one shall jog, train, warm up or drive a
2 standardbred horse unless he or she is wearing a protective
3 safety helmet, with the chin strap fastened and in place,
4 which meets the standards and requirements as set forth in the
5 1984 Standard for Protective Headgear for Use in Harness
6 Racing and Other Equestrian Sports published by the Snell
7 Memorial Foundation, or any standards and requirements for
8 headgear the Illinois Racing Board may approve. Any other
9 standards and requirements so approved by the Board shall
10 equal or exceed those published by the Snell Memorial
11 Foundation. Any equestrian helmet bearing the Snell label
12 shall be deemed to have met those standards and requirements.

13 (Source: P.A. 101-31, eff. 6-28-19; 101-157, eff. 7-26-19;
14 102-558, eff. 8-20-21; 102-689, eff. 12-17-21.)

15 Section 5-125. The Illinois Public Aid Code is amended by
16 changing Section 12-10.7a as follows:

17 (305 ILCS 5/12-10.7a)

18 Sec. 12-10.7a. The Money Follows the Person Budget
19 Transfer Fund is hereby created as a special fund in the State
20 treasury.

21 (a) Notwithstanding any State law to the contrary, the
22 following moneys shall be deposited into the Fund:

23 (1) enhanced federal financial participation funds
24 related to any spending under a Money Follows the Person

1 demonstration project or initiative, as approved by the
2 federal Centers for Medicare and Medicaid Services ~~on May~~
3 ~~14, 2007~~, and ~~as~~ codified at 20 ILCS 2407/51 et seq.,
4 regardless of whether such spending occurred from the
5 Money Follows the Person Budget Transfer Fund;

6 (2) federal financial participation funds related to
7 any spending under a Money Follows the Person
8 demonstration project or initiative, as approved by the
9 federal Centers for Medicare and Medicaid Services ~~on May~~
10 ~~14, 2007~~, and ~~as~~ codified at 20 ILCS 2407/51 et seq., that
11 occurred from the Money Follows the Person Budget Transfer
12 Fund;

13 (2.5) other federal funds awarded for a Money Follows
14 the Person demonstration project or initiative, as
15 approved by the federal Centers for Medicare and Medicaid
16 Services and codified at 20 ILCS 2407/51 et seq.;

17 (3) deposits made via the voucher-warrant process from
18 institutional long-term care appropriations to the
19 Department of Healthcare and Family Services and
20 institutional developmentally disabled long-term care
21 appropriations to the Department of Human Services;

22 (4) deposits made via the voucher-warrant process from
23 appropriation lines used to fund community-based services
24 for individuals eligible for nursing facility level of
25 care to the Department of Human Services, the Department
26 on Aging, or the Department of Healthcare and Family

1 Services;

2 (5) interest earned on moneys in the Fund; and

3 (6) all other moneys received by the Fund from any
4 source.

5 (b) Subject to appropriation, moneys in the Fund may be
6 used by the Department of Healthcare and Family Services for
7 reimbursement or payment for:

8 (1) expenses related to rebalancing long-term care
9 services between institutional and community-based
10 settings as authorized under a Money Follows the Person
11 demonstration project or initiative, as approved by the
12 federal Centers for Medicare and Medicaid Services ~~on May~~
13 ~~14, 2007,~~ and ~~as~~ codified at 20 ILCS 2407/51 et seq.,
14 including, but not limited to, reimbursement to other
15 entities of State government for related expenditures;

16 (2) expenses for community-based services for
17 individuals eligible for nursing facility level of care in
18 the Department of Human Services, the Department on Aging,
19 or the Department of Healthcare and Family Services to the
20 extent the expenses reimbursed or paid are in excess of
21 the amounts budgeted to those Departments each fiscal year
22 for persons transitioning out of institutional long-term
23 care settings under a Money Follows the Person
24 demonstration project or initiative, as approved by the
25 federal Centers for Medicare and Medicaid Services ~~on May~~
26 ~~14, 2007,~~ and ~~as~~ codified at 20 ILCS 2407/51 et seq.;

1 (3) expenses for institutional long-term care services
2 at the Department of Healthcare and Family Services to the
3 extent that the expenses reimbursed or paid are for
4 services in excess of the amount budgeted to the
5 Department each fiscal year for persons who had or
6 otherwise were expected to transition out of institutional
7 long-term care settings under a Money Follows the Person
8 demonstration project or initiative, as approved by the
9 federal Centers for Medicare and Medicaid Services ~~on May~~
10 ~~14, 2007,~~ and ~~as~~ codified at 20 ILCS 2407/51 et seq.; and

11 (4) expenses, including operational, administrative,
12 and refund expenses, necessary to implement and operate a
13 Money Follows the Person demonstration project or
14 initiative, as approved by the federal Centers for
15 Medicare and Medicaid Services ~~on May 14, 2007,~~ and ~~as~~
16 codified at 20 ILCS 2407/51 et seq.

17 Expenses reimbursed or paid on behalf of other agencies by
18 the Department of Healthcare and Family Services under this
19 subsection shall be pursuant to an interagency agreement and
20 allowable under a Money Follows the Person demonstration
21 project or initiative, as approved by the federal Centers for
22 Medicare and Medicaid Services ~~on May 14, 2007,~~ and ~~as~~
23 codified at 20 ILCS 2407/51 et seq.

24 (Source: P.A. 95-744, eff. 7-18-08.)

25 Section 5-127. The Early Mental Health and Addictions

1 Treatment Act is amended by adding Section 15 as follows:

2 (305 ILCS 65/15 new)

3 Sec. 15. Availability of naloxone formulations. The
4 Department of Human Services shall, as part of the fiscal year
5 2024 Drug Overdose Prevention Program, make all FDA-approved
6 formulations of naloxone that are cleared through the
7 Minnesota Multistate Contracting Alliance for Pharmacy, and
8 for which the manufacturer can set up a system for receiving,
9 tracking, and distribution, available to eligible Drug
10 Overdose Prevention Program participants and applicants.

11 Section 5-130. The Cannabis Regulation and Tax Act is
12 amended by changing Section 7-10 as follows:

13 (410 ILCS 705/7-10)

14 Sec. 7-10. Cannabis Business Development Fund.

15 (a) There is created in the State treasury a special fund,
16 which shall be held separate and apart from all other State
17 moneys, to be known as the Cannabis Business Development Fund.
18 The Cannabis Business Development Fund shall be exclusively
19 used for the following purposes:

20 (1) to provide low-interest rate loans to Qualified
21 Social Equity Applicants to pay for ordinary and necessary
22 expenses to start and operate a cannabis business
23 establishment permitted by this Act;

1 (2) to provide grants to Qualified Social Equity
2 Applicants to pay for ordinary and necessary expenses to
3 start and operate a cannabis business establishment
4 permitted by this Act;

5 (3) to compensate the Department of Commerce and
6 Economic Opportunity for any costs related to the
7 provision of low-interest loans and grants to Qualified
8 Social Equity Applicants;

9 (4) to pay for outreach that may be provided or
10 targeted to attract and support Social Equity Applicants
11 and Qualified Social Equity Applicants;

12 (5) (blank);

13 (6) to conduct any study or research concerning the
14 participation of minorities, women, veterans, or people
15 with disabilities in the cannabis industry, including,
16 without limitation, barriers to such individuals entering
17 the industry as equity owners of cannabis business
18 establishments;

19 (7) (blank); and

20 (8) to assist with job training and technical
21 assistance for residents in Disproportionately Impacted
22 Areas.

23 (b) All moneys collected under Sections 15-15 and 15-20
24 for Early Approval Adult Use Dispensing Organization Licenses
25 issued before January 1, 2021 and remunerations made as a
26 result of transfers of permits awarded to Qualified Social

1 Equity Applicants shall be deposited into the Cannabis
2 Business Development Fund.

3 (c) (Blank). ~~As soon as practical after July 1, 2019, the~~
4 ~~Comptroller shall order and the Treasurer shall transfer~~
5 ~~\$12,000,000 from the Compassionate Use of Medical Cannabis~~
6 ~~Fund to the Cannabis Business Development Fund.~~

7 (c-5) In addition to any other transfers that may be
8 provided for by law, on July 1, 2023, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$40,000,000 from the
11 Compassionate Use of Medical Cannabis Fund to the Cannabis
12 Business Development Fund.

13 (d) Notwithstanding any other law to the contrary, the
14 Cannabis Business Development Fund is not subject to sweeps,
15 administrative charge-backs, or any other fiscal or budgetary
16 maneuver that would in any way transfer any amounts from the
17 Cannabis Business Development Fund into any other fund of the
18 State.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 Section 5-135. The Environmental Protection Act is amended
21 by changing Sections 22.15 and 57.11 as follows:

22 (415 ILCS 5/22.15)

23 Sec. 22.15. Solid Waste Management Fund; fees.

24 (a) There is hereby created within the State Treasury a

1 special fund to be known as the Solid Waste Management Fund, to
2 be constituted from the fees collected by the State pursuant
3 to this Section, from repayments of loans made from the Fund
4 for solid waste projects, from registration fees collected
5 pursuant to the Consumer Electronics Recycling Act, and from
6 amounts transferred into the Fund pursuant to Public Act
7 100-433. Moneys received by either the Agency or the
8 Department of Commerce and Economic Opportunity in repayment
9 of loans made pursuant to the Illinois Solid Waste Management
10 Act shall be deposited into the General Revenue Fund.

11 (b) The Agency shall assess and collect a fee in the amount
12 set forth herein from the owner or operator of each sanitary
13 landfill permitted or required to be permitted by the Agency
14 to dispose of solid waste if the sanitary landfill is located
15 off the site where such waste was produced and if such sanitary
16 landfill is owned, controlled, and operated by a person other
17 than the generator of such waste. The Agency shall deposit all
18 fees collected into the Solid Waste Management Fund. If a site
19 is contiguous to one or more landfills owned or operated by the
20 same person, the volumes permanently disposed of by each
21 landfill shall be combined for purposes of determining the fee
22 under this subsection. Beginning on July 1, 2018, and on the
23 first day of each month thereafter during fiscal years 2019
24 through 2024 ~~2023~~, the State Comptroller shall direct and
25 State Treasurer shall transfer an amount equal to 1/12 of
26 \$5,000,000 per fiscal year from the Solid Waste Management

1 Fund to the General Revenue Fund.

2 (1) If more than 150,000 cubic yards of non-hazardous
3 solid waste is permanently disposed of at a site in a
4 calendar year, the owner or operator shall either pay a
5 fee of 95 cents per cubic yard or, alternatively, the
6 owner or operator may weigh the quantity of the solid
7 waste permanently disposed of with a device for which
8 certification has been obtained under the Weights and
9 Measures Act and pay a fee of \$2.00 per ton of solid waste
10 permanently disposed of. In no case shall the fee
11 collected or paid by the owner or operator under this
12 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

13 (2) If more than 100,000 cubic yards but not more than
14 150,000 cubic yards of non-hazardous waste is permanently
15 disposed of at a site in a calendar year, the owner or
16 operator shall pay a fee of \$52,630.

17 (3) If more than 50,000 cubic yards but not more than
18 100,000 cubic yards of non-hazardous solid waste is
19 permanently disposed of at a site in a calendar year, the
20 owner or operator shall pay a fee of \$23,790.

21 (4) If more than 10,000 cubic yards but not more than
22 50,000 cubic yards of non-hazardous solid waste is
23 permanently disposed of at a site in a calendar year, the
24 owner or operator shall pay a fee of \$7,260.

25 (5) If not more than 10,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at a

1 site in a calendar year, the owner or operator shall pay a
2 fee of \$1050.

3 (c) (Blank).

4 (d) The Agency shall establish rules relating to the
5 collection of the fees authorized by this Section. Such rules
6 shall include, but not be limited to:

7 (1) necessary records identifying the quantities of
8 solid waste received or disposed;

9 (2) the form and submission of reports to accompany
10 the payment of fees to the Agency;

11 (3) the time and manner of payment of fees to the
12 Agency, which payments shall not be more often than
13 quarterly; and

14 (4) procedures setting forth criteria establishing
15 when an owner or operator may measure by weight or volume
16 during any given quarter or other fee payment period.

17 (e) Pursuant to appropriation, all monies in the Solid
18 Waste Management Fund shall be used by the Agency for the
19 purposes set forth in this Section and in the Illinois Solid
20 Waste Management Act, including for the costs of fee
21 collection and administration, and for the administration of
22 the Consumer Electronics Recycling Act and the Drug Take-Back
23 Act.

24 (f) The Agency is authorized to enter into such agreements
25 and to promulgate such rules as are necessary to carry out its
26 duties under this Section and the Illinois Solid Waste

1 Management Act.

2 (g) On the first day of January, April, July, and October
3 of each year, beginning on July 1, 1996, the State Comptroller
4 and Treasurer shall transfer \$500,000 from the Solid Waste
5 Management Fund to the Hazardous Waste Fund. Moneys
6 transferred under this subsection (g) shall be used only for
7 the purposes set forth in item (1) of subsection (d) of Section
8 22.2.

9 (h) The Agency is authorized to provide financial
10 assistance to units of local government for the performance of
11 inspecting, investigating, and enforcement activities pursuant
12 to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous
13 solid waste disposal sites.

14 (i) The Agency is authorized to conduct household waste
15 collection and disposal programs.

16 (j) A unit of local government, as defined in the Local
17 Solid Waste Disposal Act, in which a solid waste disposal
18 facility is located may establish a fee, tax, or surcharge
19 with regard to the permanent disposal of solid waste. All
20 fees, taxes, and surcharges collected under this subsection
21 shall be utilized for solid waste management purposes,
22 including long-term monitoring and maintenance of landfills,
23 planning, implementation, inspection, enforcement and other
24 activities consistent with the Solid Waste Management Act and
25 the Local Solid Waste Disposal Act, or for any other
26 environment-related purpose, including, but not limited to, an

1 environment-related public works project, but not for the
2 construction of a new pollution control facility other than a
3 household hazardous waste facility. However, the total fee,
4 tax or surcharge imposed by all units of local government
5 under this subsection (j) upon the solid waste disposal
6 facility shall not exceed:

7 (1) 60¢ per cubic yard if more than 150,000 cubic
8 yards of non-hazardous solid waste is permanently disposed
9 of at the site in a calendar year, unless the owner or
10 operator weighs the quantity of the solid waste received
11 with a device for which certification has been obtained
12 under the Weights and Measures Act, in which case the fee
13 shall not exceed \$1.27 per ton of solid waste permanently
14 disposed of.

15 (2) \$33,350 if more than 100,000 cubic yards, but not
16 more than 150,000 cubic yards, of non-hazardous waste is
17 permanently disposed of at the site in a calendar year.

18 (3) \$15,500 if more than 50,000 cubic yards, but not
19 more than 100,000 cubic yards, of non-hazardous solid
20 waste is permanently disposed of at the site in a calendar
21 year.

22 (4) \$4,650 if more than 10,000 cubic yards, but not
23 more than 50,000 cubic yards, of non-hazardous solid waste
24 is permanently disposed of at the site in a calendar year.

25 (5) \$650 if not more than 10,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at

1 the site in a calendar year.

2 The corporate authorities of the unit of local government
3 may use proceeds from the fee, tax, or surcharge to reimburse a
4 highway commissioner whose road district lies wholly or
5 partially within the corporate limits of the unit of local
6 government for expenses incurred in the removal of
7 nonhazardous, nonfluid municipal waste that has been dumped on
8 public property in violation of a State law or local
9 ordinance.

10 For the disposal of solid waste from general construction
11 or demolition debris recovery facilities as defined in
12 subsection (a-1) of Section 3.160, the total fee, tax, or
13 surcharge imposed by all units of local government under this
14 subsection (j) upon the solid waste disposal facility shall
15 not exceed 50% of the applicable amount set forth above. A unit
16 of local government, as defined in the Local Solid Waste
17 Disposal Act, in which a general construction or demolition
18 debris recovery facility is located may establish a fee, tax,
19 or surcharge on the general construction or demolition debris
20 recovery facility with regard to the permanent disposal of
21 solid waste by the general construction or demolition debris
22 recovery facility at a solid waste disposal facility, provided
23 that such fee, tax, or surcharge shall not exceed 50% of the
24 applicable amount set forth above, based on the total amount
25 of solid waste transported from the general construction or
26 demolition debris recovery facility for disposal at solid

1 waste disposal facilities, and the unit of local government
2 and fee shall be subject to all other requirements of this
3 subsection (j).

4 A county or Municipal Joint Action Agency that imposes a
5 fee, tax, or surcharge under this subsection may use the
6 proceeds thereof to reimburse a municipality that lies wholly
7 or partially within its boundaries for expenses incurred in
8 the removal of nonhazardous, nonfluid municipal waste that has
9 been dumped on public property in violation of a State law or
10 local ordinance.

11 If the fees are to be used to conduct a local sanitary
12 landfill inspection or enforcement program, the unit of local
13 government must enter into a written delegation agreement with
14 the Agency pursuant to subsection (r) of Section 4. The unit of
15 local government and the Agency shall enter into such a
16 written delegation agreement within 60 days after the
17 establishment of such fees. At least annually, the Agency
18 shall conduct an audit of the expenditures made by units of
19 local government from the funds granted by the Agency to the
20 units of local government for purposes of local sanitary
21 landfill inspection and enforcement programs, to ensure that
22 the funds have been expended for the prescribed purposes under
23 the grant.

24 The fees, taxes or surcharges collected under this
25 subsection (j) shall be placed by the unit of local government
26 in a separate fund, and the interest received on the moneys in

1 the fund shall be credited to the fund. The monies in the fund
2 may be accumulated over a period of years to be expended in
3 accordance with this subsection.

4 A unit of local government, as defined in the Local Solid
5 Waste Disposal Act, shall prepare and post on its website, in
6 April of each year, a report that details spending plans for
7 monies collected in accordance with this subsection. The
8 report will at a minimum include the following:

9 (1) The total monies collected pursuant to this
10 subsection.

11 (2) The most current balance of monies collected
12 pursuant to this subsection.

13 (3) An itemized accounting of all monies expended for
14 the previous year pursuant to this subsection.

15 (4) An estimation of monies to be collected for the
16 following 3 years pursuant to this subsection.

17 (5) A narrative detailing the general direction and
18 scope of future expenditures for one, 2 and 3 years.

19 The exemptions granted under Sections 22.16 and 22.16a,
20 and under subsection (k) of this Section, shall be applicable
21 to any fee, tax or surcharge imposed under this subsection
22 (j); except that the fee, tax or surcharge authorized to be
23 imposed under this subsection (j) may be made applicable by a
24 unit of local government to the permanent disposal of solid
25 waste after December 31, 1986, under any contract lawfully
26 executed before June 1, 1986 under which more than 150,000

1 cubic yards (or 50,000 tons) of solid waste is to be
2 permanently disposed of, even though the waste is exempt from
3 the fee imposed by the State under subsection (b) of this
4 Section pursuant to an exemption granted under Section 22.16.

5 (k) In accordance with the findings and purposes of the
6 Illinois Solid Waste Management Act, beginning January 1, 1989
7 the fee under subsection (b) and the fee, tax or surcharge
8 under subsection (j) shall not apply to:

9 (1) waste which is hazardous waste;

10 (2) waste which is pollution control waste;

11 (3) waste from recycling, reclamation or reuse
12 processes which have been approved by the Agency as being
13 designed to remove any contaminant from wastes so as to
14 render such wastes reusable, provided that the process
15 renders at least 50% of the waste reusable; the exemption
16 set forth in this paragraph (3) of this subsection (k)
17 shall not apply to general construction or demolition
18 debris recovery facilities as defined in subsection (a-1)
19 of Section 3.160;

20 (4) non-hazardous solid waste that is received at a
21 sanitary landfill and composted or recycled through a
22 process permitted by the Agency; or

23 (5) any landfill which is permitted by the Agency to
24 receive only demolition or construction debris or
25 landscape waste.

26 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;

1 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
2 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
3 102-1055, eff. 6-10-22; revised 8-25-22.)

4 (415 ILCS 5/57.11)

5 Sec. 57.11. Underground Storage Tank Fund; creation.

6 (a) There is hereby created in the State Treasury a
7 special fund to be known as the Underground Storage Tank Fund.
8 There shall be deposited into the Underground Storage Tank
9 Fund all moneys received by the Office of the State Fire
10 Marshal as fees for underground storage tanks under Sections 4
11 and 5 of the Gasoline Storage Act, fees pursuant to the Motor
12 Fuel Tax Law, and beginning July 1, 2013, payments pursuant to
13 the Use Tax Act, the Service Use Tax Act, the Service
14 Occupation Tax Act, and the Retailers' Occupation Tax Act. All
15 amounts held in the Underground Storage Tank Fund shall be
16 invested at interest by the State Treasurer. All income earned
17 from the investments shall be deposited into the Underground
18 Storage Tank Fund no less frequently than quarterly. In
19 addition to any other transfers that may be provided for by
20 law, beginning on July 1, 2018 and on the first day of each
21 month thereafter during fiscal years 2019 through 2024 ~~2023~~
22 only, the State Comptroller shall direct and the State
23 Treasurer shall transfer an amount equal to 1/12 of
24 \$10,000,000 from the Underground Storage Tank Fund to the
25 General Revenue Fund. Moneys in the Underground Storage Tank

1 Fund, pursuant to appropriation, may be used by the Agency and
2 the Office of the State Fire Marshal for the following
3 purposes:

4 (1) To take action authorized under Section 57.12 to
5 recover costs under Section 57.12.

6 (2) To assist in the reduction and mitigation of
7 damage caused by leaks from underground storage tanks,
8 including but not limited to, providing alternative water
9 supplies to persons whose drinking water has become
10 contaminated as a result of those leaks.

11 (3) To be used as a matching amount towards federal
12 assistance relative to the release of petroleum from
13 underground storage tanks.

14 (4) For the costs of administering activities of the
15 Agency and the Office of the State Fire Marshal relative
16 to the Underground Storage Tank Fund.

17 (5) For payment of costs of corrective action incurred
18 by and indemnification to operators of underground storage
19 tanks as provided in this Title.

20 (6) For a total of 2 demonstration projects in amounts
21 in excess of a \$10,000 deductible charge designed to
22 assess the viability of corrective action projects at
23 sites which have experienced contamination from petroleum
24 releases. Such demonstration projects shall be conducted
25 in accordance with the provision of this Title.

26 (7) Subject to appropriation, moneys in the

1 Underground Storage Tank Fund may also be used by the
2 Department of Revenue for the costs of administering its
3 activities relative to the Fund and for refunds provided
4 for in Section 13a.8 of the Motor Fuel Tax Law.

5 (b) Moneys in the Underground Storage Tank Fund may,
6 pursuant to appropriation, be used by the Office of the State
7 Fire Marshal or the Agency to take whatever emergency action
8 is necessary or appropriate to assure that the public health
9 or safety is not threatened whenever there is a release or
10 substantial threat of a release of petroleum from an
11 underground storage tank and for the costs of administering
12 its activities relative to the Underground Storage Tank Fund.

13 (c) Beginning July 1, 1993, the Governor shall certify to
14 the State Comptroller and State Treasurer the monthly amount
15 necessary to pay debt service on State obligations issued
16 pursuant to Section 6 of the General Obligation Bond Act. On
17 the last day of each month, the Comptroller shall order
18 transferred and the Treasurer shall transfer from the
19 Underground Storage Tank Fund to the General Obligation Bond
20 Retirement and Interest Fund the amount certified by the
21 Governor, plus any cumulative deficiency in those transfers
22 for prior months.

23 (d) Except as provided in subsection (c) of this Section,
24 the Underground Storage Tank Fund is not subject to
25 administrative charges authorized under Section 8h of the
26 State Finance Act that would in any way transfer any funds from

1 the Underground Storage Tank Fund into any other fund of the
2 State.

3 (e) Each fiscal year, subject to appropriation, the Agency
4 may commit up to \$10,000,000 of the moneys in the Underground
5 Storage Tank Fund to the payment of corrective action costs
6 for legacy sites that meet one or more of the following
7 criteria as a result of the underground storage tank release:

8 (i) the presence of free product, (ii) contamination within a
9 regulated recharge area, a wellhead protection area, or the
10 setback zone of a potable water supply well, (iii)
11 contamination extending beyond the boundaries of the site
12 where the release occurred, or (iv) such other criteria as may
13 be adopted in Agency rules.

14 (1) Fund moneys committed under this subsection (e)
15 shall be held in the Fund for payment of the corrective
16 action costs for which the moneys were committed.

17 (2) The Agency may adopt rules governing the
18 commitment of Fund moneys under this subsection (e).

19 (3) This subsection (e) does not limit the use of Fund
20 moneys at legacy sites as otherwise provided under this
21 Title.

22 (4) For the purposes of this subsection (e), the term
23 "legacy site" means a site for which (i) an underground
24 storage tank release was reported prior to January 1,
25 2005, (ii) the owner or operator has been determined
26 eligible to receive payment from the Fund for corrective

1 action costs, and (iii) the Agency did not receive any
2 applications for payment prior to January 1, 2010.

3 (f) Beginning July 1, 2013, if the amounts deposited into
4 the Fund from moneys received by the Office of the State Fire
5 Marshal as fees for underground storage tanks under Sections 4
6 and 5 of the Gasoline Storage Act and as fees pursuant to the
7 Motor Fuel Tax Law during a State fiscal year are sufficient to
8 pay all claims for payment by the fund received during that
9 State fiscal year, then the amount of any payments into the
10 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
11 Service Occupation Tax Act, and the Retailers' Occupation Tax
12 Act during that State fiscal year shall be deposited as
13 follows: 75% thereof shall be paid into the State treasury and
14 25% shall be reserved in a special account and used only for
15 the transfer to the Common School Fund as part of the monthly
16 transfer from the General Revenue Fund in accordance with
17 Section 8a of the State Finance Act.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
19 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

20 Section 5-140. The Electric Vehicle Rebate Act is amended
21 by changing Section 40 as follows:

22 (415 ILCS 120/40)

23 Sec. 40. Appropriations from the Electric Vehicle Rebate
24 Fund.

1 (a) ~~User Fees Funds~~. The Agency shall estimate the amount
2 of user fees expected to be collected under Section 35 of this
3 Act for each fiscal year. User fee funds shall be deposited
4 into and distributed from the Electric Vehicle Rebate
5 ~~Alternate Fuels~~ Fund in the following manner:

6 (1) Through fiscal year 2023, ~~In each of fiscal years~~
7 ~~1999, 2000, 2001, 2002, and 2003, an amount not to exceed~~
8 ~~\$200,000, and beginning in fiscal year 2004~~ an annual
9 amount not to exceed \$225,000, may be appropriated to the
10 Agency from the Electric Vehicle Rebate ~~Alternate Fuels~~
11 Fund to pay its costs of administering the programs
12 authorized by Section 27 of this Act. Beginning in fiscal
13 year 2024 and in each fiscal year thereafter, an annual
14 amount not to exceed \$600,000 may be appropriated to the
15 Agency from the Electric Vehicle Rebate Fund to pay its
16 costs of administering the programs authorized by Section
17 27 of this Act. An Up to \$200,000 may be appropriated to
18 ~~the Office of the Secretary of State in each of fiscal~~
19 ~~years 1999, 2000, 2001, 2002, and 2003 from the Alternate~~
20 ~~Fuels Fund to pay the Secretary of State's costs of~~
21 ~~administering the programs authorized under this Act.~~
22 ~~Beginning in fiscal year 2004 and in each fiscal year~~
23 ~~thereafter, an~~ amount not to exceed \$225,000 may be
24 appropriated to the Secretary of State from the Electric
25 Vehicle Rebate ~~Alternate Fuels~~ Fund to pay the Secretary
26 of State's costs of administering the programs authorized

1 under this Act.

2 (2) In fiscal year 2022 and each fiscal year
3 thereafter, after appropriation of the amounts authorized
4 by item (1) of subsection (a) of this Section, the
5 remaining moneys estimated to be collected during each
6 fiscal year shall be appropriated.

7 (3) (Blank).

8 (4) Moneys appropriated to fund the programs
9 authorized in Sections 25 and 30 shall be expended only
10 after they have been collected and deposited into the
11 Electric Vehicle Rebate ~~Alternate Fuels~~ Fund.

12 (b) ~~General Revenue Fund Appropriations.~~ General Revenue
13 Fund amounts appropriated to and deposited into the Electric
14 Vehicle Rebate Fund shall be distributed from the Electric
15 Vehicle Rebate Fund to fund the program authorized in Section
16 27.

17 (Source: P.A. 102-662, eff. 9-15-21.)

18 Section 5-145. The Fire Investigation Act is amended by
19 changing Section 13.1 as follows:

20 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

21 Sec. 13.1. Fire Prevention Fund.

22 (a) There shall be a special fund in the State Treasury
23 known as the Fire Prevention Fund.

24 (b) The following moneys shall be deposited into the Fund:

1 (1) Moneys received by the Department of Insurance
2 under Section 12 of this Act.

3 (2) All fees and reimbursements received by the
4 Office.

5 (3) All receipts from boiler and pressure vessel
6 certification, as provided in Section 13 of the Boiler and
7 Pressure Vessel Safety Act.

8 (4) Such other moneys as may be provided by law.

9 (c) The moneys in the Fire Prevention Fund shall be used,
10 subject to appropriation, for the following purposes:

11 (1) Of the moneys deposited into the fund under
12 Section 12 of this Act, 12.5% shall be available for the
13 maintenance of the Illinois Fire Service Institute and the
14 expenses, facilities, and structures incident thereto, and
15 for making transfers into the General Obligation Bond
16 Retirement and Interest Fund for debt service requirements
17 on bonds issued by the State of Illinois after January 1,
18 1986 for the purpose of constructing a training facility
19 for use by the Institute. An additional 2.5% of the moneys
20 deposited into the Fire Prevention Fund shall be available
21 to the Illinois Fire Service Institute for support of the
22 Cornerstone Training Program.

23 (2) Of the moneys deposited into the Fund under
24 Section 12 of this Act, 10% shall be available for the
25 maintenance of the Chicago Fire Department Training
26 Program and the expenses, facilities, and structures

1 incident thereto, in addition to any moneys payable from
2 the Fund to the City of Chicago pursuant to the Illinois
3 Fire Protection Training Act.

4 (3) For making payments to local governmental agencies
5 and individuals pursuant to Section 10 of the Illinois
6 Fire Protection Training Act.

7 (4) For the maintenance and operation of the Office of
8 the State Fire Marshal, and the expenses incident thereto.

9 (4.5) For the maintenance, operation, and capital
10 expenses of the Mutual Aid Box Alarm System (MABAS).

11 (4.6) For grants awarded by the Small Fire-fighting
12 and Ambulance Service Equipment Grant Program established
13 by Section 2.7 of the State Fire Marshal Act.

14 (4.7) For grants awarded under the Fire Station
15 Rehabilitation and Construction Grant Program established
16 by Section 2.8 of the State Fire Marshal Act.

17 (5) For any other purpose authorized by law.

18 (c-5) As soon as possible after April 8, 2008 (the
19 effective date of Public Act 95-717), the Comptroller shall
20 order the transfer and the Treasurer shall transfer \$2,000,000
21 from the Fire Prevention Fund to the Fire Service and Small
22 Equipment Fund, \$9,000,000 from the Fire Prevention Fund to
23 the Fire Truck Revolving Loan Fund, and \$4,000,000 from the
24 Fire Prevention Fund to the Ambulance Revolving Loan Fund.
25 Beginning on July 1, 2008, each month, or as soon as practical
26 thereafter, an amount equal to \$2 from each fine received

1 shall be transferred from the Fire Prevention Fund to the Fire
2 Service and Small Equipment Fund, an amount equal to \$1.50
3 from each fine received shall be transferred from the Fire
4 Prevention Fund to the Fire Truck Revolving Loan Fund, and an
5 amount equal to \$4 from each fine received shall be
6 transferred from the Fire Prevention Fund to the Ambulance
7 Revolving Loan Fund. These moneys shall be transferred from
8 the moneys deposited into the Fire Prevention Fund pursuant to
9 Public Act 95-154, together with not more than 25% of any
10 unspent appropriations from the prior fiscal year. These
11 moneys may be allocated to the Fire Truck Revolving Loan Fund,
12 Ambulance Revolving Loan Fund, and Fire Service and Small
13 Equipment Fund at the discretion of the Office for the purpose
14 of implementation of this Act.

15 (d) Any portion of the Fire Prevention Fund remaining
16 unexpended at the end of any fiscal year which is not needed
17 for the maintenance and expenses of the Office or the
18 maintenance and expenses of the Illinois Fire Service
19 Institute shall remain in the Fire Prevention Fund for the
20 exclusive and restricted uses provided in subsections (c) and
21 (c-5) of this Section.

22 (e) The Office shall keep on file an itemized statement of
23 all expenses incurred which are payable from the Fund, other
24 than expenses incurred by the Illinois Fire Service Institute,
25 and shall approve all vouchers issued therefor before they are
26 submitted to the State Comptroller for payment. Such vouchers

1 shall be allowed and paid in the same manner as other claims
2 against the State.

3 (Source: P.A. 101-82, eff. 1-1-20; 102-558, eff. 8-20-21.)

4 Section 5-150. The Open Space Lands Acquisition and
5 Development Act is amended by changing Section 3 as follows:

6 (525 ILCS 35/3) (from Ch. 85, par. 2103)

7 Sec. 3. From appropriations made from the Capital
8 Development Fund, Build Illinois Bond Fund or other available
9 or designated funds for such purposes, the Department shall
10 make grants to local governments as financial assistance for
11 the capital development and improvement of park, recreation or
12 conservation areas, marinas and shorelines, including planning
13 and engineering costs, and for the acquisition of open space
14 lands, including acquisition of easements and other property
15 interests less than fee simple ownership if the Department
16 determines that such property interests are sufficient to
17 carry out the purposes of this Act, subject to the conditions
18 and limitations set forth in this Act.

19 No more than 10% of the amount so appropriated for any
20 fiscal year may be committed or expended on any one project
21 described in an application under this Act.

22 Except for grants awarded from new appropriations in
23 fiscal year 2023 and fiscal year 2024, any grant under this Act
24 to a local government shall be conditioned upon the state

1 providing assistance on a 50/50 matching basis for the
2 acquisition of open space lands and for capital development
3 and improvement proposals. However, a local government defined
4 as "distressed" under criteria adopted by the Department
5 through administrative rule shall be eligible for assistance
6 up to 90% for the acquisition of open space lands and for
7 capital development and improvement proposals, provided that
8 no more than 10% of the amount appropriated under this Act in
9 any fiscal year is made available as grants to distressed
10 local governments. For grants awarded from new appropriations
11 in fiscal year 2023 and fiscal year 2024 only, a local
12 government defined as "distressed" is eligible for assistance
13 up to 100% for the acquisition of open space lands and for
14 capital development and improvement proposals. The Department
15 may make more than 10% of the amount appropriated in fiscal
16 year 2023 and fiscal year 2024 available as grants to
17 distressed local governments.

18 An advance payment of a minimum of 50% of any grant made to
19 a unit of local government under this Act must be paid to the
20 unit of local government at the time the Department awards the
21 grant. A unit of local government may opt out of the advanced
22 payment option at the time of the award of the grant. The
23 remainder of the grant shall be distributed to the local
24 government quarterly on a reimbursement basis. The Department
25 shall consider an applicant's request for an extension to a
26 grant under this Act if (i) the advanced payment is expended or

1 legally obligated within the 2 years required by Section 5 of
2 the Illinois Grant Funds Recovery Act or (ii) no advanced
3 payment was made.

4 (Source: P.A. 102-200, eff. 7-30-21; 102-699, eff. 4-19-22.)

5 Section 5-153. The Illinois Highway Code is amended by
6 changing Section 6-901 as follows:

7 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

8 Sec. 6-901. Annually, the General Assembly shall
9 appropriate to the Department of Transportation from the road
10 fund, the general revenue fund, any other State funds or a
11 combination of those funds, \$60,000,000 ~~\$15,000,000~~ for
12 apportionment to counties for the use of road districts for
13 the construction of bridges 20 feet or more in length, as
14 provided in Sections 6-902 through 6-905.

15 The Department of Transportation shall apportion among the
16 several counties of this State for the use of road districts
17 the amounts appropriated under this Section. The amount
18 apportioned to a county shall be in the proportion which the
19 total mileage of township or district roads in the county
20 bears to the total mileage of all township and district roads
21 in the State. Each county shall allocate to the several road
22 districts in the county the funds so apportioned to the
23 county. The allocation to road districts shall be made in the
24 same manner and be subject to the same conditions and

1 qualifications as are provided by Section 8 of the "Motor Fuel
2 Tax Law", approved March 25, 1929, as amended, with respect to
3 the allocation to road districts of the amount allotted from
4 the Motor Fuel Tax Fund for apportionment to counties for the
5 use of road districts, but no allocation shall be made to any
6 road district that has not levied taxes for road and bridge
7 purposes and for bridge construction purposes at the maximum
8 rates permitted by Sections 6-501, 6-508 and 6-512 of this
9 Act, without referendum. "Road district" and "township or
10 district road" have the meanings ascribed to those terms in
11 this Act.

12 Road districts in counties in which a property tax
13 extension limitation is imposed under the Property Tax
14 Extension Limitation Law that are made ineligible for receipt
15 of this appropriation due to the imposition of a property tax
16 extension limitation may become eligible if, at the time the
17 property tax extension limitation was imposed, the road
18 district was levying at the required rate and continues to
19 levy the maximum allowable amount after the imposition of the
20 property tax extension limitation. The road district also
21 becomes eligible if it levies at or above the rate required for
22 eligibility by Section 8 of the Motor Fuel Tax Law.

23 The amounts apportioned under this Section for allocation
24 to road districts may be used only for bridge construction as
25 provided in this Division. So much of those amounts as are not
26 obligated under Sections 6-902 through 6-904 and for which

1 local funds have not been committed under Section 6-905 within
2 48 months of the date when such apportionment is made lapses
3 and shall not be paid to the county treasurer for distribution
4 to road districts.

5 (Source: P.A. 96-366, eff. 1-1-10.)

6 Section 5-155. The Illinois Vehicle Code is amended by
7 changing Sections 3-626, 3-658, 3-667, and 3-692 as follows:

8 (625 ILCS 5/3-626)

9 Sec. 3-626. Korean War Veteran license plates.

10 (a) In addition to any other special license plate, the
11 Secretary, upon receipt of all applicable fees and
12 applications made in the form prescribed by the Secretary of
13 State, may issue special registration plates designated as
14 Korean War Veteran license plates to residents of Illinois who
15 participated in the United States Armed Forces during the
16 Korean War. The special plate issued under this Section shall
17 be affixed only to passenger vehicles of the first division,
18 motorcycles, motor vehicles of the second division weighing
19 not more than 8,000 pounds, and recreational vehicles as
20 defined by Section 1-169 of this Code. Plates issued under
21 this Section shall expire according to the staggered
22 multi-year procedure established by Section 3-414.1 of this
23 Code.

24 (b) The design, color, and format of the plates shall be

1 wholly within the discretion of the Secretary of State. The
2 Secretary may, in his or her discretion, allow the plates to be
3 issued as vanity plates or personalized in accordance with
4 Section 3-405.1 of this Code. The plates are not required to
5 designate "Land Of Lincoln", as prescribed in subsection (b)
6 of Section 3-412 of this Code. The Secretary shall prescribe
7 the eligibility requirements and, in his or her discretion,
8 shall approve and prescribe stickers or decals as provided
9 under Section 3-412.

10 (c) (Blank).

11 (d) The Korean War Memorial Construction Fund is created
12 as a special fund in the State treasury. All moneys in the
13 Korean War Memorial Construction Fund shall, subject to
14 appropriation, be used by the Department of Veterans' Affairs
15 to provide grants for construction of the Korean War Memorial
16 to be located at Oak Ridge Cemetery in Springfield, Illinois.
17 Upon the completion of the Memorial, the Department of
18 Veterans' Affairs shall certify to the State Treasurer that
19 the construction of the Memorial has been completed. At the
20 direction of and upon notification of the Secretary of State,
21 the State Comptroller shall direct and ~~Upon the certification~~
22 ~~by the Department of Veterans' Affairs,~~ the State Treasurer
23 shall transfer all moneys in the Fund and any future deposits
24 into the Fund into the Secretary of State Special License
25 Plate Fund. Upon completion of the transfer, the Korean War
26 Memorial Construction Fund is dissolved.

1 (e) An individual who has been issued Korean War Veteran
2 license plates for a vehicle and who has been approved for
3 benefits under the Senior Citizens and Persons with
4 Disabilities Property Tax Relief Act shall pay the original
5 issuance and the regular annual fee for the registration of
6 the vehicle as provided in Section 3-806.3 of this Code.

7 (Source: P.A. 99-127, eff. 1-1-16; 99-143, eff. 7-27-15;
8 99-642, eff. 7-28-16; 100-143, eff. 1-1-18.)

9 (625 ILCS 5/3-658)

10 Sec. 3-658. Professional Sports Teams license plates.

11 (a) The Secretary, upon receipt of an application made in
12 the form prescribed by the Secretary, may issue special
13 registration plates designated as Professional Sports Teams
14 license plates. The special plates issued under this Section
15 shall be affixed only to passenger vehicles of the first
16 division, motorcycles, and motor vehicles of the second
17 division weighing not more than 8,000 pounds. Plates issued
18 under this Section shall expire according to the multi-year
19 procedure established by Section 3-414.1 of this Code.

20 (b) The design and color of the plates is wholly within the
21 discretion of the Secretary, except that the plates shall,
22 subject to the permission of the applicable team owner,
23 display the logo of the Chicago Bears, the Chicago Bulls, the
24 Chicago Blackhawks, the Chicago Cubs, the Chicago White Sox,
25 the Chicago Sky, the Chicago Red Stars, the Chicago Fire, or

1 the St. Louis Cardinals, at the applicant's option. The
2 Secretary may allow the plates to be issued as vanity or
3 personalized plates under Section 3-405.1 of the Code. The
4 Secretary shall prescribe stickers or decals as provided under
5 Section 3-412 of this Code.

6 (c) An applicant for the special plate shall be charged a
7 \$40 fee for original issuance in addition to the appropriate
8 registration fee. Until July 1, 2023, of ~~of~~ this fee, \$25 shall
9 be deposited into the Professional Sports Teams Education Fund
10 and \$15 shall be deposited into the Secretary of State Special
11 License Plate Fund, to be used by the Secretary to help defray
12 the administrative processing costs. Beginning July 1, 2023,
13 of this fee, \$25 shall be deposited into the Common School Fund
14 and \$15 shall be deposited into the Secretary of State Special
15 License Plate Fund, to be used by the Secretary to help defray
16 the administrative processing costs.

17 For each registration renewal period, a \$27 fee, in
18 addition to the appropriate registration fee, shall be
19 charged. Until July 1, 2023, of ~~of~~ this fee, \$25 shall be
20 deposited into the Professional Sports Teams Education Fund
21 and \$2 shall be deposited into the Secretary of State Special
22 License Plate Fund. Beginning July 1, 2023, of this fee, \$25
23 shall be deposited into the Common School Fund and \$2 shall be
24 deposited into the Secretary of State Special License Plate
25 Fund.

26 (d) The Professional Sports Teams Education Fund is

1 created as a special fund in the State treasury. Until July 1,
2 2023, the ~~The~~ Comptroller shall order transferred and the
3 Treasurer shall transfer all moneys in the Professional Sports
4 Teams Education Fund to the Common School Fund every 6 months.

5 (e) On July 1, 2023, or as soon thereafter as practical,
6 the State Comptroller shall direct and the State Treasurer
7 shall transfer the remaining balance from the Professional
8 Sports Teams Education Fund into the Common School Fund. Upon
9 completion of the transfer, the Professional Sports Teams
10 Education Fund is dissolved, and any future deposits due to
11 that Fund and any outstanding obligations or liabilities of
12 that Fund shall pass to the Common School Fund.

13 (Source: P.A. 102-1099, eff. 1-1-23.)

14 (625 ILCS 5/3-667)

15 Sec. 3-667. Korean Service license plates.

16 (a) In addition to any other special license plate, the
17 Secretary, upon receipt of all applicable fees and
18 applications made in the form prescribed by the Secretary of
19 State, may issue special registration plates designated as
20 Korean Service license plates to residents of Illinois who, on
21 or after July 27, 1954, participated in the United States
22 Armed Forces in Korea. The special plate issued under this
23 Section shall be affixed only to passenger vehicles of the
24 first division, motorcycles, motor vehicles of the second
25 division weighing not more than 8,000 pounds, and recreational

1 vehicles as defined by Section 1-169 of this Code. Plates
2 issued under this Section shall expire according to the
3 staggered multi-year procedure established by Section 3-414.1
4 of this Code.

5 (b) The design, color, and format of the plates shall be
6 wholly within the discretion of the Secretary of State. The
7 Secretary may, in his or her discretion, allow the plates to be
8 issued as vanity or personalized plates in accordance with
9 Section 3-405.1 of this Code. The plates are not required to
10 designate "Land of Lincoln", as prescribed in subsection (b)
11 of Section 3-412 of this Code. The Secretary shall prescribe
12 the eligibility requirements and, in his or her discretion,
13 shall approve and prescribe stickers or decals as provided
14 under Section 3-412.

15 (c) (Blank). ~~An applicant shall be charged a \$2 fee for~~
16 ~~original issuance in addition to the applicable registration~~
17 ~~fee. This additional fee shall be deposited into the Korean~~
18 ~~War Memorial Construction Fund a special fund in the State~~
19 ~~treasury.~~

20 (d) An individual who has been issued Korean Service
21 license plates for a vehicle and who has been approved for
22 benefits under the Senior Citizens and Persons with
23 Disabilities Property Tax Relief Act shall pay the original
24 issuance and the regular annual fee for the registration of
25 the vehicle as provided in Section 3-806.3 of this Code in
26 addition to the fees specified in subsection (c) of this

1 Section.

2 (Source: P.A. 99-143, eff. 7-27-15.)

3 (625 ILCS 5/3-692)

4 Sec. 3-692. Soil and Water Conservation District Plates.

5 (a) In addition to any other special license plate, the
6 Secretary, upon receipt of all applicable fees and
7 applications made in the form prescribed by the Secretary of
8 State, may issue Soil and Water Conservation District license
9 plates. The special Soil and Water Conservation District plate
10 issued under this Section shall be affixed only to passenger
11 vehicles of the first division and motor vehicles of the
12 second division weighing not more than 8,000 pounds. Plates
13 issued under this Section shall expire according to the
14 staggered multi-year procedure established by Section 3-414.1
15 of this Code.

16 (b) The design, color, and format of the plates shall be
17 wholly within the discretion of the Secretary of State.
18 Appropriate documentation, as determined by the Secretary,
19 must accompany each application. The Secretary, in his or her
20 discretion, shall approve and prescribe stickers or decals as
21 provided under Section 3-412.

22 (c) An applicant for the special plate shall be charged a
23 \$40 fee for original issuance in addition to the appropriate
24 registration fee. Of this fee, \$25 shall be deposited into the
25 Soil and Water Conservation District Fund and \$15 shall be

1 deposited into the Secretary of State Special License Plate
2 Fund, to be used by the Secretary to help defray the
3 administrative processing costs. For each registration renewal
4 period, a \$27 fee, in addition to the appropriate registration
5 fee, shall be charged. Of this fee, \$25 shall be deposited into
6 the Soil and Water Conservation District Fund and \$2 shall be
7 deposited into the Secretary of State Special License Plate
8 Fund.

9 (d) The Soil and Water Conservation District Fund is
10 created as a special fund in the State treasury. All money in
11 the Soil and Water Conservation District Fund shall be paid,
12 subject to appropriation by the General Assembly and
13 distribution by the Secretary, as grants to Illinois soil and
14 water conservation districts for projects that conserve and
15 restore soil and water in Illinois. All interest earned on
16 moneys in the Fund shall be deposited into the Fund. The Fund
17 shall not be subject to administrative charges or chargebacks,
18 such as but not limited to those authorized under Section 8h of
19 the State Finance Act.

20 (e) Notwithstanding any other provision of law, on July 1,
21 2023, or as soon thereafter as practical, the State
22 Comptroller shall direct and the State Treasurer shall
23 transfer the remaining balance from the Soil and Water
24 Conservation District Fund into the Partners for Conservation
25 Fund. Upon completion of the transfers, the Soil and Water
26 Conservation District Fund is dissolved, and any future

1 deposits due to that Fund and any outstanding obligations or
2 liabilities of that Fund shall pass to the Partners for
3 Conservation Fund.

4 (f) This Section is repealed on January 1, 2024.

5 (Source: P.A. 96-1377, eff. 1-1-11; 97-333, eff. 8-12-11;
6 97-409, eff. 1-1-12.)

7 Section 5-160. The Unified Code of Corrections is amended
8 by changing Sections 3-12-3a, 3-12-6, and 3-12-13 as follows:

9 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

10 Sec. 3-12-3a. Contracts, leases, and business agreements.

11 (a) The Department shall promulgate such rules and
12 policies as it deems necessary to establish, manage, and
13 operate its Illinois Correctional Industries division for the
14 purpose of utilizing committed persons in the manufacture of
15 food stuffs, finished goods or wares. To the extent not
16 inconsistent with the function and role of the ICI, the
17 Department may enter into a contract, lease, or other type of
18 business agreement, not to exceed 20 years, with any private
19 corporation, partnership, person, or other business entity for
20 the purpose of utilizing committed persons in the provision of
21 services or for any other business or commercial enterprise
22 deemed by the Department to be consistent with proper training
23 and rehabilitation of committed persons.

24 Beginning in ~~the~~ fiscal year ~~years~~ 2021 ~~through~~ 2023, the

1 Department shall oversee the Illinois Correctional Industries
2 accounting processes and budget requests to the General
3 Assembly, other budgetary processes, audits by the Office of
4 the Auditor General, and computer processes. Beginning in ~~For~~
5 fiscal year ~~years~~ 2021 ~~through 2023~~, the spending authority of
6 Illinois Correctional Industries shall no longer be separate
7 and apart from the Department's budget and appropriations, and
8 the Department shall control its accounting processes,
9 budgets, audits and computer processes in accordance with any
10 Department rules and policies.

11 (b) The Department shall be permitted to construct
12 buildings on State property for the purposes identified in
13 subsection (a) and to lease for a period not to exceed 20 years
14 any building or portion thereof on State property for the
15 purposes identified in subsection (a).

16 (c) Any contract or other business agreement referenced in
17 subsection (a) shall include a provision requiring that all
18 committed persons assigned receive in connection with their
19 assignment such vocational training and/or apprenticeship
20 programs as the Department deems appropriate.

21 (d) Committed persons assigned in accordance with this
22 Section shall be compensated in accordance with the provisions
23 of Section 3-12-5.

24 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
25 102-699, eff. 4-19-22.)

1 (730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

2 Sec. 3-12-6. Programs. Through its Illinois Correctional
3 Industries division, the Department may ~~shall~~ establish
4 commercial, business, and manufacturing programs for the
5 production ~~sale~~ of finished goods and processed food and
6 beverages to the State, its political units, agencies, and
7 other public institutions. Illinois Correctional Industries
8 may ~~shall~~ establish, operate, and maintain manufacturing and
9 food and beverage production in the Department facilities and
10 provide food for the Department institutions and for the
11 mental health and developmental disabilities institutions of
12 the Department of Human Services and the institutions of the
13 Department of Veterans' Affairs.

14 Illinois Correctional Industries shall be administered by
15 a chief executive officer. The chief executive officer shall
16 report to the Director of the Department or the Director's
17 designee. The chief executive officer shall administer the
18 commercial and business programs of ICI for inmate workers in
19 the custody of the Department of Corrections.

20 The chief executive officer shall have such assistants as
21 are required for programming ~~sales~~ ~~staff~~, manufacturing,
22 budget, ~~fiscal~~, ~~accounting~~, ~~computer~~, ~~human services~~, and
23 personnel as necessary to run its ~~commercial and business~~
24 programs.

25 ~~Illinois Correctional Industries shall have a financial~~
26 ~~officer who shall report to the chief executive officer. The~~

1 ~~financial officer shall: (i) assist in the development and~~
2 ~~presentation of the Department budget submission; (ii) manage~~
3 ~~and control the spending authority of ICI; and (iii) provide~~
4 ~~oversight of the financial activities of ICI, both internally~~
5 ~~and through coordination with the Department fiscal operations~~
6 ~~personnel, including accounting processes, budget submissions,~~
7 ~~other budgetary processes, audits by the Office of the Auditor~~
8 ~~General, and computer processes. For fiscal years 2021 through~~
9 ~~2023, the financial officer shall coordinate and cooperate~~
10 ~~with the Department's chief financial officer to perform the~~
11 ~~functions listed in this paragraph.~~

12 Illinois Correctional Industries shall be located in
13 Springfield. The chief executive officer of Illinois
14 Correctional Industries shall assign personnel to teach ~~direct~~
15 the production of goods and shall employ committed persons
16 assigned by the facility chief administrative officer. The
17 Department of Corrections may direct such other vocational
18 programs as it deems necessary for the rehabilitation of
19 inmates, which shall be separate and apart from, and not in
20 conflict with, programs of Illinois Correctional Industries.

21 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
22 102-699, eff. 4-19-22.)

23 (730 ILCS 5/3-12-13) (from Ch. 38, par. 1003-12-13)

24 Sec. 3-12-13. Sale of Property. Whenever a responsible
25 officer of the Correctional Industries Division of the

1 Department seeks to dispose of property pursuant to the "State
2 Property Control Act", proceeds received by the Administrator
3 under that Act from the sale of property under the control of
4 the Division of Correctional Industries of the Department
5 shall be deposited into the General Revenue Fund ~~Working~~
6 ~~Capital Revolving Fund of the Correction Industries Division~~
7 ~~if such property was originally purchased with funds~~
8 ~~therefrom.~~

9 (Source: P.A. 81-1507.)

10 (730 ILCS 5/3-12-11 rep.)

11 Section 5-165. The Unified Code of Corrections is amended
12 by repealing Section 3-12-11.

13 Section 5-167. The Illinois Crime Reduction Act of 2009 is
14 amended by changing Section 20 as follows:

15 (730 ILCS 190/20)

16 Sec. 20. Adult Redeploy Illinois.

17 (a) Purpose. When offenders are accurately assessed for
18 risk, assets, and needs, it is possible to identify which
19 people should be sent to prison and which people can be
20 effectively supervised in the locality. By providing financial
21 incentives to counties or judicial circuits to create
22 effective local-level evidence-based services, it is possible
23 to reduce crime and recidivism at a lower cost to taxpayers.

1 Based on this model, this Act hereby creates the Adult
2 Redeploy Illinois program for probation-eligible offenders in
3 order to increase public safety and encourage the successful
4 local supervision of eligible offenders and their
5 reintegration into the locality.

6 (b) The Adult Redeploy Illinois program shall reallocate
7 State funds to local jurisdictions that successfully establish
8 a process to assess offenders and provide a continuum of
9 locally based sanctions and treatment alternatives for
10 offenders who would be incarcerated in a State facility if
11 those local services and sanctions did not exist. The
12 allotment of funds shall be based on a formula that rewards
13 local jurisdictions for the establishment or expansion of
14 local supervision programs and requires them to pay the amount
15 determined in subsection (e) if incarceration targets as
16 defined in subsection (e) are not met.

17 (c) Each county or circuit participating in the Adult
18 Redeploy Illinois program shall create a local plan describing
19 how it will protect public safety and reduce the county or
20 circuit's utilization of incarceration in State facilities or
21 local county jails by the creation or expansion of
22 individualized services or programs.

23 (d) Based on the local plan, a county or circuit shall
24 enter into an agreement with the Adult Redeploy Oversight
25 Board described in subsection (e) to reduce the number of
26 commitments of probation-eligible offenders to State

1 correctional facilities from that county or circuit. The
2 agreement shall include a pledge from the county or circuit to
3 reduce their commitments by 25% of the level of commitments
4 from the average number of commitments for the past 3 years of
5 eligible offenders. In return, the county or circuit shall
6 receive, based upon a formula described in subsection (e),
7 funds to redeploy for local programming for offenders who
8 would otherwise be incarcerated such as management and
9 supervision, electronic monitoring, and drug testing. The
10 county or circuit shall also be penalized, as described in
11 subsection (e), for failure to reach the goal of reduced
12 commitments stipulated in the agreement.

13 (d-5) Subject to appropriation to the Illinois Criminal
14 Justice Information Authority, the Adult Redeploy Illinois
15 Oversight Board described in subsection (e) may provide grant
16 funds to qualified organizations that can assist local
17 jurisdictions in training, development, and technical
18 assistance.

19 (e) Adult Redeploy Illinois Oversight Board; members;
20 responsibilities.

21 (1) The Secretary of Human Services and the Director
22 of Corrections shall within 3 months after January 1, 2010
23 (the effective date of Public Act 96-761) ~~this Act~~ convene
24 and act as co-chairs of an oversight board to oversee the
25 Adult Redeploy Program. The Board shall include, but not
26 be limited to, designees from the Prisoner Review Board,

1 Office of the Attorney General, Illinois Criminal Justice
2 Information Authority, and Sentencing Policy Advisory
3 Council; the Cook County State's Attorney or a designee; a
4 State's Attorney selected by the President of the Illinois
5 State's Attorneys Association; the State Appellate
6 Defender or a designee; the Cook County Public Defender or
7 a designee; a representative of Cook County Adult
8 Probation, a representative of DuPage County Adult
9 Probation; a representative of Sangamon County Adult
10 Probation; and 4 representatives from non-governmental
11 organizations, including service providers. Members shall
12 serve without compensation but shall be reimbursed for
13 actual expenses incurred in the performance of their
14 duties.

15 (2) The Oversight Board shall within one year after
16 January 1, 2010 (the effective date of Public Act 96-761)
17 ~~this Act:~~

18 (A) Develop a process to solicit applications from
19 and identify jurisdictions to be included in the Adult
20 Redeploy Illinois program.

21 (B) Define categories of membership for local
22 entities to participate in the creation and oversight
23 of the local Adult Redeploy Illinois program.

24 (C) Develop a formula for the allotment of funds
25 to local jurisdictions for local and community-based
26 services in lieu of commitment to the Department of

1 Corrections and a penalty amount for failure to reach
2 the goal of reduced commitments stipulated in the
3 plans.

4 (D) Develop a standard format for the local plan
5 to be submitted by the local entity created in each
6 county or circuit.

7 (E) Identify and secure resources sufficient to
8 support the administration and evaluation of Adult
9 Redeploy Illinois.

10 (F) Develop a process to support ongoing
11 monitoring and evaluation of Adult Redeploy Illinois.

12 (G) Review local plans and proposed agreements and
13 approve the distribution of resources.

14 (H) Develop a performance measurement system that
15 includes but is not limited to the following key
16 performance indicators: recidivism, rate of
17 revocations, employment rates, education achievement,
18 successful completion of substance abuse treatment
19 programs, and payment of victim restitution. Each
20 county or circuit shall include the performance
21 measurement system in its local plan and provide data
22 annually to evaluate its success.

23 (I) Report annually the results of the performance
24 measurements on a timely basis to the Governor and
25 General Assembly.

26 (3) The Oversight Board shall:

1 (A) Develop a process to solicit grant
2 applications from eligible training, development, and
3 technical assistance organizations.

4 (B) Review grant applications and proposed grant
5 agreements and approve the distribution of resources.

6 (C) Develop a process to support ongoing
7 monitoring of training, development, and technical
8 assistance grantees.

9 (Source: P.A. 100-999, eff. 1-1-19.)

10 Section 5-170. The Revised Uniform Unclaimed Property Act
11 is amended by changing Section 15-801 as follows:

12 (765 ILCS 1026/15-801)

13 Sec. 15-801. Deposit of funds by administrator.

14 (a) Except as otherwise provided in this Section, the
15 administrator shall deposit in the Unclaimed Property Trust
16 Fund all funds received under this Act, including proceeds
17 from the sale of property under Article 7. The administrator
18 may deposit any amount in the Unclaimed Property Trust Fund
19 into the State Pensions Fund during the fiscal year at his or
20 her discretion; however, he or she shall, on April 15 and
21 October 15 of each year, deposit any amount in the Unclaimed
22 Property Trust Fund exceeding \$2,500,000 into the State
23 Pensions Fund. If on either April 15 or October 15, the
24 administrator determines that a balance of \$2,500,000 is

1 insufficient for the prompt payment of unclaimed property
2 claims authorized under this Act, the administrator may retain
3 more than \$2,500,000 in the Unclaimed Property Trust Fund in
4 order to ensure the prompt payment of claims. Beginning in
5 State fiscal year 2025 ~~2024~~, all amounts that are deposited
6 into the State Pensions Fund from the Unclaimed Property Trust
7 Fund shall be apportioned to the designated retirement systems
8 as provided in subsection (c-6) of Section 8.12 of the State
9 Finance Act to reduce their actuarial reserve deficiencies.

10 (b) The administrator shall make prompt payment of claims
11 he or she duly allows as provided for in this Act from the
12 Unclaimed Property Trust Fund. This shall constitute an
13 irrevocable and continuing appropriation of all amounts in the
14 Unclaimed Property Trust Fund necessary to make prompt payment
15 of claims duly allowed by the administrator pursuant to this
16 Act.

17 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
18 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

19 Section 5-175. The Line of Duty Compensation Act is
20 amended by changing Section 3 as follows:

21 (820 ILCS 315/3) (from Ch. 48, par. 283)

22 Sec. 3. Duty death benefit.

23 (a) If a claim therefor is made within 2 years ~~one year~~ of
24 the date of death of a law enforcement officer, civil defense

1 worker, civil air patrol member, paramedic, fireman, chaplain,
2 or State employee killed in the line of duty, or if a claim
3 therefor is made within 2 years of the date of death of an
4 Armed Forces member killed in the line of duty, compensation
5 shall be paid to the person designated by the law enforcement
6 officer, civil defense worker, civil air patrol member,
7 paramedic, fireman, chaplain, State employee, or Armed Forces
8 member. However, if the Armed Forces member was killed in the
9 line of duty before October 18, 2004, the claim must be made
10 within one year of October 18, 2004. In addition, if a death
11 occurred after December 31, 2016 and before January 1, 2021,
12 the claim may be made no later than December 31, 2022
13 notwithstanding any other deadline established under this Act
14 with respect to filing a claim for a duty death benefit.

15 (b) The amount of compensation, except for an Armed Forces
16 member, shall be \$10,000 if the death in the line of duty
17 occurred prior to January 1, 1974; \$20,000 if such death
18 occurred after December 31, 1973 and before July 1, 1983;
19 \$50,000 if such death occurred on or after July 1, 1983 and
20 before January 1, 1996; \$100,000 if the death occurred on or
21 after January 1, 1996 and before May 18, 2001; \$118,000 if the
22 death occurred on or after May 18, 2001 and before July 1,
23 2002; and \$259,038 if the death occurred on or after July 1,
24 2002 and before January 1, 2003. For an Armed Forces member
25 killed in the line of duty (i) at any time before January 1,
26 2005, the compensation is \$259,038 plus amounts equal to the

1 increases for 2003 and 2004 determined under subsection (c)
2 and (ii) on or after January 1, 2005, the compensation is the
3 amount determined under item (i) plus the applicable increases
4 for 2005 and thereafter determined under subsection (c).

5 (c) Except as provided in subsection (b), for deaths
6 occurring on or after January 1, 2003, the death compensation
7 rate for death in the line of duty occurring in a particular
8 calendar year shall be the death compensation rate for death
9 occurring in the previous calendar year (or in the case of
10 deaths occurring in 2003, the rate in effect on December 31,
11 2002) increased by a percentage thereof equal to the
12 percentage increase, if any, in the index known as the
13 Consumer Price Index for All Urban Consumers: U.S. city
14 average, unadjusted, for all items, as published by the United
15 States Department of Labor, Bureau of Labor Statistics, for
16 the 12 months ending with the month of June of that previous
17 calendar year.

18 (d) If no beneficiary is designated or if no designated
19 beneficiary survives at the death of the law enforcement
20 officer, civil defense worker, civil air patrol member,
21 paramedic, fireman, chaplain, or State employee killed in the
22 line of duty, the compensation shall be paid in accordance
23 with a legally binding will left by the law enforcement
24 officer, civil defense worker, civil air patrol member,
25 paramedic, fireman, chaplain, or State employee. If the law
26 enforcement officer, civil defense worker, civil air patrol

1 member, paramedic, fireman, chaplain, or State employee did
2 not leave a legally binding will, the compensation shall be
3 paid as follows:

4 (1) when there is a surviving spouse, the entire sum
5 shall be paid to the spouse;

6 (2) when there is no surviving spouse, but a surviving
7 descendant of the decedent, the entire sum shall be paid
8 to the decedent's descendants per stirpes;

9 (3) when there is neither a surviving spouse nor a
10 surviving descendant, the entire sum shall be paid to the
11 parents of the decedent in equal parts, allowing to the
12 surviving parent, if one is dead, the entire sum; and

13 (4) when there is no surviving spouse, descendant or
14 parent of the decedent, but there are surviving brothers
15 or sisters, or descendants of a brother or sister, who
16 were receiving their principal support from the decedent
17 at his death, the entire sum shall be paid, in equal parts,
18 to the dependent brothers or sisters or dependent
19 descendant of a brother or sister. Dependency shall be
20 determined by the Court of Claims based upon the
21 investigation and report of the Attorney General.

22 The changes made to this subsection (d) by this amendatory Act
23 of the 94th General Assembly apply to any pending case as long
24 as compensation has not been paid to any party before the
25 effective date of this amendatory Act of the 94th General
26 Assembly.

1 (d-1) For purposes of subsection (d), in the case of a
2 person killed in the line of duty who was born out of wedlock
3 and was not an adoptive child at the time of the person's
4 death, a person shall be deemed to be a parent of the person
5 killed in the line of duty only if that person would be an
6 eligible parent, as defined in Section 2-2 of the Probate Act
7 of 1975, of the person killed in the line of duty. This
8 subsection (d-1) applies to any pending claim if compensation
9 was not paid to the claimant of the pending claim before the
10 effective date of this amendatory Act of the 94th General
11 Assembly.

12 (d-2) If no beneficiary is designated or if no designated
13 beneficiary survives at the death of the Armed Forces member
14 killed in the line of duty, the compensation shall be paid in
15 entirety according to the designation made on the most recent
16 version of the Armed Forces member's Servicemembers' Group
17 Life Insurance Election and Certificate ("SGLI").

18 If no SGLI form exists at the time of the Armed Forces
19 member's death, the compensation shall be paid in accordance
20 with a legally binding will left by the Armed Forces member.

21 If no SGLI form exists for the Armed Forces member and the
22 Armed Forces member did not leave a legally binding will, the
23 compensation shall be paid to the persons and in the priority
24 as set forth in paragraphs (1) through (4) of subsection (d) of
25 this Section.

26 This subsection (d-2) applies to any pending case as long

1 as compensation has not been paid to any party before the
2 effective date of this amendatory Act of the 94th General
3 Assembly.

4 (e) If there is no beneficiary designated or if no
5 designated beneficiary survives at the death of the law
6 enforcement officer, civil defense worker, civil air patrol
7 member, paramedic, fireman, chaplain, State employee, or Armed
8 Forces member killed in the line of duty and there is no other
9 person or entity to whom compensation is payable under this
10 Section, no compensation shall be payable under this Act.

11 (f) No part of such compensation may be paid to any other
12 person for any efforts in securing such compensation.

13 (g) This amendatory Act of the 93rd General Assembly
14 applies to claims made on or after October 18, 2004 with
15 respect to an Armed Forces member killed in the line of duty.

16 (h) In any case for which benefits have not been paid
17 within 6 months of the claim being filed in accordance with
18 this Section, which is pending as of the effective date of this
19 amendatory Act of the 96th General Assembly, and in which
20 there are 2 or more beneficiaries, at least one of whom would
21 receive at least a portion of the total benefit regardless of
22 the manner in which the Court of Claims resolves the claim, the
23 Court shall direct the Comptroller to pay the minimum amount
24 of money which the determinate beneficiary would receive
25 together with all interest payment penalties which have
26 accrued on that portion of the award being paid within 30 days

1 of the effective date of this amendatory Act of the 96th
2 General Assembly. For purposes of this subsection (h),
3 "determinate beneficiary" means the beneficiary who would
4 receive any portion of the total benefit claimed regardless of
5 the manner in which the Court of Claims adjudicates the claim.

6 (i) The Court of Claims shall ensure that all individuals
7 who have filed an application to claim the duty death benefit
8 for a deceased member of the Armed Forces pursuant to this
9 Section or for a fireman pursuant to this Section, or their
10 designated representative, shall have access, on a timely
11 basis and in an efficient manner, to all information related
12 to the court's consideration, processing, or adjudication of
13 the claim, including, but not limited to, the following:

14 (1) a reliable estimate of when the Court of Claims
15 will adjudicate the claim, or if the Court cannot estimate
16 when it will adjudicate the claim, a full written
17 explanation of the reasons for this inability; and

18 (2) a reliable estimate, based upon consultation with
19 the Comptroller, of when the benefit will be paid to the
20 claimant.

21 (j) The Court of Claims shall send written notice to all
22 claimants within 2 weeks of the initiation of a claim
23 indicating whether or not the application is complete. For
24 purposes of this subsection (j), an application is complete if
25 a claimant has submitted to the Court of Claims all documents
26 and information the Court requires for adjudicating and paying

1 the benefit amount. For purposes of this subsection (j), a
2 claim for the duty death benefit is initiated when a claimant
3 submits any of the application materials required for
4 adjudicating the claim to the Court of Claims. In the event a
5 claimant's application is incomplete, the Court shall include
6 in its written notice a list of the information or documents
7 which the claimant must submit in order for the application to
8 be complete. In no case may the Court of Claims deny a claim
9 and subsequently re-adjudicate the same claim for the purpose
10 of evading or reducing the interest penalty payment amount
11 payable to any claimant.

12 (Source: P.A. 102-215, eff. 7-30-21.)

13 ARTICLE 10.

14 Section 10-2. The Department of Human Services Act is
15 amended by adding Section 80-45 as follows:

16 (20 ILCS 1305/80-45 new)

17 Sec. 80-45. Funding Agent and Administration.

18 (a) The Department shall act as funding agent under the
19 terms of the Illinois Affordable Housing Act and shall
20 administer other appropriations for the use of the Illinois
21 Housing Development Authority.

22 (b) The Department may enter into contracts,
23 intergovernmental agreements, grants, cooperative agreements,

1 memoranda of understanding, or other instruments with any
2 federal, State, or local government agency as necessary to
3 fulfill its role as funding agent in compliance with State and
4 federal law. The Department and the Department of Revenue
5 shall coordinate, in consultation with the Illinois Housing
6 Development Authority, the transition of the funding agent
7 role, including the transfer of any and all books, records, or
8 documents, in whatever form stored, necessary to the
9 Department's execution of the duties of the funding agent, and
10 the Department may submit to the Governor's Office of
11 Management and Budget requests for exception pursuant to
12 Section 55 of the Grant Accountability and Transparency Act.
13 Notwithstanding Section 5 of the Grant Funds Recovery Act, for
14 State fiscal years 2023 and 2024 only, in order to accomplish
15 the transition of the funding agent role to the Department,
16 grant funds may be made available for expenditure by a grantee
17 for a period of 3 years from the date the funds were
18 distributed by the State.

19 Section 10-3. The State Finance Act is amended by changing
20 Section 6z-20.1 as follows:

21 (30 ILCS 105/6z-20.1)

22 Sec. 6z-20.1. The State Aviation Program Fund and the
23 Sound-Reducing Windows and Doors Replacement Fund.

24 (a) The State Aviation Program Fund is created in the

1 State Treasury. Moneys in the Fund shall be used by the
2 Department of Transportation for the purposes of administering
3 a State Aviation Program. Subject to appropriation, the moneys
4 shall be used for the purpose of distributing grants to units
5 of local government to be used for airport-related purposes.
6 Grants to units of local government from the Fund shall be
7 distributed proportionately based on equal part enplanements,
8 total cargo, and airport operations. With regard to
9 enplanements that occur within a municipality with a
10 population of over 500,000, grants shall be distributed only
11 to the municipality.

12 (b) For grants to a unit of government other than a
13 municipality with a population of more than 500,000,
14 "airport-related purposes" means the capital or operating
15 costs of: (1) an airport; (2) a local airport system; or (3)
16 any other local facility that is owned or operated by the
17 person or entity that owns or operates the airport that is
18 directly and substantially related to the air transportation
19 of passengers or property as provided in 49 U.S.C. 47133,
20 including (i) the replacement of sound-reducing windows and
21 doors installed under the Residential Sound Insulation Program
22 and (ii) in-home air quality monitoring testing in residences
23 in which windows or doors were installed under the Residential
24 Sound Insulation Program.

25 (c) For grants to a municipality with a population of more
26 than 500,000, "airport-related purposes" means the capital

1 costs of: (1) an airport; (2) a local airport system; or (3)
2 any other local facility that (i) is owned or operated by a
3 person or entity that owns or operates an airport and (ii) is
4 directly and substantially related to the air transportation
5 of passengers or property, as provided in 49 U.S.C. 47133. For
6 grants to a municipality with a population of more than
7 500,000, "airport-related purposes" also means costs,
8 including administrative costs, associated with the
9 replacement of sound-reducing windows and doors installed
10 under the Residential Sound Insulation Program.

11 (d) In each State fiscal year, \$9,500,000 ~~the first~~
12 ~~\$7,500,000~~ attributable to a municipality with a population of
13 more than 500,000, as provided in subsection (a) of this
14 Section, shall be transferred to the Sound-Reducing Windows
15 and Doors Replacement Fund, a special fund created in the
16 State Treasury. Subject to appropriation, the moneys in the
17 Fund shall be used solely for costs, including administrative
18 costs, associated with the mechanical repairs and the
19 replacement of sound-reducing windows and doors installed
20 under the Residential Sound Insulation Program. Any amounts
21 attributable to a municipality with a population of more than
22 500,000 in excess of \$7,500,000 in each State fiscal year
23 shall be distributed among the airports in that municipality
24 based on the same formula as prescribed in subsection (a) to be
25 used for airport-related purposes.

26 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

1 Section 10-4. The Illinois Grant Funds Recovery Act is
2 amended by changing Section 5 as follows:

3 (30 ILCS 705/5) (from Ch. 127, par. 2305)

4 Sec. 5. Time limit on expenditure of grant funds. Subject
5 to the restriction of Section 35 of the State Finance Act, no
6 grant funds may be made available for expenditure by a grantee
7 for a period longer than 2 years, except where such grant funds
8 are disbursed in reimbursement of costs previously incurred by
9 the grantee and except as otherwise provided in subsection (d)
10 of Section 5-200 of the School Construction Law and in
11 subsection (b) of Section 80-45 of the Department of Human
12 Services Act. Any grant funds not expended or legally
13 obligated by the end of the grant agreement, or during the time
14 limitation to grant fund expenditures set forth in this
15 Section, must be returned to the grantor agency within 45
16 days, if the funds are not already on deposit with the grantor
17 agency or the State Treasurer. Such returned funds shall be
18 deposited into the fund from which the original grant
19 disbursement to the grantee was made.

20 (Source: P.A. 99-606, eff. 7-22-16.)

21 Section 10-5. The Illinois Public Aid Code is amended by
22 changing Sections 12-4.7 and 12-10.10 as follows:

1 (305 ILCS 5/12-4.7) (from Ch. 23, par. 12-4.7)

2 Sec. 12-4.7. Co-operation with other agencies. Make use
3 of, aid and co-operate with State and local governmental
4 agencies, and co-operate with and assist other governmental
5 and private agencies and organizations engaged in welfare
6 functions.

7 This grant of authority includes the powers necessary for
8 the Department of Healthcare and Family Services to administer
9 the Illinois Health and Human Services Innovation Incubator
10 (HHSi2) project. The Department of Healthcare and Family
11 Services shall cochair with the Governor's Office of
12 Management and Budget an Executive Steering Committee of
13 partner State agencies to coordinate the HHSi2 project. The
14 powers and duties of the Executive Steering Committee shall be
15 established by intergovernmental agreement. In addition, the
16 Department of Healthcare and Family Services is authorized,
17 without limitation, to enter into agreements with federal
18 agencies, to create and implement the HHSi2 Shared
19 Interoperability Platform, and to create all Implementation
20 Advance Planning documents for the HHSi2 project.

21 (Source: P.A. 92-111, eff. 1-1-02.)

22 (305 ILCS 5/12-10.10)

23 Sec. 12-10.10. HFS ~~DHS~~ Technology Initiative Fund.

24 (a) The HFS ~~DHS~~ Technology Initiative Fund is hereby
25 created as a trust fund within the State treasury with the

1 State Treasurer as the ex-officio custodian of the Fund.

2 (b) The Department of Healthcare and Family ~~Human~~ Services
3 may accept and receive grants, awards, gifts, ~~and~~ bequests, or
4 other moneys from any source, public or private, in support of
5 information technology initiatives. Those moneys ~~Moneys~~
6 received in support of information technology initiatives, and
7 any interest earned thereon, shall be deposited into the HFS
8 ~~DHS~~ Technology Initiative Fund.

9 (c) Moneys in the Fund may be used by the Department of
10 Healthcare and Family ~~Human~~ Services for the purpose of making
11 grants associated with the development and implementation of
12 information technology projects or paying for operational
13 expenses of the Department of Healthcare and Family ~~Human~~
14 Services related to such projects. The Department of
15 Healthcare and Family Services may use moneys in the Fund to
16 pay for administrative, operational, and project expenses of
17 the Illinois Health and Human Services Innovation Incubator
18 (HHSi2) project. Notwithstanding any provision of law to the
19 contrary, the Department of Human Services shall have the
20 authority to satisfy all Fiscal Year 2023 outstanding
21 expenditure obligations or liabilities payable from the Fund
22 pursuant to Section 25 of the State Finance Act.

23 (d) The Department of Healthcare and Family ~~Human~~
24 Services, in consultation with the Department of Innovation
25 and Technology, shall use the funds deposited into ~~in~~ the HFS
26 ~~DHS~~ Technology Initiative Fund to pay for information

1 technology solutions either provided by Department of
2 Innovation and Technology or arranged or coordinated by the
3 Department of Innovation and Technology.

4 (Source: P.A. 100-611, eff. 7-20-18; 101-275, eff. 8-9-19.)

5 Section 10-10. The Illinois Affordable Housing Act is
6 amended by changing Sections 3 and 5 as follows:

7 (310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

8 Sec. 3. Definitions. As used in this Act:

9 (a) "Program" means the Illinois Affordable Housing
10 Program.

11 (b) "Trust Fund" means the Illinois Affordable Housing
12 Trust Fund.

13 (b-5) "Capital Fund" means the Illinois Affordable Housing
14 Capital Fund.

15 (c) "Low-income household" means a single person, family
16 or unrelated persons living together whose adjusted income is
17 more than 50%, but less than 80%, of the median income of the
18 area of residence, adjusted for family size, as such adjusted
19 income and median income for the area are determined from time
20 to time by the United States Department of Housing and Urban
21 Development for purposes of Section 8 of the United States
22 Housing Act of 1937.

23 (d) "Very low-income household" means a single person,
24 family or unrelated persons living together whose adjusted

1 income is not more than 50% of the median income of the area of
2 residence, adjusted for family size, as such adjusted income
3 and median income for the area are determined from time to time
4 by the United States Department of Housing and Urban
5 Development for purposes of Section 8 of the United States
6 Housing Act of 1937.

7 (e) "Affordable housing" means residential housing that,
8 so long as the same is occupied by low-income households or
9 very low-income households, requires payment of monthly
10 housing costs, including utilities other than telephone, of no
11 more than 30% of the maximum allowable income as stated for
12 such households as defined in this Section.

13 (f) "Multi-family housing" means a building or buildings
14 providing housing to 5 or more households.

15 (g) "Single-family housing" means a building containing
16 one to 4 dwelling units, including a mobile home as defined in
17 subsection (b) of Section 3 of the Mobile Home Landlord and
18 Tenant Rights Act, as amended.

19 (h) "Community-based organization" means a not-for-profit
20 entity whose governing body includes a majority of members who
21 reside in the community served by the organization.

22 (i) "Advocacy organization" means a not-for-profit
23 organization which conducts, in part or in whole, activities
24 to influence public policy on behalf of low-income or very
25 low-income households.

26 (j) "Program Administrator" means the Illinois Housing

1 Development Authority.

2 (k) "Funding Agent" means the Illinois Department of Human
3 Services Revenue.

4 (l) "Commission" means the Affordable Housing Advisory
5 Commission.

6 (m) "Congregate housing" means a building or structure in
7 which 2 or more households, inclusive, share common living
8 areas and may share child care, cleaning, cooking and other
9 household responsibilities.

10 (n) "Eligible applicant" means a proprietorship,
11 partnership, for-profit corporation, not-for-profit
12 corporation or unit of local government which seeks to use
13 fund assets as provided in this Article.

14 (o) "Moderate income household" means a single person,
15 family or unrelated persons living together whose adjusted
16 income is more than 80% but less than 120% of the median income
17 of the area of residence, adjusted for family size, as such
18 adjusted income and median income for the area are determined
19 from time to time by the United States Department of Housing
20 and Urban Development for purposes of Section 8 of the United
21 States Housing Act of 1937.

22 (p) "Affordable Housing Program Trust Fund Bonds or Notes"
23 means the bonds or notes issued by the Program Administrator
24 under the Illinois Housing Development Act to further the
25 purposes of this Act.

26 (q) "Trust Fund Moneys" means all moneys, deposits,

1 revenues, income, interest, dividends, receipts, taxes,
2 proceeds and other amounts or funds deposited or to be
3 deposited into ~~in~~ the Trust Fund pursuant to Section 5(b) of
4 this Act and any proceeds, investments or increase thereof.

5 (r) "Program Escrow" means accounts, except those accounts
6 relating to any Affordable Housing Program Trust Fund Bonds or
7 Notes, designated by the Program Administrator, into which
8 Trust Fund Moneys are deposited.

9 (s) "Common household pet" means a domesticated animal,
10 such as a dog (canis lupus familiaris) or cat (felis catus),
11 which is commonly kept in the home for pleasure rather than for
12 commercial purposes.

13 (Source: P.A. 102-283, eff. 1-1-22.)

14 (310 ILCS 65/5) (from Ch. 67 1/2, par. 1255)

15 Sec. 5. Illinois Affordable Housing Trust Fund.

16 (a) There is hereby created the Illinois Affordable
17 Housing Trust Fund, hereafter referred to in this Act as the
18 "Trust Fund" to be held as a separate fund within the State
19 Treasury and to be administered by the Program Administrator.
20 The purpose of the Trust Fund is to finance projects of the
21 Illinois Affordable Housing Program as authorized and approved
22 by the Program Administrator. The Funding Agent shall
23 establish, within the Trust Fund, a General Account, a Bond
24 Account, a Commitment Account and a Development Credits
25 Account. The Funding Agent shall authorize distribution of

1 Trust Fund moneys to the Program Administrator or a payee
2 designated by the Program Administrator for purposes
3 authorized by this Act. After receipt of the Trust Fund moneys
4 by the Program Administrator or designated payee, the Program
5 Administrator shall ensure that all those moneys are expended
6 for a public purpose and only as authorized by this Act.

7 (b) Except as otherwise provided in Section 8(c) of this
8 Act, there shall be deposited in the Trust Fund such amounts as
9 may become available under the provisions of this Act,
10 including, but not limited to:

11 (1) all receipts, including dividends, principal and
12 interest repayments attributable to any loans or
13 agreements funded from the Trust Fund;

14 (2) all proceeds of assets of whatever nature received
15 by the Program Administrator, and attributable to default
16 with respect to loans or agreements funded from the Trust
17 Fund;

18 (3) any appropriations, grants or gifts of funds or
19 property, or financial or other aid from any federal or
20 State agency or body, local government or any other public
21 organization or private individual made to the Trust Fund;

22 (4) any income received as a result of the investment
23 of moneys in the Trust Fund;

24 (5) all fees or charges collected by the Program
25 Administrator or Funding Agent pursuant to this Act;

26 (6) amounts as provided in Section 31-35 of the Real

1 Estate Transfer Tax Law ~~an amount equal to one half of all~~
2 ~~proceeds collected by the Funding Agent pursuant to~~
3 ~~Section 3 of the Real Estate Transfer Tax Act, as amended;~~

4 (7) other funds as appropriated by the General
5 Assembly; and

6 (8) any income, less costs and fees associated with
7 the Program Escrow, received by the Program Administrator
8 that is derived from Trust Fund Moneys held in the Program
9 Escrow prior to expenditure of such Trust Fund Moneys.

10 (c) Additional Trust Fund Purpose: Receipt and use of
11 federal funding for programs responding to the COVID-19 public
12 health emergency. Notwithstanding any other provision of this
13 Act or any other law limiting or directing the use of the Trust
14 Fund, the Trust Fund may receive, directly or indirectly,
15 federal funds from the Homeowner Assistance Fund authorized
16 under Section 3206 of the federal American Rescue Plan Act of
17 2021 (Public Law 117-2). Any such funds shall be deposited
18 into a Homeowner Assistance Account which shall be established
19 within the Trust Fund by the Funding Agent so that such funds
20 can be accounted for separately from other funds in the Trust
21 Fund. Such funds may be used only in the manner and for the
22 purposes authorized in Section 3206 of the American Rescue
23 Plan Act of 2021 and in related federal guidance. Also, the
24 Trust Fund may receive, directly or indirectly, federal funds
25 from the Emergency Rental Assistance Program authorized under
26 Section 3201 of the federal American Rescue Plan Act of 2021

1 and Section 501 of Subtitle A of Title V of Division N of the
2 Consolidated Appropriations Act, 2021 (Public Law 116-260).
3 Any such funds shall be deposited into an Emergency Rental
4 Assistance Account which shall be established within the Trust
5 Fund by the Funding Agent so that such funds can be accounted
6 for separately from other funds in the Trust Fund. Such funds
7 may be used only in the manner and for the purposes authorized
8 in Section 3201 of the American Rescue Plan Act of 2021 and in
9 related federal guidance. Expenditures under this subsection
10 (c) are subject to annual appropriation to the Funding Agent.
11 Unless used in this subsection (c), the defined terms set
12 forth in Section 3 shall not apply to funds received pursuant
13 to the American Rescue Plan Act of 2021. Notwithstanding any
14 other provision of this Act or any other law limiting or
15 directing the use of the Trust Fund, funds received under the
16 American Rescue Plan Act of 2021 are not subject to the terms
17 and provisions of this Act except as specifically set forth in
18 this subsection (c).

19 (Source: P.A. 102-16, eff. 6-17-21.)

20 ARTICLE 15.

21 Section 15-5. The Illinois Administrative Procedure Act is
22 amended by adding Sections 5-45.42 and 5-45.43 as follows:

23 (5 ILCS 100/5-45.42 new)

1 Sec. 5-45.42. Emergency rulemaking; Mental Health and
2 Developmental Disabilities Administrative Act. To provide for
3 the expeditious and timely implementation of the changes made
4 to Section 74 of the Mental Health and Developmental
5 Disabilities Administrative Act by this amendatory Act of the
6 103rd General Assembly, emergency rules implementing the
7 changes made to that Section by this amendatory Act of the
8 103rd General Assembly may be adopted in accordance with
9 Section 5-45 by the Department of Human Services or other
10 department essential to the implementation of the changes. The
11 adoption of emergency rules authorized by Section 5-45 and
12 this Section is deemed to be necessary for the public
13 interest, safety, and welfare.

14 This Section is repealed one year after the effective date
15 of this Section.

16 (5 ILCS 100/5-45.43 new)

17 Sec. 5-45.43. Emergency rulemaking; Illinois Public Aid
18 Code. To provide for the expeditious and timely implementation
19 of the changes made to the Illinois Public Aid Code by this
20 amendatory Act of the 103rd General Assembly, emergency rules
21 implementing the changes made to that Code by this amendatory
22 Act of the 103rd General Assembly may be adopted in accordance
23 with Section 5-45 by the Department of Healthcare and Family
24 Services or other department essential to the implementation
25 of the changes. The adoption of emergency rules authorized by

1 Section 5-45 and this Section is deemed to be necessary for the
2 public interest, safety, and welfare.

3 This Section is repealed one year after the effective date
4 of this Section.

5 Section 15-10. The Mental Health and Developmental
6 Disabilities Administrative Act is amended by changing Section
7 74 as follows:

8 (20 ILCS 1705/74)

9 Sec. 74. Rates and reimbursements.

10 (a) Within 30 days after July 6, 2017 (the effective date
11 of Public Act 100-23), the Department shall increase rates and
12 reimbursements to fund a minimum of a \$0.75 per hour wage
13 increase for front-line personnel, including, but not limited
14 to, direct support professionals, aides, front-line
15 supervisors, qualified intellectual disabilities
16 professionals, nurses, and non-administrative support staff
17 working in community-based provider organizations serving
18 individuals with developmental disabilities. The Department
19 shall adopt rules, including emergency rules under subsection
20 (y) of Section 5-45 of the Illinois Administrative Procedure
21 Act, to implement the provisions of this Section.

22 (b) Rates and reimbursements. Within 30 days after June 4,
23 2018 (the effective date of Public Act 100-587) ~~this~~
24 ~~amendatory Act of the 100th General Assembly,~~ the Department

1 shall increase rates and reimbursements to fund a minimum of a
2 \$0.50 per hour wage increase for front-line personnel,
3 including, but not limited to, direct support professionals,
4 aides, front-line supervisors, qualified intellectual
5 disabilities professionals, nurses, and non-administrative
6 support staff working in community-based provider
7 organizations serving individuals with developmental
8 disabilities. The Department shall adopt rules, including
9 emergency rules under subsection (bb) of Section 5-45 of the
10 Illinois Administrative Procedure Act, to implement the
11 provisions of this Section.

12 (c) Rates and reimbursements. Within 30 days after June 5,
13 2019 (the effective date of Public Act 101-10) ~~this amendatory~~
14 ~~Act of the 101st General Assembly~~, subject to federal
15 approval, the Department shall increase rates and
16 reimbursements in effect on June 30, 2019 for community-based
17 providers for persons with Developmental Disabilities by 3.5%
18 The Department shall adopt rules, including emergency rules
19 under subsection (jj) of Section 5-45 of the Illinois
20 Administrative Procedure Act, to implement the provisions of
21 this Section, including wage increases for direct care staff.

22 (d) For community-based providers serving persons with
23 intellectual/developmental disabilities, subject to federal
24 approval of any relevant Waiver Amendment, the rates taking
25 effect for services delivered on or after January 1, 2022,
26 shall include an increase in the rate methodology sufficient

1 to provide a \$1.50 per hour wage increase for direct support
2 professionals in residential settings and sufficient to
3 provide wages for all residential non-executive direct care
4 staff, excluding direct support professionals, at the federal
5 Department of Labor, Bureau of Labor Statistics' average wage
6 as defined in rule by the Department.

7 The establishment of and any changes to the rate
8 methodologies for community-based services provided to persons
9 with intellectual/developmental disabilities are subject to
10 federal approval of any relevant Waiver Amendment and shall be
11 defined in rule by the Department. The Department shall adopt
12 rules, including emergency rules as authorized by Section 5-45
13 of the Illinois Administrative Procedure Act, to implement the
14 provisions of this subsection (d).

15 (e) For community-based providers serving persons with
16 intellectual/developmental disabilities, subject to federal
17 approval of any relevant Waiver Amendment, the rates taking
18 effect for services delivered on or after January 1, 2023,
19 shall include an increase in the rate methodology sufficient
20 to provide a \$1.00 per hour wage increase for all direct
21 support professionals ~~personnel~~ and all other frontline
22 personnel who are not subject to the Bureau of Labor
23 Statistics' average wage increases, who work in residential
24 and community day services settings, with at least \$0.50 of
25 those funds to be provided as a direct increase to base wages,
26 with the remaining \$0.50 to be used flexibly for base wage

1 increases. In addition, the rates taking effect for services
2 delivered on or after January 1, 2023 shall include an
3 increase sufficient to provide wages for all residential
4 non-executive direct care staff, excluding direct support
5 professionals personnel, at the federal Department of Labor,
6 Bureau of Labor Statistics' average wage as defined in rule by
7 the Department.

8 The establishment of and any changes to the rate
9 methodologies for community-based services provided to persons
10 with intellectual/developmental disabilities are subject to
11 federal approval of any relevant Waiver Amendment and shall be
12 defined in rule by the Department. The Department shall adopt
13 rules, including emergency rules as authorized by Section 5-45
14 of the Illinois Administrative Procedure Act, to implement the
15 provisions of this subsection.

16 (f) For community-based providers serving persons with
17 intellectual/developmental disabilities, subject to federal
18 approval of any relevant Waiver Amendment, the rates taking
19 effect for services delivered on or after January 1, 2024
20 shall include an increase in the rate methodology sufficient
21 to provide a \$2.50 per hour wage increase for all direct
22 support professionals and all other frontline personnel who
23 are not subject to the Bureau of Labor Statistics' average
24 wage increases and who work in residential and community day
25 services settings. At least \$1.25 of the per hour wage
26 increase shall be provided as a direct increase to base wages,

1 and the remaining \$1.25 of the per hour wage increase shall be
2 used flexibly for base wage increases. In addition, the rates
3 taking effect for services delivered on or after January 1,
4 2024 shall include an increase sufficient to provide wages for
5 all residential non-executive direct care staff, excluding
6 direct support professionals, at the federal Department of
7 Labor, Bureau of Labor Statistics' average wage as defined in
8 rule by the Department.

9 The establishment of and any changes to the rate
10 methodologies for community-based services provided to persons
11 with intellectual/developmental disabilities are subject to
12 federal approval of any relevant Waiver Amendment and shall be
13 defined in rule by the Department. 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 subsection.

17 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;
18 102-699, eff. 4-19-22; 102-830, eff. 1-1-23; revised
19 12-13-22.)

20 Section 15-15. The Illinois Public Aid Code is amended by
21 changing Sections 5-5.4, 5-5.7a, and 12-4.11 and by adding
22 Section 9A-17 as follows:

23 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

24 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 June 5, 2019 (the effective date of
6 Public Act 101-10) ~~this amendatory Act of the 100th General~~
7 ~~Assembly~~ shall include an increase sufficient to provide a
8 \$0.50 per hour wage increase for non-executive front-line
9 personnel, including, but not limited to, direct support
10 persons, aides, front-line supervisors, qualified intellectual
11 disabilities professionals, nurses, and non-administrative
12 support staff. The Department shall adopt rules, including
13 emergency rules under subsection (bb) of Section 5-45 of the
14 Illinois Administrative Procedure Act, to implement the
15 provisions of 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 the
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 February 16, 2011 (the effective date of Public Act
2 96-1530) ~~this amendatory Act of the 96th General Assembly,~~
3 \$416,500,000 or an amount as may be necessary to complete
4 the transition to the MDS methodology for the nursing
5 component of the rate. Increased payments under this item
6 (iv) are not due and payable, however, until (i) the
7 methodologies described in this paragraph are approved by
8 the federal government in an appropriate State Plan
9 amendment and (ii) the assessment imposed by Section 5B-2
10 of this Code is determined to be a permissible tax under
11 Title XIX of the 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 February 16, 2011 (the effective date of
13 Public Act 96-1530) ~~this amendatory Act of the 96th General~~
14 ~~Assembly~~, whichever is later, the Illinois Department may by
15 rule adjust these socio-development component rates, and may
16 use different adjustment methodologies for those facilities
17 participating, and those not participating, in the Illinois
18 Department's demonstration program pursuant to the provisions
19 of Title 77, Part 300, Subpart T of the Illinois
20 Administrative Code, but in no case may such rates be
21 diminished below those in effect on August 1, 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 January 11,
7 2008 (the effective date of Public Act 95-707) ~~this amendatory~~
8 ~~Act of the 95th General Assembly~~ shall include a statewide
9 increase of 2.5%, as 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 For facilities licensed by the Department of Public Health
16 under the ID/DD Community Care Act as ID/DD facilities and
17 under the MC/DD Act as MC/DD facilities, subject to federal
18 approval of the State Plan Amendment, the rates taking effect
19 for services delivered on or after January 1, 2023, shall
20 include a \$1.00 per hour wage increase for all direct support
21 personnel and all other frontline personnel who are not
22 subject to the Bureau of Labor Statistics' average wage
23 increases, who work in residential and community day services
24 settings, with at least \$0.50 of those funds to be provided as
25 a direct increase to all aide base wages, with the remaining
26 \$0.50 to be used flexibly for base wage increases to the rate

1 methodology for aides. In addition, for residential services
2 delivered on or after January 1, 2023 the rates shall include
3 an increase sufficient to provide wages for all residential
4 non-executive direct care staff, excluding aides, at the
5 federal Department of Labor, Bureau of Labor Statistics'
6 average wage as determined by the Department. Also, for
7 services delivered on or after January 1, 2023, the rates will
8 include adjustments to employment-related expenses as defined
9 in rule by the Department. The Department shall adopt rules,
10 including emergency rules as authorized by Section 5-45 of the
11 Illinois Administrative Procedure Act, to implement the
12 provisions of this Section.

13 For facilities licensed by the Department of Public Health
14 under the ID/DD Community Care Act as ID/DD facilities and
15 under the MC/DD Act as MC/DD facilities, subject to federal
16 approval of the State Plan Amendment, the rates taking effect
17 for services delivered on or after January 1, 2024 shall
18 include a \$2.50 per hour wage increase for all direct support
19 personnel and all other frontline personnel who are not
20 subject to the Bureau of Labor Statistics' average wage
21 increases and who work in residential and community day
22 services settings. At least \$1.25 of the per hour wage
23 increase shall be provided as a direct increase to all aide
24 base wages, and the remaining \$1.25 of the per hour wage
25 increase shall be used flexibly for base wage increases to the
26 rate methodology for aides. In addition, for residential

1 services delivered on or after January 1, 2024, the rates
2 shall include an increase sufficient to provide wages for all
3 residential non-executive direct care staff, excluding aides,
4 at the federal Department of Labor, Bureau of Labor
5 Statistics' average wage as determined by the Department.
6 Also, for services delivered on or after January 1, 2024, the
7 rates will include adjustments to employment-related expenses
8 as defined in rule by the Department. The Department shall
9 adopt rules, including emergency rules as authorized by
10 Section 5-45 of the Illinois Administrative Procedure Act, to
11 implement the provisions of this Section.

12 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
13 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

14 (305 ILCS 5/5-5.7a)

15 Sec. 5-5.7a. Pandemic related stability payments for
16 health care providers. Notwithstanding other provisions of
17 law, and in accordance with the Illinois Emergency Management
18 Agency, the Department of Healthcare and Family Services shall
19 develop a process to distribute pandemic related stability
20 payments, from federal sources dedicated for such purposes, to
21 health care providers that are providing care to recipients
22 under the Medical Assistance Program. For provider types
23 serving residents who are recipients of medical assistance
24 under this Code and are funded by other State agencies, the
25 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 during Fiscal Years 2020, 2021,
9 and 2022 for purposes permitted by those federal laws and
10 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.

1 (3) All providers receiving pandemic related stability
2 payments shall attest in a format to be created by the
3 Department and be able to demonstrate that their expenses
4 are pandemic related, were not part of their annual
5 budgets established before March 1, 2020.

6 (4) Pandemic related stability payments will be
7 distributed based on a schedule and framework to be
8 established by the Department with recognition of the
9 pandemic related acuity of the situation for each
10 provider, taking into account the factors including, but
11 not limited to, the following:

12 (A) the impact of the pandemic on patients served,
13 impact on staff, and shortages of the personal
14 protective equipment necessary for infection control
15 efforts for all providers;

16 (B) COVID-19 positivity rates among staff, or
17 patients, or both;

18 (C) pandemic related workforce challenges and
19 costs associated with temporary wage increases
20 associated with pandemic related hazard pay programs,
21 or costs associated with which providers do not have
22 enough staff to adequately provide care and protection
23 to the residents and other staff;

24 (D) providers with significant reductions in
25 utilization that result in corresponding reductions in
26 revenue as a result of the pandemic, including, but

1 not limited to, the cancellation or postponement of
2 elective procedures and visits;

3 (E) pandemic related payments received directly by
4 the providers through other federal resources;

5 (F) current efforts to respond to and provide
6 services to communities disproportionately impacted by
7 the COVID-19 public health emergency, including
8 low-income and socially vulnerable communities that
9 have seen the most severe health impacts and
10 exacerbated health inequities along racial, ethnic,
11 and socioeconomic lines; and

12 (G) provider needs for capital improvements to
13 existing facilities, including upgrades to HVAC and
14 ventilation systems and capital improvements for
15 enhancing infection control or reducing crowding,
16 which may include bed-buybacks.

17 (5) Pandemic related stability payments made from
18 moneys received from the Coronavirus Relief Fund will be
19 distributed to providers based on a methodology to be
20 administered by the Department with amounts determined by
21 a calculation of total federal pandemic related funds
22 appropriated by the Illinois General Assembly for this
23 purpose. Providers receiving the pandemic related
24 stability payments will attest to their increased costs,
25 declining revenues, and receipt of additional pandemic
26 related funds directly from the federal government.

1 (6) Of the payments provided for by this Section made
2 from moneys received from the Coronavirus Relief Fund, a
3 minimum of 30% shall be allotted for health care providers
4 that serve the ZIP codes located in the most
5 disproportionately impacted areas of Illinois, based on
6 positive COVID-19 cases based on data collected by the
7 Department of Public Health and provided to the Department
8 of Healthcare and Family Services.

9 (7) From funds appropriated, directly or indirectly,
10 from moneys received by the State from the Coronavirus
11 State Fiscal Recovery Fund for Fiscal Years 2021 and 2022,
12 the Department shall expend such funds only for purposes
13 permitted by Section 9901 of the American Rescue Plan Act
14 of 2021 and related federal guidance. Such expenditures
15 may include, but are not limited to: payments to providers
16 for costs incurred due to the COVID-19 public health
17 emergency; unreimbursed costs for testing and treatment of
18 uninsured Illinois residents; costs of COVID-19 mitigation
19 and prevention; medical expenses related to aftercare or
20 extended care for COVID-19 patients with longer term
21 symptoms and effects; costs of behavioral health care;
22 costs of public health and safety staff; and expenditures
23 permitted in order to address (i) disparities in public
24 health outcomes, (ii) nursing and other essential health
25 care workforce investments, (iii) exacerbation of
26 pre-existing disparities, and (iv) promoting healthy

1 childhood environments.

2 (8) From funds appropriated, directly or indirectly,
3 from moneys received by the State from the Coronavirus
4 State Fiscal Recovery Fund for Fiscal Years 2022 and 2023,
5 the Department shall establish a program for making
6 payments to long term care service providers and
7 facilities, for purposes related to financial support for
8 workers in the long term care industry, but only as
9 permitted by either the CARES Act or Section 9901 of the
10 American Rescue Plan Act of 2021 and related federal
11 guidance, including, but not limited to the following:
12 monthly amounts of \$25,000,000 per month for July 2021,
13 August 2021, and September 2021 where at least 50% of the
14 funds in July shall be passed directly to front line
15 workers and an additional 12.5% more in each of the next 2
16 months; financial support programs for providers enhancing
17 direct care staff recruitment efforts through the payment
18 of education expenses; and financial support programs for
19 providers offering enhanced and expanded training for all
20 levels of the long term care healthcare workforce to
21 achieve better patient outcomes, such as training on
22 infection control, proper personal protective equipment,
23 best practices in quality of care, and culturally
24 competent patient communications. The Department shall
25 have the authority to audit and potentially recoup funds
26 not utilized as outlined and attested.

1 (8.5) From funds appropriated, directly or indirectly,
2 from moneys received by the State from the Coronavirus
3 State Fiscal Recovery Fund, the Department shall establish
4 a grant program to provide premium pay and retention
5 incentives to front line workers at facilities licensed by
6 the Department of Public Health under the Nursing Home
7 Care Act as skilled nursing facilities or intermediate
8 care facilities.

9 (A) Awards pursuant to this program shall comply
10 with the requirements of Section 9901 of the American
11 Rescue Plan Act of 2021 and all related federal
12 guidance. Awards shall be scaled based on a process
13 determined by the Department. The amount awarded to
14 each recipient shall not exceed \$3.17 per nursing
15 hour. Awards shall be for eligible expenditures
16 incurred no earlier than May 1, 2022 and no later than
17 June 30, 2023.

18 (B) Financial assistance under this paragraph
19 (8.5) shall be expended ~~only~~ for:

20 (i) premium pay for eligible workers, which
21 must be in addition to any wages or remuneration
22 the eligible worker has already received and shall
23 be subject to the other requirements and
24 limitations set forth in the American Rescue Plan
25 Act of 2021 and related federal guidance; and

26 (ii) retention incentives paid to eligible

1 workers that are necessary for the facility to
2 respond to the impacts of the public health
3 emergency.

4 (C) Upon receipt of funds, recipients shall
5 distribute funds such that eligible workers receive an
6 amount up to \$13 per hour but no more than \$25,000 for
7 the duration of the program. Recipients shall provide
8 a written certification to the Department
9 acknowledging compliance with this paragraph.

10 (D) No portion of these funds shall be spent on
11 volunteer or temporary staff, and these funds shall
12 not be used to make retroactive premium payments
13 before the effective date of this amendatory Act of
14 the 102nd General Assembly.

15 (E) The Department shall require each recipient
16 under this paragraph to submit appropriate
17 documentation acknowledging compliance with State and
18 federal law. For purposes of this paragraph, "eligible
19 worker" means a permanent staff member, regardless of
20 union affiliation, of a facility licensed by the
21 Department of Public Health under the Nursing Home
22 Care Act as a skilled nursing facility or intermediate
23 care facility engaged in "essential work", as defined
24 by Section 9901 of the American Rescue Plan Act of 2021
25 and related federal guidance, and (1) whose total pay
26 is below 150% of the average annual wage for all

1 occupations in the worker's county of residence, as
2 defined by the Bureau of Labor Statistics Occupational
3 Employment and Wage Statistics, or (2) is not exempt
4 from the federal Fair Labor Standards Act overtime
5 provisions.

6 (9) From funds appropriated, directly or indirectly,
7 from moneys received by the State from the Coronavirus
8 State Fiscal Recovery Fund for Fiscal Years 2022 through
9 2024 the Department shall establish programs for making
10 payments to facilities licensed under the Nursing Home
11 Care Act and facilities licensed under the Specialized
12 Mental Health Rehabilitation Act of 2013. To the extent
13 permitted by Section 9901 of the American Rescue Plan Act
14 of 2021 and related federal guidance, the programs shall
15 provide:

16 (A) Payments for making permanent improvements to
17 resident rooms in order to improve resident outcomes
18 and infection control. Funds may be used to reduce bed
19 capacity and room occupancy. To be eligible for
20 funding, a facility must submit an application to the
21 Department as prescribed by the Department and as
22 published on its website. A facility may need to
23 receive approval from the Health Facilities and
24 Services Review Board for the permanent improvements
25 or the removal of the beds before it can receive
26 payment under this paragraph.

1 (B) Payments to reimburse facilities licensed by
2 the Department of Public Health under the Nursing Home
3 Care Act as skilled nursing facilities or intermediate
4 care facilities for eligible expenses related to the
5 public health impacts of the COVID-19 public health
6 emergency, including, but not limited to, costs
7 related to COVID-19 testing for residents, COVID-19
8 prevention and treatment equipment, medical supplies,
9 and personal protective equipment.

10 (i) Awards made pursuant to this program shall
11 comply with the requirements of Section 9901 of
12 the American Rescue Plan Act of 2021 and all
13 related federal guidance. The amount awarded to
14 each recipient shall not exceed \$1.71 per nursing
15 hour. Permissible expenditures must be made no
16 earlier than May 1, 2022 and no later than June 30,
17 2023.

18 (ii) Financial assistance pursuant to this
19 paragraph shall not be expended for premium pay.

20 (iii) The Department shall require each
21 recipient under this paragraph to submit
22 appropriate documentation acknowledging
23 compliance with State and federal law.

24 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
25 102-687, eff. 12-17-21; 102-699, eff. 4-19-22.)

1 (305 ILCS 5/9A-17 new)

2 Sec. 9A-17. Smart Start Child Care Program. Subject to
3 appropriation, the Department of Human Services shall
4 establish the Smart Start Child Care Program. The Smart Start
5 Child Care Program shall focus on creating affordable child
6 care, as well as increasing access to child care, for Illinois
7 residents and may include, but is not limited to, providing
8 funding to increase preschool availability, providing funding
9 for childcare workforce compensation or capital investments,
10 and expanding funding for Early Childhood Access Consortium
11 for Equity Scholarships. The Department shall establish
12 program eligibility criteria, participation conditions,
13 payment levels, and other program requirements by rule. The
14 Department of Human Services may consult with the Capital
15 Development Board, the Department of Commerce and Economic
16 Opportunity, and the Illinois Housing Development Authority in
17 the management and disbursement of funds for capital-related
18 projects. The Capital Development Board, the Department of
19 Commerce and Economic Opportunity, and the Illinois Housing
20 Development Authority shall act in a consulting role only for
21 the evaluation of applicants, scoring of applicants, or
22 administration of the grant program.

23 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

24 Sec. 12-4.11. Grant amounts. The Department, with due
25 regard for and subject to budgetary limitations, shall

1 establish grant amounts for each of the programs, by
2 regulation. The grant amounts may vary by program, size of
3 assistance unit and geographic area. Grant amounts under the
4 Temporary Assistance for Needy Families (TANF) program may not
5 vary on the basis of a TANF recipient's county of residence.

6 Aid payments shall not be reduced except: (1) for changes
7 in the cost of items included in the grant amounts, or (2) for
8 changes in the expenses of the recipient, or (3) for changes in
9 the income or resources available to the recipient, or (4) for
10 changes in grants resulting from adoption of a consolidated
11 grant amount.

12 The maximum benefit levels provided to TANF recipients
13 shall increase as follows: beginning October 1, 2023 ~~2018~~, the
14 Department of Human Services shall increase TANF grant amounts
15 in effect on September 30, 2023 ~~2018~~ to at least 35% ~~30%~~ of the
16 most recent United States Department of Health and Human
17 Services Federal Poverty Guidelines for each family size.
18 Beginning October 1, 2024 ~~2019~~, and each October 1 thereafter,
19 the maximum benefit levels shall be annually adjusted to
20 remain equal to at least 35% ~~30%~~ of the most recent poverty
21 guidelines updated periodically in the Federal Register by the
22 U.S. Department of Health and Human Services under the
23 authority of 42 U.S.C. 9902(2) for each family size.

24 TANF grants for child-only assistance units shall be at
25 least 75% of TANF grants for assistance units of the same size
26 that consist of a caretaker relative with children.

1 In fixing standards to govern payments or reimbursements
2 for funeral and burial expenses, the Department shall
3 establish a minimum allowable amount of not less than \$1,000
4 for Department payment of funeral services and not less than
5 \$500 for Department payment of burial or cremation services.
6 On January 1, 2006, July 1, 2006, and July 1, 2007, the
7 Department shall increase the minimum reimbursement amount for
8 funeral and burial expenses under this Section by a percentage
9 equal to the percentage increase in the Consumer Price Index
10 for All Urban Consumers, if any, during the 12 months
11 immediately preceding that January 1 or July 1. In
12 establishing the minimum allowable amount, the Department
13 shall take into account the services essential to a dignified,
14 low-cost (i) funeral and (ii) burial or cremation, including
15 reasonable amounts that may be necessary for burial space and
16 cemetery charges, and any applicable taxes or other required
17 governmental fees or charges. If no person has agreed to pay
18 the total cost of the (i) funeral and (ii) burial or cremation
19 charges, the Department shall pay the vendor the actual costs
20 of the (i) funeral and (ii) burial or cremation, or the minimum
21 allowable amount for each service as established by the
22 Department, whichever is less, provided that the Department
23 reduces its payments by the amount available from the
24 following sources: the decedent's assets and available
25 resources and the anticipated amounts of any death benefits
26 available to the decedent's estate, and amounts paid and

1 arranged to be paid by the decedent's legally responsible
2 relatives. A legally responsible relative is expected to pay
3 (i) funeral and (ii) burial or cremation expenses unless
4 financially unable to do so.

5 Nothing contained in this Section or in any other Section
6 of this Code shall be construed to prohibit the Illinois
7 Department (1) from consolidating existing standards on the
8 basis of any standards which are or were in effect on, or
9 subsequent to July 1, 1969, or (2) from employing any
10 consolidated standards in determining need for public aid and
11 the amount of money payment or grant for individual recipients
12 or recipient families.

13 (Source: P.A. 100-587, eff. 6-4-18; 101-103, eff. 7-19-19.)

14 ARTICLE 20.

15 Section 20-5. The State Finance Act is amended by changing
16 Sections 12 and 12-2 as follows:

17 (30 ILCS 105/12) (from Ch. 127, par. 148)

18 Sec. 12. Each voucher for traveling expenses shall
19 indicate the purpose of the travel as required by applicable
20 travel regulations, shall be itemized, and shall be
21 accompanied by all receipts specified in the applicable travel
22 regulations and by a certificate, signed by the person
23 incurring such expense, certifying that the amount is correct

1 and just; that the detailed items charged for subsistence were
2 actually paid; that the expenses were occasioned by official
3 business or unavoidable delays requiring the stay of such
4 person at hotels for the time specified; that the journey was
5 performed with all practicable dispatch by the shortest route
6 usually traveled in the customary reasonable manner; and that
7 such person has not been furnished with transportation or
8 money in lieu thereof; for any part of the journey therein
9 charged for.

10 Upon written approval by the Office of the Comptroller, a
11 State agency may maintain the original travel voucher, the
12 receipts, and the proof of the traveler's signature on the
13 traveler's certification statement at the office of the State
14 agency. However, except as otherwise provided in this Section
15 for State public institutions of higher education, nothing in
16 this Section shall be construed to exempt a State agency from
17 submitting a detailed travel voucher as prescribed by the
18 Office of the Comptroller. Each State public institution of
19 higher education is exempt from submitting a detailed travel
20 voucher to the Office of the Comptroller but shall retain all
21 receipts specified in the applicable travel regulations and
22 shall annually publish a record of those expenditures on its
23 official website using a form that it prescribes.

24 An information copy of each voucher covering a claim by a
25 person subject to the official travel regulations promulgated
26 under Section 12-2 for travel reimbursement involving an

1 exception to the general restrictions of such travel
2 regulations shall be filed with the applicable travel control
3 board which shall consider these vouchers, or a report
4 thereof, for approval. Amounts disbursed for travel
5 reimbursement claims which are disapproved by the applicable
6 travel control board shall be refunded by the traveler and
7 deposited in the fund or account from which payment was made.

8 As used in this Section, "State public institution of
9 higher education" means the governing boards of the University
10 of Illinois, Southern Illinois University, Illinois State
11 University, Eastern Illinois University, Northern Illinois
12 University, Western Illinois University, Chicago State
13 University, Governors State University, and Northeastern
14 Illinois University.

15 (Source: P.A. 97-932, eff. 8-10-12.)

16 (30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

17 Sec. 12-2. Travel Regulation Council; State travel
18 reimbursement.

19 (a) The chairmen of the travel control boards established
20 by Section 12-1, or their designees, shall together comprise
21 the Travel Regulation Council. The Travel Regulation Council
22 shall be chaired by the Director of Central Management
23 Services, who shall be a nonvoting member of the Council,
24 unless he is otherwise qualified to vote by virtue of being the
25 designee of a voting member. No later than March 1, 1986, and

1 at least biennially thereafter, the Council shall adopt State
2 Travel Regulations and Reimbursement Rates which shall be
3 applicable to all personnel subject to the jurisdiction of the
4 travel control boards established by Section 12-1. An
5 affirmative vote of a majority of the members of the Council
6 shall be required to adopt regulations and reimbursement
7 rates. If the Council fails to adopt regulations by March 1 of
8 any odd-numbered year, the Director of Central Management
9 Services shall adopt emergency regulations and reimbursement
10 rates pursuant to the Illinois Administrative Procedure Act.
11 As soon as practicable after the effective date of this
12 amendatory Act of the 102nd General Assembly, the Travel
13 Regulation Council and the Higher Education Travel Control
14 Board shall adopt amendments to their existing rules to ensure
15 that reimbursement rates for public institutions of higher
16 education, as defined in Section 1-13 of the Illinois
17 Procurement Code, are set in accordance with the requirements
18 of subsection (f) of this Section.

19 (b) (Blank). ~~Mileage for automobile travel shall be~~
20 ~~reimbursed at the allowance rate in effect under regulations~~
21 ~~promulgated pursuant to 5 U.S.C. 5707(b) (2). In the event the~~
22 ~~rate set under federal regulations increases or decreases~~
23 ~~during the course of the State's fiscal year, the effective~~
24 ~~date of the new rate shall be the effective date of the change~~
25 ~~in the federal rate.~~

26 (c) (Blank). ~~Rates for reimbursement of expenses other~~

1 ~~than mileage shall not exceed the actual cost of travel as~~
2 ~~determined by the United States Internal Revenue Service.~~

3 (d) Reimbursements to travelers shall be made pursuant to
4 the rates and regulations applicable to the respective State
5 agency as of the effective date of this amendatory Act, until
6 the State Travel Regulations and Reimbursement Rates
7 established by this Section are adopted and effective.

8 (e) (Blank). ~~Lodging in Cook County, Illinois and the~~
9 ~~District of Columbia shall be reimbursed at the maximum~~
10 ~~lodging rate in effect under regulations promulgated pursuant~~
11 ~~to 5 U.S.C. 5701-5709. For purposes of this subsection (e),~~
12 ~~the District of Columbia shall include the cities and counties~~
13 ~~included in the per diem locality of the District of Columbia,~~
14 ~~as defined by the regulations in effect promulgated pursuant~~
15 ~~to 5 U.S.C. 5701-5709. Individual travel control boards may~~
16 ~~set a lodging reimbursement rate more restrictive than the~~
17 ~~rate set forth in the federal regulations.~~

18 (f) (f) Notwithstanding any rule or law to the contrary,
19 State travel reimbursement rates for lodging and mileage for
20 automobile travel, as well as allowances for meals, shall be
21 set at the maximum rates established by the federal government
22 for travel expenses, subsistence expenses, and mileage
23 allowances under 5 U.S.C. 5701 through 5711 and any
24 regulations promulgated thereunder. If the rates set under
25 federal regulations increase or decrease during the course of
26 the State's fiscal year, the effective date of the new rate

1 shall be the effective date of the change in the federal rate.
2 ~~Notwithstanding any other law, travel reimbursement rates for~~
3 ~~lodging and mileage for automobile travel, as well as~~
4 ~~allowances for meals, shall be set for public institutions of~~
5 ~~higher education at the maximum rates established by the~~
6 ~~federal government for travel expenses, subsistence expenses,~~
7 ~~and mileage allowances under 5 U.S.C. Subchapter I and~~
8 ~~regulations promulgated thereunder. If a rate set under~~
9 ~~federal regulations increases or decreases in the course of~~
10 ~~the State's fiscal year, the effective date of the new rate~~
11 ~~shall be the effective date of the change in the federal rate.~~

12 (Source: P.A. 102-1119, eff. 1-23-23.)

13 ARTICLE 30.

14 Section 30-5. The General Assembly Operations Act is
15 amended by changing Section 20 as follows:

16 (25 ILCS 10/20)

17 (Section scheduled to be repealed on July 1, 2023)

18 Sec. 20. Legislative Budget Oversight Commission.

19 (a) The General Assembly hereby finds and declares that
20 the State is confronted with an unprecedented fiscal crisis.
21 In light of this crisis, and the challenges it presents for the
22 budgeting process, the General Assembly hereby establishes the
23 Legislative Budget Oversight Commission. The purpose of the

1 Commission is: to monitor budget management actions taken by
2 the Office of the Governor or Governor's Office of Management
3 and Budget; to oversee the distribution and expenditure of
4 federal financial relief for State and local governments
5 related to the COVID-19 pandemic; and to advise and review
6 planned expenditures of State and federal grants for broadband
7 projects.

8 (b) At the request of the Commission, units of local
9 governments and State agency directors or their respective
10 designees shall report to the Commission on the status and
11 distribution of federal CARES money and any other federal
12 financial relief related to the COVID-19 pandemic.

13 (c) In anticipation of constantly changing and
14 unpredictable economic circumstances, the Commission will
15 provide a means for the Governor's Office and the General
16 Assembly to maintain open communication about necessary budget
17 management actions during these unprecedented times. Beginning
18 August 15, 2020, the Governor's Office of Management and
19 Budget shall submit a monthly written report to the Commission
20 reporting any budget management actions taken by the Office of
21 the Governor, Governor's Office of Management and Budget, or
22 any State agency. At the call of one of the co-chairs, the
23 Governor or his or her designee shall give a report to the
24 Commission and each member thereof. The report shall be given
25 either in person or by telephonic or videoconferencing means.
26 The report shall include:

1 (1) any budget management actions taken by the Office
2 of the Governor, Governor's Office of Management and
3 Budget, or any agency or board under the Office of the
4 Governor in the prior quarter;

5 (2) year-to-date general funds revenues as compared to
6 anticipated revenues;

7 (3) year-to-date general funds expenditures as
8 compared to the Fiscal Year 2021 budget as enacted;

9 (4) a list, by program, of the number of grants
10 awarded, the aggregate amount of such grant awards, and
11 the aggregate amount of awards actually paid with respect
12 to all grants awarded from federal funds from the
13 Coronavirus Relief Fund in accordance with Section 5001 of
14 the federal Coronavirus Aid, Relief, and Economic Security
15 (CARES) Act or from the Coronavirus State Fiscal Recovery
16 Fund in accordance with Section 9901 of the federal
17 American Rescue Plan Act of 2021, which shall identify the
18 number of grants awarded, the aggregate amount of such
19 grant awards, and the aggregate amount of such awards
20 actually paid to grantees located in or serving a
21 disproportionately impacted area, as defined in the
22 program from which the grant is awarded; and

23 (5) any additional items reasonably requested by the
24 Commission.

25 (c-5) Any plans, responses to requests, letters of intent,
26 application materials, or other documents prepared on behalf

1 of the State describing the State's intended plan for
2 distributing grants pursuant to Division F of the
3 Infrastructure Investment and Jobs Act must be, to the extent
4 practical, provided to the Legislative Budget Oversight
5 Commission for review at least 30 days prior to submission to
6 the appropriate federal entity. If plans, responses to
7 requests, letters of intent, application materials, or other
8 documents prepared on behalf of the State describing the
9 State's plan or goals for distributing grants pursuant to
10 Division F of the Infrastructure Investment and Jobs Act
11 cannot practically be given the Legislative Budget Oversight
12 Commission 30 days prior to submission to the appropriate
13 federal entity, the materials shall be provided to the
14 Legislative Budget Oversight Commission with as much time for
15 review as practical. All documents provided to the Commission
16 shall be made available to the public on the General
17 Assembly's website. However, the following information shall
18 be redacted from any documents made available to the public:
19 (i) information specifically prohibited from disclosure by
20 federal or State law or federal or State rules and
21 regulations; (ii) trade secrets; (iii) security sensitive
22 information; and (iv) proprietary, privileged, or confidential
23 commercial or financial information from a privately held
24 person or business which, if disclosed, would cause
25 competitive harm. Members of the public and interested parties
26 may submit written comments to the Commission for

1 consideration. Prior to the State's submission to the
2 appropriate federal entity pursuant to this subsection, the
3 Commission shall conduct at least one public hearing during
4 which members of the public and other interested parties may
5 file written comments with and offer testimony before the
6 Commission. After completing its review and consideration of
7 any such testimony offered and written public comments
8 received, the Commission shall submit its written comments and
9 suggestions to the Governor or designated State entity
10 responsible for administering the grant programs under
11 Division F of the Infrastructure Investment and Jobs Act on
12 behalf of the State. The Governor, or designated State entity
13 responsible for administering the grant programs pursuant to
14 Division F of the Infrastructure Investment and Jobs Act, must
15 consider comments and suggestions provided by the members of
16 the Legislative Budget Oversight Commission and members of the
17 public.

18 (c-10) At the request of the Commission, the Governor or
19 the designated State entity responsible for administering
20 programs under Division F of the Infrastructure Investment and
21 Jobs Act on behalf of the State must report on the grants
22 issued by the State pursuant to the programs under Division F
23 of the Infrastructure Investment and Jobs Act.

24 (d) The Legislative Budget Oversight Commission shall
25 consist of the following members:

26 (1) 7 members of the House of Representatives

1 appointed by the Speaker of the House of Representatives;

2 (2) 7 members of the Senate appointed by the Senate
3 President;

4 (3) 4 members of the House of Representatives
5 appointed by the Minority Leader of the House of
6 Representatives; and

7 (4) 4 members of the Senate appointed by the Senate
8 Minority Leader.

9 (e) The Speaker of the House of Representatives and the
10 Senate President shall each appoint one member of the
11 Commission to serve as a co-chair. The members of the
12 Commission shall serve without compensation.

13 (f) As used in this Section:

14 "Budget management action" means any fund transfer
15 directed by the Governor or the Governor's Office of
16 Management and Budget, designation of appropriation lines as
17 reserve, or any other discretionary action taken with regard
18 to the budget as enacted;

19 "State agency" means all officers, boards, commissions,
20 departments, and agencies created by the Constitution, by law,
21 by Executive Order, or by order of the Governor in the
22 Executive Branch, other than the Offices of the Attorney
23 General, Secretary of State, Comptroller, or Treasurer.

24 (g) This Section is repealed July 1, 2024 ~~2023~~.

25 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
26 102-699, eff. 4-19-22.)

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ARTICLE 35.

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Section 35-5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-705 as follows:

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

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

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(a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are (i) either units of local government or incorporated as

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

16 (b) To distribute grants to local tourism and convention
17 bureaus from appropriations made from the Local Tourism Fund
18 for that purpose. Of the amounts appropriated annually to the
19 Department for expenditure under this Section prior to July 1,
20 2011, one-third of those monies shall be used for grants to
21 convention and tourism bureaus in cities with a population
22 greater than 500,000. The remaining two-thirds of the annual
23 appropriation prior to July 1, 2011 shall be used for grants to
24 convention and tourism bureaus in the remainder of the State,
25 in accordance with a formula based upon the population served.
26 Of the amounts appropriated annually to the Department for

1 expenditure under this Section beginning July 1, 2011, 18% of
2 such moneys shall be used for grants to convention and tourism
3 bureaus in cities with a population greater than 500,000. Of
4 the amounts appropriated annually to the Department for
5 expenditure under this Section beginning July 1, 2011, 82% of
6 such moneys shall be used for grants to convention bureaus in
7 the remainder of the State, in accordance with a formula based
8 upon the population served. The Department may reserve up to
9 3% of total local tourism funds available for costs of
10 administering the program to conduct audits of grants, to
11 provide incentive funds to those bureaus that will conduct
12 promotional activities designed to further the Department's
13 statewide advertising campaign, to fund special statewide
14 promotional activities, and to fund promotional activities
15 that support an increased use of the State's parks or historic
16 sites. The Department shall require that any convention and
17 tourism bureau receiving a grant under this Section that
18 requires matching funds shall provide matching funds equal to
19 no less than 50% of the grant amount except that in Fiscal
20 Years 2021 through 2024 ~~2023~~ only, the Department shall
21 require that any convention and tourism bureau receiving a
22 grant under this Section that requires matching funds shall
23 provide matching funds equal to no less than 25% of the grant
24 amount. During fiscal year 2013, the Department shall reserve
25 \$2,000,000 of the available local tourism funds for
26 appropriation to the Historic Preservation Agency for the

1 operation of the Abraham Lincoln Presidential Library and
2 Museum and State historic sites.

3 To provide for the expeditious and timely implementation
4 of the changes made by Public Act 101-636, emergency rules to
5 implement the changes made by Public Act 101-636 may be
6 adopted by the Department subject to the provisions of Section
7 5-45 of the Illinois Administrative Procedure Act.

8 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
9 102-699, eff. 4-19-22.)

10 ARTICLE 40.

11 Section 40-5. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois
13 is amended by changing Section 605-1105 as follows:

14 (20 ILCS 605/605-1105)

15 Sec. 605-1105. Local chambers of commerce recovery grants
16 and business program.

17 (a) Subject ~~Upon receipt or availability of the State or~~
18 ~~federal funds described in subsection (b), and subject to~~
19 appropriation of ~~these~~ funds for the purposes described in
20 this Section, the Department of Commerce and Economic
21 Opportunity shall establish a program to award grants to local
22 chambers of commerce.

23 (a-5) This subsection applies to grants under this Section

1 that are funded by State or federal funds that are allocated to
2 the State under the authority of legislation passed in
3 response to the COVID-19 pandemic. The Department shall award
4 an aggregate amount of up to \$5,000,000 in grants under this
5 subsection ~~Section~~ to eligible chambers of commerce. Each
6 eligible chamber of commerce that applies to the Department
7 for a grant under this subsection ~~Section~~ shall certify to the
8 Department the difference between the chamber of commerce's
9 total annual revenue in calendar year 2019 and the chamber of
10 commerce's total annual revenue in calendar year 2020. The
11 maximum amount that may be awarded to any eligible chamber of
12 commerce during the first round of grants under this
13 subsection is one-sixth of the certified amount. In
14 determining grant amounts awarded under this subsection ~~Act~~,
15 the Department may consider any awards that the chamber of
16 commerce has received from the Back to Business Grant Program
17 or the Business Interruption Grant Program. If the entire
18 amount of moneys appropriated for the purposes of this
19 subsection ~~Section~~ has not been allocated after a first round
20 of grants is made, the Department may award additional funds
21 to eligible chambers of commerce from the remaining funds.

22 (a-10) This subsection applies to grants awarded under
23 this Section from sources other than State or federal funds
24 that are allocated to the State under the authority or
25 legislation passed in response to the COVID-19 pandemic.
26 Grants under this subsection may be used to market and develop

1 the service area of the chamber of commerce for the purposes of
2 generating local, county, and State business taxes and
3 providing small businesses with professional development,
4 business guidance, and best practices for sustainability. No
5 single chamber of commerce shall receive grant awards under
6 this subsection in excess of \$50,000 in any State fiscal year.

7 (a-15) Grants awarded under subsection (a-5) or (a-10) of
8 this Section shall not be used to make any direct lobbying
9 expenditure, as defined in subsection (c) of Section 4911 of
10 the Internal Revenue Code, or to engage in any political
11 campaign activity described in Section 501(c)(3) of the
12 Internal Revenue Code.

13 (b) For grants awarded under subsection (a-5), the ~~The~~
14 Department may use State funds and federal funds that are
15 allocated to the State under the authority of legislation
16 passed in response to the COVID-19 pandemic to provide grants
17 under this Section. Those federal funds include, but are not
18 limited to, funds allocated to the State under the American
19 Rescue Plan Act of 2021. Any federal moneys used for this
20 purpose shall be used in accordance with the federal
21 legislation authorizing the use of those funds and related
22 federal guidance as well as any other applicable State and
23 federal laws. For grants awarded under subsection (a-10), the
24 Department may use general revenue funds or any other funds
25 that may lawfully be used for the purposes of this Section.

26 (c) The Department may adopt any rules necessary to

1 implement and administer the grant program created by this
2 Section. The emergency rulemaking process may be used to
3 promulgate the initial rules of the program following the
4 effective date of this amendatory Act of the 102nd General
5 Assembly.

6 (d) As used in this Section, "eligible chamber of
7 commerce" means an ~~a voluntary membership, dues paying~~
8 organization of business and professional persons dedicated to
9 improving the economic climate and business development of the
10 community, area, or region in which the organization is
11 located and that:

12 (1) operates as an approved not-for-profit
13 corporation;

14 (2) is tax-exempt under Section 501(c)(3) or Section
15 501(c)(6) of the Internal Revenue Code of 1986;

16 (3) has an annual revenue of \$1,000,000 or less; ~~and~~

17 (4) files a 990 federal tax form with the Internal
18 Revenue Service;

19 (5) has or will have each of the following at the time
20 of award determination:

21 (A) governance bylaws;

22 (B) financial policies and procedures; and

23 (C) a mission and vision statement; and

24 (6) for grants awarded under subsection (a-5), ~~(4)~~ has
25 experienced an identifiable negative economic impact
26 resulting from or exacerbated by the public health

1 emergency or served a community disproportionately
2 impacted by a public health emergency.

3 (Source: P.A. 102-1115, eff. 1-9-23.)

4 ARTICLE 55.

5 Section 55-5. The Department of Healthcare and Family
6 Services Law of the Civil Administrative Code of Illinois is
7 amended by adding Section 2205-36 as follows:

8 (20 ILCS 2205/2205-36 new)

9 Sec. 2205-36. Breakthrough Therapies for Veteran Suicide
10 Prevention Program Advisory Council.

11 (a) There is created within the Department of Healthcare
12 and Family Services the Breakthrough Therapies for Veteran
13 Suicide Prevention Program Advisory Council. The Council shall
14 advise the Department on the rules and clinical infrastructure
15 necessary to support clinical access to and training for
16 medication-assisted United States Food and Drug Administration
17 breakthrough therapies for veteran suicide prevention. In
18 advising the Department under this Section, the Council shall
19 advise the Department on:

20 (1) the award of grants for breakthrough therapy
21 treatment through the Veteran Suicide Prevention Program;

22 (2) the necessary education, training, licensing, and
23 credentialing of providers;

1 (3) patient safety and harm reduction;

2 (4) costs, insurance reimbursement, and strategies to
3 safely increase affordable access to care, including the
4 use of group therapy;

5 (5) standards for treatment facilities;

6 (6) relevant federal regulations and guidelines that
7 relevant State agencies may consider adopting;

8 (7) assisting with the development of public awareness
9 and education campaigns related to veteran suicides;

10 (8) additional funding needed for subsidized patient
11 access and provider and therapist training;

12 (9) overall Fund budget;

13 (10) periodic Fund evaluation;

14 (11) developing criteria and standards for the award
15 of grants and fellowships;

16 (12) developing and providing oversight regarding
17 mechanisms for the dissemination of treatment and training
18 data; and

19 (13) developing provisions to ensure justice, equity,
20 diversity, and inclusion are considered in the
21 administration of grants and recommendations made to the
22 Department.

23 (b) The Council shall consist of 9 members:

24 (1) three members appointed by the Governor;

25 (2) two members appointed by the President of the
26 Senate;

1 (3) two members appointed by the Speaker of the House
 2 of Representatives;

3 (4) one member appointed by The Minority Leader of the
 4 Senate; and

5 (5) one member appointed by the Minority Leader of the
 6 House.

7 (c) The Council shall include at least 3 veterans. The
 8 Council shall also include members with expertise in
 9 breakthrough therapy research, clinical mental health
 10 treatment, public health, access to mental and behavioral
 11 healthcare in underserved communities, veteran mental and
 12 behavioral healthcare, and harm reduction. The Department of
 13 Healthcare and Family Services shall provide administrative
 14 support to the Council.

15 (d) The Council shall adopt internal organizational
 16 procedures as necessary for its efficient organization.

17 (e) Members of the Council shall serve without
 18 compensation.

19 ARTICLE 60.

20 Section 60-5. The Secretary of State Act is amended by
 21 changing Section 18 as follows:

22 (15 ILCS 305/18)

23 Sec. 18. Electronic Filing Supplemental Deposits into

1 Department of Business Services Special Operations Fund. When
2 a submission to the Secretary of State is made electronically,
3 but does not include a request for expedited services,
4 pursuant to the provisions of this amendatory Act of the 100th
5 General Assembly up to \$25 for each such transaction under the
6 General Not For Profit Corporation Act of 1986 and up to \$50
7 from each such transaction under the Business Corporation Act
8 of 1983, the Limited Liability Company Act, or the Uniform
9 Limited Partnership Act (2001) shall be deposited into the
10 Department of Business Services Special Operations Fund, and
11 the remainder of any fee deposited into the General Revenue
12 Fund. However, in no circumstance may the supplemental
13 deposits provided by this Section cause the total deposits
14 into the Special Operations Fund in any fiscal year from
15 electronic submissions under the Business Corporation Act of
16 1983, the General Not For Profit Corporation Act of 1986, the
17 Limited Liability Company Act, the Uniform Partnership Act
18 (1997), and the Uniform Limited Partnership Act (2001),
19 whether or not for expedited services, to exceed \$11,326,225.
20 The Secretary of State has the authority to adopt rules
21 necessary to implement this Section, in accordance with the
22 Illinois Administrative Procedure Act. ~~This Section does not~~
23 ~~apply on or after July 1, 2023.~~

24 (Source: P.A. 102-16, eff. 6-17-21.)

25 Section 60-10. The State Finance Act is amended by

1 changing Sections 6z-34 and 6z-70 as follows:

2 (30 ILCS 105/6z-34)

3 Sec. 6z-34. Secretary of State Special Services Fund.
4 There is created in the State Treasury a special fund to be
5 known as the Secretary of State Special Services Fund. Moneys
6 deposited into the Fund may, subject to appropriation, be used
7 by the Secretary of State for any or all of the following
8 purposes:

9 (1) For general automation efforts within operations
10 of the Office of Secretary of State.

11 (2) For technology applications in any form that will
12 enhance the operational capabilities of the Office of
13 Secretary of State.

14 (3) To provide funds for any type of library grants
15 authorized and administered by the Secretary of State as
16 State Librarian.

17 (4) For the purposes of the Secretary of State's
18 operating program expenses related to the enforcement of
19 administrative laws related to vehicles and
20 transportation.

21 These funds are in addition to any other funds otherwise
22 authorized to the Office of Secretary of State for like or
23 similar purposes.

24 On August 15, 1997, all fiscal year 1997 receipts that
25 exceed the amount of \$15,000,000 shall be transferred from

1 this Fund to the Technology Management Revolving Fund
2 (formerly known as the Statistical Services Revolving Fund);
3 on August 15, 1998 and each year thereafter through 2000, all
4 receipts from the fiscal year ending on the previous June 30th
5 that exceed the amount of \$17,000,000 shall be transferred
6 from this Fund to the Technology Management Revolving Fund
7 (formerly known as the Statistical Services Revolving Fund);
8 on August 15, 2001 and each year thereafter through 2002, all
9 receipts from the fiscal year ending on the previous June 30th
10 that exceed the amount of \$19,000,000 shall be transferred
11 from this Fund to the Technology Management Revolving Fund
12 (formerly known as the Statistical Services Revolving Fund);
13 and on August 15, 2003 and each year thereafter through 2022,
14 all receipts from the fiscal year ending on the previous June
15 30th that exceed the amount of \$33,000,000 shall be
16 transferred from this Fund to the Technology Management
17 Revolving Fund (formerly known as the Statistical Services
18 Revolving Fund).

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

20 (30 ILCS 105/6z-70)

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

23 (a) The Secretary of State Identification Security and
24 Theft Prevention Fund is created as a special fund in the State
25 treasury. The Fund shall consist of any fund transfers,

1 grants, fees, or moneys from other sources received for the
2 purpose of funding identification security and theft
3 prevention measures.

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

8 (c) (Blank).

9 (d) (Blank).

10 (e) (Blank).

11 (f) (Blank).

12 (g) (Blank).

13 (h) (Blank).

14 (i) (Blank).

15 (j) (Blank).

16 (k) (Blank).

17 (l) (Blank).

18 (m) (Blank).

19 (n) (Blank). ~~Notwithstanding any other provision of State~~
20 ~~law to the contrary, on or after July 1, 2021, and until June~~
21 ~~30, 2022, in addition to any other transfers that may be~~
22 ~~provided for by law, at the direction of and upon notification~~
23 ~~of the Secretary of State, the State Comptroller shall direct~~
24 ~~and the State Treasurer shall transfer amounts into the~~
25 ~~Secretary of State Identification Security and Theft~~
26 ~~Prevention Fund from the designated funds not exceeding the~~

1 ~~following totals:~~

| | | |
|---|--------------------------------------------------------|------------------------|
| 2 | Division of Corporations Registered Limited | |
| 3 | Liability Partnership Fund | \$287,000 |
| 4 | Securities Investors Education Fund..... | \$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 (o) Notwithstanding any other provision of State law to
10 the contrary, on or after July 1, 2022, and until June 30,
11 2023, 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 | \$400,000 |
| 19 | Department of Business Services Special | |
| 20 | Operations Fund..... | \$5,500,000 |
| 21 | Securities Audit and Enforcement Fund..... | \$4,000,000 |
| 22 | Corporate Franchise Tax Refund Fund..... | \$4,000,000 |

23 (p) Notwithstanding any other provision of State law to
24 the contrary, on or after July 1, 2023, and until June 30,
25 2024, in addition to any other transfers that may be provided
26 for by law, at the direction of and upon notification of the

1 Secretary of State, the State Comptroller shall direct and the
 2 State Treasurer shall transfer amounts into the Secretary of
 3 State Identification Security and Theft Prevention Fund from
 4 the designated funds not exceeding the following totals:

5 Division of Corporations Registered Limited

6 Liability Partnership Fund \$400,000

7 Department of Business Services Special

8 Operations Fund..... \$5,500,000

9 Securities Audit and Enforcement Fund..... \$4,000,000

10 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
 11 102-16, eff. 6-17-21; 102-699, eff. 4-19-22.)

12 Section 60-15. The Business Corporation Act of 1983 is
 13 amended by changing Section 15.97 as follows:

14 (805 ILCS 5/15.97) (from Ch. 32, par. 15.97)
 15 (Section scheduled to be repealed on December 31, 2024)
 16 Sec. 15.97. Corporate Franchise Tax Refund Fund.

17 (a) Beginning July 1, 1993, a percentage of the amounts
 18 collected under Sections 15.35, 15.45, 15.65, and 15.75 of
 19 this Act shall be deposited into the Corporate Franchise Tax
 20 Refund Fund, a special Fund hereby created in the State
 21 treasury. From July 1, 1993, until December 31, 1994, there
 22 shall be deposited into the Fund 3% of the amounts received
 23 under those Sections. Beginning January 1, 1995, and for each
 24 fiscal year beginning thereafter, 2% of the amounts collected

1 under those Sections during the preceding fiscal year shall be
2 deposited into the Fund.

3 (b) Beginning July 1, 1993, moneys in the Fund shall be
4 expended exclusively for the purpose of paying refunds payable
5 because of overpayment of franchise taxes, penalties, or
6 interest under Sections 13.70, 15.35, 15.45, 15.65, 15.75, and
7 16.05 of this Act and making transfers authorized under this
8 Section. Refunds in accordance with the provisions of
9 subsections (f) and (g) of Section 1.15 and Section 1.17 of
10 this Act may be made from the Fund only to the extent that
11 amounts collected under Sections 15.35, 15.45, 15.65, and
12 15.75 of this Act have been deposited in the Fund and remain
13 available. On or before August 31 of each year, the balance in
14 the Fund in excess of \$100,000 shall be transferred to the
15 General Revenue Fund. Notwithstanding the provisions of this
16 subsection, for the period commencing on or after July 1,
17 2022, amounts in the fund shall not be transferred to the
18 General Revenue Fund and shall be used to pay refunds in
19 accordance with the provisions of this Act. ~~Within a~~
20 ~~reasonable time after December 31, 2022, the Secretary of~~
21 ~~State shall direct and the Comptroller shall order transferred~~
22 ~~to the General Revenue Fund all amounts remaining in the fund.~~

23 (c) This Act shall constitute an irrevocable and
24 continuing appropriation from the Corporate Franchise Tax
25 Refund Fund for the purpose of paying refunds upon the order of
26 the Secretary of State in accordance with the provisions of

1 this Section.

2 ~~(d) This Section is repealed on December 31, 2024.~~

3 (Source: P.A. 101-9, eff. 6-5-19; 102-282, eff. 1-1-22.)

4 Section 60-20. The Limited Liability Company Act is
5 amended by changing Section 50-55 as follows:

6 (805 ILCS 180/50-55)

7 Sec. 50-55. Disposition of fees. ~~Of Until July 1, 2021, of~~
8 the total money collected for the filing of annual reports
9 under this Act, \$10 of the filing fee shall be paid into the
10 Department of Business Services Special Operations Fund. The
11 remaining money collected for the filing of annual reports
12 under this Act shall be deposited into the General Revenue
13 Fund in the State Treasury.

14 (Source: P.A. 100-561, eff. 7-1-18.)

15 ARTICLE 65.

16 Section 65-5. The State Budget Law of the Civil
17 Administrative Code of Illinois is amended by changing Section
18 50-25 as follows:

19 (15 ILCS 20/50-25)

20 Sec. 50-25. Statewide prioritized goals.

21 (a) Definitions. As used in this Section:

1 "Commission" means the Budgeting for Results Commission
2 established by this Section.

3 "Result area" means major organizational categories of
4 State government as defined by the Governor.

5 "Outcome area" means subcategories of result areas that
6 further define, and facilitate the measurement of the result
7 area, as established by the Governor.

8 (b) Statewide prioritized goals. For fiscal year 2025 ~~2012~~
9 and each fiscal year thereafter, prior to the submission of
10 the State budget, the Governor, in consultation with the
11 Commission ~~appropriation committees of the General Assembly~~
12 ~~and, beginning with budgets prepared for fiscal year 2013, the~~
13 ~~commission~~ established under this Section, shall: (i) identify
14 statewide result areas ~~prioritize outcomes~~ that are most
15 important for each State agency of the executive branch under
16 the jurisdiction of the Governor to achieve for the next
17 fiscal year and (ii) identify outcome areas, which further
18 define the statewide result areas, into which State programs
19 and associated spending can be categorized ~~set goals to~~
20 ~~accomplish those outcomes according to the priority of the~~
21 ~~outcome~~. There must be a reasonable number of annually defined
22 statewide result and outcome areas ~~goals~~ defining State
23 priorities for the budget. Each result and outcome ~~goal~~ shall
24 be further defined to facilitate success in achieving that
25 result or outcome ~~goal~~.

26 (c) Budgeting for Results Commission. On or after July 31,

1 ~~2024 No later than July 31 of each fiscal year beginning in~~
2 ~~fiscal year 2012,~~ the Governor shall establish a commission
3 for the purpose of advising the Governor in the implementation
4 of performance-based budgeting in Illinois State government,
5 setting statewide result and outcome areas, and providing
6 oversight and guidance for comprehensive program assessments
7 and benefit-cost analysis of State agency programs ~~these~~
8 ~~outcomes and goals, including the timeline for achieving those~~
9 ~~outcomes and goals.~~

10 (1) Membership. The commission shall be composed of
11 voting and non-voting members appointed by the Governor.
12 The commission shall be a well-balanced group and shall be
13 not more than 15 and not less than 8 members. Members
14 appointed by the Governor shall serve a three-year term,
15 beginning and ending on July 1 of each year. Vacancies in
16 Commission membership shall be filled in the same manner
17 as initial appointments. Appointments to fill vacancies
18 occurring before the expiration of a term shall be for the
19 remainder of the term. Members shall serve until their
20 successors are appointed. ~~a manageable size.~~

21 (2) Bylaws. The commission may adopt bylaws for the
22 regulation of its affairs and the conduct of its business.

23 (3) Quorum. Total membership of the Commission
24 consists of the number of voting members serving on the
25 Commission, not including any vacant positions. A quorum
26 consists of a simple majority of total voting membership

1 and shall be sufficient to conduct the business of the
2 commission, unless stipulated otherwise in the bylaws of
3 the commission. A member may submit a proxy in writing to
4 the Commission Co-Chairs or the Commission Staff Director
5 no later than 24 hours before a scheduled meeting, and
6 that proxy shall count toward the quorum for that meeting
7 only.

8 (4) Chairpersons. Two Co-Chairs of the commission
9 shall be appointed by the Governor. The Co-Chairs shall be
10 one member of the General Assembly and one person who is
11 not a member of the General Assembly.

12 (5) Meetings. The commission shall hold at least 2
13 in-person public meetings during each fiscal year. One
14 meeting shall be held in the City of Chicago and one
15 meeting shall be held in the City of Springfield. The
16 commission may choose by a majority vote of its members to
17 hold one virtual meeting, which is open to the public and
18 over the Internet, in lieu of the 2 in-person public
19 meetings required under this Section.

20 (6) Compensation. Members shall not receive
21 compensation for their services.

22 (7) Annual report. By November 1 of each year, the
23 commission shall submit a report to the Governor and the
24 General Assembly setting forth recommendations with
25 respect to the Governor's implementation of
26 performance-based budgeting in Illinois State government

1 ~~proposed outcomes and goals.~~ The report shall be published
2 on the Governor's Office of Management and Budget's
3 website. In its report, the commission shall report on the
4 status of comprehensive program assessments and benefit
5 cost analysis of state agency programs conducted during
6 the prior year ~~propose a percentage of the total budget to~~
7 ~~be assigned to each proposed outcome and goal.~~

8 The commission shall also review existing statutory
9 mandates ~~mandated expenditures~~ and include in its report
10 recommendations for the repeal or modification of statutory
11 mandates and funds or the State treasury which are out-of-date
12 or unduly burdensome to the operations of State government
13 ~~termination of mandated expenditures.~~

14 The General Assembly may object to the commission's report
15 by passing a joint resolution detailing the General Assembly's
16 objections.

17 (d) In addition, each other constitutional officer of the
18 executive branch, in consultation with the appropriation
19 committees of the General Assembly, shall: (i) prioritize
20 outcomes that are most important for his or her office to
21 achieve for the next fiscal year and (ii) set goals to
22 accomplish those outcomes according to the priority of the
23 outcome. The Governor and each constitutional officer shall
24 separately conduct performance analyses to determine which
25 programs, strategies, and activities will best achieve those
26 desired outcomes. The Governor shall recommend that

1 appropriations be made to State agencies and officers for the
2 next fiscal year based on the agreed upon result and outcome
3 areas ~~goals and priorities~~. Each agency and officer may
4 develop its own strategies for meeting those goals and shall
5 review and analyze those strategies on a regular basis. The
6 Governor shall also implement procedures to measure annual
7 progress toward the State's statewide results and outcomes
8 ~~highest priority outcomes~~ and shall develop a statewide
9 reporting system that collects performance data from all
10 programs under the authority of the Governor ~~compares the~~
11 ~~actual results with budgeted results~~. Those performance
12 measures and results shall be posted on the Governor's Office
13 of Management and Budget website ~~State Comptroller's website,~~
14 ~~and compiled for distribution in the Comptroller's Public~~
15 ~~Accountability Report, as is currently the practice on the~~
16 ~~effective date of this amendatory Act of the 96th General~~
17 ~~Assembly.~~

18 (Source: P.A. 102-801, eff. 5-13-22.)

19 ARTICLE 75.

20 Section 75-5. The Freedom of Information Act is amended by
21 changing Section 7.5 as follows:

22 (5 ILCS 140/7.5)

23 Sec. 7.5. Statutory exemptions. To the extent provided for

1 by the statutes referenced below, the following shall be
2 exempt from inspection and copying:

3 (a) All information determined to be confidential
4 under Section 4002 of the Technology Advancement and
5 Development Act.

6 (b) Library circulation and order records identifying
7 library users with specific materials under the Library
8 Records Confidentiality Act.

9 (c) Applications, related documents, and medical
10 records received by the Experimental Organ Transplantation
11 Procedures Board and any and all documents or other
12 records prepared by the Experimental Organ Transplantation
13 Procedures Board or its staff relating to applications it
14 has received.

15 (d) Information and records held by the Department of
16 Public Health and its authorized representatives relating
17 to known or suspected cases of sexually transmissible
18 disease or any information the disclosure of which is
19 restricted under the Illinois Sexually Transmissible
20 Disease Control Act.

21 (e) Information the disclosure of which is exempted
22 under Section 30 of the Radon Industry Licensing Act.

23 (f) Firm performance evaluations under Section 55 of
24 the Architectural, Engineering, and Land Surveying
25 Qualifications Based Selection Act.

26 (g) Information the disclosure of which is restricted

1 and exempted under Section 50 of the Illinois Prepaid
2 Tuition Act.

3 (h) Information the disclosure of which is exempted
4 under the State Officials and Employees Ethics Act, and
5 records of any lawfully created State or local inspector
6 general's office that would be exempt if created or
7 obtained by an Executive Inspector General's office under
8 that Act.

9 (i) Information contained in a local emergency energy
10 plan submitted to a municipality in accordance with a
11 local emergency energy plan ordinance that is adopted
12 under Section 11-21.5-5 of the Illinois Municipal Code.

13 (j) Information and data concerning the distribution
14 of surcharge moneys collected and remitted by carriers
15 under the Emergency Telephone System Act.

16 (k) Law enforcement officer identification information
17 or driver identification information compiled by a law
18 enforcement agency or the Department of Transportation
19 under Section 11-212 of the Illinois Vehicle Code.

20 (l) Records and information provided to a residential
21 health care facility resident sexual assault and death
22 review team or the Executive Council under the Abuse
23 Prevention Review Team Act.

24 (m) Information provided to the predatory lending
25 database created pursuant to Article 3 of the Residential
26 Real Property Disclosure Act, except to the extent

1 authorized under that Article.

2 (n) Defense budgets and petitions for certification of
3 compensation and expenses for court appointed trial
4 counsel as provided under Sections 10 and 15 of the
5 Capital Crimes Litigation Act. This subsection (n) shall
6 apply until the conclusion of the trial of the case, even
7 if the prosecution chooses not to pursue the death penalty
8 prior to trial or sentencing.

9 (o) Information that is prohibited from being
10 disclosed under Section 4 of the Illinois Health and
11 Hazardous Substances Registry Act.

12 (p) Security portions of system safety program plans,
13 investigation reports, surveys, schedules, lists, data, or
14 information compiled, collected, or prepared by or for the
15 Department of Transportation under Sections 2705-300 and
16 2705-616 of the Department of Transportation Law of the
17 Civil Administrative Code of Illinois, the Regional
18 Transportation Authority under Section 2.11 of the
19 Regional Transportation Authority Act, or the St. Clair
20 County Transit District under the Bi-State Transit Safety
21 Act.

22 (q) Information prohibited from being disclosed by the
23 Personnel Record Review Act.

24 (r) Information prohibited from being disclosed by the
25 Illinois School Student Records Act.

26 (s) Information the disclosure of which is restricted

1 under Section 5-108 of the Public Utilities Act.

2 (t) All identified or deidentified health information
3 in the form of health data or medical records contained
4 in, stored in, submitted to, transferred by, or released
5 from the Illinois Health Information Exchange, and
6 identified or deidentified health information in the form
7 of health data and medical records of the Illinois Health
8 Information Exchange in the possession of the Illinois
9 Health Information Exchange Office due to its
10 administration of the Illinois Health Information
11 Exchange. The terms "identified" and "deidentified" shall
12 be given the same meaning as in the Health Insurance
13 Portability and Accountability Act of 1996, Public Law
14 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent
17 team of experts under the Developmental Disability and
18 Mental Health Safety Act (also known as Brian's Law).

19 (v) Names and information of people who have applied
20 for or received Firearm Owner's Identification Cards under
21 the Firearm Owners Identification Card Act or applied for
22 or received a concealed carry license under the Firearm
23 Concealed Carry Act, unless otherwise authorized by the
24 Firearm Concealed Carry Act; and databases under the
25 Firearm Concealed Carry Act, records of the Concealed
26 Carry Licensing Review Board under the Firearm Concealed

1 Carry Act, and law enforcement agency objections under the
2 Firearm Concealed Carry Act.

3 (v-5) Records of the Firearm Owner's Identification
4 Card Review Board that are exempted from disclosure under
5 Section 10 of the Firearm Owners Identification Card Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

9 (x) Information which is exempted from disclosure
10 under Section 5-1014.3 of the Counties Code or Section
11 8-11-21 of the Illinois Municipal Code.

12 (y) Confidential information under the Adult
13 Protective Services Act and its predecessor enabling
14 statute, the Elder Abuse and Neglect Act, including
15 information about the identity and administrative finding
16 against any caregiver of a verified and substantiated
17 decision of abuse, neglect, or financial exploitation of
18 an eligible adult maintained in the Registry established
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

24 (aa) Information which is exempted from disclosure
25 under Section 2.37 of the Wildlife Code.

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act.

5 (dd) Information that is prohibited from being
6 disclosed under Section 45 of the Condominium and Common
7 Interest Community Ombudsperson Act.

8 (ee) Information that is exempted from disclosure
9 under Section 30.1 of the Pharmacy Practice Act.

10 (ff) Information that is exempted from disclosure
11 under the Revised Uniform Unclaimed Property Act.

12 (gg) Information that is prohibited from being
13 disclosed under Section 7-603.5 of the Illinois Vehicle
14 Code.

15 (hh) Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

17 (ii) Information which is exempted from disclosure
18 under Section 2505-800 of the Department of Revenue Law of
19 the Civil Administrative Code of Illinois.

20 (jj) Information and reports that are required to be
21 submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (kk) Information prohibited from disclosure under the
26 Seizure and Forfeiture Reporting Act.

1 (ll) Information the disclosure of which is restricted
2 and exempted under Section 5-30.8 of the Illinois Public
3 Aid Code.

4 (mm) Records that are exempt from disclosure under
5 Section 4.2 of the Crime Victims Compensation Act.

6 (nn) Information that is exempt from disclosure under
7 Section 70 of the Higher Education Student Assistance Act.

8 (oo) Communications, notes, records, and reports
9 arising out of a peer support counseling session
10 prohibited from disclosure under the First Responders
11 Suicide Prevention Act.

12 (pp) Names and all identifying information relating to
13 an employee of an emergency services provider or law
14 enforcement agency under the First Responders Suicide
15 Prevention Act.

16 (qq) Information and records held by the Department of
17 Public Health and its authorized representatives collected
18 under the Reproductive Health Act.

19 (rr) Information that is exempt from disclosure under
20 the Cannabis Regulation and Tax Act.

21 (ss) Data reported by an employer to the Department of
22 Human Rights pursuant to Section 2-108 of the Illinois
23 Human Rights Act.

24 (tt) Recordings made under the Children's Advocacy
25 Center Act, except to the extent authorized under that
26 Act.

1 (uu) Information that is exempt from disclosure under
2 Section 50 of the Sexual Assault Evidence Submission Act.

3 (vv) Information that is exempt from disclosure under
4 subsections (f) and (j) of Section 5-36 of the Illinois
5 Public Aid Code.

6 (ww) Information that is exempt from disclosure under
7 Section 16.8 of the State Treasurer Act.

8 (xx) Information that is exempt from disclosure or
9 information that shall not be made public under the
10 Illinois Insurance Code.

11 (yy) Information prohibited from being disclosed under
12 the Illinois Educational Labor Relations Act.

13 (zz) Information prohibited from being disclosed under
14 the Illinois Public Labor Relations Act.

15 (aaa) Information prohibited from being disclosed
16 under Section 1-167 of the Illinois Pension Code.

17 (bbb) Information that is prohibited from disclosure
18 by the Illinois Police Training Act and the Illinois State
19 Police Act.

20 (ccc) Records exempt from disclosure under Section
21 2605-304 of the Illinois State Police Law of the Civil
22 Administrative Code of Illinois.

23 (ddd) Information prohibited from being disclosed
24 under Section 35 of the Address Confidentiality for
25 Victims of Domestic Violence, Sexual Assault, Human
26 Trafficking, or Stalking Act.

1 (eee) Information prohibited from being disclosed
2 under subsection (b) of Section 75 of the Domestic
3 Violence Fatality Review Act.

4 (fff) Images from cameras under the Expressway Camera
5 Act. This subsection (fff) is inoperative on and after
6 July 1, 2023.

7 (ggg) Information prohibited from disclosure under
8 paragraph (3) of subsection (a) of Section 14 of the Nurse
9 Agency Licensing Act.

10 (hhh) Information submitted to the Illinois Department
11 ~~of~~ State Police in an affidavit or application for an
12 assault weapon endorsement, assault weapon attachment
13 endorsement, .50 caliber rifle endorsement, or .50 caliber
14 cartridge endorsement under the Firearm Owners
15 Identification Card Act.

16 (iii) Data exempt from disclosure under Section 50 of
17 the School Safety Drill Act.

18 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
19 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
20 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
21 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
22 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
23 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
24 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
25 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
26 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised

1 2-13-23.)

2 Section 75-10. The School Safety Drill Act is amended by
3 adding Section 50 as follows:

4 (105 ILCS 128/50 new)

5 Sec. 50. Crisis response mapping data grants.

6 (a) Subject to appropriation, a public school district, a
7 charter school, a special education cooperative or district,
8 an education for employment system, a State-approved area
9 career center, a public university laboratory school, the
10 Illinois Mathematics and Science Academy, the Department of
11 Juvenile Justice School District, a regional office of
12 education, the Illinois School for the Deaf, the Illinois
13 School for the Visually Impaired, the Philip J. Rock Center
14 and School, an early childhood or preschool program supported
15 by the Early Childhood Block Grant, or any other public school
16 entity designated by the State Board of Education by rule, may
17 apply to the State Board of Education or the State Board of
18 Education or the State Board's designee for a grant to obtain
19 crisis response mapping data and to provide copies of the
20 crisis response mapping data to appropriate local, county,
21 State, and federal first responders for use in response to
22 emergencies. The crisis response mapping data shall be stored
23 and provided in an electronic or digital format to assist
24 first responders in responding to emergencies at the school.

1 (b) Subject to appropriation, including funding for any
2 administrative costs reasonably incurred by the State Board of
3 Education or the State Board's designee in the administration
4 of the grant program described by this Section, the State
5 Board shall provide grants to any entity in subsection (a)
6 upon approval of an application submitted by the entity to
7 cover the costs incurred in obtaining crisis response mapping
8 data under this Section. The grant application must include
9 crisis response mapping data for all schools under the
10 jurisdiction of the entity submitting the application,
11 including, in the case of a public school district, any
12 charter schools authorized by the school board for the school
13 district.

14 (c) To be eligible for a grant under this Section, the
15 crisis response mapping data must, at a minimum:

16 (1) be compatible and integrate into security software
17 platforms in use by the specific school for which the data
18 is provided without requiring local law enforcement
19 agencies or the school district to purchase additional
20 software or requiring the integration of third-party
21 software to view the data;

22 (2) be compatible with security software platforms in
23 use by the specific school for which the data is provided
24 without requiring local public safety agencies or the
25 school district to purchase additional software or
26 requiring the integration of third-party software to view

1 the data;

2 (3) be capable of being provided in a printable
3 format;

4 (4) be verified for accuracy by an on-site
5 walk-through of the school building and grounds;

6 (5) be oriented to true north;

7 (6) be overlaid on current aerial imagery or plans of
8 the school building;

9 (7) contain site-specific labeling that matches the
10 structure of the school building, including room labels,
11 hallway names, and external door or stairwell numbers and
12 the location of hazards, critical utilities, key boxes,
13 automated external defibrillators, and trauma kits, and
14 that matches the school grounds, including parking areas,
15 athletic fields, surrounding roads, and neighboring
16 properties; and

17 (8) be overlaid with gridded x/y coordinates.

18 (d) Subject to appropriation, the crisis response mapping
19 data may be reviewed annually to update the data as necessary.

20 (e) Crisis response mapping data obtained pursuant to this
21 Section are confidential and exempt from disclosure under the
22 Freedom of Information Act.

23 (f) The State Board may adopt rules to implement the
24 provisions of this Section.

1 Section 80-5. The School Code is amended by changing
2 Sections 10-20.21, 34-18, and 34-21.3 as follows:

3 (105 ILCS 5/10-20.21)

4 Sec. 10-20.21. Contracts.

5 (a) To award all contracts for purchase of supplies and
6 materials or work involving an expenditure in excess of
7 \$35,000 ~~\$25,000~~ or a lower amount as required by board policy
8 to the lowest responsible bidder, considering conformity with
9 specifications, terms of delivery, quality and serviceability,
10 after due advertisement, except the following:

11 (i) contracts for the services of individuals
12 possessing a high degree of professional skill where the
13 ability or fitness of the individual plays an important
14 part;

15 (ii) contracts for the printing of finance committee
16 reports and departmental reports;

17 (iii) contracts for the printing or engraving of
18 bonds, tax warrants and other evidences of indebtedness;

19 (iv) contracts for the purchase of perishable foods
20 and perishable beverages;

21 (v) contracts for materials and work which have been
22 awarded to the lowest responsible bidder after due
23 advertisement, but due to unforeseen revisions, not the
24 fault of the contractor for materials and work, must be

1 revised causing expenditures not in excess of 10% of the
2 contract price;

3 (vi) contracts for the maintenance or servicing of, or
4 provision of repair parts for, equipment which are made
5 with the manufacturer or authorized service agent of that
6 equipment where the provision of parts, maintenance, or
7 servicing can best be performed by the manufacturer or
8 authorized service agent;

9 (vii) purchases and contracts for the use, purchase,
10 delivery, movement, or installation of data processing
11 equipment, software, or services and telecommunications
12 and interconnect equipment, software, and services;

13 (viii) contracts for duplicating machines and
14 supplies;

15 (ix) contracts for the purchase of fuel, including
16 diesel, gasoline, oil, aviation, natural gas, or propane,
17 lubricants, or other petroleum products;

18 (x) purchases of equipment previously owned by some
19 entity other than the district itself;

20 (xi) contracts for repair, maintenance, remodeling,
21 renovation, or construction, or a single project involving
22 an expenditure not to exceed \$50,000 and not involving a
23 change or increase in the size, type, or extent of an
24 existing facility;

25 (xii) contracts for goods or services procured from
26 another governmental agency;

1 (xiii) contracts for goods or services which are
2 economically procurable from only one source, such as for
3 the purchase of magazines, books, periodicals, pamphlets
4 and reports, and for utility services such as water,
5 light, heat, telephone or telegraph;

6 (xiv) where funds are expended in an emergency and
7 such emergency expenditure is approved by 3/4 of the
8 members of the board;

9 (xv) State master contracts authorized under Article
10 28A of this Code;

11 (xvi) contracts providing for the transportation of
12 pupils, which contracts must be advertised in the same
13 manner as competitive bids and awarded by first
14 considering the bidder or bidders most able to provide
15 safety and comfort for the pupils, stability of service,
16 and any other factors set forth in the request for
17 proposal regarding quality of service, and then price; and

18 (xvii) contracts for goods, services, or management in
19 the operation of a school's food service, including a
20 school that participates in any of the United States
21 Department of Agriculture's child nutrition programs if a
22 good faith effort is made on behalf of the school district
23 to give preference to:

24 (1) contracts that procure food that promotes the
25 health and well-being of students, in compliance with
26 United States Department of Agriculture nutrition

1 standards for school meals. Contracts should also
2 promote the production of scratch made, minimally
3 processed foods;

4 (2) contracts that give a preference to State or
5 regional suppliers that source local food products;

6 (3) contracts that give a preference to food
7 suppliers that utilize producers that adopt hormone
8 and pest management practices recommended by the
9 United States Department of Agriculture;

10 (4) contracts that give a preference to food
11 suppliers that value animal welfare; and

12 (5) contracts that increase opportunities for
13 businesses owned and operated by minorities, women, or
14 persons with disabilities.

15 Food supplier data shall be submitted to the school
16 district at the time of the bid, to the best of the
17 bidder's ability, and updated annually thereafter during
18 the term of the contract. The contractor shall submit the
19 updated food supplier data. The data required under this
20 item (xvii) shall include the name and address of each
21 supplier, distributor, processor, and producer involved in
22 the provision of the products that the bidder is to
23 supply.

24 However, at no time shall a cause of action lie against a
25 school board for awarding a pupil transportation contract per
26 the standards set forth in this subsection (a) unless the

1 cause of action is based on fraudulent conduct.

2 All competitive bids for contracts involving an
3 expenditure in excess of \$35,000 ~~\$25,000~~ or a lower amount as
4 required by board policy must be sealed by the bidder and must
5 be opened by a member or employee of the school board at a
6 public bid opening at which the contents of the bids must be
7 announced. Each bidder must receive at least 3 days' notice of
8 the time and place of the bid opening. For purposes of this
9 Section due advertisement includes, but is not limited to, at
10 least one public notice at least 10 days before the bid date in
11 a newspaper published in the district, or if no newspaper is
12 published in the district, in a newspaper of general
13 circulation in the area of the district. State master
14 contracts and certified education purchasing contracts, as
15 defined in Article 28A of this Code, are not subject to the
16 requirements of this paragraph.

17 Under this Section, the acceptance of bids sealed by a
18 bidder and the opening of these bids at a public bid opening
19 may be permitted by an electronic process for communicating,
20 accepting, and opening competitive bids. An electronic bidding
21 process must provide for, but is not limited to, the following
22 safeguards:

23 (1) On the date and time certain of a bid opening, the
24 primary person conducting the competitive, sealed,
25 electronic bid process shall log onto a specified database
26 using a unique username and password previously assigned

1 to the bidder to allow access to the bidder's specific bid
2 project number.

3 (2) The specified electronic database must be on a
4 network that (i) is in a secure environment behind a
5 firewall; (ii) has specific encryption tools; (iii)
6 maintains specific intrusion detection systems; (iv) has
7 redundant systems architecture with data storage back-up,
8 whether by compact disc or tape; and (v) maintains a
9 disaster recovery plan.

10 It is the legislative intent of Public Act 96-841 to maintain
11 the integrity of the sealed bidding process provided for in
12 this Section, to further limit any possibility of bid-rigging,
13 to reduce administrative costs to school districts, and to
14 effect efficiencies in communications with bidders.

15 (b) To require, as a condition of any contract for goods
16 and services, that persons bidding for and awarded a contract
17 and all affiliates of the person collect and remit Illinois
18 Use Tax on all sales of tangible personal property into the
19 State of Illinois in accordance with the provisions of the
20 Illinois Use Tax Act regardless of whether the person or
21 affiliate is a "retailer maintaining a place of business
22 within this State" as defined in Section 2 of the Use Tax Act.
23 For purposes of this Section, the term "affiliate" means any
24 entity that (1) directly, indirectly, or constructively
25 controls another entity, (2) is directly, indirectly, or
26 constructively controlled by another entity, or (3) is subject

1 to the control of a common entity. For purposes of this
2 subsection (b), an entity controls another entity if it owns,
3 directly or individually, more than 10% of the voting
4 securities of that entity. As used in this subsection (b), the
5 term "voting security" means a security that (1) confers upon
6 the holder the right to vote for the election of members of the
7 board of directors or similar governing body of the business
8 or (2) is convertible into, or entitles the holder to receive
9 upon its exercise, a security that confers such a right to
10 vote. A general partnership interest is a voting security.

11 To require that bids and contracts include a certification
12 by the bidder or contractor that the bidder or contractor is
13 not barred from bidding for or entering into a contract under
14 this Section and that the bidder or contractor acknowledges
15 that the school board may declare the contract void if the
16 certification completed pursuant to this subsection (b) is
17 false.

18 (b-5) To require all contracts and agreements that pertain
19 to goods and services and that are intended to generate
20 additional revenue and other remunerations for the school
21 district in excess of \$1,000, including without limitation
22 vending machine contracts, sports and other attire, class
23 rings, and photographic services, to be approved by the school
24 board. The school board shall file as an attachment to its
25 annual budget a report, in a form as determined by the State
26 Board of Education, indicating for the prior year the name of

1 the vendor, the product or service provided, and the actual
2 net revenue and non-monetary remuneration from each of the
3 contracts or agreements. In addition, the report shall
4 indicate for what purpose the revenue was used and how and to
5 whom the non-monetary remuneration was distributed.

6 (b-10) To prohibit any contract to purchase food with a
7 bidder or offeror if the bidder's or offeror's contract terms
8 prohibit the school from donating food to food banks,
9 including, but not limited to, homeless shelters, food
10 pantries, and soup kitchens.

11 (c) If the State education purchasing entity creates a
12 master contract as defined in Article 28A of this Code, then
13 the State education purchasing entity shall notify school
14 districts of the existence of the master contract.

15 (d) In purchasing supplies, materials, equipment, or
16 services that are not subject to subsection (c) of this
17 Section, before a school district solicits bids or awards a
18 contract, the district may review and consider as a bid under
19 subsection (a) of this Section certified education purchasing
20 contracts that are already available through the State
21 education purchasing entity.

22 (Source: P.A. 101-570, eff. 8-23-19; 101-632, eff. 6-5-20;
23 102-1101, eff. 6-29-22.)

24 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

25 Sec. 34-18. Powers of the board. The board shall exercise

1 general supervision and jurisdiction over the public education
2 and the public school system of the city, and, except as
3 otherwise provided by this Article, shall have power:

4 1. To make suitable provision for the establishment
5 and maintenance throughout the year or for such portion
6 thereof as it may direct, not less than 9 months and in
7 compliance with Section 10-19.05, of schools of all grades
8 and kinds, including normal schools, high schools, night
9 schools, schools for defectives and delinquents, parental
10 and truant schools, schools for the blind, the deaf, and
11 persons with physical disabilities, schools or classes in
12 manual training, constructural and vocational teaching,
13 domestic arts, and physical culture, vocation and
14 extension schools and lecture courses, and all other
15 educational courses and facilities, including
16 establishing, equipping, maintaining and operating
17 playgrounds and recreational programs, when such programs
18 are conducted in, adjacent to, or connected with any
19 public school under the general supervision and
20 jurisdiction of the board; provided that the calendar for
21 the school term and any changes must be submitted to and
22 approved by the State Board of Education before the
23 calendar or changes may take effect, and provided that in
24 allocating funds from year to year for the operation of
25 all attendance centers within the district, the board
26 shall ensure that supplemental general State aid or

1 supplemental grant funds are allocated and applied in
2 accordance with Section 18-8, 18-8.05, or 18-8.15. To
3 admit to such schools without charge foreign exchange
4 students who are participants in an organized exchange
5 student program which is authorized by the board. The
6 board shall permit all students to enroll in
7 apprenticeship programs in trade schools operated by the
8 board, whether those programs are union-sponsored or not.
9 No student shall be refused admission into or be excluded
10 from any course of instruction offered in the common
11 schools by reason of that student's sex. No student shall
12 be denied equal access to physical education and
13 interscholastic athletic programs supported from school
14 district funds or denied participation in comparable
15 physical education and athletic programs solely by reason
16 of the student's sex. Equal access to programs supported
17 from school district funds and comparable programs will be
18 defined in rules promulgated by the State Board of
19 Education in consultation with the Illinois High School
20 Association. Notwithstanding any other provision of this
21 Article, neither the board of education nor any local
22 school council or other school official shall recommend
23 that children with disabilities be placed into regular
24 education classrooms unless those children with
25 disabilities are provided with supplementary services to
26 assist them so that they benefit from the regular

1 classroom instruction and are included on the teacher's
2 regular education class register;

3 2. To furnish lunches to pupils, to make a reasonable
4 charge therefor, and to use school funds for the payment
5 of such expenses as the board may determine are necessary
6 in conducting the school lunch program;

7 3. To co-operate with the circuit court;

8 4. To make arrangements with the public or
9 quasi-public libraries and museums for the use of their
10 facilities by teachers and pupils of the public schools;

11 5. To employ dentists and prescribe their duties for
12 the purpose of treating the pupils in the schools, but
13 accepting such treatment shall be optional with parents or
14 guardians;

15 6. To grant the use of assembly halls and classrooms
16 when not otherwise needed, including light, heat, and
17 attendants, for free public lectures, concerts, and other
18 educational and social interests, free of charge, under
19 such provisions and control as the principal of the
20 affected attendance center may prescribe;

21 7. To apportion the pupils to the several schools;
22 provided that no pupil shall be excluded from or
23 segregated in any such school on account of his color,
24 race, sex, or nationality. The board shall take into
25 consideration the prevention of segregation and the
26 elimination of separation of children in public schools

1 because of color, race, sex, or nationality. Except that
2 children may be committed to or attend parental and social
3 adjustment schools established and maintained either for
4 boys or girls only. All records pertaining to the
5 creation, alteration or revision of attendance areas shall
6 be open to the public. Nothing herein shall limit the
7 board's authority to establish multi-area attendance
8 centers or other student assignment systems for
9 desegregation purposes or otherwise, and to apportion the
10 pupils to the several schools. Furthermore, beginning in
11 school year 1994-95, pursuant to a board plan adopted by
12 October 1, 1993, the board shall offer, commencing on a
13 phased-in basis, the opportunity for families within the
14 school district to apply for enrollment of their children
15 in any attendance center within the school district which
16 does not have selective admission requirements approved by
17 the board. The appropriate geographical area in which such
18 open enrollment may be exercised shall be determined by
19 the board of education. Such children may be admitted to
20 any such attendance center on a space available basis
21 after all children residing within such attendance
22 center's area have been accommodated. If the number of
23 applicants from outside the attendance area exceed the
24 space available, then successful applicants shall be
25 selected by lottery. The board of education's open
26 enrollment plan must include provisions that allow

1 low-income students to have access to transportation
2 needed to exercise school choice. Open enrollment shall be
3 in compliance with the provisions of the Consent Decree
4 and Desegregation Plan cited in Section 34-1.01;

5 8. To approve programs and policies for providing
6 transportation services to students. Nothing herein shall
7 be construed to permit or empower the State Board of
8 Education to order, mandate, or require busing or other
9 transportation of pupils for the purpose of achieving
10 racial balance in any school;

11 9. Subject to the limitations in this Article, to
12 establish and approve system-wide curriculum objectives
13 and standards, including graduation standards, which
14 reflect the multi-cultural diversity in the city and are
15 consistent with State law, provided that for all purposes
16 of this Article courses or proficiency in American Sign
17 Language shall be deemed to constitute courses or
18 proficiency in a foreign language; and to employ
19 principals and teachers, appointed as provided in this
20 Article, and fix their compensation. The board shall
21 prepare such reports related to minimal competency testing
22 as may be requested by the State Board of Education and, in
23 addition, shall monitor and approve special education and
24 bilingual education programs and policies within the
25 district to ensure that appropriate services are provided
26 in accordance with applicable State and federal laws to

1 children requiring services and education in those areas;

2 10. To employ non-teaching personnel or utilize
3 volunteer personnel for: (i) non-teaching duties not
4 requiring instructional judgment or evaluation of pupils,
5 including library duties; and (ii) supervising study
6 halls, long distance teaching reception areas used
7 incident to instructional programs transmitted by
8 electronic media such as computers, video, and audio,
9 detention and discipline areas, and school-sponsored
10 extracurricular activities. The board may further utilize
11 volunteer nonlicensed personnel or employ nonlicensed
12 personnel to assist in the instruction of pupils under the
13 immediate supervision of a teacher holding a valid
14 educator license, directly engaged in teaching subject
15 matter or conducting activities; provided that the teacher
16 shall be continuously aware of the nonlicensed persons'
17 activities and shall be able to control or modify them.
18 The general superintendent shall determine qualifications
19 of such personnel and shall prescribe rules for
20 determining the duties and activities to be assigned to
21 such personnel;

22 10.5. To utilize volunteer personnel from a regional
23 School Crisis Assistance Team (S.C.A.T.), created as part
24 of the Safe to Learn Program established pursuant to
25 Section 25 of the Illinois Violence Prevention Act of
26 1995, to provide assistance to schools in times of

1 violence or other traumatic incidents within a school
2 community by providing crisis intervention services to
3 lessen the effects of emotional trauma on individuals and
4 the community; the School Crisis Assistance Team Steering
5 Committee shall determine the qualifications for
6 volunteers;

7 11. To provide television studio facilities in not to
8 exceed one school building and to provide programs for
9 educational purposes, provided, however, that the board
10 shall not construct, acquire, operate, or maintain a
11 television transmitter; to grant the use of its studio
12 facilities to a licensed television station located in the
13 school district; and to maintain and operate not to exceed
14 one school radio transmitting station and provide programs
15 for educational purposes;

16 12. To offer, if deemed appropriate, outdoor education
17 courses, including field trips within the State of
18 Illinois, or adjacent states, and to use school
19 educational funds for the expense of the said outdoor
20 educational programs, whether within the school district
21 or not;

22 13. During that period of the calendar year not
23 embraced within the regular school term, to provide and
24 conduct courses in subject matters normally embraced in
25 the program of the schools during the regular school term
26 and to give regular school credit for satisfactory

1 completion by the student of such courses as may be
2 approved for credit by the State Board of Education;

3 14. To insure against any loss or liability of the
4 board, the former School Board Nominating Commission,
5 Local School Councils, the Chicago Schools Academic
6 Accountability Council, or the former Subdistrict Councils
7 or of any member, officer, agent, or employee thereof,
8 resulting from alleged violations of civil rights arising
9 from incidents occurring on or after September 5, 1967 or
10 from the wrongful or negligent act or omission of any such
11 person whether occurring within or without the school
12 premises, provided the officer, agent, or employee was, at
13 the time of the alleged violation of civil rights or
14 wrongful act or omission, acting within the scope of his
15 or her employment or under direction of the board, the
16 former School Board Nominating Commission, the Chicago
17 Schools Academic Accountability Council, Local School
18 Councils, or the former Subdistrict Councils; and to
19 provide for or participate in insurance plans for its
20 officers and employees, including, but not limited to,
21 retirement annuities, medical, surgical and
22 hospitalization benefits in such types and amounts as may
23 be determined by the board; provided, however, that the
24 board shall contract for such insurance only with an
25 insurance company authorized to do business in this State.
26 Such insurance may include provision for employees who

1 rely on treatment by prayer or spiritual means alone for
2 healing, in accordance with the tenets and practice of a
3 recognized religious denomination;

4 15. To contract with the corporate authorities of any
5 municipality or the county board of any county, as the
6 case may be, to provide for the regulation of traffic in
7 parking areas of property used for school purposes, in
8 such manner as is provided by Section 11-209 of the
9 Illinois Vehicle Code;

10 16. (a) To provide, on an equal basis, access to a high
11 school campus and student directory information to the
12 official recruiting representatives of the armed forces of
13 Illinois and the United States for the purposes of
14 informing students of the educational and career
15 opportunities available in the military if the board has
16 provided such access to persons or groups whose purpose is
17 to acquaint students with educational or occupational
18 opportunities available to them. The board is not required
19 to give greater notice regarding the right of access to
20 recruiting representatives than is given to other persons
21 and groups. In this paragraph 16, "directory information"
22 means a high school student's name, address, and telephone
23 number.

24 (b) If a student or his or her parent or guardian
25 submits a signed, written request to the high school
26 before the end of the student's sophomore year (or if the

1 student is a transfer student, by another time set by the
2 high school) that indicates that the student or his or her
3 parent or guardian does not want the student's directory
4 information to be provided to official recruiting
5 representatives under subsection (a) of this Section, the
6 high school may not provide access to the student's
7 directory information to these recruiting representatives.
8 The high school shall notify its students and their
9 parents or guardians of the provisions of this subsection
10 (b).

11 (c) A high school may require official recruiting
12 representatives of the armed forces of Illinois and the
13 United States to pay a fee for copying and mailing a
14 student's directory information in an amount that is not
15 more than the actual costs incurred by the high school.

16 (d) Information received by an official recruiting
17 representative under this Section may be used only to
18 provide information to students concerning educational and
19 career opportunities available in the military and may not
20 be released to a person who is not involved in recruiting
21 students for the armed forces of Illinois or the United
22 States;

23 17. (a) To sell or market any computer program
24 developed by an employee of the school district, provided
25 that such employee developed the computer program as a
26 direct result of his or her duties with the school

1 district or through the utilization of school district
2 resources or facilities. The employee who developed the
3 computer program shall be entitled to share in the
4 proceeds of such sale or marketing of the computer
5 program. The distribution of such proceeds between the
6 employee and the school district shall be as agreed upon
7 by the employee and the school district, except that
8 neither the employee nor the school district may receive
9 more than 90% of such proceeds. The negotiation for an
10 employee who is represented by an exclusive bargaining
11 representative may be conducted by such bargaining
12 representative at the employee's request.

13 (b) For the purpose of this paragraph 17:

14 (1) "Computer" means an internally programmed,
15 general purpose digital device capable of
16 automatically accepting data, processing data and
17 supplying the results of the operation.

18 (2) "Computer program" means a series of coded
19 instructions or statements in a form acceptable to a
20 computer, which causes the computer to process data in
21 order to achieve a certain result.

22 (3) "Proceeds" means profits derived from the
23 marketing or sale of a product after deducting the
24 expenses of developing and marketing such product;

25 18. To delegate to the general superintendent of
26 schools, by resolution, the authority to approve contracts

1 and expenditures in amounts of \$35,000 ~~\$10,000~~ or less;

2 19. Upon the written request of an employee, to
3 withhold from the compensation of that employee any dues,
4 payments, or contributions payable by such employee to any
5 labor organization as defined in the Illinois Educational
6 Labor Relations Act. Under such arrangement, an amount
7 shall be withheld from each regular payroll period which
8 is equal to the pro rata share of the annual dues plus any
9 payments or contributions, and the board shall transmit
10 such withholdings to the specified labor organization
11 within 10 working days from the time of the withholding;

12 19a. Upon receipt of notice from the comptroller of a
13 municipality with a population of 500,000 or more, a
14 county with a population of 3,000,000 or more, the Cook
15 County Forest Preserve District, the Chicago Park
16 District, the Metropolitan Water Reclamation District, the
17 Chicago Transit Authority, or a housing authority of a
18 municipality with a population of 500,000 or more that a
19 debt is due and owing the municipality, the county, the
20 Cook County Forest Preserve District, the Chicago Park
21 District, the Metropolitan Water Reclamation District, the
22 Chicago Transit Authority, or the housing authority by an
23 employee of the Chicago Board of Education, to withhold,
24 from the compensation of that employee, the amount of the
25 debt that is due and owing and pay the amount withheld to
26 the municipality, the county, the Cook County Forest

1 Preserve District, the Chicago Park District, the
2 Metropolitan Water Reclamation District, the Chicago
3 Transit Authority, or the housing authority; provided,
4 however, that the amount deducted from any one salary or
5 wage payment shall not exceed 25% of the net amount of the
6 payment. Before the Board deducts any amount from any
7 salary or wage of an employee under this paragraph, the
8 municipality, the county, the Cook County Forest Preserve
9 District, the Chicago Park District, the Metropolitan
10 Water Reclamation District, the Chicago Transit Authority,
11 or the housing authority shall certify that (i) the
12 employee has been afforded an opportunity for a hearing to
13 dispute the debt that is due and owing the municipality,
14 the county, the Cook County Forest Preserve District, the
15 Chicago Park District, the Metropolitan Water Reclamation
16 District, the Chicago Transit Authority, or the housing
17 authority and (ii) the employee has received notice of a
18 wage deduction order and has been afforded an opportunity
19 for a hearing to object to the order. For purposes of this
20 paragraph, "net amount" means that part of the salary or
21 wage payment remaining after the deduction of any amounts
22 required by law to be deducted and "debt due and owing"
23 means (i) a specified sum of money owed to the
24 municipality, the county, the Cook County Forest Preserve
25 District, the Chicago Park District, the Metropolitan
26 Water Reclamation District, the Chicago Transit Authority,

1 or the housing authority for services, work, or goods,
2 after the period granted for payment has expired, or (ii)
3 a specified sum of money owed to the municipality, the
4 county, the Cook County Forest Preserve District, the
5 Chicago Park District, the Metropolitan Water Reclamation
6 District, the Chicago Transit Authority, or the housing
7 authority pursuant to a court order or order of an
8 administrative hearing officer after the exhaustion of, or
9 the failure to exhaust, judicial review;

10 20. The board is encouraged to employ a sufficient
11 number of licensed school counselors to maintain a
12 student/counselor ratio of 250 to 1. Each counselor shall
13 spend at least 75% of his work time in direct contact with
14 students and shall maintain a record of such time;

15 21. To make available to students vocational and
16 career counseling and to establish 5 special career
17 counseling days for students and parents. On these days
18 representatives of local businesses and industries shall
19 be invited to the school campus and shall inform students
20 of career opportunities available to them in the various
21 businesses and industries. Special consideration shall be
22 given to counseling minority students as to career
23 opportunities available to them in various fields. For the
24 purposes of this paragraph, minority student means a
25 person who is any of the following:

26 (a) American Indian or Alaska Native (a person having

1 origins in any of the original peoples of North and South
2 America, including Central America, and who maintains
3 tribal affiliation or community attachment).

4 (b) Asian (a person having origins in any of the
5 original peoples of the Far East, Southeast Asia, or the
6 Indian subcontinent, including, but not limited to,
7 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
8 the Philippine Islands, Thailand, and Vietnam).

9 (c) Black or African American (a person having origins
10 in any of the black racial groups of Africa).

11 (d) Hispanic or Latino (a person of Cuban, Mexican,
12 Puerto Rican, South or Central American, or other Spanish
13 culture or origin, regardless of race).

14 (e) Native Hawaiian or Other Pacific Islander (a
15 person having origins in any of the original peoples of
16 Hawaii, Guam, Samoa, or other Pacific Islands).

17 Counseling days shall not be in lieu of regular school
18 days;

19 22. To report to the State Board of Education the
20 annual student dropout rate and number of students who
21 graduate from, transfer from, or otherwise leave bilingual
22 programs;

23 23. Except as otherwise provided in the Abused and
24 Neglected Child Reporting Act or other applicable State or
25 federal law, to permit school officials to withhold, from
26 any person, information on the whereabouts of any child

1 removed from school premises when the child has been taken
2 into protective custody as a victim of suspected child
3 abuse. School officials shall direct such person to the
4 Department of Children and Family Services or to the local
5 law enforcement agency, if appropriate;

6 24. To develop a policy, based on the current state of
7 existing school facilities, projected enrollment, and
8 efficient utilization of available resources, for capital
9 improvement of schools and school buildings within the
10 district, addressing in that policy both the relative
11 priority for major repairs, renovations, and additions to
12 school facilities and the advisability or necessity of
13 building new school facilities or closing existing schools
14 to meet current or projected demographic patterns within
15 the district;

16 25. To make available to the students in every high
17 school attendance center the ability to take all courses
18 necessary to comply with the Board of Higher Education's
19 college entrance criteria effective in 1993;

20 26. To encourage mid-career changes into the teaching
21 profession, whereby qualified professionals become
22 licensed teachers, by allowing credit for professional
23 employment in related fields when determining point of
24 entry on the teacher pay scale;

25 27. To provide or contract out training programs for
26 administrative personnel and principals with revised or

1 expanded duties pursuant to this Code in order to ensure
2 they have the knowledge and skills to perform their
3 duties;

4 28. To establish a fund for the prioritized special
5 needs programs, and to allocate such funds and other lump
6 sum amounts to each attendance center in a manner
7 consistent with the provisions of part 4 of Section
8 34-2.3. Nothing in this paragraph shall be construed to
9 require any additional appropriations of State funds for
10 this purpose;

11 29. (Blank);

12 30. Notwithstanding any other provision of this Act or
13 any other law to the contrary, to contract with third
14 parties for services otherwise performed by employees,
15 including those in a bargaining unit, and to layoff those
16 employees upon 14 days written notice to the affected
17 employees. Those contracts may be for a period not to
18 exceed 5 years and may be awarded on a system-wide basis.
19 The board may not operate more than 30 contract schools,
20 provided that the board may operate an additional 5
21 contract turnaround schools pursuant to item (5.5) of
22 subsection (d) of Section 34-8.3 of this Code, and the
23 governing bodies of contract schools are subject to the
24 Freedom of Information Act and Open Meetings Act;

25 31. To promulgate rules establishing procedures
26 governing the layoff or reduction in force of employees

1 and the recall of such employees, including, but not
2 limited to, criteria for such layoffs, reductions in force
3 or recall rights of such employees and the weight to be
4 given to any particular criterion. Such criteria shall
5 take into account factors, including, but not limited to,
6 qualifications, certifications, experience, performance
7 ratings or evaluations, and any other factors relating to
8 an employee's job performance;

9 32. To develop a policy to prevent nepotism in the
10 hiring of personnel or the selection of contractors;

11 33. (Blank); and

12 34. To establish a Labor Management Council to the
13 board comprised of representatives of the board, the chief
14 executive officer, and those labor organizations that are
15 the exclusive representatives of employees of the board
16 and to promulgate policies and procedures for the
17 operation of the Council.

18 The specifications of the powers herein granted are not to
19 be construed as exclusive, but the board shall also exercise
20 all other powers that may be requisite or proper for the
21 maintenance and the development of a public school system, not
22 inconsistent with the other provisions of this Article or
23 provisions of this Code which apply to all school districts.

24 In addition to the powers herein granted and authorized to
25 be exercised by the board, it shall be the duty of the board to
26 review or to direct independent reviews of special education

1 expenditures and services. The board shall file a report of
2 such review with the General Assembly on or before May 1, 1990.
3 (Source: P.A. 101-12, eff. 7-1-19; 101-88, eff. 1-1-20;
4 102-465, eff. 1-1-22; 102-558, eff. 8-20-21; 102-894, eff.
5 5-20-22.)

6 (105 ILCS 5/34-21.3) (from Ch. 122, par. 34-21.3)

7 Sec. 34-21.3. Contracts. The board shall by record vote
8 let all contracts (other than those excepted by Section
9 10-20.21 of this ~~The School~~ Code) for supplies, materials, or
10 work, and contracts with private carriers for transportation
11 of pupils involving an expenditure in excess of \$35,000
12 ~~\$25,000~~ or a lower amount as required by board policy by
13 competitive bidding as provided in Section 10-20.21 of this
14 ~~The School~~ Code.

15 The board may delegate to the general superintendent of
16 schools, by resolution, the authority to approve contracts in
17 amounts of \$35,000 ~~\$25,000~~ or less.

18 For a period of one year from and after the expiration or
19 other termination of his or her term of office as a member of
20 the board: (i) the former board member shall not be eligible
21 for employment nor be employed by the board, a local school
22 council, an attendance center, or any other subdivision or
23 agent of the board or the school district governed by the
24 board, and (ii) neither the board nor the chief purchasing
25 officer shall let or delegate authority to let any contract

1 for services, employment, or other work to the former board
2 member or to any corporation, partnership, association, sole
3 proprietorship, or other entity other than publicly traded
4 companies from which the former board member receives an
5 annual income, dividends, or other compensation in excess of
6 \$1,500. Any contract that is entered into by or under a
7 delegation of authority from the board or the chief purchasing
8 officer shall contain a provision stating that the contract is
9 not legally binding on the board if entered into in violation
10 of the provisions of this paragraph.

11 In addition, the State Board of Education, in consultation
12 with the board, shall (i) review existing conflict of interest
13 and disclosure laws or regulations that are applicable to the
14 executive officers and governing boards of school districts
15 organized under this Article and school districts generally,
16 (ii) determine what additional disclosure and conflict of
17 interest provisions would enhance the reputation and fiscal
18 integrity of the board and the procedure under which contracts
19 for goods and services are let, and (iii) develop appropriate
20 reporting forms and procedures applicable to the executive
21 officers, governing board, and other officials of the school
22 district.

23 (Source: P.A. 95-990, eff. 10-3-08.)

1 Section 85-5. The Election Code is amended by changing
2 Section 13-10 as follows:

3 (10 ILCS 5/13-10) (from Ch. 46, par. 13-10)

4 Sec. 13-10. The compensation of the judges of all
5 primaries and all elections, except judges supervising vote by
6 mail ballots as provided in Section 19-12.2 of this Act, in
7 counties of less than 600,000 inhabitants shall be fixed by
8 the respective county boards or boards of election
9 commissioners in all counties and municipalities, but in no
10 case shall such compensation be less than \$35 per day. The
11 compensation of judges of all primaries and all elections not
12 under the jurisdiction of the county clerk, except judges
13 supervising vote by mail balloting as provided in Section
14 19-12.2 of this Act, in counties having a population of
15 2,000,000 or more shall be not less than \$60 per day. The
16 compensation of judges of all primaries and all elections
17 under the jurisdiction of the county clerk, except judges
18 supervising vote by mail balloting as provided in Section
19 19-12.2 of this Act, in counties having a population of
20 2,000,000 or more shall be not less than \$60 per day. The
21 compensation of judges of all primaries and all elections,
22 except judges supervising vote by mail ballots as provided in
23 Section 19-12.2 of this Act, in counties having a population
24 of at least 600,000 but less than 2,000,000 inhabitants shall
25 be not less than \$45 per day as fixed by the county board of

1 election commissioners of each such county. In addition to
2 their per day compensation and notwithstanding the limitations
3 thereon stated herein, the judges of election, in all counties
4 with a population of less than 600,000, shall be paid \$3 each
5 for each 100 voters or portion thereof, in excess of 200 voters
6 voting for candidates in the election district or precinct
7 wherein the judge is serving, whether a primary or an election
8 is being held. However, no such extra compensation shall be
9 paid to the judges of election in any precinct in which no
10 paper ballots are counted by such judges of election. The 2
11 judges of election in counties having a population of less
12 than 600,000 who deliver the returns to the county clerk shall
13 each be allowed and paid a sum to be determined by the election
14 authority for such services and an additional sum per mile to
15 be determined by the election authority for every mile
16 necessarily travelled in going to and returning from the
17 office or place to which they deliver the returns. The
18 compensation for mileage shall be consistent with current
19 rates paid for mileage to employees of the county.

20 However, all judges who have been certified by the County
21 Clerk or Board of Election Commissioners as having
22 satisfactorily completed, within the 2 years preceding the day
23 of election, the training course for judges of election, as
24 provided in Sections 13-2.1, 13-2.2 and 14-4.1 of this Act,
25 shall receive additional compensation of not less than \$10 per
26 day in counties of less than 600,000 inhabitants, the

1 additional compensation of not less than \$10 per day in
2 counties having a population of at least 600,000 but less than
3 2,000,000 inhabitants as fixed by the county board of election
4 commissioners of each such county, and additional compensation
5 of not less than \$20 per day in counties having a population of
6 2,000,000 or more for primaries and elections not under the
7 jurisdiction of the county clerk, and additional compensation
8 of not less than \$20 per day in counties having a population of
9 2,000,000 or more for primaries and elections under the
10 jurisdiction of the county clerk.

11 In precincts in which there are tally judges, the
12 compensation of the tally judges shall be 2/3 of that of the
13 judges of election and each holdover judge shall be paid the
14 compensation of a judge of election plus that of a tally judge.

15 Beginning on the effective date of this amendatory Act of
16 1998, the portion of an election judge's daily compensation
17 reimbursed by the State Board of Elections is increased by
18 \$15. The increase provided by this amendatory Act of 1998 must
19 be used to increase each judge's compensation and may not be
20 used by the county to reduce its portion of a judge's
21 compensation.

22 Beginning on the effective date of this amendatory Act of
23 the 95th General Assembly, the portion of an election judge's
24 daily compensation reimbursement by the State Board of
25 Elections is increased by an additional \$20. The increase
26 provided by this amendatory Act of the 95th General Assembly

1 must be used to increase each judge's compensation and may not
2 be used by the election authority or election jurisdiction to
3 reduce its portion of a judge's compensation.

4 Beginning on the effective date of the changes made to
5 this Section by this amendatory Act of the 103rd General
6 Assembly, the portion of an election judge's daily
7 compensation reimbursement by the State Board of Elections is
8 increased by an additional \$20. The increase provided by this
9 amendatory Act of the 103rd General Assembly must be used to
10 increase each judge's compensation and may not be used by the
11 election authority or election jurisdiction to reduce its
12 portion of a judge's compensation.

13 (Source: P.A. 98-1171, eff. 6-1-15.)

14 ARTICLE 90.

15 Section 90-5. The Reimagine Public Safety Act is amended
16 by changing Sections 35-10, 35-15, 35-25, 35-30, 35-35, 35-40
17 and 35-50 as follows:

18 (430 ILCS 69/35-10)

19 Sec. 35-10. Definitions. As used in this Act:

20 "Approved technical assistance and training provider"
21 means an organization that has experience in improving the
22 outcomes of local community-based organizations by providing
23 supportive services that address the gaps in their resources

1 and knowledge about content-based work or provide support and
2 knowledge about the administration and management of
3 organizations, or both. Approved technical assistance and
4 training providers as defined in this Act are intended to
5 assist community organizations with evaluating the need for
6 evidence-based violence prevention services, promising
7 violence prevention programs, starting up programming, and
8 strengthening the quality of existing programming.

9 "Community" or "communities" means, for municipalities
10 with a 1,000,000 or more population in Illinois, the 77
11 designated neighborhood areas defined by the University of
12 Chicago Social Science Research Committee as amended in 1980.

13 "Concentrated firearm violence" means the 10 most violent
14 communities in Illinois municipalities with 1,000,000 or more
15 residents and the 10 most violent municipalities with less
16 than 1,000,000 residents and greater than 35,000 residents
17 with the most per capita fatal and nonfatal firearm-shot
18 victims, excluding self-inflicted incidents, from January 1,
19 2016 through December 31, 2020.

20 "Credible messenger" means an individual who has been
21 arrested, indicted, convicted, adjudicated delinquent, or
22 otherwise detained by criminal or juvenile justice authorities
23 for violation of State criminal law and has successfully
24 reached the end of the individual's sentence or the final
25 termination of the individual's term of commitment and has
26 relationships in a specific community that can promote

1 conflict resolution and healing.

2 "Criminal and juvenile justice-involved" means an
3 individual who has been arrested, indicted, convicted,
4 adjudicated delinquent, or otherwise detained by criminal or
5 juvenile justice authorities for violation of Illinois
6 criminal laws.

7 "Evidence-based high-risk youth intervention services"
8 means programs that have been proven to reduce involvement in
9 the criminal or juvenile justice system, increase school
10 attendance, and includes referrals of high-risk teens into
11 therapeutic programs that address trauma recovery and other
12 mental health improvements based on best practices in the
13 youth intervention services field.

14 "Evidence-based violence prevention services" means
15 coordinated programming and services that may include, but are
16 not limited to, effective emotional or trauma related
17 therapies, housing, employment training, job placement, family
18 engagement, or wrap-around support services that have been
19 proven effective or are considered to be best practice for
20 reducing violence within the field of violence intervention
21 research and practice.

22 "Evidence-based youth development programs" means
23 after-school and summer programming that provides services to
24 teens to increase their school attendance, school performance,
25 reduce involvement in the criminal justice system, and develop
26 nonacademic interests that build social emotional persistence

1 and intelligence based on best practices in the field of youth
2 development services for high-risk youth.

3 "Options school" means a secondary school where 75% or
4 more of attending students have either stopped attending or
5 failed their secondary school courses since first attending
6 ninth grade.

7 "Violence prevention organization" means an organization
8 that manages and employs qualified violence prevention
9 professionals.

10 "Violence prevention professional" means a community
11 health worker who renders violence preventive services.

12 "Social organization" means an organization of individuals
13 who form the organization for the purposes of enjoyment, work,
14 and other mutual interests.

15 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21;
16 102-687, eff. 12-17-21.)

17 (430 ILCS 69/35-15)

18 Sec. 35-15. Findings. The Illinois General Assembly finds
19 that:

20 (1) Discrete neighborhoods in municipalities across
21 Illinois are experiencing concentrated and perpetual
22 firearm violence that is a public health epidemic.

23 (2) Within neighborhoods experiencing this firearm
24 violence epidemic, violence is concentrated among teens
25 and young adults that have chronic exposure to the risk of

1 violence and criminal legal system involvement and related
2 trauma in small geographic areas where these young people
3 live or congregate.

4 (3) Firearm violence victimization and perpetration is
5 highly concentrated in particular neighborhoods,
6 particular blocks within these neighborhoods, and among a
7 small number of individuals living in these areas.

8 (4) People who are chronically exposed to the risk of
9 firearm violence victimization are substantially more
10 likely to be violently injured or violently injure another
11 person. People who have been violently injured are
12 substantially more likely to be violently reinjured.
13 Chronic exposure to violence additionally leads
14 individuals to engage in behavior, as part of a cycle of
15 community violence, trauma, and retaliation that
16 substantially increases their own risk of violent injury
17 or reinjury.

18 (5) Evidence-based programs that engage individuals at
19 the highest risk of firearm violence and provide life
20 stabilization, case management, and culturally competent
21 group and individual therapy reduce firearm violence
22 victimization and perpetration and can end Illinois'
23 firearm violence epidemic.

24 (6) A public health approach to ending Illinois'
25 firearm violence epidemic requires targeted, integrated
26 behavioral health services and economic opportunity that

1 promotes self-sufficiency for victims of firearm violence
2 and those with chronic exposure to the risk of firearm
3 violence victimization, including, but not limited to,
4 services for criminal and juvenile justice-involved
5 populations and crisis response services, such as
6 psychological first aid.

7 (7) A public health approach to ending Illinois'
8 firearm violence epidemic further requires broader
9 preventive investments in the census tracts and blocks
10 that reduce risk factors for youth and families living in
11 areas at the highest risk of firearm violence
12 victimization.

13 (8) A public health approach to ending Illinois'
14 firearm violence epidemic requires empowering residents
15 and community-based organizations within impacted
16 neighborhoods to provide culturally competent care based
17 on lived experience in these areas and long-term
18 relationships of mutual interest that promote safety and
19 stability.

20 (9) A public health approach to ending Illinois'
21 firearm violence epidemic further requires that preventive
22 youth development services for youth in these
23 neighborhoods be fully integrated with a team-based model
24 of mental health care to address trauma recovery for those
25 young people at the highest risk of firearm violence
26 victimization.

1 (10) Community revitalization can be an effective
2 violence prevention strategy, provided that revitalization
3 is targeted to the highest risk geographies within
4 communities and revitalization efforts are designed and
5 led by individuals living and working in the impacted
6 communities.

7 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

8 (430 ILCS 69/35-25)

9 Sec. 35-25. Integrated violence prevention and other
10 services.

11 (a) Subject to appropriation, for municipalities with
12 1,000,000 or more residents, the Office of Firearm Violence
13 Prevention shall make grants to violence prevention
14 organizations for evidence-based violence prevention services.
15 Approved technical assistance and training providers shall
16 create learning communities for the exchange of information
17 between community-based organizations in the same or similar
18 fields. Firearm violence prevention organizations shall
19 prioritize individuals at the highest risk of firearm violence
20 victimization and provide these individuals with
21 evidence-based comprehensive services that reduce their
22 exposure to chronic firearm violence.

23 (a-5) Grants may be awarded under this Act to Reimagine
24 Public Safety grantees or their subgrantees to provide any one
25 or more of the following services to Reimagine Public Safety

1 program participants or credible messengers:

2 (1) Behavioral health services, including clinical
3 interventions, crisis interventions, and group counseling
4 supports, such as peer support groups, social-emotional
5 learning supports, including skill building for anger
6 management, de-escalation, sensory stabilization, coping
7 strategies, and thoughtful decision-making, short-term
8 clinical individual sessions, psycho-social assessments,
9 and motivational interviewing.

10 (A) Funds awarded under this paragraph may be used
11 for behavioral health services until July 1, 2024.

12 (B) Any community violence prevention service
13 provider being reimbursed from funds awarded under
14 this paragraph for behavioral health services must
15 also file a plan to become Medicaid certified for
16 violence prevention-community support team services
17 under the Illinois Medicaid program on or before July
18 1, 2024.

19 (2) Capacity-building services, including
20 administrative and programmatic support, services, and
21 resources, such as subcontract development, budget
22 development, grant monitoring and reporting, and fiscal
23 sponsorship. Capacity-building services financed with
24 grants awarded under this Act may also include intensive
25 training and technical assistance focused on Community
26 Violence Intervention (CVI) not-for-profit business

1 operations, best practice delivery of firearm violence
2 prevention services, and assistance with administering and
3 meeting fiscal reporting or auditing requirements.
4 Capacity-building services financed with grants awarded
5 under this Act must be directed to a current or potential
6 Reimagine Public Safety firearm violence prevention
7 provider and cannot exceed 20% of potential funds awarded
8 to the relevant provider or future provider.

9 (3) Legal aid services, including funding for staff
10 attorneys and paralegals to provide education, training,
11 legal services, and advocacy for program recipients. Legal
12 aid services that may be provided with grant funds awarded
13 under this Act include "Know Your Rights" clinics,
14 trainings targeting returning citizens and families
15 impacted by incarceration, and long-term legal efforts
16 addressing expungement, civil rights, family law, housing,
17 employment, and victim rights. Legal aid services provided
18 with grant funds awarded under this Act shall not be
19 directed toward criminal justice issues.

20 (4) Housing services, including grants for emergency
21 and temporary housing for individuals at immediate risk of
22 firearm violence, except that grant funding provided under
23 this paragraph must be directed only toward Reimagine
24 Public Safety program participants.

25 (5) Workforce development services, including grants
26 for job coaching, intensive case management, employment

1 training and placement, and retention services, including
2 the provision of transitional job placements and access to
3 basic certificate training for industry-specific jobs.
4 Training also includes the provision of education-related
5 content, such as financial literacy training, GED
6 preparation, and academic coaching.

7 (6) Re-entry services for individuals exiting the
8 State or county criminal justice systems, if those
9 individuals are either eligible for services under this
10 Act as participants or are individuals who can make an
11 immediate contribution to mediate neighborhood conflicts
12 if they receive stabilizing services. Re-entry services
13 financed with grants awarded under this Act include all
14 services authorized under this Act, including services
15 listed in this subsection.

16 (7) Victim services, including assessments and
17 screening of victim needs, planning sessions related to
18 assessments, service planning and goal setting, assessing
19 intervention needs, notifying and navigating participants
20 through public agency processes for victim compensation,
21 crisis intervention, emergency financial assistance,
22 transportation, medical care, stable housing, and shelter,
23 assessment and linkage to public benefits, and relocation
24 services.

25 (b) In the geographic areas they serve, violence ~~Violence~~
26 prevention organizations shall develop ~~the following~~ expertise

1 in ~~the geographic areas that they cover:~~

2 (1) Analyzing and leveraging data to identify the
3 individuals who will most benefit from evidence-based
4 violence prevention services in their geographic areas.

5 (2) Identifying the conflicts that are responsible for
6 recurring violence.

7 (3) Having relationships with individuals who are most
8 able to reduce conflicts.

9 (4) Addressing the stabilization and trauma recovery
10 needs of individuals impacted by violence by providing
11 direct services for their unmet needs or referring them to
12 other qualified service providers.

13 (5) Having and building relationships with community
14 members and community organizations that provide
15 evidence-based violence prevention services and get
16 referrals of people who will most benefit from
17 evidence-based violence prevention services in their
18 geographic areas.

19 (6) Providing training and technical assistance to
20 local law enforcement agencies to improve their
21 effectiveness without having any role, requirement, or
22 mandate to participate in the policing, enforcement, or
23 prosecution of any crime.

24 (c) Violence prevention organizations receiving grants
25 under this Act shall coordinate services with other violence
26 prevention organizations in their area.

1 (d) The Office of Firearm Violence Prevention shall
2 identify, for each separate eligible service area under this
3 Act, an experienced violence prevention organization to serve
4 as the Lead Violence Prevention Convener for that area and
5 provide each Lead Violence Prevention Convener with a grant ~~of~~
6 ~~up to \$100,000 to these organizations~~ to coordinate monthly
7 meetings between violence prevention organizations and youth
8 development organizations under this Act. The Lead Violence
9 Prevention Convener may also receive, from the Office of
10 Firearm Violence Prevention, technical assistance or training
11 through approved providers when needs are jointly identified.
12 The Lead Violence Prevention Convener shall:

13 (1) provide the convened organizations with summary
14 notes recommendations made at the monthly meetings to
15 improve the effectiveness of evidence-based violence
16 prevention services based on review of timely data on
17 shootings and homicides in his or her relevant
18 neighborhood;

19 (2) attend monthly meetings where the cause of
20 violence and other neighborhood disputes is discussed and
21 strategize on how to resolve ongoing conflicts and execute
22 on agreed plans;

23 (3) (blank);

24 (4) on behalf of the convened organizations, make
25 consensus recommendations to the Office of Firearm
26 Violence Prevention and local law enforcement on how to

1 reduce violent conflict in his or her neighborhood;

2 (5) meet on an emergency basis when conflicts that
3 need immediate attention and resolution arise;

4 (6) share knowledge and strategies of the community
5 violence dynamic in monthly meetings with local youth
6 development specialists receiving grants under this Act;

7 (7) select when and where needed an approved Office of
8 Violence Prevention-funded technical assistance and
9 training service provider to receive agreed upon services;
10 and

11 (8) after meeting with community residents and other
12 community organizations that have expertise in housing,
13 mental health, economic development, education, and social
14 services, make recommendations to the Office of Firearm
15 Violence Prevention on how to target community
16 revitalization resources available from federal and State
17 funding sources.

18 The Office of Firearm Violence Prevention shall compile
19 recommendations from all Lead Violence Prevention Conveners
20 and report to the General Assembly bi-annually on these
21 funding recommendations. The Lead Violence Prevention Convener
22 may also serve as a violence prevention or youth development
23 provider.

24 (e) The Illinois Office of Firearm Violence Prevention
25 shall select, when possible and appropriate, no fewer than 2
26 and no more than 3 approved technical assistance and training

1 providers to deliver technical assistance and training to the
2 violence prevention organizations that request to receive
3 approved technical assistance and training. Violence
4 prevention organizations shall have the opportunity ~~complete~~
5 ~~authority~~ to select among the approved technical assistance
6 services providers funded by the Office of Firearm Violence
7 Prevention, as long as the technical assistance provider has
8 the capacity to effectively serve the grantees that have
9 selected them. The Department shall make best efforts to
10 accommodate second choices of violence prevention
11 organizations when the violence prevention organizations'
12 first choice does not have capacity to provide technical
13 assistance.

14 (f) Approved technical assistance and training providers
15 may:

16 (1) provide training and certification to violence
17 prevention professionals on how to perform violence
18 prevention services and other professional development to
19 violence prevention professionals.

20 (2) provide management training on how to manage
21 violence prevention professionals;

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 violence prevention

1 professionals and 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 (g) 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 service providers in their network; and

10 (2) receive a base grant of up to \$250,000 plus
11 negotiated service rates to provide group and
12 individualized services to participating violence
13 prevention organizations.

14 (h) (Blank).

15 (i) The Office of Firearm Violence Prevention shall issue
16 grants, when possible and appropriate, to no fewer than 2
17 violence prevention organizations in each of the eligible
18 service areas and no more than 6 organizations. When possible,
19 the Office of Firearm Violence Prevention shall work, subject
20 to eligible applications received, to ensure that grant
21 resources are equitably distributed across eligible service
22 areas ~~grants shall be for no less than \$300,000 per violence~~
23 ~~prevention organization.~~ The Office of Firearm Violence
24 Prevention may establish grant award ranges to ensure grants
25 will have the potential to reduce violence in each
26 neighborhood.

1 (j) No violence prevention organization can serve more
2 than 3 eligible service areas unless the Office of Firearm
3 Violence Prevention is unable to identify violence prevention
4 organizations to provide adequate coverage.

5 (k) No approved technical assistance and training provider
6 shall provide evidence-based violence prevention services in
7 an eligible service area under this Act unless the Office of
8 Firearm Violence Prevention is unable to identify qualified
9 violence prevention organizations to provide adequate
10 coverage.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

12 (430 ILCS 69/35-30)

13 Sec. 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 youth development
17 organizations for evidence-based youth programming, including,
18 but not limited to, after-school and summer programming.
19 Evidence-based youth development programs shall provide
20 services to teens that increase their school attendance, and
21 school performance and to teens or young adults that reduce
22 involvement in the criminal and juvenile justice systems,
23 develop employment and life skills, and develop nonacademic
24 interests that build social emotional persistence and
25 intelligence.

1 (b) The Office of Firearm Violence Prevention shall
2 identify municipal blocks where more than 35% of all fatal and
3 nonfatal firearm-shot incidents take place and focus youth
4 development service grants to residents of these identified
5 blocks in the designated eligible service areas. The
6 Department of Human Services shall prioritize funding to youth
7 development service programs that serve the following teens
8 before expanding services to the broader community:

9 (1) criminal and juvenile justice-involved youth;

10 (2) students who are attending or have attended option
11 schools;

12 (3) family members of individuals working with
13 violence prevention organizations; and

14 (4) youth living on the blocks where more than 35% of
15 the violence takes place in a neighborhood.

16 (c) Each program participant enrolled in a youth
17 development program under this Act, when possible and
18 appropriate, shall receive an individualized needs assessment
19 to determine if the participant requires intensive youth
20 services as provided for in Section 35-35 of this Act. The
21 needs assessment should be the best available instrument that
22 considers the physical and mental condition of each youth
23 based on the youth's family ties, financial resources, past
24 substance use, criminal justice involvement, and trauma
25 related to chronic exposure to firearm violence behavioral
26 health assessment to determine the participant's broader

1 support and mental health needs. The Office of Firearm
2 Violence Prevention shall determine best practices for
3 referring program participants who are at the highest risk of
4 violence and justice involvement to be referred to a high-risk
5 youth intervention program established in Section 35-35.

6 (d) Youth development prevention program participants
7 shall receive services designed to empower participants with
8 the social and emotional skills necessary to forge paths of
9 healthy development and disengagement from high-risk
10 behaviors. Within the context of engaging social, physical,
11 and personal development activities, participants should build
12 resilience and the skills associated with healthy social,
13 emotional, and identity development.

14 (e) Youth development providers shall develop the
15 following expertise in the geographic areas they cover:

16 (1) Knowledge of the teens and their social
17 organization in the blocks they are designated to serve.

18 (2) Youth development organizations receiving grants
19 under this Act shall be required to coordinate services
20 with other youth development organizations in their
21 neighborhood by sharing lessons learned in monthly
22 meetings.

23 (3) (Blank).

24 (4) Meeting on an emergency basis when conflicts
25 related to program participants that need immediate
26 attention and resolution arise.

1 (5) Sharing knowledge and strategies of the
2 neighborhood violence dynamic in monthly meetings with
3 local violence prevention organizations receiving grants
4 under this Act.

5 (6) Selecting an approved technical assistance and
6 training service provider to receive agreed upon services.

7 (f) The Illinois Office of Firearm Violence Prevention
8 shall select, when possible and appropriate, no fewer than 2
9 and no more than 3 approved technical assistance and training
10 providers to deliver technical assistance and training to the
11 youth development organizations that request to receive
12 approved technical assistance and training. Youth development
13 organizations must use an approved technical assistance and
14 training provider and can choose among approved technical
15 assistance providers as long as the technical assistance
16 provider has the capacity to effectively serve the youth
17 development organizations that have selected them. The
18 Department shall make best efforts to accommodate second
19 choices of youth development organizations when the youth
20 development organization's violence prevention first choice
21 does not have capacity to provide technical assistance ~~but~~
22 ~~have complete authority to select among the approved technical~~
23 ~~assistance services providers funded by the Office of Firearm~~
24 ~~Violence Prevention.~~

25 (g) Approved technical assistance and training providers
26 may:

1 (1) provide training to youth development workers on
2 how to perform outreach services;

3 (2) provide management training on how to manage youth
4 development workers;

5 (3) provide training and assistance on how to develop
6 memorandum of understanding for referral services or
7 create approved provider lists for these referral
8 services, or both;

9 (4) share lessons learned among youth development
10 service providers in their network; and

11 (5) provide technical assistance and training on human
12 resources, grants management, capacity building, and
13 fiscal management strategies.

14 (h) Approved technical assistance and training providers
15 shall:

16 (1) provide additional services identified as
17 necessary by the Office of Firearm Violence Prevention and
18 youth development service providers in their network; and

19 (2) receive an annual base grant of up to \$250,000
20 plus negotiated service rates to provide group and
21 individualized services to participating youth development
22 service organizations.

23 (i) (Blank).

24 (j) The Office of Firearm Violence Prevention shall issue
25 youth development services grants, when possible and
26 appropriate, to no fewer than 4 youth services organizations

1 in each of the eligible service areas and no more than 8
2 organizations. When possible, the Office of Firearm Violence
3 Prevention shall work, subject to eligible applications
4 received, to ensure that grant resources are equitably
5 distributed across eligible service areas ~~grants shall be for~~
6 ~~no less than \$300,000 per youth development organization.~~ The
7 Office of Firearm Violence Prevention may establish award
8 ranges to ensure grants will have the potential to reduce
9 violence in each neighborhood.

10 (k) No youth development organization can serve more than
11 3 eligible service areas unless the Office of Firearm Violence
12 Prevention is unable to identify youth development
13 organizations to provide adequate coverage.

14 (l) No approved technical assistance and training provider
15 shall provide youth development services in any neighborhood
16 under this Act.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

18 (430 ILCS 69/35-35)

19 Sec. 35-35. Intensive youth intervention services.

20 (a) Subject to appropriation, for municipalities with
21 1,000,000 or more residents, the Office of Firearm Violence
22 Prevention shall issue grants to high-risk youth intervention
23 organizations for evidence-based intervention services that
24 reduce involvement in the criminal and juvenile justice
25 system, increase school attendance, and refer high-risk teens

1 into therapeutic programs that address trauma recovery and
2 other mental health improvements. Each program participant
3 enrolled in a high-risk youth intervention program under this
4 Act shall receive a nationally recognized comprehensive mental
5 health assessment delivered by a qualified mental health
6 professional certified to provide services to Medicaid
7 recipients.

8 (b) High-risk youth intervention program participants
9 shall receive needed services as determined by the
10 individualized assessment which may include, but is not
11 limited to:

12 (1) receive group-based emotional regulation therapy
13 that helps them control their emotions and understand how
14 trauma and stress impacts their thinking and behavior; and

15 (2) have youth advocates that accompany them to their
16 group therapy sessions, assist them with issues that
17 prevent them from attending school, and address life
18 skills development activities through weekly coaching.

19 (b-5) High-risk youth intervention service organizations
20 shall have trained clinical staff managing the youth advocate
21 interface with program participants.

22 (c) Youth development service organizations and providers
23 of evidence-based violence prevention services shall be
24 assigned to the youth intervention service providers for
25 referrals by the Office of Firearm Violence Prevention.

26 (d) The youth receiving intervention services who are

1 evaluated to need trauma recovery and other behavioral health
2 interventions and who have the greatest risk of firearm
3 violence victimization shall be referred to the family systems
4 intervention services established in Section 35-55.

5 (e) The Office of Firearm Violence Prevention shall issue
6 high-risk youth intervention grants, when possible and
7 appropriate, to no less than 2 youth intervention
8 organizations and no more than 4 organizations in
9 municipalities with 1,000,000 or more residents.

10 (f) No high-risk youth intervention organization can serve
11 more than 13 eligible service areas.

12 (g) The approved technical assistance and training
13 providers for youth development programs provided in
14 subsection (d) of Section 35-30 shall also provide technical
15 assistance and training to the affiliated high-risk youth
16 intervention service providers.

17 (h) (Blank).

18 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

19 (430 ILCS 69/35-40)

20 Sec. 35-40. Services for municipalities with less than
21 1,000,000 residents.

22 (a) The Office of Firearm Violence Prevention shall
23 identify the 10 municipalities or geographically contiguous
24 areas in Illinois with less than 1,000,000 residents and more
25 than 35,000 residents that have the largest concentration of

1 fatal and nonfatal firearm-shot victims over the 5-year period
2 considered for eligibility. These areas shall qualify for
3 grants under this Act. The Office of Firearm Violence
4 Prevention may identify up to 5 additional municipalities or
5 geographically contiguous areas with less than 1,000,000
6 residents that would benefit from evidence-based violence
7 prevention services. In identifying the additional
8 municipalities that qualify for funding under Section 35-40,
9 the Office of Firearm Violence Prevention shall consider the
10 following factors when possible:

11 (1) the total number of fatal and nonfatal firearms
12 victims, excluding self-inflicted incidents, in a
13 potential municipality over the 5-year period considered
14 for eligibility;

15 (2) the per capita rate of fatal and nonfatal firearms
16 victims, excluding self-inflicted incidents, in a
17 potential municipality over the 5-year period considered
18 for eligibility; and

19 (3) the total potential firearms violence reduction
20 benefit for the entire State of Illinois by serving the
21 additional municipalities compared to the total benefit of
22 investing in all other municipalities identified for
23 grants to municipalities with more than 35,000 residents
24 and less than 1,000,000 residents.

25 (b) Resources for each of these areas shall be distributed
26 based on a formula to be developed by the Office of Firearm

1 Violence Prevention that will maximize the total potential
2 reduction in firearms victimization for all municipalities
3 receiving grants under this Act.

4 (c) The Office of Firearm Violence Prevention shall create
5 local advisory councils for each of the designated service
6 areas for the purpose of obtaining recommendations on how to
7 distribute funds in these areas to reduce firearm violence
8 incidents. Local advisory councils shall have a minimum of 5
9 members with the following expertise or experience:

10 (1) a representative of a nonelected official in local
11 government from the designated area;

12 (2) a representative of an elected official at the
13 local or state level for the area;

14 (3) a representative with public health experience in
15 firearm violence prevention or youth development;

16 (4) two residents of the subsection of each area with
17 the most concentrated firearm violence incidents; and

18 (5) additional members as determined by the individual
19 local advisory council.

20 (d) The Office of Firearm Violence Prevention shall
21 provide data to each local council on the characteristics of
22 firearm violence in the designated area and other relevant
23 information on the physical and demographic characteristics of
24 the designated area. The Office of Firearm Violence Prevention
25 shall also provide best available evidence on how to address
26 the social determinants of health in the designated area in

1 order to reduce firearm violence.

2 (e) Each local advisory council shall make recommendations
3 on how to allocate distributed resources for its area based on
4 information provided to them by the Office of Firearm Violence
5 Prevention, local law enforcement data, and other locally
6 available data.

7 (f) The Office of Firearm Violence Prevention shall
8 consider the recommendations and determine how to distribute
9 funds through grants to community-based organizations and
10 local governments. To the extent the Office of Firearm
11 Violence Prevention does not follow a local advisory council's
12 recommendation on allocation of funds, the Office of Firearm
13 Violence Prevention shall explain in writing why a different
14 allocation of resources is more likely to reduce firearm
15 violence in the designated area.

16 (g) Subject to appropriation, the Department of Human
17 Services and the Office of Firearm Violence Prevention shall
18 issue grants to local governmental agencies or community-based
19 organizations, or both, to maximize firearm violence reduction
20 each year. ~~When possible, initial grants shall be named no
21 later than April 1, 2022 and renewed or competitively bid as
22 appropriate in subsequent fiscal years.~~

23 (h) Each local advisory council is terminated upon making
24 the recommendations required of it under this Section.

25 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

1 (430 ILCS 69/35-50)

2 Sec. 35-50. Medicaid trauma recovery services for adults.

3 (a) ~~The On or before January 15, 2022, the~~ Department of
4 Healthcare and Family Services shall ~~design,~~ subject to seek
5 approval from the United States Department of Health and Human
6 Services, ~~and subject to federal approval and State~~
7 appropriations for this purpose, implement a team-based model
8 of care system to address trauma recovery from chronic
9 exposure to firearm violence for Illinois adults. On or before
10 October 1, 2023, the Department of Healthcare and Family
11 Services shall seek approval from the United States Department
12 of Health and Human Services to ensure the model of care system
13 may include providers such as community mental health centers,
14 behavioral health clinics, hospitals, and others deemed
15 appropriate by the Department of Healthcare and Family
16 Services.

17 (b) The team-based model of care ~~system~~ shall include, at
18 ~~reimburse for a minimum, of~~ the following services:

19 (1) Outreach services that recruit trauma-exposed
20 adults into the system and develop supportive
21 relationships with them based on lived experience in their
22 communities. Outreach services include both services to
23 support impacted individuals and group services that
24 reduce violence between groups that need conflict
25 resolution.

26 (2) Case management and community support services

1 that provide stabilization to individuals recovering from
2 chronic exposure to firearm violence, including group
3 cognitive behavior therapy sessions and other
4 evidence-based interventions that promote behavioral
5 change.

6 (3) Group and individual therapy that addresses
7 underlying mental health conditions associated with
8 post-traumatic stress disorder, depression, anxiety,
9 substance use disorders, intermittent explosive disorder,
10 oppositional defiant disorder, attention deficit
11 hyperactivity disorder, and other mental conditions as a
12 result of chronic trauma.

13 (4) Services deemed necessary for the effective
14 integration of paragraphs (1), (2), and (3).

15 (c) The Department of Healthcare and Family Services is
16 authorized to ensure that different types of providers
17 delivering violence prevention services under the model of
18 care operated in a manner consistent with evidence-based and
19 evidence-informed practices. The Department of Healthcare and
20 Family Services shall develop a reimbursement methodologies
21 that account for differences among provider types methodology.

22 (d) On or before October 1, 2023, the Department of
23 Healthcare and Family Services and Department of Human
24 Services shall create and execute a joint Background Check
25 Waiver Process, limiting the disqualifying offenses, for Peer
26 Support Workers who provide such services.

1 (Source: P.A. 102-16, eff. 6-17-21.)

2 ARTICLE 95.

3 Section 95-1. Short title. This Article may be cited as
4 the Smart Start Illinois Act. References in this Article to
5 "this Act" mean this Article.

6 Section 95-5. Findings. The General Assembly makes the
7 following findings:

8 (1) Early childhood education and care is an essential
9 part of our State's economy and infrastructure, providing
10 the backbone that allows for parents and guardians to seek
11 and maintain employment in industries across the State.

12 (2) Further, research shows that participation in
13 quality early childhood education and care supports
14 children's development, serves as a protective factor from
15 trauma, increases school readiness, lowers future health
16 care costs, and increases employment options and earnings.

17 (3) The State of Illinois funds early childhood
18 education programs through the Illinois State Board of
19 Education and the Department of Human Services for
20 families seeking services aimed at improving the early
21 development of children from the prenatal stage to 5 years
22 of age. Similar programs are also licensed by the
23 Department of Children and Family Services.

1 (4) These agencies administer evidence-based
2 home-visiting programs with doula enhancements, Early
3 Intervention services, the Prevention Initiative program,
4 the Preschool for All program, and the Child Care
5 Assistance Program.

6 (5) The cost to provide child care and early learning
7 in the private market in Illinois is more than parents can
8 afford, as it is more expensive in many communities than
9 the cost of annual tuition and fees at a 4-year
10 postsecondary institution.

11 (6) Child care providers' revenues are insufficient,
12 only allowing child care providers to pay minimum wage.
13 That is less than 98% of all other jobs in the economy.

14 (7) Workforce compensation in other early childhood
15 programs is also not adequate to attract and retain
16 qualified staff. This problem is especially acute for
17 those working with infants and toddlers.

18 (8) Illinois faces an early childhood educator
19 workforce shortage, which stifles and artificially limits
20 the supply of early childhood programs necessary for
21 parents and guardians to go to work and school, thereby
22 stifling economic growth in the State to an estimated cost
23 of \$2,400,000,000 annually. This is especially true for
24 mothers, who often decide to stay home due to the
25 exorbitant cost and inaccessibility of care.

26 (9) Illinois also faces a shortage of high-quality

1 early childhood education and care options in communities
2 across the State, limiting access to services for
3 families. The shortage is particularly acute for
4 infant-toddler care, as there is only capacity for 17.4%
5 of the State's infants and toddlers within licensed child
6 care facilities.

7 (10) In recent years, the State of Illinois has
8 expanded access to the Child Care Assistance Program by
9 raising the income eligibility threshold and making
10 program policies more inclusive and has supported provider
11 sustainability by significantly raising Child Care
12 Assistance Program reimbursement rates. In addition, the
13 State of Illinois has invested over \$1,000,000,000 in
14 federal pandemic relief funding in child care service
15 providers to ensure that they could remain open and serve
16 families and children in their communities during the
17 COVID-19 pandemic and beyond, and so that staff could
18 continue to be paid.

19 (11) However, beyond these federal relief funds,
20 current public levers are unable to sustainably address
21 the early childhood educator workforce shortage or the
22 inadequate early childhood education and care supply to
23 meet parent and guardian needs. Child care providers need
24 stable, predictable, and sufficient revenues to pay
25 attractive wages without increasing costs for families.

26 (12) Any investment to address the early childhood

1 educator workforce shortage and to support program quality
2 must be developed and implemented in close partnership
3 with the educators and child care providers who would be
4 directly impacted, as has been done to date via the Child
5 Care Advisory Council, the Illinois Early Learning
6 Council, Raising Illinois, We, the Village, Birth to Five
7 Illinois Action Councils, Illinois Child Care for All,
8 focus groups, and other stakeholder engagement efforts.

9 (13) Any investment to address the early childhood
10 educator workforce shortage and to support program quality
11 must prioritize fiscal accountability and provider
12 accessibility.

13 (14) Smart Start Illinois is an effort to expand early
14 childhood education and care services statewide with a
15 focus on services aimed at the prenatal stage of
16 development through 5 years of age.

17 (15) Smart Start Illinois aims to eliminate preschool
18 deserts, make quality child care more affordable and
19 accessible, and increase access to evidence-based
20 home-visiting services with doula enhancements and Early
21 Intervention services.

22 Section 95-10. Smart Start Child Care Workforce
23 Compensation Program.

24 (a) The Department of Human Services shall create and
25 establish the Smart Start Child Care Workforce Compensation

1 Program. The purpose of the Smart Start Child Care Workforce
2 Compensation Program is to invest in early childhood education
3 and care service providers, including, but not limited to,
4 providers participating in the Child Care Assistance Program;
5 to expand the supply of high-quality early childhood education
6 and care; and to create a strong and stable early childhood
7 education and care system with attractive wages, high-quality
8 services, and affordable cost.

9 (b) The purpose of the Smart Start Child Care Workforce
10 Compensation Program is to stabilize community-based early
11 childhood education and care service providers, raise the
12 wages of early childhood educators, and support quality
13 enhancements that can position service providers to
14 participate in other public funding streams, such as Preschool
15 for All, in order to further enhance and expand quality
16 service delivery.

17 (c) Subject to appropriation, the Department of Human
18 Services shall implement the Smart Start Child Care Workforce
19 Compensation Program for eligible licensed day care centers,
20 licensed day care homes, and licensed group day care homes by
21 October 1, 2024, or as soon as practicable, following
22 completion of a planning and transition year. By October 1,
23 2025, or as soon as practicable, and for each year thereafter,
24 subject to appropriation, the Department of Human Services
25 shall continue to operate the Smart Start Child Care Workforce
26 Compensation Program annually with all licensed day care

1 centers and licensed day care homes, and licensed group day
2 care homes that meet eligibility requirements. The Smart Start
3 Child Care Workforce Compensation Program shall operate
4 separately from and shall not supplant the Child Care
5 Assistance Program as provided for in Section 9A-11 of the
6 Illinois Public Aid Code.

7 (d) The Department of Human Services shall adopt
8 administrative rules by October 1, 2024, to facilitate
9 administration of the Smart Start Child Care Workforce
10 Compensation Program, including, but not limited to,
11 provisions for program eligibility, the application and
12 funding calculation process, eligible expenses, required wage
13 floors, and requirements for financial and personnel reporting
14 and monitoring requirements. Eligibility and funding
15 provisions shall be based on appropriation and a current model
16 of the cost to provide child care services by a licensed child
17 care center or licensed family child care home.

18 Section 95-15. Stakeholder involvement in program
19 development and implementation. The Child Care Advisory
20 Council, or a committee of the Council, with representation
21 from Raising Illinois, We, the Village, Birth to Five Illinois
22 Action Councils, and Illinois Child Care for All, shall
23 convene prior to July 1, 2023, and at least quarterly
24 thereafter through June 30, 2025, to inform the development
25 and implementation of the Smart Start Child Care Workforce

1 Compensation Program.

2 Section 95-900. The Illinois Public Aid Code is amended by
3 changing Section 9A-11 as follows:

4 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

5 Sec. 9A-11. Child care.

6 (a) The General Assembly recognizes that families with
7 children need child care in order to work. Child care is
8 expensive and families with limited access to economic
9 resources ~~low incomes~~, including those who are transitioning
10 from welfare to work, often struggle to pay the costs of day
11 care. The General Assembly understands the importance of
12 helping ~~low income~~ working families with limited access to
13 economic resources become and remain self-sufficient. The
14 General Assembly also believes that it is the responsibility
15 of families to share in the costs of child care. It is also the
16 preference of the General Assembly that all working ~~poor~~
17 families with limited access to economic resources should be
18 treated equally, regardless of their welfare status.

19 (b) To the extent resources permit, the Illinois
20 Department shall provide child care services to parents or
21 other relatives as defined by rule who are working or
22 participating in employment or Department approved education
23 or training programs. At a minimum, the Illinois Department
24 shall cover the following categories of families:

1 (1) recipients of TANF under Article IV participating
2 in work and training activities as specified in the
3 personal plan for employment and self-sufficiency;

4 (2) families transitioning from TANF to work;

5 (3) families at risk of becoming recipients of TANF;

6 (4) families with special needs as defined by rule;

7 (5) working families with very low incomes as defined
8 by rule;

9 (6) families that are not recipients of TANF and that
10 need child care assistance to participate in education and
11 training activities;

12 (7) youth in care, as defined in Section 4d of the
13 Children and Family Services Act, who are parents,
14 regardless of income or whether they are working or
15 participating in Department-approved employment or
16 education or training programs. Any family that receives
17 child care assistance in accordance with this paragraph
18 shall receive one additional 12-month child care
19 eligibility period after the parenting youth in care's
20 case with the Department of Children and Family Services
21 is closed, regardless of income or whether the parenting
22 youth in care is working or participating in
23 Department-approved employment or education or training
24 programs;

25 (8) families receiving Extended Family Support Program
26 services from the Department of Children and Family

1 Services, regardless of income or whether they are working
2 or participating in Department-approved employment or
3 education or training programs; and

4 (9) families with children under the age of 5 who have
5 an open intact family services case with the Department of
6 Children and Family Services. Any family that receives
7 child care assistance in accordance with this paragraph
8 shall remain eligible for child care assistance 6 months
9 after the child's intact family services case is closed,
10 regardless of whether the child's parents or other
11 relatives as defined by rule are working or participating
12 in Department approved employment or education or training
13 programs. The Department of Human Services, in
14 consultation with the Department of Children and Family
15 Services, shall adopt rules to protect the privacy of
16 families who are the subject of an open intact family
17 services case when such families enroll in child care
18 services. Additional rules shall be adopted to offer
19 children who have an open intact family services case the
20 opportunity to receive an Early Intervention screening and
21 other services that their families may be eligible for as
22 provided by the Department of Human Services.

23 Beginning October 1, 2023, and every October 1 thereafter,
24 the Department of Children and Family Services shall report to
25 the General Assembly on the number of children who received
26 child care via vouchers paid for by the Department of Children

1 and Family Services during the preceding fiscal year. The
2 report shall include the ages of children who received child
3 care, the type of child care they received, and the number of
4 months they received child care.

5 The Department shall specify by rule the conditions of
6 eligibility, the application process, and the types, amounts,
7 and duration of services. Eligibility for child care benefits
8 and the amount of child care provided may vary based on family
9 size, income, and other factors as specified by rule.

10 The Department shall update the Child Care Assistance
11 Program Eligibility Calculator posted on its website to
12 include a question on whether a family is applying for child
13 care assistance for the first time or is applying for a
14 redetermination of eligibility.

15 A family's eligibility for child care services shall be
16 redetermined no sooner than 12 months following the initial
17 determination or most recent redetermination. During the
18 12-month periods, the family shall remain eligible for child
19 care services regardless of (i) a change in family income,
20 unless family income exceeds 85% of State median income, or
21 (ii) a temporary change in the ongoing status of the parents or
22 other relatives, as defined by rule, as working or attending a
23 job training or educational program.

24 In determining income eligibility for child care benefits,
25 the Department annually, at the beginning of each fiscal year,
26 shall establish, by rule, one income threshold for each family

1 size, in relation to percentage of State median income for a
2 family of that size, that makes families with incomes below
3 the specified threshold eligible for assistance and families
4 with incomes above the specified threshold ineligible for
5 assistance. Through and including fiscal year 2007, the
6 specified threshold must be no less than 50% of the
7 then-current State median income for each family size.
8 Beginning in fiscal year 2008, the specified threshold must be
9 no less than 185% of the then-current federal poverty level
10 for each family size. Notwithstanding any other provision of
11 law or administrative rule to the contrary, beginning in
12 fiscal year 2019, the specified threshold for working families
13 with very low incomes as defined by rule must be no less than
14 185% of the then-current federal poverty level for each family
15 size. Notwithstanding any other provision of law or
16 administrative rule to the contrary, beginning in State fiscal
17 year 2022 through State fiscal year 2023, the specified income
18 threshold shall be no less than 200% of the then-current
19 federal poverty level for each family size. Beginning in State
20 fiscal year 2024, the specified income threshold shall be no
21 less than 225% of the then-current federal poverty level for
22 each family size.

23 In determining eligibility for assistance, the Department
24 shall not give preference to any category of recipients or
25 give preference to individuals based on their receipt of
26 benefits under this Code.

1 Nothing in this Section shall be construed as conferring
2 entitlement status to eligible families.

3 The Illinois Department is authorized to lower income
4 eligibility ceilings, raise parent co-payments, create waiting
5 lists, or take such other actions during a fiscal year as are
6 necessary to ensure that child care benefits paid under this
7 Article do not exceed the amounts appropriated for those child
8 care benefits. These changes may be accomplished by emergency
9 rule under Section 5-45 of the Illinois Administrative
10 Procedure Act, except that the limitation on the number of
11 emergency rules that may be adopted in a 24-month period shall
12 not apply.

13 The Illinois Department may contract with other State
14 agencies or child care organizations for the administration of
15 child care services.

16 (c) Payment shall be made for child care that otherwise
17 meets the requirements of this Section and applicable
18 standards of State and local law and regulation, including any
19 requirements the Illinois Department promulgates by rule in
20 addition to the licensure requirements promulgated by the
21 Department of Children and Family Services and Fire Prevention
22 and Safety requirements promulgated by the Office of the State
23 Fire Marshal, and is provided in any of the following:

24 (1) a child care center which is licensed or exempt
25 from licensure pursuant to Section 2.09 of the Child Care
26 Act of 1969;

1 (2) a licensed child care home or home exempt from
2 licensing;

3 (3) a licensed group child care home;

4 (4) other types of child care, including child care
5 provided by relatives or persons living in the same home
6 as the child, as determined by the Illinois Department by
7 rule.

8 (c-5) Solely for the purposes of coverage under the
9 Illinois Public Labor Relations Act, child and day care home
10 providers, including licensed and license exempt,
11 participating in the Department's child care assistance
12 program shall be considered to be public employees and the
13 State of Illinois shall be considered to be their employer as
14 of January 1, 2006 (the effective date of Public Act 94-320),
15 but not before. The State shall engage in collective
16 bargaining with an exclusive representative of child and day
17 care home providers participating in the child care assistance
18 program concerning their terms and conditions of employment
19 that are within the State's control. Nothing in this
20 subsection shall be understood to limit the right of families
21 receiving services defined in this Section to select child and
22 day care home providers or supervise them within the limits of
23 this Section. The State shall not be considered to be the
24 employer of child and day care home providers for any purposes
25 not specifically provided in Public Act 94-320, including, but
26 not limited to, purposes of vicarious liability in tort and

1 purposes of statutory retirement or health insurance benefits.
2 Child and day care home providers shall not be covered by the
3 State Employees Group Insurance Act of 1971.

4 In according child and day care home providers and their
5 selected representative rights under the Illinois Public Labor
6 Relations Act, the State intends that the State action
7 exemption to application of federal and State antitrust laws
8 be fully available to the extent that their activities are
9 authorized by Public Act 94-320.

10 (d) The Illinois Department shall establish, by rule, a
11 co-payment scale that provides for cost sharing by families
12 that receive child care services, including parents whose only
13 income is from assistance under this Code. The co-payment
14 shall be based on family income and family size and may be
15 based on other factors as appropriate. Co-payments may be
16 waived for families whose incomes are at or below the federal
17 poverty level.

18 (d-5) The Illinois Department, in consultation with its
19 Child Care and Development Advisory Council, shall develop a
20 plan to revise the child care assistance program's co-payment
21 scale. The plan shall be completed no later than February 1,
22 2008, and shall include:

23 (1) findings as to the percentage of income that the
24 average American family spends on child care and the
25 relative amounts that low-income families and the average
26 American family spend on other necessities of life;

1 (2) recommendations for revising the child care
2 co-payment scale to assure that families receiving child
3 care services from the Department are paying no more than
4 they can reasonably afford;

5 (3) recommendations for revising the child care
6 co-payment scale to provide at-risk children with complete
7 access to Preschool for All and Head Start; and

8 (4) recommendations for changes in child care program
9 policies that affect the affordability of child care.

10 (e) (Blank).

11 (f) The Illinois Department shall, by rule, set rates to
12 be paid for the various types of child care. Child care may be
13 provided through one of the following methods:

14 (1) arranging the child care through eligible
15 providers by use of purchase of service contracts or
16 vouchers;

17 (2) arranging with other agencies and community
18 volunteer groups for non-reimbursed child care;

19 (3) (blank); or

20 (4) adopting such other arrangements as the Department
21 determines appropriate.

22 (f-1) Within 30 days after June 4, 2018 (the effective
23 date of Public Act 100-587), the Department of Human Services
24 shall establish rates for child care providers that are no
25 less than the rates in effect on January 1, 2018 increased by
26 4.26%.

1 (f-5) (Blank).

2 (g) Families eligible for assistance under this Section
3 shall be given the following options:

4 (1) receiving a child care certificate issued by the
5 Department or a subcontractor of the Department that may
6 be used by the parents as payment for child care and
7 development services only; or

8 (2) if space is available, enrolling the child with a
9 child care provider that has a purchase of service
10 contract with the Department or a subcontractor of the
11 Department for the provision of child care and development
12 services. The Department may identify particular priority
13 populations for whom they may request special
14 consideration by a provider with purchase of service
15 contracts, provided that the providers shall be permitted
16 to maintain a balance of clients in terms of household
17 incomes and families and children with special needs, as
18 defined by rule.

19 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
20 102-491, eff. 8-20-21; 102-813, eff. 5-13-22; 102-926, eff.
21 5-27-22.)

22 ARTICLE 97.

23 Section 97-5. The Business Corporation Act of 1983 is
24 amended by changing Section 15.35 as follows:

1 (805 ILCS 5/15.35) (from Ch. 32, par. 15.35)

2 (Text of Section from P.A. 102-16)

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

1 merger or consolidation is greater than the sum of the
2 paid-in capital of all of the merged or consolidated
3 corporations as last reported by them in any documents,
4 other than annual reports, required by this Act to be
5 filed in the office of the Secretary of State; and in
6 addition, the surviving or new corporation shall be liable
7 for a further additional franchise tax on the paid-in
8 capital of each of the merged or consolidated corporations
9 as last reported by them in any document, other than an
10 annual report, required by this Act to be filed with the
11 Secretary of State from their taxable year end to the next
12 succeeding anniversary month or, in the case of a
13 corporation which has established an extended filing
14 month, the extended filing month of the surviving or new
15 corporation; however if the taxable year ends within the
16 2-month period immediately preceding the anniversary month
17 or, in the case of a corporation which has established an
18 extended filing month, the extended filing month of the
19 surviving or new corporation the tax will be computed to
20 the anniversary month or, in the case of a corporation
21 which has established an extended filing month, the
22 extended filing month of the surviving or new corporation
23 in the next succeeding calendar year.

24 (d) An annual franchise tax payable each year with the
25 annual report which the corporation is required by this
26 Act to file.

1 On or after January 1, 2020 and prior to January 1, 2021,
2 the first \$30 in liability is exempt from the tax imposed under
3 this Section. On or after January 1, 2021, and prior to January
4 1, 2024, the first \$1,000 in liability is exempt from the tax
5 imposed under this Section. On or after January 1, 2024, the
6 first \$5,000 in liability is exempt from the tax imposed under
7 this Section.

8 (Source: P.A. 101-9, eff. 6-5-19; 102-16, eff. 6-17-21.)

9 (Text of Section from P.A. 102-282)

10 Sec. 15.35. Franchise taxes payable by domestic
11 corporations. For the privilege of exercising its franchises
12 in this State, each domestic corporation shall pay to the
13 Secretary of State the following franchise taxes, computed on
14 the basis, at the rates and for the periods prescribed in this
15 Act:

16 (a) An initial franchise tax at the time of filing its
17 first report of issuance of shares.

18 (b) An additional franchise tax at the time of filing
19 (1) a report of the issuance of additional shares, or (2) a
20 report of an increase in paid-in capital without the
21 issuance of shares, or (3) an amendment to the articles of
22 incorporation or a report of cumulative changes in paid-in
23 capital, whenever any amendment or such report discloses
24 an increase in its paid-in capital over the amount thereof
25 last reported in any document, other than an annual

1 report, interim annual report or final transition annual
2 report required by this Act to be filed in the office of
3 the Secretary of State.

4 (c) An additional franchise tax at the time of filing
5 a report of paid-in capital following a statutory merger
6 or consolidation, which discloses that the paid-in capital
7 of the surviving or new corporation immediately after the
8 merger or consolidation is greater than the sum of the
9 paid-in capital of all of the merged or consolidated
10 corporations as last reported by them in any documents,
11 other than annual reports, required by this Act to be
12 filed in the office of the Secretary of State; and in
13 addition, the surviving or new corporation shall be liable
14 for a further additional franchise tax on the paid-in
15 capital of each of the merged or consolidated corporations
16 as last reported by them in any document, other than an
17 annual report, required by this Act to be filed with the
18 Secretary of State from their taxable year end to the next
19 succeeding anniversary month or, in the case of a
20 corporation which has established an extended filing
21 month, the extended filing month of the surviving or new
22 corporation; however if the taxable year ends within the
23 2-month period immediately preceding the anniversary month
24 or, in the case of a corporation which has established an
25 extended filing month, the extended filing month of the
26 surviving or new corporation the tax will be computed to

1 the anniversary month or, in the case of a corporation
2 which has established an extended filing month, the
3 extended filing month of the surviving or new corporation
4 in the next succeeding calendar year.

5 (d) An annual franchise tax payable each year with the
6 annual report which the corporation is required by this
7 Act to file.

8 On or after January 1, 2020 and prior to January 1, 2021,
9 the first \$30 in liability is exempt from the tax imposed under
10 this Section. On or after January 1, 2021 and prior to January
11 1, 2024 ~~2022~~, the first \$1,000 in liability is exempt from the
12 tax imposed under this Section. On or after January 1, 2024,
13 the first \$5,000 in liability is exempt from the tax imposed
14 under this Section. ~~On or after January 1, 2022 and prior to~~
15 ~~January 1, 2023, the first \$10,000 in liability is exempt from~~
16 ~~the tax imposed under this Section. On or after January 1, 2023~~
17 ~~and prior to January 1, 2024, the first \$100,000 in liability~~
18 ~~is exempt from the tax imposed under this Section. The~~
19 ~~provisions of this Section shall not require the payment of~~
20 ~~any franchise tax that would otherwise have been due and~~
21 ~~payable on or after January 1, 2024. There shall be no refunds~~
22 ~~or proration of franchise tax for any taxes due and payable on~~
23 ~~or after January 1, 2024 on the basis that a portion of the~~
24 ~~corporation's taxable year extends beyond January 1, 2024.~~
25 ~~Public Act 101-9 shall not affect any right accrued or~~
26 ~~established, or any liability or penalty incurred prior to~~

1 ~~January 1, 2024.~~

2 ~~This Section is repealed on December 31, 2024.~~

3 (Source: P.A. 101-9, eff. 6-5-19; 102-282, eff. 1-1-22.)

4 (Text of Section from P.A. 102-558)

5 Sec. 15.35. Franchise taxes payable by domestic
6 corporations. For the privilege of exercising its franchises
7 in this State, each domestic corporation shall pay to the
8 Secretary of State the following franchise taxes, computed on
9 the basis, at the rates and for the periods prescribed in this
10 Act:

11 (a) An initial franchise tax at the time of filing its
12 first report of issuance of shares.

13 (b) An additional franchise tax at the time of filing
14 (1) a report of the issuance of additional shares, or (2) a
15 report of an increase in paid-in capital without the
16 issuance of shares, or (3) an amendment to the articles of
17 incorporation or a report of cumulative changes in paid-in
18 capital, whenever any amendment or such report discloses
19 an increase in its paid-in capital over the amount thereof
20 last reported in any document, other than an annual
21 report, interim annual report or final transition annual
22 report required by this Act to be filed in the office of
23 the Secretary of State.

24 (c) An additional franchise tax at the time of filing
25 a report of paid-in capital following a statutory merger

1 or consolidation, which discloses that the paid-in capital
2 of the surviving or new corporation immediately after the
3 merger or consolidation is greater than the sum of the
4 paid-in capital of all of the merged or consolidated
5 corporations as last reported by them in any documents,
6 other than annual reports, required by this Act to be
7 filed in the office of the Secretary of State; and in
8 addition, the surviving or new corporation shall be liable
9 for a further additional franchise tax on the paid-in
10 capital of each of the merged or consolidated corporations
11 as last reported by them in any document, other than an
12 annual report, required by this Act to be filed with the
13 Secretary of State from their taxable year end to the next
14 succeeding anniversary month or, in the case of a
15 corporation which has established an extended filing
16 month, the extended filing month of the surviving or new
17 corporation; however if the taxable year ends within the
18 2-month period immediately preceding the anniversary month
19 or, in the case of a corporation which has established an
20 extended filing month, the extended filing month of the
21 surviving or new corporation the tax will be computed to
22 the anniversary month or, in the case of a corporation
23 which has established an extended filing month, the
24 extended filing month of the surviving or new corporation
25 in the next succeeding calendar year.

26 (d) An annual franchise tax payable each year with the

1 annual report which the corporation is required by this
2 Act to file.

3 On or after January 1, 2020 and prior to January 1, 2021,
4 the first \$30 in liability is exempt from the tax imposed under
5 this Section. On or after January 1, 2021 and prior to January
6 1, ~~2024~~ 2022, the first \$1,000 in liability is exempt from the
7 tax imposed under this Section. On or after January 1, 2024,
8 the first \$5,000 in liability is exempt from the tax imposed
9 under this Section. ~~On or after January 1, 2022 and prior to~~
10 ~~January 1, 2023, the first \$10,000 in liability is exempt from~~
11 ~~the tax imposed under this Section. On or after January 1, 2023~~
12 ~~and prior to January 1, 2024, the first \$100,000 in liability~~
13 ~~is exempt from the tax imposed under this Section. The~~
14 ~~provisions of this Section shall not require the payment of~~
15 ~~any franchise tax that would otherwise have been due and~~
16 ~~payable on or after January 1, 2024. There shall be no refunds~~
17 ~~or proration of franchise tax for any taxes due and payable on~~
18 ~~or after January 1, 2024 on the basis that a portion of the~~
19 ~~corporation's taxable year extends beyond January 1, 2024.~~
20 ~~Public Act 101-9 shall not affect any right accrued or~~
21 ~~established, or any liability or penalty incurred prior to~~
22 ~~January 1, 2024.~~

23 ~~This Section is repealed on December 31, 2025.~~

24 (Source: P.A. 101-9, eff. 6-5-19; 102-558, eff. 8-20-21.)

1 Section 98-5. The Illinois Vehicle Code is amended by
2 changing Sections 2-119, 2-123, 3-821, and 6-118 as follows:

3 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

4 Sec. 2-119. Disposition of fees and taxes.

5 (a) All moneys received from Salvage Certificates shall be
6 deposited in the Common School Fund in the State Treasury.

7 (b) Of the money collected for each certificate of title,
8 duplicate certificate of title, and corrected certificate of
9 title:

10 (1) \$2.60 shall be deposited in the Park and
11 Conservation Fund;

12 (2) \$0.65 shall be deposited in the Illinois Fisheries
13 Management Fund;

14 (3) \$48 shall be disbursed under subsection (g) of
15 this Section;

16 (4) \$4 shall be deposited into the Motor Vehicle
17 License Plate Fund; ~~and~~

18 (5) \$30 shall be deposited into the Capital Projects
19 Fund; ~~and~~.

20 (6) \$10 shall be deposited into the Secretary of State
21 Special Services Fund.

22 All remaining moneys collected for certificates of title,
23 and all moneys collected for filing of security interests,
24 shall be deposited in the General Revenue Fund.

1 The \$20 collected for each delinquent vehicle registration
2 renewal fee shall be deposited into the General Revenue Fund.

3 The moneys deposited in the Park and Conservation Fund
4 under this Section shall be used for the acquisition and
5 development of bike paths as provided for in Section 805-420
6 of the Department of Natural Resources (Conservation) Law of
7 the Civil Administrative Code of Illinois. The moneys
8 deposited into the Park and Conservation Fund under this
9 subsection shall not be subject to administrative charges or
10 chargebacks, unless otherwise authorized by this Code.

11 If the balance in the Motor Vehicle License Plate Fund
12 exceeds \$40,000,000 on the last day of a calendar month, then
13 during the next calendar month, the \$4 that otherwise would be
14 deposited in that fund shall instead be deposited into the
15 Road Fund.

16 (c) All moneys collected for that portion of a driver's
17 license fee designated for driver education under Section
18 6-118 shall be placed in the Drivers Education Fund in the
19 State Treasury.

20 (d) Of the moneys collected as a registration fee for each
21 motorcycle, motor driven cycle, and moped, 27% shall be
22 deposited in the Cycle Rider Safety Training Fund.

23 (e) (Blank).

24 (f) Of the total money collected for a commercial
25 learner's permit (CLP) or original or renewal issuance of a
26 commercial driver's license (CDL) pursuant to the Uniform

1 Commercial Driver's License Act (UCDLA): (i) \$6 of the total
2 fee for an original or renewal CDL, and \$6 of the total CLP fee
3 when such permit is issued to any person holding a valid
4 Illinois driver's license, shall be paid into the
5 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License
6 Information System/American Association of Motor Vehicle
7 Administrators network/National Motor Vehicle Title
8 Information Service Trust Fund) and shall be used for the
9 purposes provided in Section 6z-23 of the State Finance Act
10 and (ii) \$20 of the total fee for an original or renewal CDL or
11 CLP shall be paid into the Motor Carrier Safety Inspection
12 Fund, which is hereby created as a special fund in the State
13 Treasury, to be used by the Illinois State Police, subject to
14 appropriation, to hire additional officers to conduct motor
15 carrier safety inspections pursuant to Chapter 18b of this
16 Code.

17 (g) Of the moneys received by the Secretary of State as
18 registration fees or taxes, certificates of title, duplicate
19 certificates of title, corrected certificates of title, or as
20 payment of any other fee under this Code, when those moneys are
21 not otherwise distributed by this Code, 37% shall be deposited
22 into the State Construction Account Fund, and 63% shall be
23 deposited in the Road Fund. Moneys in the Road Fund shall be
24 used for the purposes provided in Section 8.3 of the State
25 Finance Act.

26 (h) (Blank).

1 (i) (Blank).

2 (j) (Blank).

3 (k) There is created in the State Treasury a special fund
4 to be known as the Secretary of State Special License Plate
5 Fund. Money deposited into the Fund shall, subject to
6 appropriation, be used by the Office of the Secretary of State
7 (i) to help defray plate manufacturing and plate processing
8 costs for the issuance and, when applicable, renewal of any
9 new or existing registration plates authorized under this Code
10 and (ii) for grants made by the Secretary of State to benefit
11 Illinois Veterans Home libraries.

12 (l) The Motor Vehicle Review Board Fund is created as a
13 special fund in the State Treasury. Moneys deposited into the
14 Fund under paragraph (7) of subsection (b) of Section 5-101
15 and Section 5-109 shall, subject to appropriation, be used by
16 the Office of the Secretary of State to administer the Motor
17 Vehicle Review Board, including without limitation payment of
18 compensation and all necessary expenses incurred in
19 administering the Motor Vehicle Review Board under the Motor
20 Vehicle Franchise Act.

21 (m) Effective July 1, 1996, there is created in the State
22 Treasury a special fund to be known as the Family
23 Responsibility Fund. Moneys deposited into the Fund shall,
24 subject to appropriation, be used by the Office of the
25 Secretary of State for the purpose of enforcing the Family
26 Financial Responsibility Law.

1 (n) The Illinois Fire Fighters' Memorial Fund is created
2 as a special fund in the State Treasury. Moneys deposited into
3 the Fund shall, subject to appropriation, be used by the
4 Office of the State Fire Marshal for construction of the
5 Illinois Fire Fighters' Memorial to be located at the State
6 Capitol grounds in Springfield, Illinois. Upon the completion
7 of the Memorial, moneys in the Fund shall be used in accordance
8 with Section 3-634.

9 (o) Of the money collected for each certificate of title
10 for all-terrain vehicles and off-highway motorcycles, \$17
11 shall be deposited into the Off-Highway Vehicle Trails Fund.

12 (p) For audits conducted on or after July 1, 2003 pursuant
13 to Section 2-124(d) of this Code, 50% of the money collected as
14 audit fees shall be deposited into the General Revenue Fund.

15 (q) Beginning July 1, 2023, the additional fees imposed by
16 this amendatory Act of the 103rd General Assembly in Sections
17 2-123, 3-821, and 6-118 shall be deposited into the Secretary
18 of State Special Services Fund.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 2-123. Sale and distribution of information.

23 (a) Except as otherwise provided in this Section, the
24 Secretary may make the driver's license, vehicle and title
25 registration lists, in part or in whole, and any statistical

1 information derived from these lists available to local
2 governments, elected state officials, state educational
3 institutions, and all other governmental units of the State
4 and Federal Government requesting them for governmental
5 purposes. The Secretary shall require any such applicant for
6 services to pay for the costs of furnishing such services and
7 the use of the equipment involved, and in addition is
8 empowered to establish prices and charges for the services so
9 furnished and for the use of the electronic equipment
10 utilized.

11 (b) The Secretary is further empowered to and he may, in
12 his discretion, furnish to any applicant, other than listed in
13 subsection (a) of this Section, vehicle or driver data on a
14 computer tape, disk, other electronic format or computer
15 processable medium, or printout at a fixed fee of \$500 ~~\$250 for~~
16 ~~orders received before October 1, 2003 and \$500 for orders~~
17 ~~received on or after October 1, 2003~~, in advance, and require
18 in addition a further sufficient deposit based upon the
19 Secretary of State's estimate of the total cost of the
20 information requested and a charge of \$50 ~~\$25 for orders~~
21 ~~received before October 1, 2003 and \$50 for orders received on~~
22 ~~or after October 1, 2003~~, per 1,000 units or part thereof
23 identified or the actual cost, whichever is greater. The
24 Secretary is authorized to refund any difference between the
25 additional deposit and the actual cost of the request. This
26 service shall not be in lieu of an abstract of a driver's

1 record nor of a title or registration search. This service may
2 be limited to entities purchasing a minimum number of records
3 as required by administrative rule. The information sold
4 pursuant to this subsection shall be the entire vehicle or
5 driver data list, or part thereof. The information sold
6 pursuant to this subsection shall not contain personally
7 identifying information unless the information is to be used
8 for one of the purposes identified in subsection (f-5) of this
9 Section. Commercial purchasers of driver and vehicle record
10 databases shall enter into a written agreement with the
11 Secretary of State that includes disclosure of the commercial
12 use of the information to be purchased.

13 (b-1) The Secretary is further empowered to and may, in
14 his or her discretion, furnish vehicle or driver data on a
15 computer tape, disk, or other electronic format or computer
16 processible medium, at no fee, to any State or local
17 governmental agency that uses the information provided by the
18 Secretary to transmit data back to the Secretary that enables
19 the Secretary to maintain accurate driving records, including
20 dispositions of traffic cases. This information may be
21 provided without fee not more often than once every 6 months.

22 (c) Secretary of State may issue registration lists. The
23 Secretary of State may compile a list of all registered
24 vehicles. Each list of registered vehicles shall be arranged
25 serially according to the registration numbers assigned to
26 registered vehicles and may contain in addition the names and

1 addresses of registered owners and a brief description of each
2 vehicle including the serial or other identifying number
3 thereof. Such compilation may be in such form as in the
4 discretion of the Secretary of State may seem best for the
5 purposes intended.

6 (d) The Secretary of State shall furnish no more than 2
7 current available lists of such registrations to the sheriffs
8 of all counties and to the chiefs of police of all cities and
9 villages and towns of 2,000 population and over in this State
10 at no cost. Additional copies may be purchased by the sheriffs
11 or chiefs of police at the fee of \$500 each or at the cost of
12 producing the list as determined by the Secretary of State.
13 Such lists are to be used for governmental purposes only.

14 (e) (Blank).

15 (e-1) (Blank).

16 (f) The Secretary of State shall make a title or
17 registration search of the records of his office and a written
18 report on the same for any person, upon written application of
19 such person, accompanied by a fee of \$5 for each registration
20 or title search. The written application shall set forth the
21 intended use of the requested information. No fee shall be
22 charged for a title or registration search, or for the
23 certification thereof requested by a government agency. The
24 report of the title or registration search shall not contain
25 personally identifying information unless the request for a
26 search was made for one of the purposes identified in

1 subsection (f-5) of this Section. The report of the title or
2 registration search shall not contain highly restricted
3 personal information unless specifically authorized by this
4 Code.

5 The Secretary of State shall certify a title or
6 registration record upon written request. The fee for
7 certification shall be \$5 in addition to the fee required for a
8 title or registration search. Certification shall be made
9 under the signature of the Secretary of State and shall be
10 authenticated by Seal of the Secretary of State.

11 The Secretary of State may notify the vehicle owner or
12 registrant of the request for purchase of his title or
13 registration information as the Secretary deems appropriate.

14 No information shall be released to the requester until
15 expiration of a 10-day period. This 10-day period shall not
16 apply to requests for information made by law enforcement
17 officials, government agencies, financial institutions,
18 attorneys, insurers, employers, automobile associated
19 businesses, persons licensed as a private detective or firms
20 licensed as a private detective agency under the Private
21 Detective, Private Alarm, Private Security, Fingerprint
22 Vendor, and Locksmith Act of 2004, who are employed by or are
23 acting on behalf of law enforcement officials, government
24 agencies, financial institutions, attorneys, insurers,
25 employers, automobile associated businesses, and other
26 business entities for purposes consistent with the Illinois

1 Vehicle Code, the vehicle owner or registrant or other
2 entities as the Secretary may exempt by rule and regulation.

3 Any misrepresentation made by a requester of title or
4 vehicle information shall be punishable as a petty offense,
5 except in the case of persons licensed as a private detective
6 or firms licensed as a private detective agency which shall be
7 subject to disciplinary sanctions under Section 40-10 of the
8 Private Detective, Private Alarm, Private Security,
9 Fingerprint Vendor, and Locksmith Act of 2004.

10 (f-5) The Secretary of State shall not disclose or
11 otherwise make available to any person or entity any
12 personally identifying information obtained by the Secretary
13 of State in connection with a driver's license, vehicle, or
14 title registration record unless the information is disclosed
15 for one of the following purposes:

16 (1) For use by any government agency, including any
17 court or law enforcement agency, in carrying out its
18 functions, or any private person or entity acting on
19 behalf of a federal, State, or local agency in carrying
20 out its functions.

21 (2) For use in connection with matters of motor
22 vehicle or driver safety and theft; motor vehicle
23 emissions; motor vehicle product alterations, recalls, or
24 advisories; performance monitoring of motor vehicles,
25 motor vehicle parts, and dealers; and removal of non-owner
26 records from the original owner records of motor vehicle

1 manufacturers.

2 (3) For use in the normal course of business by a
3 legitimate business or its agents, employees, or
4 contractors, but only:

5 (A) to verify the accuracy of personal information
6 submitted by an individual to the business or its
7 agents, employees, or contractors; and

8 (B) if such information as so submitted is not
9 correct or is no longer correct, to obtain the correct
10 information, but only for the purposes of preventing
11 fraud by, pursuing legal remedies against, or
12 recovering on a debt or security interest against, the
13 individual.

14 (4) For use in research activities and for use in
15 producing statistical reports, if the personally
16 identifying information is not published, redisclosed, or
17 used to contact individuals.

18 (5) For use in connection with any civil, criminal,
19 administrative, or arbitral proceeding in any federal,
20 State, or local court or agency or before any
21 self-regulatory body, including the service of process,
22 investigation in anticipation of litigation, and the
23 execution or enforcement of judgments and orders, or
24 pursuant to an order of a federal, State, or local court.

25 (6) For use by any insurer or insurance support
26 organization or by a self-insured entity or its agents,

1 employees, or contractors in connection with claims
2 investigation activities, antifraud activities, rating, or
3 underwriting.

4 (7) For use in providing notice to the owners of towed
5 or impounded vehicles.

6 (8) For use by any person licensed as a private
7 detective or firm licensed as a private detective agency
8 under the Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004,
10 private investigative agency or security service licensed
11 in Illinois for any purpose permitted under this
12 subsection.

13 (9) For use by an employer or its agent or insurer to
14 obtain or verify information relating to a holder of a
15 commercial driver's license that is required under chapter
16 313 of title 49 of the United States Code.

17 (10) For use in connection with the operation of
18 private toll transportation facilities.

19 (11) For use by any requester, if the requester
20 demonstrates it has obtained the written consent of the
21 individual to whom the information pertains.

22 (12) For use by members of the news media, as defined
23 in Section 1-148.5, for the purpose of newsgathering when
24 the request relates to the operation of a motor vehicle or
25 public safety.

26 (13) For any other use specifically authorized by law,

1 if that use is related to the operation of a motor vehicle
2 or public safety.

3 (f-6) The Secretary of State shall not disclose or
4 otherwise make available to any person or entity any highly
5 restricted personal information obtained by the Secretary of
6 State in connection with a driver's license, vehicle, or title
7 registration record unless specifically authorized by this
8 Code.

9 (g) 1. The Secretary of State may, upon receipt of a
10 written request and a fee as set forth in Section 6-118,
11 furnish to the person or agency so requesting a driver's
12 record or data contained therein. Such document may include a
13 record of: current driver's license issuance information,
14 except that the information on judicial driving permits shall
15 be available only as otherwise provided by this Code;
16 convictions; orders entered revoking, suspending or cancelling
17 a driver's license or privilege; and notations of accident
18 involvement. All other information, unless otherwise permitted
19 by this Code, shall remain confidential. Information released
20 pursuant to a request for a driver's record shall not contain
21 personally identifying information, unless the request for the
22 driver's record was made for one of the purposes set forth in
23 subsection (f-5) of this Section. The Secretary of State may,
24 without fee, allow a parent or guardian of a person under the
25 age of 18 years, who holds an instruction permit or graduated
26 driver's license, to view that person's driving record online,

1 through a computer connection. The parent or guardian's online
2 access to the driving record will terminate when the
3 instruction permit or graduated driver's license holder
4 reaches the age of 18.

5 2. The Secretary of State shall not disclose or otherwise
6 make available to any person or entity any highly restricted
7 personal information obtained by the Secretary of State in
8 connection with a driver's license, vehicle, or title
9 registration record unless specifically authorized by this
10 Code. The Secretary of State may certify an abstract of a
11 driver's record upon written request therefor. Such
12 certification shall be made under the signature of the
13 Secretary of State and shall be authenticated by the Seal of
14 his office.

15 3. All requests for driving record information shall be
16 made in a manner prescribed by the Secretary and shall set
17 forth the intended use of the requested information.

18 The Secretary of State may notify the affected driver of
19 the request for purchase of his driver's record as the
20 Secretary deems appropriate.

21 No information shall be released to the requester until
22 expiration of a 10-day period. This 10-day period shall not
23 apply to requests for information made by law enforcement
24 officials, government agencies, financial institutions,
25 attorneys, insurers, employers, automobile associated
26 businesses, persons licensed as a private detective or firms

1 licensed as a private detective agency under the Private
2 Detective, Private Alarm, Private Security, Fingerprint
3 Vendor, and Locksmith Act of 2004, who are employed by or are
4 acting on behalf of law enforcement officials, government
5 agencies, financial institutions, attorneys, insurers,
6 employers, automobile associated businesses, and other
7 business entities for purposes consistent with the Illinois
8 Vehicle Code, the affected driver or other entities as the
9 Secretary may exempt by rule and regulation.

10 Any misrepresentation made by a requester of driver
11 information shall be punishable as a petty offense, except in
12 the case of persons licensed as a private detective or firms
13 licensed as a private detective agency which shall be subject
14 to disciplinary sanctions under Section 40-10 of the Private
15 Detective, Private Alarm, Private Security, Fingerprint
16 Vendor, and Locksmith Act of 2004.

17 4. The Secretary of State may furnish without fee, upon
18 the written request of a law enforcement agency, any
19 information from a driver's record on file with the Secretary
20 of State when such information is required in the enforcement
21 of this Code or any other law relating to the operation of
22 motor vehicles, including records of dispositions; documented
23 information involving the use of a motor vehicle; whether such
24 individual has, or previously had, a driver's license; and the
25 address and personal description as reflected on said driver's
26 record.

1 5. Except as otherwise provided in this Section, the
2 Secretary of State may furnish, without fee, information from
3 an individual driver's record on file, if a written request
4 therefor is submitted by any public transit system or
5 authority, public defender, law enforcement agency, a state or
6 federal agency, or an Illinois local intergovernmental
7 association, if the request is for the purpose of a background
8 check of applicants for employment with the requesting agency,
9 or for the purpose of an official investigation conducted by
10 the agency, or to determine a current address for the driver so
11 public funds can be recovered or paid to the driver, or for any
12 other purpose set forth in subsection (f-5) of this Section.

13 The Secretary may also furnish the courts a copy of an
14 abstract of a driver's record, without fee, subsequent to an
15 arrest for a violation of Section 11-501 or a similar
16 provision of a local ordinance. Such abstract may include
17 records of dispositions; documented information involving the
18 use of a motor vehicle as contained in the current file;
19 whether such individual has, or previously had, a driver's
20 license; and the address and personal description as reflected
21 on said driver's record.

22 6. Any certified abstract issued by the Secretary of State
23 or transmitted electronically by the Secretary of State
24 pursuant to this Section, to a court or on request of a law
25 enforcement agency, for the record of a named person as to the
26 status of the person's driver's license shall be prima facie

1 evidence of the facts therein stated and if the name appearing
2 in such abstract is the same as that of a person named in an
3 information or warrant, such abstract shall be prima facie
4 evidence that the person named in such information or warrant
5 is the same person as the person named in such abstract and
6 shall be admissible for any prosecution under this Code and be
7 admitted as proof of any prior conviction or proof of records,
8 notices, or orders recorded on individual driving records
9 maintained by the Secretary of State.

10 7. Subject to any restrictions contained in the Juvenile
11 Court Act of 1987, and upon receipt of a proper request and a
12 fee as set forth in Section 6-118, the Secretary of State shall
13 provide a driver's record or data contained therein to the
14 affected driver, or the affected driver's attorney, upon
15 verification. Such record shall contain all the information
16 referred to in paragraph 1 of this subsection (g) plus: any
17 recorded accident involvement as a driver; information
18 recorded pursuant to subsection (e) of Section 6-117 and
19 paragraph (4) of subsection (a) of Section 6-204 of this Code.
20 All other information, unless otherwise permitted by this
21 Code, shall remain confidential.

22 (h) The Secretary shall not disclose social security
23 numbers or any associated information obtained from the Social
24 Security Administration except pursuant to a written request
25 by, or with the prior written consent of, the individual
26 except: (1) to officers and employees of the Secretary who

1 have a need to know the social security numbers in performance
2 of their official duties, (2) to law enforcement officials for
3 a civil or criminal law enforcement investigation, and if an
4 officer of the law enforcement agency has made a written
5 request to the Secretary specifying the law enforcement
6 investigation for which the social security numbers are being
7 sought, though the Secretary retains the right to require
8 additional verification regarding the validity of the request,
9 (3) to the United States Department of Transportation, or any
10 other State, pursuant to the administration and enforcement of
11 the Commercial Motor Vehicle Safety Act of 1986 or
12 participation in State-to-State verification service, (4)
13 pursuant to the order of a court of competent jurisdiction,
14 (5) to the Department of Healthcare and Family Services
15 (formerly Department of Public Aid) for utilization in the
16 child support enforcement duties assigned to that Department
17 under provisions of the Illinois Public Aid Code after the
18 individual has received advanced meaningful notification of
19 what redisclosure is sought by the Secretary in accordance
20 with the federal Privacy Act, (5.5) to the Department of
21 Healthcare and Family Services and the Department of Human
22 Services solely for the purpose of verifying Illinois
23 residency where such residency is an eligibility requirement
24 for benefits under the Illinois Public Aid Code or any other
25 health benefit program administered by the Department of
26 Healthcare and Family Services or the Department of Human

1 Services, (6) to the Illinois Department of Revenue solely for
2 use by the Department in the collection of any tax or debt that
3 the Department of Revenue is authorized or required by law to
4 collect, provided that the Department shall not disclose the
5 social security number to any person or entity outside of the
6 Department, (7) to the Illinois Department of Veterans'
7 Affairs for the purpose of confirming veteran status, or (8)
8 the last 4 digits to the Illinois State Board of Elections for
9 purposes of voter registration and as may be required pursuant
10 to an agreement for a multi-state voter registration list
11 maintenance system. If social security information is
12 disclosed by the Secretary in accordance with this Section, no
13 liability shall rest with the Office of the Secretary of State
14 or any of its officers or employees, as the information is
15 released for official purposes only.

16 (i) (Blank).

17 (j) Medical statements or medical reports received in the
18 Secretary of State's Office shall be confidential. Except as
19 provided in this Section, no confidential information may be
20 open to public inspection or the contents disclosed to anyone,
21 except officers and employees of the Secretary who have a need
22 to know the information contained in the medical reports and
23 the Driver License Medical Advisory Board, unless so directed
24 by an order of a court of competent jurisdiction. If the
25 Secretary receives a medical report regarding a driver that
26 does not address a medical condition contained in a previous

1 medical report, the Secretary may disclose the unaddressed
2 medical condition to the driver or his or her physician, or
3 both, solely for the purpose of submission of a medical report
4 that addresses the condition.

5 (k) Beginning July 1, 2023, disbursement ~~Disbursement~~ of
6 fees collected under this Section shall be as follows: (1) of
7 the \$20 ~~\$12~~ fee for a driver's record, \$11 ~~\$3~~ shall be paid
8 into the Secretary of State Special Services Fund, and \$6
9 shall be paid into the General Revenue Fund; (2) 50% of the
10 amounts collected under subsection (b) shall be paid into the
11 General Revenue Fund; and (3) all remaining fees shall be
12 disbursed under subsection (g) of Section 2-119 of this Code.

13 (l) (Blank).

14 (m) Notations of accident involvement that may be
15 disclosed under this Section shall not include notations
16 relating to damage to a vehicle or other property being
17 transported by a tow truck. This information shall remain
18 confidential, provided that nothing in this subsection (m)
19 shall limit disclosure of any notification of accident
20 involvement to any law enforcement agency or official.

21 (n) Requests made by the news media for driver's license,
22 vehicle, or title registration information may be furnished
23 without charge or at a reduced charge, as determined by the
24 Secretary, when the specific purpose for requesting the
25 documents is deemed to be in the public interest. Waiver or
26 reduction of the fee is in the public interest if the principal

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, and welfare or the
3 legal rights of the general public and is not for the principal
4 purpose of gaining a personal or commercial benefit. The
5 information provided pursuant to this subsection shall not
6 contain personally identifying information unless the
7 information is to be used for one of the purposes identified in
8 subsection (f-5) of this Section.

9 (o) The redisclosure of personally identifying information
10 obtained pursuant to this Section is prohibited, except to the
11 extent necessary to effectuate the purpose for which the
12 original disclosure of the information was permitted.

13 (p) The Secretary of State is empowered to adopt rules to
14 effectuate this Section.

15 (Source: P.A. 100-590, eff. 6-8-18; 101-81, eff. 7-12-19;
16 101-326, eff. 8-9-19.)

17 (Text of Section after amendment by P.A. 102-982)

18 Sec. 2-123. Sale and distribution of information.

19 (a) Except as otherwise provided in this Section, the
20 Secretary may make the driver's license, vehicle and title
21 registration lists, in part or in whole, and any statistical
22 information derived from these lists available to local
23 governments, elected state officials, state educational
24 institutions, and all other governmental units of the State
25 and Federal Government requesting them for governmental

1 purposes. The Secretary shall require any such applicant for
2 services to pay for the costs of furnishing such services and
3 the use of the equipment involved, and in addition is
4 empowered to establish prices and charges for the services so
5 furnished and for the use of the electronic equipment
6 utilized.

7 (b) The Secretary is further empowered to and he may, in
8 his discretion, furnish to any applicant, other than listed in
9 subsection (a) of this Section, vehicle or driver data on a
10 computer tape, disk, other electronic format or computer
11 processable medium, or printout at a fixed fee of \$500 ~~\$250 for~~
12 ~~orders received before October 1, 2003 and \$500 for orders~~
13 ~~received on or after October 1, 2003~~, in advance, and require
14 in addition a further sufficient deposit based upon the
15 Secretary of State's estimate of the total cost of the
16 information requested and a charge of \$50 ~~\$25 for orders~~
17 ~~received before October 1, 2003 and \$50 for orders received on~~
18 ~~or after October 1, 2003~~, per 1,000 units or part thereof
19 identified or the actual cost, whichever is greater. The
20 Secretary is authorized to refund any difference between the
21 additional deposit and the actual cost of the request. This
22 service shall not be in lieu of an abstract of a driver's
23 record nor of a title or registration search. This service may
24 be limited to entities purchasing a minimum number of records
25 as required by administrative rule. The information sold
26 pursuant to this subsection shall be the entire vehicle or

1 driver data list, or part thereof. The information sold
2 pursuant to this subsection shall not contain personally
3 identifying information unless the information is to be used
4 for one of the purposes identified in subsection (f-5) of this
5 Section. Commercial purchasers of driver and vehicle record
6 databases shall enter into a written agreement with the
7 Secretary of State that includes disclosure of the commercial
8 use of the information to be purchased.

9 (b-1) The Secretary is further empowered to and may, in
10 his or her discretion, furnish vehicle or driver data on a
11 computer tape, disk, or other electronic format or computer
12 processible medium, at no fee, to any State or local
13 governmental agency that uses the information provided by the
14 Secretary to transmit data back to the Secretary that enables
15 the Secretary to maintain accurate driving records, including
16 dispositions of traffic cases. This information may be
17 provided without fee not more often than once every 6 months.

18 (c) Secretary of State may issue registration lists. The
19 Secretary of State may compile a list of all registered
20 vehicles. Each list of registered vehicles shall be arranged
21 serially according to the registration numbers assigned to
22 registered vehicles and may contain in addition the names and
23 addresses of registered owners and a brief description of each
24 vehicle including the serial or other identifying number
25 thereof. Such compilation may be in such form as in the
26 discretion of the Secretary of State may seem best for the

1 purposes intended.

2 (d) The Secretary of State shall furnish no more than 2
3 current available lists of such registrations to the sheriffs
4 of all counties and to the chiefs of police of all cities and
5 villages and towns of 2,000 population and over in this State
6 at no cost. Additional copies may be purchased by the sheriffs
7 or chiefs of police at the fee of \$500 each or at the cost of
8 producing the list as determined by the Secretary of State.
9 Such lists are to be used for governmental purposes only.

10 (e) (Blank).

11 (e-1) (Blank).

12 (f) The Secretary of State shall make a title or
13 registration search of the records of his office and a written
14 report on the same for any person, upon written application of
15 such person, accompanied by a fee of \$5 for each registration
16 or title search. The written application shall set forth the
17 intended use of the requested information. No fee shall be
18 charged for a title or registration search, or for the
19 certification thereof requested by a government agency. The
20 report of the title or registration search shall not contain
21 personally identifying information unless the request for a
22 search was made for one of the purposes identified in
23 subsection (f-5) of this Section. The report of the title or
24 registration search shall not contain highly restricted
25 personal information unless specifically authorized by this
26 Code.

1 The Secretary of State shall certify a title or
2 registration record upon written request. The fee for
3 certification shall be \$5 in addition to the fee required for a
4 title or registration search. Certification shall be made
5 under the signature of the Secretary of State and shall be
6 authenticated by Seal of the Secretary of State.

7 The Secretary of State may notify the vehicle owner or
8 registrant of the request for purchase of his title or
9 registration information as the Secretary deems appropriate.

10 No information shall be released to the requester until
11 expiration of a 10-day period. This 10-day period shall not
12 apply to requests for information made by law enforcement
13 officials, government agencies, financial institutions,
14 attorneys, insurers, employers, automobile associated
15 businesses, persons licensed as a private detective or firms
16 licensed as a private detective agency under the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004, who are employed by or are
19 acting on behalf of law enforcement officials, government
20 agencies, financial institutions, attorneys, insurers,
21 employers, automobile associated businesses, and other
22 business entities for purposes consistent with the Illinois
23 Vehicle Code, the vehicle owner or registrant or other
24 entities as the Secretary may exempt by rule and regulation.

25 Any misrepresentation made by a requester of title or
26 vehicle information shall be punishable as a petty offense,

1 except in the case of persons licensed as a private detective
2 or firms licensed as a private detective agency which shall be
3 subject to disciplinary sanctions under Section 40-10 of the
4 Private Detective, Private Alarm, Private Security,
5 Fingerprint Vendor, and Locksmith Act of 2004.

6 (f-5) The Secretary of State shall not disclose or
7 otherwise make available to any person or entity any
8 personally identifying information obtained by the Secretary
9 of State in connection with a driver's license, vehicle, or
10 title registration record unless the information is disclosed
11 for one of the following purposes:

12 (1) For use by any government agency, including any
13 court or law enforcement agency, in carrying out its
14 functions, or any private person or entity acting on
15 behalf of a federal, State, or local agency in carrying
16 out its functions.

17 (2) For use in connection with matters of motor
18 vehicle or driver safety and theft; motor vehicle
19 emissions; motor vehicle product alterations, recalls, or
20 advisories; performance monitoring of motor vehicles,
21 motor vehicle parts, and dealers; and removal of non-owner
22 records from the original owner records of motor vehicle
23 manufacturers.

24 (3) For use in the normal course of business by a
25 legitimate business or its agents, employees, or
26 contractors, but only:

1 (A) to verify the accuracy of personal information
2 submitted by an individual to the business or its
3 agents, employees, or contractors; and

4 (B) if such information as so submitted is not
5 correct or is no longer correct, to obtain the correct
6 information, but only for the purposes of preventing
7 fraud by, pursuing legal remedies against, or
8 recovering on a debt or security interest against, the
9 individual.

10 (4) For use in research activities and for use in
11 producing statistical reports, if the personally
12 identifying information is not published, redisclosed, or
13 used to contact individuals.

14 (5) For use in connection with any civil, criminal,
15 administrative, or arbitral proceeding in any federal,
16 State, or local court or agency or before any
17 self-regulatory body, including the service of process,
18 investigation in anticipation of litigation, and the
19 execution or enforcement of judgments and orders, or
20 pursuant to an order of a federal, State, or local court.

21 (6) For use by any insurer or insurance support
22 organization or by a self-insured entity or its agents,
23 employees, or contractors in connection with claims
24 investigation activities, antifraud activities, rating, or
25 underwriting.

26 (7) For use in providing notice to the owners of towed

1 or impounded vehicles.

2 (8) For use by any person licensed as a private
3 detective or firm licensed as a private detective agency
4 under the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004,
6 private investigative agency or security service licensed
7 in Illinois for any purpose permitted under this
8 subsection.

9 (9) For use by an employer or its agent or insurer to
10 obtain or verify information relating to a holder of a
11 commercial driver's license that is required under chapter
12 313 of title 49 of the United States Code.

13 (10) For use in connection with the operation of
14 private toll transportation facilities.

15 (11) For use by any requester, if the requester
16 demonstrates it has obtained the written consent of the
17 individual to whom the information pertains.

18 (12) For use by members of the news media, as defined
19 in Section 1-148.5, for the purpose of newsgathering when
20 the request relates to the operation of a motor vehicle or
21 public safety.

22 (13) For any other use specifically authorized by law,
23 if that use is related to the operation of a motor vehicle
24 or public safety.

25 (f-6) The Secretary of State shall not disclose or
26 otherwise make available to any person or entity any highly

1 restricted personal information obtained by the Secretary of
2 State in connection with a driver's license, vehicle, or title
3 registration record unless specifically authorized by this
4 Code.

5 (g) 1. The Secretary of State may, upon receipt of a
6 written request and a fee as set forth in Section 6-118,
7 furnish to the person or agency so requesting a driver's
8 record or data contained therein. Such document may include a
9 record of: current driver's license issuance information,
10 except that the information on judicial driving permits shall
11 be available only as otherwise provided by this Code;
12 convictions; orders entered revoking, suspending or cancelling
13 a driver's license or privilege; and notations of crash
14 involvement. All other information, unless otherwise permitted
15 by this Code, shall remain confidential. Information released
16 pursuant to a request for a driver's record shall not contain
17 personally identifying information, unless the request for the
18 driver's record was made for one of the purposes set forth in
19 subsection (f-5) of this Section. The Secretary of State may,
20 without fee, allow a parent or guardian of a person under the
21 age of 18 years, who holds an instruction permit or graduated
22 driver's license, to view that person's driving record online,
23 through a computer connection. The parent or guardian's online
24 access to the driving record will terminate when the
25 instruction permit or graduated driver's license holder
26 reaches the age of 18.

1 2. The Secretary of State shall not disclose or otherwise
2 make available to any person or entity any highly restricted
3 personal information obtained by the Secretary of State in
4 connection with a driver's license, vehicle, or title
5 registration record unless specifically authorized by this
6 Code. The Secretary of State may certify an abstract of a
7 driver's record upon written request therefor. Such
8 certification shall be made under the signature of the
9 Secretary of State and shall be authenticated by the Seal of
10 his office.

11 3. All requests for driving record information shall be
12 made in a manner prescribed by the Secretary and shall set
13 forth the intended use of the requested information.

14 The Secretary of State may notify the affected driver of
15 the request for purchase of his driver's record as the
16 Secretary deems appropriate.

17 No information shall be released to the requester until
18 expiration of a 10-day period. This 10-day period shall not
19 apply to requests for information made by law enforcement
20 officials, government agencies, financial institutions,
21 attorneys, insurers, employers, automobile associated
22 businesses, persons licensed as a private detective or firms
23 licensed as a private detective agency under the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004, who are employed by or are
26 acting on behalf of law enforcement officials, government

1 agencies, financial institutions, attorneys, insurers,
2 employers, automobile associated businesses, and other
3 business entities for purposes consistent with the Illinois
4 Vehicle Code, the affected driver or other entities as the
5 Secretary may exempt by rule and regulation.

6 Any misrepresentation made by a requester of driver
7 information shall be punishable as a petty offense, except in
8 the case of persons licensed as a private detective or firms
9 licensed as a private detective agency which shall be subject
10 to disciplinary sanctions under Section 40-10 of the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004.

13 4. The Secretary of State may furnish without fee, upon
14 the written request of a law enforcement agency, any
15 information from a driver's record on file with the Secretary
16 of State when such information is required in the enforcement
17 of this Code or any other law relating to the operation of
18 motor vehicles, including records of dispositions; documented
19 information involving the use of a motor vehicle; whether such
20 individual has, or previously had, a driver's license; and the
21 address and personal description as reflected on said driver's
22 record.

23 5. Except as otherwise provided in this Section, the
24 Secretary of State may furnish, without fee, information from
25 an individual driver's record on file, if a written request
26 therefor is submitted by any public transit system or

1 authority, public defender, law enforcement agency, a state or
2 federal agency, or an Illinois local intergovernmental
3 association, if the request is for the purpose of a background
4 check of applicants for employment with the requesting agency,
5 or for the purpose of an official investigation conducted by
6 the agency, or to determine a current address for the driver so
7 public funds can be recovered or paid to the driver, or for any
8 other purpose set forth in subsection (f-5) of this Section.

9 The Secretary may also furnish the courts a copy of an
10 abstract of a driver's record, without fee, subsequent to an
11 arrest for a violation of Section 11-501 or a similar
12 provision of a local ordinance. Such abstract may include
13 records of dispositions; documented information involving the
14 use of a motor vehicle as contained in the current file;
15 whether such individual has, or previously had, a driver's
16 license; and the address and personal description as reflected
17 on said driver's record.

18 6. Any certified abstract issued by the Secretary of State
19 or transmitted electronically by the Secretary of State
20 pursuant to this Section, to a court or on request of a law
21 enforcement agency, for the record of a named person as to the
22 status of the person's driver's license shall be prima facie
23 evidence of the facts therein stated and if the name appearing
24 in such abstract is the same as that of a person named in an
25 information or warrant, such abstract shall be prima facie
26 evidence that the person named in such information or warrant

1 is the same person as the person named in such abstract and
2 shall be admissible for any prosecution under this Code and be
3 admitted as proof of any prior conviction or proof of records,
4 notices, or orders recorded on individual driving records
5 maintained by the Secretary of State.

6 7. Subject to any restrictions contained in the Juvenile
7 Court Act of 1987, and upon receipt of a proper request and a
8 fee as set forth in Section 6-118, the Secretary of State shall
9 provide a driver's record or data contained therein to the
10 affected driver, or the affected driver's attorney, upon
11 verification. Such record shall contain all the information
12 referred to in paragraph 1 of this subsection (g) plus: any
13 recorded crash involvement as a driver; information recorded
14 pursuant to subsection (e) of Section 6-117 and paragraph (4)
15 of subsection (a) of Section 6-204 of this Code. All other
16 information, unless otherwise permitted by this Code, shall
17 remain confidential.

18 (h) The Secretary shall not disclose social security
19 numbers or any associated information obtained from the Social
20 Security Administration except pursuant to a written request
21 by, or with the prior written consent of, the individual
22 except: (1) to officers and employees of the Secretary who
23 have a need to know the social security numbers in performance
24 of their official duties, (2) to law enforcement officials for
25 a civil or criminal law enforcement investigation, and if an
26 officer of the law enforcement agency has made a written

1 request to the Secretary specifying the law enforcement
2 investigation for which the social security numbers are being
3 sought, though the Secretary retains the right to require
4 additional verification regarding the validity of the request,
5 (3) to the United States Department of Transportation, or any
6 other State, pursuant to the administration and enforcement of
7 the Commercial Motor Vehicle Safety Act of 1986 or
8 participation in State-to-State verification service, (4)
9 pursuant to the order of a court of competent jurisdiction,
10 (5) to the Department of Healthcare and Family Services
11 (formerly Department of Public Aid) for utilization in the
12 child support enforcement duties assigned to that Department
13 under provisions of the Illinois Public Aid Code after the
14 individual has received advanced meaningful notification of
15 what redisclosure is sought by the Secretary in accordance
16 with the federal Privacy Act, (5.5) to the Department of
17 Healthcare and Family Services and the Department of Human
18 Services solely for the purpose of verifying Illinois
19 residency where such residency is an eligibility requirement
20 for benefits under the Illinois Public Aid Code or any other
21 health benefit program administered by the Department of
22 Healthcare and Family Services or the Department of Human
23 Services, (6) to the Illinois Department of Revenue solely for
24 use by the Department in the collection of any tax or debt that
25 the Department of Revenue is authorized or required by law to
26 collect, provided that the Department shall not disclose the

1 social security number to any person or entity outside of the
2 Department, (7) to the Illinois Department of Veterans'
3 Affairs for the purpose of confirming veteran status, or (8)
4 the last 4 digits to the Illinois State Board of Elections for
5 purposes of voter registration and as may be required pursuant
6 to an agreement for a multi-state voter registration list
7 maintenance system. If social security information is
8 disclosed by the Secretary in accordance with this Section, no
9 liability shall rest with the Office of the Secretary of State
10 or any of its officers or employees, as the information is
11 released for official purposes only.

12 (i) (Blank).

13 (j) Medical statements or medical reports received in the
14 Secretary of State's Office shall be confidential. Except as
15 provided in this Section, no confidential information may be
16 open to public inspection or the contents disclosed to anyone,
17 except officers and employees of the Secretary who have a need
18 to know the information contained in the medical reports and
19 the Driver License Medical Advisory Board, unless so directed
20 by an order of a court of competent jurisdiction. If the
21 Secretary receives a medical report regarding a driver that
22 does not address a medical condition contained in a previous
23 medical report, the Secretary may disclose the unaddressed
24 medical condition to the driver or his or her physician, or
25 both, solely for the purpose of submission of a medical report
26 that addresses the condition.

1 (k) Beginning July 1, 2023, disbursement ~~Disbursement~~ of
2 fees collected under this Section shall be as follows: (1) of
3 the \$20 ~~\$12~~ fee for a driver's record, \$11 ~~\$3~~ shall be paid
4 into the Secretary of State Special Services Fund, and \$6
5 shall be paid into the General Revenue Fund; (2) 50% of the
6 amounts collected under subsection (b) shall be paid into the
7 General Revenue Fund; and (3) all remaining fees shall be
8 disbursed under subsection (g) of Section 2-119 of this Code.

9 (l) (Blank).

10 (m) Notations of crash involvement that may be disclosed
11 under this Section shall not include notations relating to
12 damage to a vehicle or other property being transported by a
13 tow truck. This information shall remain confidential,
14 provided that nothing in this subsection (m) shall limit
15 disclosure of any notification of crash involvement to any law
16 enforcement agency or official.

17 (n) Requests made by the news media for driver's license,
18 vehicle, or title registration information may be furnished
19 without charge or at a reduced charge, as determined by the
20 Secretary, when the specific purpose for requesting the
21 documents is deemed to be in the public interest. Waiver or
22 reduction of the fee is in the public interest if the principal
23 purpose of the request is to access and disseminate
24 information regarding the health, safety, and welfare or the
25 legal rights of the general public and is not for the principal
26 purpose of gaining a personal or commercial benefit. The

1 information provided pursuant to this subsection shall not
 2 contain personally identifying information unless the
 3 information is to be used for one of the purposes identified in
 4 subsection (f-5) of this Section.

5 (o) The redisclosure of personally identifying information
 6 obtained pursuant to this Section is prohibited, except to the
 7 extent necessary to effectuate the purpose for which the
 8 original disclosure of the information was permitted.

9 (p) The Secretary of State is empowered to adopt rules to
 10 effectuate this Section.

11 (Source: P.A. 101-81, eff. 7-12-19; 101-326, eff. 8-9-19;
 12 102-982, eff. 7-1-23.)

13 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

14 Sec. 3-821. Miscellaneous registration and title fees.

15 (a) Except as provided under subsection (h), the fee to be
 16 paid to the Secretary of State for the following certificates,
 17 registrations or evidences of proper registration, or for
 18 corrected or duplicate documents shall be in accordance with
 19 the following schedule:

20 Certificate of Title, except for an all-terrain
 21 vehicle, off-highway motorcycle, or motor home, mini
 22 motor home or van camper

\$165 ~~\$155~~

23 Certificate of Title for a motor home, mini motor
 24 home, or van camper

\$250

25 Certificate of Title for an all-terrain vehicle

| | | |
|----|----------------------------------------------------------|------|
| 1 | or off-highway motorcycle | \$30 |
| 2 | Certificate of Title for an all-terrain vehicle | |
| 3 | or off-highway motorcycle used for production | |
| 4 | agriculture, or accepted by a dealer in trade | \$13 |
| 5 | Certificate of Title for a low-speed vehicle | \$30 |
| 6 | Transfer of Registration or any evidence of | |
| 7 | proper registration | \$25 |
| 8 | Duplicate Registration Card for plates or other | |
| 9 | evidence of proper registration | \$3 |
| 10 | Duplicate Registration Sticker or Stickers, each | \$20 |
| 11 | | |
| 12 | Duplicate Certificate of Title | \$50 |
| 13 | Corrected Registration Card or Card for other | |
| 14 | evidence of proper registration | \$3 |
| 15 | Corrected Certificate of Title | \$50 |
| 16 | | |
| 17 | Salvage Certificate | \$20 |
| 18 | Fleet Reciprocity Permit | \$15 |
| 19 | Prorate Decal | \$1 |
| 20 | Prorate Backing Plate | \$3 |
| 21 | Special Corrected Certificate of Title | \$15 |
| 22 | Expedited Title Service (to be charged in | |
| 23 | addition to other applicable fees) | \$30 |
| 24 | Dealer Lien Release Certificate of Title | \$20 |
| 25 | A special corrected certificate of title shall be issued | |
| 26 | (i) to remove a co-owner's name due to the death of the | |

1 co-owner, to transfer title to a spouse if the decedent-spouse
2 was the sole owner on the title, or due to a divorce; (ii) to
3 change a co-owner's name due to a marriage; or (iii) due to a
4 name change under Article XXI of the Code of Civil Procedure.

5 There shall be no fee paid for a Junking Certificate.

6 There shall be no fee paid for a certificate of title
7 issued to a county when the vehicle is forfeited to the county
8 under Article 36 of the Criminal Code of 2012.

9 For purposes of this Section, the fee for a corrected
10 title application that also results in the issuance of a
11 duplicate title shall be the same as the fee for a duplicate
12 title.

13 (a-5) The Secretary of State may revoke a certificate of
14 title and registration card and issue a corrected certificate
15 of title and registration card, at no fee to the vehicle owner
16 or lienholder, if there is proof that the vehicle
17 identification number is erroneously shown on the original
18 certificate of title.

19 (a-10) The Secretary of State may issue, in connection
20 with the sale of a motor vehicle, a corrected title to a motor
21 vehicle dealer upon application and submittal of a lien
22 release letter from the lienholder listed in the files of the
23 Secretary. In the case of a title issued by another state, the
24 dealer must submit proof from the state that issued the last
25 title. The corrected title, which shall be known as a dealer
26 lien release certificate of title, shall be issued in the name

1 of the vehicle owner without the named lienholder. If the
2 motor vehicle is currently titled in a state other than
3 Illinois, the applicant must submit either (i) a letter from
4 the current lienholder releasing the lien and stating that the
5 lienholder has possession of the title; or (ii) a letter from
6 the current lienholder releasing the lien and a copy of the
7 records of the department of motor vehicles for the state in
8 which the vehicle is titled, showing that the vehicle is
9 titled in the name of the applicant and that no liens are
10 recorded other than the lien for which a release has been
11 submitted. The fee for the dealer lien release certificate of
12 title is \$20.

13 (b) The Secretary may prescribe the maximum service charge
14 to be imposed upon an applicant for renewal of a registration
15 by any person authorized by law to receive and remit or
16 transmit to the Secretary such renewal application and fees
17 therewith.

18 (c) If payment is delivered to the Office of the Secretary
19 of State as payment of any fee or tax under this Code, and such
20 payment is not honored for any reason, the registrant or other
21 person tendering the payment remains liable for the payment of
22 such fee or tax. The Secretary of State may assess a service
23 charge of \$25 in addition to the fee or tax due and owing for
24 all dishonored payments.

25 If the total amount then due and owing exceeds the sum of
26 \$100 and has not been paid in full within 60 days from the date

1 the dishonored payment was first delivered to the Secretary of
2 State, the Secretary of State shall assess a penalty of 25% of
3 such amount remaining unpaid.

4 All amounts payable under this Section shall be computed
5 to the nearest dollar. Out of each fee collected for
6 dishonored payments, \$5 shall be deposited in the Secretary of
7 State Special Services Fund.

8 (d) The minimum fee and tax to be paid by any applicant for
9 apportionment of a fleet of vehicles under this Code shall be
10 \$15 if the application was filed on or before the date
11 specified by the Secretary together with fees and taxes due.
12 If an application and the fees or taxes due are filed after the
13 date specified by the Secretary, the Secretary may prescribe
14 the payment of interest at the rate of 1/2 of 1% per month or
15 fraction thereof after such due date and a minimum of \$8.

16 (e) Trucks, truck tractors, truck tractors with loads, and
17 motor buses, any one of which having a combined total weight in
18 excess of 12,000 lbs. shall file an application for a Fleet
19 Reciprocity Permit issued by the Secretary of State. This
20 permit shall be in the possession of any driver operating a
21 vehicle on Illinois highways. Any foreign licensed vehicle of
22 the second division operating at any time in Illinois without
23 a Fleet Reciprocity Permit or other proper Illinois
24 registration, shall subject the operator to the penalties
25 provided in Section 3-834 of this Code. For the purposes of
26 this Code, "Fleet Reciprocity Permit" means any second

1 division motor vehicle with a foreign license and used only in
2 interstate transportation of goods. The fee for such permit
3 shall be \$15 per fleet which shall include all vehicles of the
4 fleet being registered.

5 (f) For purposes of this Section, "all-terrain vehicle or
6 off-highway motorcycle used for production agriculture" means
7 any all-terrain vehicle or off-highway motorcycle used in the
8 raising of or the propagation of livestock, crops for sale for
9 human consumption, crops for livestock consumption, and
10 production seed stock grown for the propagation of feed grains
11 and the husbandry of animals or for the purpose of providing a
12 food product, including the husbandry of blood stock as a main
13 source of providing a food product. "All-terrain vehicle or
14 off-highway motorcycle used in production agriculture" also
15 means any all-terrain vehicle or off-highway motorcycle used
16 in animal husbandry, floriculture, aquaculture, horticulture,
17 and viticulture.

18 (g) All of the proceeds of the additional fees imposed by
19 Public Act 96-34 shall be deposited into the Capital Projects
20 Fund.

21 (h) The fee for a duplicate registration sticker or
22 stickers shall be the amount required under subsection (a) or
23 the vehicle's annual registration fee amount, whichever is
24 less.

25 (i) All of the proceeds of (1) the additional fees imposed
26 by Public Act 101-32, and (2) the \$5 additional fee imposed by

1 this amendatory Act of the 102nd General Assembly for a
2 certificate of title for a motor vehicle other than an
3 all-terrain vehicle, off-highway motorcycle, or motor home,
4 mini motor home, or van camper shall be deposited into the Road
5 Fund.

6 (j) Beginning July 1, 2023, the \$10 additional fee imposed
7 by this amendatory Act of the 103rd General Assembly for a
8 Certificate of Title shall be deposited into the Secretary of
9 State Special Services Fund.

10 (Source: P.A. 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
11 101-636, eff. 6-10-20; 102-353, eff. 1-1-22.)

12 (625 ILCS 5/6-118)

13 Sec. 6-118. Fees.

14 (a) The fees for licenses and permits under this Article
15 are as follows:

| | | |
|----|-----------------------------------------|------|
| 16 | Original driver's license | \$30 |
| 17 | Original or renewal driver's license | |
| 18 | issued to 18, 19 and 20 year olds | 5 |
| 19 | All driver's licenses for persons | |
| 20 | age 69 through age 80 | 5 |
| 21 | All driver's licenses for persons | |
| 22 | age 81 through age 86 | 2 |
| 23 | All driver's licenses for persons | |
| 24 | age 87 or older | 0 |
| 25 | Renewal driver's license (except for | |

1 applicants ages 18, 19 and 20 or
2 age 69 and older) 30
3 Original instruction permit issued to
4 persons (except those age 69 and older)
5 who do not hold or have not previously
6 held an Illinois instruction permit or
7 driver's license 20
8 Instruction permit issued to any person
9 holding an Illinois driver's license
10 who wishes a change in classifications,
11 other than at the time of renewal 5
12 Any instruction permit issued to a person
13 age 69 and older 5
14 Instruction permit issued to any person,
15 under age 69, not currently holding a
16 valid Illinois driver's license or
17 instruction permit but who has
18 previously been issued either document
19 in Illinois 10
20 Restricted driving permit 8
21 Monitoring device driving permit 8
22 Duplicate or corrected driver's license
23 or permit 5
24 Duplicate or corrected restricted
25 driving permit 5
26 Duplicate or corrected monitoring

1 device driving permit 5
 2 Duplicate driver's license or permit issued to
 3 an active-duty member of the
 4 United States Armed Forces,
 5 the member's spouse, or
 6 the dependent children living
 7 with the member 0

8 Original or renewal M or L endorsement 5

9 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

10 The fees for commercial driver licenses and permits
 11 under Article V shall be as follows:

12 Commercial driver's license:

13 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
 14 (Commercial Driver's License Information
 15 System/American Association of Motor Vehicle
 16 Administrators network/National Motor Vehicle
 17 Title Information Service Trust Fund);
 18 \$20 for the Motor Carrier Safety Inspection Fund;
 19 \$10 for the driver's license;
 20 and \$24 for the CDL: \$60

21 Renewal commercial driver's license:

22 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
 23 \$20 for the Motor Carrier Safety Inspection Fund;
 24 \$10 for the driver's license; and
 25 \$24 for the CDL: \$60

26 Commercial learner's permit

1 issued to any person holding a valid
 2 Illinois driver's license for the
 3 purpose of changing to a
 4 CDL classification: \$6 for the
 5 CDLIS/AAMVAnet/NMVTIS Trust Fund;
 6 \$20 for the Motor Carrier
 7 Safety Inspection Fund; and
 8 \$24 for the CDL classification \$50

9 Commercial learner's permit
 10 issued to any person holding a valid
 11 Illinois CDL for the purpose of
 12 making a change in a classification,
 13 endorsement or restriction \$5

14 CDL duplicate or corrected license \$5

15 In order to ensure the proper implementation of the
 16 Uniform Commercial Driver License Act, Article V of this
 17 Chapter, the Secretary of State is empowered to prorate the
 18 \$24 fee for the commercial driver's license proportionate to
 19 the expiration date of the applicant's Illinois driver's
 20 license.

21 The fee for any duplicate license or permit shall be
 22 waived for any person who presents the Secretary of State's
 23 office with a police report showing that his license or permit
 24 was stolen.

25 The fee for any duplicate license or permit shall be
 26 waived for any person age 60 or older whose driver's license or

1 permit has been lost or stolen.

2 No additional fee shall be charged for a driver's license,
3 or for a commercial driver's license, when issued to the
4 holder of an instruction permit for the same classification or
5 type of license who becomes eligible for such license.

6 The fee for a restricted driving permit under this
7 subsection (a) shall be imposed annually until the expiration
8 of the permit.

9 (a-5) The fee for a driver's record or data contained
10 therein is \$20 and shall be disbursed as set forth in
11 subsection (k) of Section 2-123 of this Code ~~\$12.~~

12 (b) Any person whose license or privilege to operate a
13 motor vehicle in this State has been suspended or revoked
14 under Section 3-707, any provision of Chapter 6, Chapter 11,
15 or Section 7-205, 7-303, or 7-702 of the Family Financial
16 Responsibility Law of this Code, shall in addition to any
17 other fees required by this Code, pay a reinstatement fee as
18 follows:

| | | |
|----|-------------------------------------------------|-------|
| 19 | Suspension under Section 3-707 | \$100 |
| 20 | Suspension under Section 11-1431 | \$100 |
| 21 | Summary suspension under Section 11-501.1 | \$250 |
| 22 | Suspension under Section 11-501.9 | \$250 |
| 23 | Summary revocation under Section 11-501.1 | \$500 |
| 24 | Other suspension | \$70 |
| 25 | Revocation | \$500 |

26 However, any person whose license or privilege to operate

1 a motor vehicle in this State has been suspended or revoked for
 2 a second or subsequent time for a violation of Section 11-501,
 3 11-501.1, or 11-501.9 of this Code or a similar provision of a
 4 local ordinance or a similar out-of-state offense or Section
 5 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
 6 and each suspension or revocation was for a violation of
 7 Section 11-501, 11-501.1, or 11-501.9 of this Code or a
 8 similar provision of a local ordinance or a similar
 9 out-of-state offense or Section 9-3 of the Criminal Code of
 10 1961 or the Criminal Code of 2012 shall pay, in addition to any
 11 other fees required by this Code, a reinstatement fee as
 12 follows:

| | | |
|----|-------------------------------------------------|-------|
| 13 | Summary suspension under Section 11-501.1 | \$500 |
| 14 | Suspension under Section 11-501.9 | \$500 |
| 15 | Summary revocation under Section 11-501.1 | \$500 |
| 16 | Revocation | \$500 |

17 (c) All fees collected under the provisions of this
 18 Chapter 6 shall be disbursed under subsection (g) of Section
 19 2-119 of this Code, except as follows:

20 1. The following amounts shall be paid into the
 21 Drivers Education Fund:

22 (A) \$16 of the \$20 fee for an original driver's
 23 instruction permit;

24 (B) \$5 of the \$30 fee for an original driver's
 25 license;

26 (C) \$5 of the \$30 fee for a 4 year renewal driver's

1 license;

2 (D) \$4 of the \$8 fee for a restricted driving
3 permit; and

4 (E) \$4 of the \$8 fee for a monitoring device
5 driving permit.

6 2. \$30 of the \$250 fee for reinstatement of a license
7 summarily suspended under Section 11-501.1 or suspended
8 under Section 11-501.9 shall be deposited into the Drunk
9 and Drugged Driving Prevention Fund. However, for a person
10 whose license or privilege to operate a motor vehicle in
11 this State has been suspended or revoked for a second or
12 subsequent time for a violation of Section 11-501,
13 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
15 the \$500 fee for reinstatement of a license summarily
16 suspended under Section 11-501.1 or suspended under
17 Section 11-501.9, and \$190 of the \$500 fee for
18 reinstatement of a revoked license shall be deposited into
19 the Drunk and Drugged Driving Prevention Fund. \$190 of the
20 \$500 fee for reinstatement of a license summarily revoked
21 pursuant to Section 11-501.1 shall be deposited into the
22 Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of the original or renewal fee for a commercial
24 driver's license and \$6 of the commercial learner's permit
25 fee when the permit is issued to any person holding a valid
26 Illinois driver's license, shall be paid into the

1 CDLIS/AAMVAnet/NMVTIS Trust Fund.

2 4. \$30 of the \$70 fee for reinstatement of a license
3 suspended under the Family Financial Responsibility Law
4 shall be paid into the Family Responsibility Fund.

5 5. The \$5 fee for each original or renewal M or L
6 endorsement shall be deposited into the Cycle Rider Safety
7 Training Fund.

8 6. \$20 of any original or renewal fee for a commercial
9 driver's license or commercial learner's permit shall be
10 paid into the Motor Carrier Safety Inspection Fund.

11 7. The following amounts shall be paid into the
12 General Revenue Fund:

13 (A) \$190 of the \$250 reinstatement fee for a
14 summary suspension under Section 11-501.1 or a
15 suspension under Section 11-501.9;

16 (B) \$40 of the \$70 reinstatement fee for any other
17 suspension provided in subsection (b) of this Section;
18 and

19 (C) \$440 of the \$500 reinstatement fee for a first
20 offense revocation and \$310 of the \$500 reinstatement
21 fee for a second or subsequent revocation.

22 8. Fees collected under paragraph (4) of subsection
23 (d) and subsection (h) of Section 6-205 of this Code;
24 subparagraph (C) of paragraph 3 of subsection (c) of
25 Section 6-206 of this Code; and paragraph (4) of
26 subsection (a) of Section 6-206.1 of this Code, shall be

1 paid into the funds set forth in those Sections.

2 (d) All of the proceeds of the additional fees imposed by
3 this amendatory Act of the 96th General Assembly shall be
4 deposited into the Capital Projects Fund.

5 (e) The additional fees imposed by this amendatory Act of
6 the 96th General Assembly shall become effective 90 days after
7 becoming law. The additional fees imposed by this amendatory
8 Act of the 103rd General Assembly shall become effective July
9 1, 2023 and shall be paid into the Secretary of State Special
10 Services Fund.

11 (f) As used in this Section, "active-duty member of the
12 United States Armed Forces" means a member of the Armed
13 Services or Reserve Forces of the United States or a member of
14 the Illinois National Guard who is called to active duty
15 pursuant to an executive order of the President of the United
16 States, an act of the Congress of the United States, or an
17 order of the Governor.

18 (Source: P.A. 100-590, eff. 6-8-18; 100-803, eff. 1-1-19;
19 101-81, eff. 7-12-19.)

20 ARTICLE 99.

21 Section 99-5. The State Employees Group Insurance Act of
22 1971 is amended by changing Section 6.11 and adding Sections
23 6.11B and 6.11C as follows:

1 (5 ILCS 375/6.11)

2 (Text of Section before amendment by P.A. 102-768)

3 Sec. 6.11. Required health benefits; Illinois Insurance
4 Code requirements. The program of health benefits shall
5 provide the post-mastectomy care benefits required to be
6 covered by a policy of accident and health insurance under
7 Section 356t of the Illinois Insurance Code. The program of
8 health benefits shall provide the coverage required under
9 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,
10 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
11 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
12 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
13 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
14 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, and 356z.60 of
15 the Illinois Insurance Code. The program of health benefits
16 must comply with Sections 155.22a, 155.37, 355b, 356z.19,
17 370c, and 370c.1 and Article XXXIIB of the Illinois Insurance
18 Code. The program of health benefits shall provide the
19 coverage required under Section 356m of the Illinois Insurance
20 Code and, for the employees of the State Employee Group
21 Insurance Program only, the coverage as also provided in
22 Section 6.11B of this Act. The Department of Insurance shall
23 enforce the requirements of this Section with respect to
24 Sections 370c and 370c.1 of the Illinois Insurance Code; all
25 other requirements of this Section shall be enforced by the
26 Department of Central Management Services.

1 Rulemaking authority to implement Public Act 95-1045, if
2 any, is conditioned on the rules being adopted in accordance
3 with all provisions of the Illinois Administrative Procedure
4 Act and all rules and procedures of the Joint Committee on
5 Administrative Rules; any purported rule not so adopted, for
6 whatever reason, is unauthorized.

7 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
8 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
9 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
10 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
11 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
12 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
13 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
14 revised 12-13-22.)

15 (Text of Section after amendment by P.A. 102-768)

16 Sec. 6.11. Required health benefits; Illinois Insurance
17 Code requirements. The program of health benefits shall
18 provide the post-mastectomy care benefits required to be
19 covered by a policy of accident and health insurance under
20 Section 356t of the Illinois Insurance Code. The program of
21 health benefits shall provide the coverage required under
22 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,
23 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
24 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
25 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,

1 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
2 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, and
3 356z.60 of the Illinois Insurance Code. The program of health
4 benefits must comply with Sections 155.22a, 155.37, 355b,
5 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois
6 Insurance Code. The program of health benefits shall provide
7 the coverage required under Section 356m of the Illinois
8 Insurance Code and, for the employees of the State Employee
9 Group Insurance Program only, the coverage as also provided in
10 Section 6.11B of this Act. The Department of Insurance shall
11 enforce the requirements of this Section with respect to
12 Sections 370c and 370c.1 of the Illinois Insurance Code; all
13 other requirements of this Section shall be enforced by the
14 Department of Central Management Services.

15 Rulemaking authority to implement Public Act 95-1045, if
16 any, is conditioned on the rules being adopted in accordance
17 with all provisions of the Illinois Administrative Procedure
18 Act and all rules and procedures of the Joint Committee on
19 Administrative Rules; any purported rule not so adopted, for
20 whatever reason, is unauthorized.

21 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
22 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
23 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
24 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
25 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
26 1-1-23; 102-768, eff. 1-1-24; 102-804, eff. 1-1-23; 102-813,

1 eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23;
2 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

3 (5 ILCS 375/6.11B new)

4 Sec. 6.11B. Infertility coverage.

5 (a) Beginning on January 1, 2024, the State Employees
6 Group Insurance Program shall provide coverage for the
7 diagnosis and treatment of infertility, including, but not
8 limited to, in vitro fertilization, uterine embryo lavage,
9 embryo transfer, artificial insemination, gamete
10 intrafallopian tube transfer, zygote intrafallopian tube
11 transfer, and low tubal ovum transfer. The coverage required
12 shall include procedures necessary to screen or diagnose a
13 fertilized egg before implantation, including, but not limited
14 to, preimplantation genetic diagnosis, preimplantation genetic
15 screening, and prenatal genetic diagnosis.

16 (b) Beginning on January 1, 2024, coverage under this
17 Section for procedures for in vitro fertilization, gamete
18 intrafallopian tube transfer, or zygote intrafallopian tube
19 transfer shall be required only if the procedures:

20 (1) are considered medically appropriate based on
21 clinical guidelines or standards developed by the American
22 Society for Reproductive Medicine, the American College of
23 Obstetricians and Gynecologists, or the Society for
24 Assisted Reproductive Technology; and

25 (2) are performed at medical facilities or clinics

1 that conform to the American College of Obstetricians and
2 Gynecologists guidelines for in vitro fertilization or the
3 American Society for Reproductive Medicine minimum
4 standards for practices offering assisted reproductive
5 technologies.

6 (c) As used in this Section, "infertility" means a
7 disease, condition, or status characterized by:

8 (1) a failure to establish a pregnancy or to carry a
9 pregnancy to live birth after 12 months of regular,
10 unprotected sexual intercourse if the woman is 35 years of
11 age or younger, or after 6 months of regular, unprotected
12 sexual intercourse if the woman is over 35 years of age;
13 conceiving but having a miscarriage does not restart the
14 12-month or 6-month term for determining infertility;

15 (2) a person's inability to reproduce either as a
16 single individual or with a partner without medical
17 intervention; or

18 (3) a licensed physician's findings based on a
19 patient's medical, sexual, and reproductive history, age,
20 physical findings, or diagnostic testing.

21 (d) The State Employees Group Insurance Program may not
22 impose any exclusions, limitations, or other restrictions on
23 coverage of fertility medications that are different from
24 those imposed on any other prescription medications, nor may
25 it impose any exclusions, limitations, or other restrictions
26 on coverage of any fertility services based on a covered

1 individual's participation in fertility services provided by
2 or to a third party, nor may it impose deductibles,
3 copayments, coinsurance, benefit maximums, waiting periods, or
4 any other limitations on coverage for the diagnosis of
5 infertility, treatment for infertility, and standard fertility
6 preservation services, except as provided in this Section,
7 that are different from those imposed upon benefits for
8 services not related to infertility.

9 (5 ILCS 375/6.11C new)

10 Sec. 6.11C. Coverage for injectable medicines to improve
11 glucose or weight loss. Beginning on January 1, 2024, the
12 State Employees Group Insurance Program shall provide coverage
13 for all types of injectable medicines prescribed on-label or
14 off-label to improve glucose or weight loss for use by adults
15 diagnosed or previously diagnosed with prediabetes,
16 gestational diabetes, or obesity. To continue to qualify for
17 coverage under this Section, covered members must participate
18 in a lifestyle management plan administered by their health
19 plan. This Section does not apply to individuals covered by a
20 Medicare Advantage Prescription Drug Plan.

21 ARTICLE 100.

22 Section 100-5. The Counties Code is amended by changing
23 Section 3-4014 as follows:

1 (55 ILCS 5/3-4014)

2 Sec. 3-4014. Public Defender Fund ~~defender grant program.~~

3 (a) (Blank). ~~Subject to appropriation, the Administrative~~
4 ~~Office of the Illinois Courts shall establish a grant program~~
5 ~~for counties with a population of 3,000,000 or less for the~~
6 ~~purpose of training and hiring attorneys on contract to assist~~
7 ~~the county public defender in pretrial detention hearings. The~~
8 ~~Administrative Office of the Illinois Courts may establish, by~~
9 ~~rule, administrative procedures for the grant program,~~
10 ~~including application procedures and requirements concerning~~
11 ~~grant agreements, certifications, payment methodologies, and~~
12 ~~other accountability measures that may be imposed upon~~
13 ~~participants in the program. Emergency rules may be adopted to~~
14 ~~implement the program in accordance with Section 5-45 of the~~
15 ~~Illinois Administrative Procedure Act.~~

16 (b) The Public Defender Fund is created as a special fund
17 in the State treasury. All money in the Public Defender Fund
18 shall be used, subject to appropriation, by the Illinois
19 Supreme Court to provide funding to counties with a population
20 of 3,000,000 or less for public defenders and public defender
21 services pursuant to this Section 3-4014.

22 (Source: P.A. 102-1104, eff. 12-6-22.)

1 Section 105-5. The School Code is amended by changing
2 Section 2-3.192 as follows:

3 (105 ILCS 5/2-3.192)

4 (Section scheduled to be repealed on July 1, 2023)

5 Sec. 2-3.192. Significant loss grant program. Subject to
6 specific State appropriation, the State Board shall make
7 Significant Loss Grants available to school districts that
8 meet all of the following requirements:

9 (1) The district has been affected by a recent
10 substantial loss of contributions from a single taxpayer
11 that resulted in either a significant loss of the overall
12 district Equalized Assessed Value or a significant loss in
13 property tax revenue from January 1, 2018 through the
14 effective date of this amendatory Act of the 103rd ~~102nd~~
15 General Assembly.

16 (2) The district's total equalized assessed value is
17 significantly derived from a single taxpayer.

18 (3) The district's administrative office is located in
19 a county with less than 30,000 inhabitants.

20 (4) The district has a total student enrollment of
21 less than 500 students as published on the most recent
22 Illinois School Report Card.

23 (5) The district has a low income concentration of at
24 least 45% as published on the most recent Illinois School
25 Report Card.

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

2 25% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;

4 30% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;

6 35% of annual adjusted gross receipts in excess of
7 \$100,000,000.

8 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
9 is imposed on persons engaged in the business of conducting
10 riverboat gambling operations, other than licensed managers
11 conducting riverboat gambling operations on behalf of the
12 State, based on the adjusted gross receipts received by a
13 licensed owner from gambling games authorized under this Act
14 at the following rates:

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

17 22.5% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$50,000,000;

19 27.5% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;

21 32.5% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;

23 37.5% of annual adjusted gross receipts in excess of
24 \$100,000,000 but not exceeding \$150,000,000;

25 45% of annual adjusted gross receipts in excess of
26 \$150,000,000 but not exceeding \$200,000,000;

1 50% of annual adjusted gross receipts in excess of
2 \$200,000,000.

3 (a-3) Beginning July 1, 2003, a privilege tax is imposed
4 on persons engaged in the business of conducting riverboat
5 gambling operations, other than licensed managers conducting
6 riverboat gambling operations on behalf of the State, based on
7 the adjusted gross receipts received by a licensed owner from
8 gambling games authorized under this Act at the following
9 rates:

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

12 27.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$37,500,000;

14 32.5% of annual adjusted gross receipts in excess of
15 \$37,500,000 but not exceeding \$50,000,000;

16 37.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 45% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 50% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$250,000,000;

22 70% of annual adjusted gross receipts in excess of
23 \$250,000,000.

24 An amount equal to the amount of wagering taxes collected
25 under this subsection (a-3) that are in addition to the amount
26 of wagering taxes that would have been collected if the

1 wagering tax rates under subsection (a-2) were in effect shall
2 be paid into the Common School Fund.

3 The privilege tax imposed under this subsection (a-3)
4 shall no longer be imposed beginning on the earlier of (i) July
5 1, 2005; (ii) the first date after June 20, 2003 that riverboat
6 gambling operations are conducted pursuant to a dormant
7 license; or (iii) the first day that riverboat gambling
8 operations are conducted under the authority of an owners
9 license that is in addition to the 10 owners licenses
10 initially authorized under this Act. For the purposes of this
11 subsection (a-3), the term "dormant license" means an owners
12 license that is authorized by this Act under which no
13 riverboat gambling operations are being conducted on June 20,
14 2003.

15 (a-4) Beginning on the first day on which the tax imposed
16 under subsection (a-3) is no longer imposed and ending upon
17 the imposition of the privilege tax under subsection (a-5) of
18 this Section, a privilege tax is imposed on persons engaged in
19 the business of conducting gambling operations, other than
20 licensed managers conducting riverboat gambling operations on
21 behalf of the State, based on the adjusted gross receipts
22 received by a licensed owner from gambling games authorized
23 under this Act 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 For the imposition of the privilege tax in this subsection
13 (a-4), amounts paid pursuant to item (1) of subsection (b) of
14 Section 56 of the Illinois Horse Racing Act of 1975 shall not
15 be included in the determination of adjusted gross receipts.

16 (a-5)(1) Beginning on July 1, 2020, a privilege tax is
17 imposed on persons engaged in the business of conducting
18 gambling operations, other than the owners licensee under
19 paragraph (1) of subsection (e-5) of Section 7 and licensed
20 managers conducting riverboat gambling operations on behalf of
21 the State, based on the adjusted gross receipts received by
22 such licensee from the gambling games authorized under this
23 Act. The privilege tax for all gambling games other than table
24 games, including, but not limited to, slot machines, video
25 game of chance gambling, and electronic gambling games shall
26 be at the following rates:

1 15% of annual adjusted gross receipts up to and
2 including \$25,000,000;

3 22.5% of annual adjusted gross receipts in excess of
4 \$25,000,000 but not exceeding \$50,000,000;

5 27.5% of annual adjusted gross receipts in excess of
6 \$50,000,000 but not exceeding \$75,000,000;

7 32.5% of annual adjusted gross receipts in excess of
8 \$75,000,000 but not exceeding \$100,000,000;

9 37.5% of annual adjusted gross receipts in excess of
10 \$100,000,000 but not exceeding \$150,000,000;

11 45% of annual adjusted gross receipts in excess of
12 \$150,000,000 but not exceeding \$200,000,000;

13 50% of annual adjusted gross receipts in excess of
14 \$200,000,000.

15 The privilege tax for table games shall be at the
16 following rates:

17 15% of annual adjusted gross receipts up to and
18 including \$25,000,000;

19 20% of annual adjusted gross receipts in excess of
20 \$25,000,000.

21 For the imposition of the privilege tax in this subsection
22 (a-5), 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 (2) Beginning on the first day that an owners licensee
26 under paragraph (1) of subsection (e-5) of Section 7 conducts

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

12 12% of annual adjusted gross receipts up to and
13 including \$25,000,000 to the State and 10.5% of annual
14 adjusted gross receipts up to and including \$25,000,000 to
15 the City of Chicago;

16 16% of annual adjusted gross receipts in excess of
17 \$25,000,000 but not exceeding \$50,000,000 to the State and
18 14% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$50,000,000 to the City of
20 Chicago;

21 20.1% of annual adjusted gross receipts in excess of
22 \$50,000,000 but not exceeding \$75,000,000 to the State and
23 17.4% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000 to the City of
25 Chicago;

26 21.4% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000 to the State
2 and 18.6% of annual adjusted gross receipts in excess of
3 \$75,000,000 but not exceeding \$100,000,000 to the City of
4 Chicago;

5 22.7% of annual adjusted gross receipts in excess of
6 \$100,000,000 but not exceeding \$150,000,000 to the State
7 and 19.8% of annual adjusted gross receipts in excess of
8 \$100,000,000 but not exceeding \$150,000,000 to the City of
9 Chicago;

10 24.1% of annual adjusted gross receipts in excess of
11 \$150,000,000 but not exceeding \$225,000,000 to the State
12 and 20.9% of annual adjusted gross receipts in excess of
13 \$150,000,000 but not exceeding \$225,000,000 to the City of
14 Chicago;

15 26.8% of annual adjusted gross receipts in excess of
16 \$225,000,000 but not exceeding \$1,000,000,000 to the State
17 and 23.2% of annual adjusted gross receipts in excess of
18 \$225,000,000 but not exceeding \$1,000,000,000 to the City
19 of Chicago;

20 40% of annual adjusted gross receipts in excess of
21 \$1,000,000,000 to the State and 34.7% of annual gross
22 receipts in excess of \$1,000,000,000 to the City of
23 Chicago.

24 The privilege tax for table games shall be at the
25 following rates:

26 8.1% of annual adjusted gross receipts up to and

1 including \$25,000,000 to the State and 6.9% of annual
2 adjusted gross receipts up to and including \$25,000,000 to
3 the City of Chicago;

4 10.7% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$75,000,000 to the State and
6 9.3% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$75,000,000 to the City of
8 Chicago;

9 11.2% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$175,000,000 to the State
11 and 9.8% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$175,000,000 to the City of
13 Chicago;

14 13.5% of annual adjusted gross receipts in excess of
15 \$175,000,000 but not exceeding \$225,000,000 to the State
16 and 11.5% of annual adjusted gross receipts in excess of
17 \$175,000,000 but not exceeding \$225,000,000 to the City of
18 Chicago;

19 15.1% of annual adjusted gross receipts in excess of
20 \$225,000,000 but not exceeding \$275,000,000 to the State
21 and 12.9% of annual adjusted gross receipts in excess of
22 \$225,000,000 but not exceeding \$275,000,000 to the City of
23 Chicago;

24 16.2% of annual adjusted gross receipts in excess of
25 \$275,000,000 but not exceeding \$375,000,000 to the State
26 and 13.8% of annual adjusted gross receipts in excess of

1 \$275,000,000 but not exceeding \$375,000,000 to the City of
2 Chicago;

3 18.9% of annual adjusted gross receipts in excess of
4 \$375,000,000 to the State and 16.1% of annual gross
5 receipts in excess of \$375,000,000 to the City of Chicago.

6 For the imposition of the privilege tax in this subsection
7 (a-5), amounts paid pursuant to item (1) of subsection (b) of
8 Section 56 of the Illinois Horse Racing Act of 1975 shall not
9 be included in the determination of adjusted gross receipts.

10 (3) Notwithstanding the provisions of this subsection
11 (a-5), for the first 10 years that the privilege tax is imposed
12 under this subsection (a-5) or until the year preceding the
13 calendar year in which paragraph (4) becomes operative,
14 whichever occurs first, the privilege tax shall be imposed on
15 the modified annual adjusted gross receipts of a riverboat or
16 casino conducting gambling operations in the City of East St.
17 Louis, unless:

18 (1) the riverboat or casino fails to employ at least
19 450 people, except no minimum employment shall be required
20 during 2020 and 2021 or during periods that the riverboat
21 or casino is closed on orders of State officials for
22 public health emergencies or other emergencies not caused
23 by the riverboat or casino;

24 (2) the riverboat or casino fails to maintain
25 operations in a manner consistent with this Act or is not a
26 viable riverboat or casino subject to the approval of the

1 Board; or

2 (3) the owners licensee is not an entity in which
3 employees participate in an employee stock ownership plan
4 or in which the owners licensee sponsors a 401(k)
5 retirement plan and makes a matching employer contribution
6 equal to at least one-quarter of the first 12% or one-half
7 of the first 6% of each participating employee's
8 contribution, not to exceed any limitations under federal
9 laws and regulations.

10 (4) Notwithstanding the provisions of this subsection
11 (a-5), for 10 calendar years beginning in the year that
12 gambling operations commence either in a temporary or
13 permanent facility at an organization gaming facility located
14 in the City of Collinsville if the facility commences
15 operations within 3 years of the effective date of the changes
16 made to this Section by this amendatory Act of the 103rd
17 General Assembly, the privilege tax imposed under this
18 subsection (a-5) on a riverboat or casino conducting gambling
19 operations in the City of East St. Louis shall be reduced, if
20 applicable, by an amount equal to the difference in adjusted
21 gross receipts for the 2022 calendar year less the current
22 year's adjusted gross receipts, unless:

23 (A) the riverboat or casino fails to employ at least
24 350 people, except that no minimum employment shall be
25 required during periods that the riverboat or casino is
26 closed on orders of State officials for public health

1 emergencies or other emergencies not caused by the
2 riverboat or casino;

3 (B) the riverboat or casino fails to maintain
4 operations in a manner consistent with this Act or is not a
5 viable riverboat or casino subject to the approval of the
6 Board; or

7 (C) the riverboat or casino fails to submit audited
8 financial statements to the Board prepared by an
9 accounting firm that has been preapproved by the Board and
10 such statements were prepared in accordance with the
11 provisions of the Financial Accounting Standards Board
12 Accounting Standards Codification under nongovernmental
13 accounting principles generally accepted in the United
14 States.

15 As used in this subsection (a-5), "modified annual
16 adjusted gross receipts" means:

17 (A) for calendar year 2020, the annual adjusted gross
18 receipts for the current year minus the difference between
19 an amount equal to the average annual adjusted gross
20 receipts from a riverboat or casino conducting gambling
21 operations in the City of East St. Louis for 2014, 2015,
22 2016, 2017, and 2018 and the annual adjusted gross
23 receipts for 2018;

24 (B) for calendar year 2021, the annual adjusted gross
25 receipts for the current year minus the difference between
26 an amount equal to the average annual adjusted gross

1 receipts from a riverboat or casino conducting gambling
2 operations in the City of East St. Louis for 2014, 2015,
3 2016, 2017, and 2018 and the annual adjusted gross
4 receipts for 2019; and

5 (C) for calendar years 2022 through 2029, the annual
6 adjusted gross receipts for the current year minus the
7 difference between an amount equal to the average annual
8 adjusted gross receipts from a riverboat or casino
9 conducting gambling operations in the City of East St.
10 Louis for 3 years preceding the current year and the
11 annual adjusted gross receipts for the immediately
12 preceding year.

13 (a-6) From June 28, 2019 (the effective date of Public Act
14 101-31) until June 30, 2023, an owners licensee that conducted
15 gambling operations prior to January 1, 2011 shall receive a
16 dollar-for-dollar credit against the tax imposed under this
17 Section for any renovation or construction costs paid by the
18 owners licensee, but in no event shall the credit exceed
19 \$2,000,000.

20 Additionally, from June 28, 2019 (the effective date of
21 Public Act 101-31) until December 31, 2024, an owners licensee
22 that (i) is located within 15 miles of the Missouri border, and
23 (ii) has at least 3 riverboats, casinos, or their equivalent
24 within a 45-mile radius, may be authorized to relocate to a new
25 location with the approval of both the unit of local
26 government designated as the home dock and the Board, so long

1 as the new location is within the same unit of local government
2 and no more than 3 miles away from its original location. Such
3 owners licensee shall receive a credit against the tax imposed
4 under this Section equal to 8% of the total project costs, as
5 approved by the Board, for any renovation or construction
6 costs paid by the owners licensee for the construction of the
7 new facility, provided that the new facility is operational by
8 July 1, 2024. In determining whether or not to approve a
9 relocation, the Board must consider the extent to which the
10 relocation will diminish the gaming revenues received by other
11 Illinois gaming facilities.

12 (a-7) Beginning in the initial adjustment year and through
13 the final adjustment year, if the total obligation imposed
14 pursuant to either subsection (a-5) or (a-6) will result in an
15 owners licensee receiving less after-tax adjusted gross
16 receipts than it received in calendar year 2018, then the
17 total amount of privilege taxes that the owners licensee is
18 required to pay for that calendar year shall be reduced to the
19 extent necessary so that the after-tax adjusted gross receipts
20 in that calendar year equals the after-tax adjusted gross
21 receipts in calendar year 2018, but the privilege tax
22 reduction shall not exceed the annual adjustment cap. If
23 pursuant to this subsection (a-7), the total obligation
24 imposed pursuant to either subsection (a-5) or (a-6) shall be
25 reduced, then the owners licensee shall not receive a refund
26 from the State at the end of the subject calendar year but

1 instead shall be able to apply that amount as a credit against
2 any payments it owes to the State in the following calendar
3 year to satisfy its total obligation under either subsection
4 (a-5) or (a-6). The credit for the final adjustment year shall
5 occur in the calendar year following the final adjustment
6 year.

7 If an owners licensee that conducted gambling operations
8 prior to January 1, 2019 expands its riverboat or casino,
9 including, but not limited to, with respect to its gaming
10 floor, additional non-gaming amenities such as restaurants,
11 bars, and hotels and other additional facilities, and incurs
12 construction and other costs related to such expansion from
13 June 28, 2019 (the effective date of Public Act 101-31) until
14 June 28, 2024 (the 5th anniversary of the effective date of
15 Public Act 101-31), then for each \$15,000,000 spent for any
16 such construction or other costs related to expansion paid by
17 the owners licensee, the final adjustment year shall be
18 extended by one year and the annual adjustment cap shall
19 increase by 0.2% of adjusted gross receipts during each
20 calendar year until and including the final adjustment year.
21 No further modifications to the final adjustment year or
22 annual adjustment cap shall be made after \$75,000,000 is
23 incurred in construction or other costs related to expansion
24 so that the final adjustment year shall not extend beyond the
25 9th calendar year after the initial adjustment year, not
26 including the initial adjustment year, and the annual

1 adjustment cap shall not exceed 4% of adjusted gross receipts
2 in a particular calendar year. Construction and other costs
3 related to expansion shall include all project related costs,
4 including, but not limited to, all hard and soft costs,
5 financing costs, on or off-site ground, road or utility work,
6 cost of gaming equipment and all other personal property,
7 initial fees assessed for each incremental gaming position,
8 and the cost of incremental land acquired for such expansion.
9 Soft costs shall include, but not be limited to, legal fees,
10 architect, engineering and design costs, other consultant
11 costs, insurance cost, permitting costs, and pre-opening costs
12 related to the expansion, including, but not limited to, any
13 of the following: marketing, real estate taxes, personnel,
14 training, travel and out-of-pocket expenses, supply,
15 inventory, and other costs, and any other project related soft
16 costs.

17 To be eligible for the tax credits in subsection (a-6),
18 all construction contracts shall include a requirement that
19 the contractor enter into a project labor agreement with the
20 building and construction trades council with geographic
21 jurisdiction of the location of the proposed gaming facility.

22 Notwithstanding any other provision of this subsection
23 (a-7), this subsection (a-7) does not apply to an owners
24 licensee unless such owners licensee spends at least
25 \$15,000,000 on construction and other costs related to its
26 expansion, excluding the initial fees assessed for each

1 incremental gaming position.

2 This subsection (a-7) does not apply to owners licensees
3 authorized pursuant to subsection (e-5) of Section 7 of this
4 Act.

5 For purposes of this subsection (a-7):

6 "Building and construction trades council" means any
7 organization representing multiple construction entities that
8 are monitoring or attentive to compliance with public or
9 workers' safety laws, wage and hour requirements, or other
10 statutory requirements or that are making or maintaining
11 collective bargaining agreements.

12 "Initial adjustment year" means the year commencing on
13 January 1 of the calendar year immediately following the
14 earlier of the following:

15 (1) the commencement of gambling operations, either in
16 a temporary or permanent facility, with respect to the
17 owners license authorized under paragraph (1) of
18 subsection (e-5) of Section 7 of this Act; or

19 (2) June 28, 2021 (24 months after the effective date
20 of Public Act 101-31);

21 provided the initial adjustment year shall not commence
22 earlier than June 28, 2020 (12 months after the effective date
23 of Public Act 101-31).

24 "Final adjustment year" means the 2nd calendar year after
25 the initial adjustment year, not including the initial
26 adjustment year, and as may be extended further as described

1 in this subsection (a-7).

2 "Annual adjustment cap" means 3% of adjusted gross
3 receipts in a particular calendar year, and as may be
4 increased further as otherwise described in this subsection
5 (a-7).

6 (a-8) Riverboat gambling operations conducted by a
7 licensed manager on behalf of the State are not subject to the
8 tax imposed under this Section.

9 (a-9) Beginning on January 1, 2020, the calculation of
10 gross receipts or adjusted gross receipts, for the purposes of
11 this Section, for a riverboat, a casino, or an organization
12 gaming facility shall not include the dollar amount of
13 non-cashable vouchers, coupons, and electronic promotions
14 redeemed by wagerers upon the riverboat, in the casino, or in
15 the organization gaming facility up to and including an amount
16 not to exceed 20% of a riverboat's, a casino's, or an
17 organization gaming facility's adjusted gross receipts.

18 The Illinois Gaming Board shall submit to the General
19 Assembly a comprehensive report no later than March 31, 2023
20 detailing, at a minimum, the effect of removing non-cashable
21 vouchers, coupons, and electronic promotions from this
22 calculation on net gaming revenues to the State in calendar
23 years 2020 through 2022, the increase or reduction in wagerers
24 as a result of removing non-cashable vouchers, coupons, and
25 electronic promotions from this calculation, the effect of the
26 tax rates in subsection (a-5) on net gaming revenues to this

1 State, and proposed modifications to the calculation.

2 (a-10) The taxes imposed by this Section shall be paid by
3 the licensed owner or the organization gaming licensee to the
4 Board not later than 5:00 o'clock p.m. of the day after the day
5 when the wagers were made.

6 (a-15) If the privilege tax imposed under subsection (a-3)
7 is no longer imposed pursuant to item (i) of the last paragraph
8 of subsection (a-3), then by June 15 of each year, each owners
9 licensee, other than an owners licensee that admitted
10 1,000,000 persons or fewer in calendar year 2004, must, in
11 addition to the payment of all amounts otherwise due under
12 this Section, pay to the Board a reconciliation payment in the
13 amount, if any, by which the licensed owner's base amount
14 exceeds the amount of net privilege tax paid by the licensed
15 owner to the Board in the then current State fiscal year. A
16 licensed owner's net privilege tax obligation due for the
17 balance of the State fiscal year shall be reduced up to the
18 total of the amount paid by the licensed owner in its June 15
19 reconciliation payment. The obligation imposed by this
20 subsection (a-15) is binding on any person, firm, corporation,
21 or other entity that acquires an ownership interest in any
22 such owners license. The obligation imposed under this
23 subsection (a-15) terminates on the earliest of: (i) July 1,
24 2007, (ii) the first day after August 23, 2005 (the effective
25 date of Public Act 94-673) that riverboat gambling operations
26 are conducted pursuant to a dormant license, (iii) the first

1 day that riverboat gambling operations are conducted under the
2 authority of an owners license that is in addition to the 10
3 owners licenses initially authorized under this Act, or (iv)
4 the first day that a licensee under the Illinois Horse Racing
5 Act of 1975 conducts gaming operations with slot machines or
6 other electronic gaming devices. The Board must reduce the
7 obligation imposed under this subsection (a-15) by an amount
8 the Board deems reasonable for any of the following reasons:
9 (A) an act or acts of God, (B) an act of bioterrorism or
10 terrorism or a bioterrorism or terrorism threat that was
11 investigated by a law enforcement agency, or (C) a condition
12 beyond the control of the owners licensee that does not result
13 from any act or omission by the owners licensee or any of its
14 agents and that poses a hazardous threat to the health and
15 safety of patrons. If an owners licensee pays an amount in
16 excess of its liability under this Section, the Board shall
17 apply the overpayment to future payments required under this
18 Section.

19 For purposes of this subsection (a-15):

20 "Act of God" means an incident caused by the operation of
21 an extraordinary force that cannot be foreseen, that cannot be
22 avoided by the exercise of due care, and for which no person
23 can be held liable.

24 "Base amount" means the following:

25 For a riverboat in Alton, \$31,000,000.

26 For a riverboat in East Peoria, \$43,000,000.

1 For the Empress riverboat in Joliet, \$86,000,000.

2 For a riverboat in Metropolis, \$45,000,000.

3 For the Harrah's riverboat in Joliet, \$114,000,000.

4 For a riverboat in Aurora, \$86,000,000.

5 For a riverboat in East St. Louis, \$48,500,000.

6 For a riverboat in Elgin, \$198,000,000.

7 "Dormant license" has the meaning ascribed to it in
8 subsection (a-3).

9 "Net privilege tax" means all privilege taxes paid by a
10 licensed owner to the Board under this Section, less all
11 payments made from the State Gaming Fund pursuant to
12 subsection (b) of this Section.

13 The changes made to this subsection (a-15) by Public Act
14 94-839 are intended to restate and clarify the intent of
15 Public Act 94-673 with respect to the amount of the payments
16 required to be made under this subsection by an owners
17 licensee to the Board.

18 (b) From the tax revenue from riverboat or casino gambling
19 deposited in the State Gaming Fund under this Section, an
20 amount equal to 5% of adjusted gross receipts generated by a
21 riverboat or a casino, other than a riverboat or casino
22 designated in paragraph (1), (3), or (4) of subsection (e-5)
23 of Section 7, shall be paid monthly, subject to appropriation
24 by the General Assembly, to the unit of local government in
25 which the casino is located or that is designated as the home
26 dock of the riverboat. Notwithstanding anything to the

1 contrary, beginning on the first day that an owners licensee
2 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
3 (e-5) of Section 7 conducts gambling operations, either in a
4 temporary facility or a permanent facility, and for 2 years
5 thereafter, a unit of local government designated as the home
6 dock of a riverboat whose license was issued before January 1,
7 2019, other than a riverboat conducting gambling operations in
8 the City of East St. Louis, shall not receive less under this
9 subsection (b) than the amount the unit of local government
10 received under this subsection (b) in calendar year 2018.
11 Notwithstanding anything to the contrary and because the City
12 of East St. Louis is a financially distressed city, beginning
13 on the first day that an owners licensee under paragraph (1),
14 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
15 conducts gambling operations, either in a temporary facility
16 or a permanent facility, and for 10 years thereafter, a unit of
17 local government designated as the home dock of a riverboat
18 conducting gambling operations in the City of East St. Louis
19 shall not receive less under this subsection (b) than the
20 amount the unit of local government received under this
21 subsection (b) in calendar year 2018.

22 From the tax revenue deposited in the State Gaming Fund
23 pursuant to riverboat or casino gambling operations conducted
24 by a licensed manager on behalf of the State, an amount equal
25 to 5% of adjusted gross receipts generated pursuant to those
26 riverboat or casino gambling operations shall be paid monthly,

1 subject to appropriation by the General Assembly, to the unit
2 of local government that is designated as the home dock of the
3 riverboat upon which those riverboat gambling operations are
4 conducted or in which the casino is located.

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 (3) of subsection (e-5) of
9 Section 7 shall be divided and remitted monthly, subject to
10 appropriation, as follows: 70% to Waukegan, 10% to Park City,
11 15% to North Chicago, and 5% to Lake County.

12 From the tax revenue from riverboat or casino gambling
13 deposited in the State Gaming Fund under this Section, an
14 amount equal to 5% of the adjusted gross receipts generated by
15 a riverboat designated in paragraph (4) of subsection (e-5) of
16 Section 7 shall be remitted monthly, subject to appropriation,
17 as follows: 70% to the City of Rockford, 5% to the City of
18 Loves Park, 5% to the Village of Machesney, and 20% to
19 Winnebago County.

20 From the tax revenue from riverboat or casino gambling
21 deposited in the State Gaming Fund under this Section, an
22 amount equal to 5% of the adjusted gross receipts generated by
23 a riverboat designated in paragraph (5) of subsection (e-5) of
24 Section 7 shall be remitted monthly, subject to appropriation,
25 as follows: 2% to the unit of local government in which the
26 riverboat or casino is located, and 3% shall be distributed:

1 (A) in accordance with a regional capital development plan
2 entered into by the following communities: Village of Beecher,
3 City of Blue Island, Village of Burnham, City of Calumet City,
4 Village of Calumet Park, City of Chicago Heights, City of
5 Country Club Hills, Village of Crestwood, Village of Crete,
6 Village of Dixmoor, Village of Dolton, Village of East Hazel
7 Crest, Village of Flossmoor, Village of Ford Heights, Village
8 of Glenwood, City of Harvey, Village of Hazel Crest, Village
9 of Homewood, Village of Lansing, Village of Lynwood, City of
10 Markham, Village of Matteson, Village of Midlothian, Village
11 of Monee, City of Oak Forest, Village of Olympia Fields,
12 Village of Orland Hills, Village of Orland Park, City of Palos
13 Heights, Village of Park Forest, Village of Phoenix, Village
14 of Posen, Village of Richton Park, Village of Riverdale,
15 Village of Robbins, Village of Sauk Village, Village of South
16 Chicago Heights, Village of South Holland, Village of Steger,
17 Village of Thornton, Village of Tinley Park, Village of
18 University Park, and Village of Worth; or (B) if no regional
19 capital development plan exists, equally among the communities
20 listed in item (A) to be used for capital expenditures or
21 public pension payments, or both.

22 Units of local government may refund any portion of the
23 payment that they receive pursuant to this subsection (b) to
24 the riverboat or casino.

25 (b-4) Beginning on the first day the licensee under
26 paragraph (5) of subsection (e-5) of Section 7 conducts

1 gambling operations, either in a temporary facility or a
2 permanent facility, and ending on July 31, 2042, from the tax
3 revenue deposited in the State Gaming Fund under this Section,
4 \$5,000,000 shall be paid annually, subject to appropriation,
5 to the host municipality of that owners licensee of a license
6 issued or re-issued pursuant to Section 7.1 of this Act before
7 January 1, 2012. Payments received by the host municipality
8 pursuant to this subsection (b-4) may not be shared with any
9 other unit of local government.

10 (b-5) Beginning on June 28, 2019 (the effective date of
11 Public Act 101-31), from the tax revenue deposited in the
12 State Gaming Fund under this Section, an amount equal to 3% of
13 adjusted gross receipts generated by each organization gaming
14 facility located outside Madison County shall be paid monthly,
15 subject to appropriation by the General Assembly, to a
16 municipality other than the Village of Stickney in which each
17 organization gaming facility is located or, if the
18 organization gaming facility is not located within a
19 municipality, to the county in which the organization gaming
20 facility is located, except as otherwise provided in this
21 Section. From the tax revenue deposited in the State Gaming
22 Fund under this Section, an amount equal to 3% of adjusted
23 gross receipts generated by an organization gaming facility
24 located in the Village of Stickney shall be paid monthly,
25 subject to appropriation by the General Assembly, as follows:
26 25% to the Village of Stickney, 5% to the City of Berwyn, 50%

1 to the Town of Cicero, and 20% to the Stickney Public Health
2 District.

3 From the tax revenue deposited in the State Gaming Fund
4 under this Section, an amount equal to 5% of adjusted gross
5 receipts generated by an organization gaming facility located
6 in the City of Collinsville shall be paid monthly, subject to
7 appropriation by the General Assembly, as follows: 30% to the
8 City of Alton, 30% to the City of East St. Louis, and 40% to
9 the City of Collinsville.

10 Municipalities and counties may refund any portion of the
11 payment that they receive pursuant to this subsection (b-5) to
12 the organization gaming facility.

13 (b-6) Beginning on June 28, 2019 (the effective date of
14 Public Act 101-31), from the tax revenue deposited in the
15 State Gaming Fund under this Section, an amount equal to 2% of
16 adjusted gross receipts generated by an organization gaming
17 facility located outside Madison County shall be paid monthly,
18 subject to appropriation by the General Assembly, to the
19 county in which the organization gaming facility is located
20 for the purposes of its criminal justice system or health care
21 system.

22 Counties may refund any portion of the payment that they
23 receive pursuant to this subsection (b-6) to the organization
24 gaming facility.

25 (b-7) From the tax revenue from the organization gaming
26 licensee located in one of the following townships of Cook

1 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
2 Worth, an amount equal to 5% of the adjusted gross receipts
3 generated by that organization gaming licensee shall be
4 remitted monthly, subject to appropriation, as follows: 2% to
5 the unit of local government in which the organization gaming
6 licensee is located, and 3% shall be distributed: (A) in
7 accordance with a regional capital development plan entered
8 into by the following communities: Village of Beecher, City of
9 Blue Island, Village of Burnham, City of Calumet City, Village
10 of Calumet Park, City of Chicago Heights, City of Country Club
11 Hills, Village of Crestwood, Village of Crete, Village of
12 Dixmoor, Village of Dolton, Village of East Hazel Crest,
13 Village of Flossmoor, Village of Ford Heights, Village of
14 Glenwood, City of Harvey, Village of Hazel Crest, Village of
15 Homewood, Village of Lansing, Village of Lynwood, City of
16 Markham, Village of Matteson, Village of Midlothian, Village
17 of Monee, City of Oak Forest, Village of Olympia Fields,
18 Village of Orland Hills, Village of Orland Park, City of Palos
19 Heights, Village of Park Forest, Village of Phoenix, Village
20 of Posen, Village of Richton Park, Village of Riverdale,
21 Village of Robbins, Village of Sauk Village, Village of South
22 Chicago Heights, Village of South Holland, Village of Steger,
23 Village of Thornton, Village of Tinley Park, Village of
24 University Park, and Village of Worth; or (B) if no regional
25 capital development plan exists, equally among the communities
26 listed in item (A) to be used for capital expenditures or

1 public pension payments, or both.

2 (b-8) In lieu of the payments under subsection (b) of this
3 Section, from the tax revenue deposited in the State Gaming
4 Fund pursuant to riverboat or casino gambling operations
5 conducted by an owners licensee under paragraph (1) of
6 subsection (e-5) of Section 7, an amount equal to the tax
7 revenue generated from the privilege tax imposed by paragraph
8 (2) of subsection (a-5) that is to be paid to the City of
9 Chicago shall be paid monthly, subject to appropriation by the
10 General Assembly, as follows: (1) an amount equal to 0.5% of
11 the annual adjusted gross receipts generated by the owners
12 licensee under paragraph (1) of subsection (e-5) of Section 7
13 to the home rule county in which the owners licensee is located
14 for the purpose of enhancing the county's criminal justice
15 system; and (2) the balance to the City of Chicago and shall be
16 expended or obligated by the City of Chicago for pension
17 payments in accordance with Public Act 99-506.

18 (c) Appropriations, as approved by the General Assembly,
19 may be made from the State Gaming Fund to the Board (i) for the
20 administration and enforcement of this Act and the Video
21 Gaming Act, (ii) for distribution to the Illinois State Police
22 and to the Department of Revenue for the enforcement of this
23 Act and the Video Gaming Act, and (iii) to the Department of
24 Human Services for the administration of programs to treat
25 problem gambling, including problem gambling from sports
26 wagering. The Board's annual appropriations request must

1 separately state its funding needs for the regulation of
2 gaming authorized under Section 7.7, riverboat gaming, casino
3 gaming, video gaming, and sports wagering.

4 (c-2) An amount equal to 2% of the adjusted gross receipts
5 generated by an organization gaming facility located within a
6 home rule county with a population of over 3,000,000
7 inhabitants shall be paid, subject to appropriation from the
8 General Assembly, from the State Gaming Fund to the home rule
9 county in which the organization gaming licensee is located
10 for the purpose of enhancing the county's criminal justice
11 system.

12 (c-3) Appropriations, as approved by the General Assembly,
13 may be made from the tax revenue deposited into the State
14 Gaming Fund from organization gaming licensees pursuant to
15 this Section for the administration and enforcement of this
16 Act.

17 (c-4) After payments required under subsections (b),
18 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
19 the tax revenue from organization gaming licensees deposited
20 into the State Gaming Fund under this Section, all remaining
21 amounts from organization gaming licensees shall be
22 transferred into the Capital Projects Fund.

23 (c-5) (Blank).

24 (c-10) Each year the General Assembly shall appropriate
25 from the General Revenue Fund to the Education Assistance Fund
26 an amount equal to the amount paid into the Horse Racing Equity

1 Fund pursuant to subsection (c-5) in the prior calendar year.

2 (c-15) After the payments required under subsections (b),
3 (c), and (c-5) have been made, an amount equal to 2% of the
4 adjusted gross receipts of (1) an owners licensee that
5 relocates pursuant to Section 11.2, (2) an owners licensee
6 conducting riverboat gambling operations pursuant to an owners
7 license that is initially issued after June 25, 1999, or (3)
8 the first riverboat gambling operations conducted by a
9 licensed manager on behalf of the State under Section 7.3,
10 whichever comes first, shall be paid, subject to appropriation
11 from the General Assembly, from the State Gaming Fund to each
12 home rule county with a population of over 3,000,000
13 inhabitants for the purpose of enhancing the county's criminal
14 justice system.

15 (c-20) Each year the General Assembly shall appropriate
16 from the General Revenue Fund to the Education Assistance Fund
17 an amount equal to the amount paid to each home rule county
18 with a population of over 3,000,000 inhabitants pursuant to
19 subsection (c-15) in the prior calendar year.

20 (c-21) After the payments required under subsections (b),
21 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
22 been made, an amount equal to 0.5% of the adjusted gross
23 receipts generated by the owners licensee under paragraph (1)
24 of subsection (e-5) of Section 7 shall be paid monthly,
25 subject to appropriation from the General Assembly, from the
26 State Gaming Fund to the home rule county in which the owners

1 licensee is located for the purpose of enhancing the county's
2 criminal justice system.

3 (c-22) After the payments required under subsections (b),
4 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
5 (c-21) have been made, an amount equal to 2% of the adjusted
6 gross receipts generated by the owners licensee under
7 paragraph (5) of subsection (e-5) of Section 7 shall be paid,
8 subject to appropriation from the General Assembly, from the
9 State Gaming Fund to the home rule county in which the owners
10 licensee is located for the purpose of enhancing the county's
11 criminal justice system.

12 (c-25) From July 1, 2013 and each July 1 thereafter
13 through July 1, 2019, \$1,600,000 shall be transferred from the
14 State Gaming Fund to the Chicago State University Education
15 Improvement Fund.

16 On July 1, 2020 and each July 1 thereafter, \$3,000,000
17 shall be transferred from the State Gaming Fund to the Chicago
18 State University Education Improvement Fund.

19 (c-30) On July 1, 2013 or as soon as possible thereafter,
20 \$92,000,000 shall be transferred from the State Gaming Fund to
21 the School Infrastructure Fund and \$23,000,000 shall be
22 transferred from the State Gaming Fund to the Horse Racing
23 Equity Fund.

24 (c-35) Beginning on July 1, 2013, in addition to any
25 amount transferred under subsection (c-30) of this Section,
26 \$5,530,000 shall be transferred monthly from the State Gaming

1 Fund to the School Infrastructure Fund.

2 (d) From time to time, through June 30, 2021, the Board
3 shall transfer the remainder of the funds generated by this
4 Act into the Education Assistance Fund.

5 (d-5) Beginning on July 1, 2021, on the last day of each
6 month, or as soon thereafter as possible, after all the
7 required expenditures, distributions, and transfers have been
8 made from the State Gaming Fund for the month pursuant to
9 subsections (b) through (c-35), at the direction of the Board,
10 the Comptroller shall direct and the Treasurer shall transfer
11 \$22,500,000, along with any deficiencies in such amounts from
12 prior months in the same fiscal year, from the State Gaming
13 Fund to the Education Assistance Fund; then, at the direction
14 of the Board, the Comptroller shall direct and the Treasurer
15 shall transfer the remainder of the funds generated by this
16 Act, if any, from the State Gaming Fund to the Capital Projects
17 Fund.

18 (e) Nothing in this Act shall prohibit the unit of local
19 government designated as the home dock of the riverboat from
20 entering into agreements with other units of local government
21 in this State or in other states to share its portion of the
22 tax revenue.

23 (f) To the extent practicable, the Board shall administer
24 and collect the wagering taxes imposed by this Section in a
25 manner consistent with the provisions of Sections 4, 5, 5a,
26 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of

1 the Retailers' Occupation Tax Act and Section 3-7 of the
2 Uniform Penalty and Interest Act.

3 (Source: P.A. 101-31, Article 25, Section 25-910, eff.
4 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;
5 101-648, eff. 6-30-20; 102-16, eff. 6-17-21; 102-538, eff.
6 8-20-21; 102-689, eff. 12-17-21; 102-699, eff. 4-19-22.)

7 Article 115.

8 Section 115-5. The Cannabis Regulation and Tax Act is
9 amended by changing Sections 15-25, 15-35, and 15-35.10 as
10 follows:

11 (410 ILCS 705/15-25)

12 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
13 Organization Licenses prior to January 1, 2021.

14 (a) The Department shall issue up to 75 Conditional Adult
15 Use Dispensing Organization Licenses before May 1, 2020.

16 (b) The Department shall make the application for a
17 Conditional Adult Use Dispensing Organization License
18 available no later than October 1, 2019 and shall accept
19 applications no later than January 1, 2020.

20 (c) To ensure the geographic dispersion of Conditional
21 Adult Use Dispensing Organization License holders, the
22 following number of licenses shall be awarded in each BLS
23 Region as determined by each region's percentage of the

1 State's population:

2 (1) Bloomington: 1

3 (2) Cape Girardeau: 1

4 (3) Carbondale-Marion: 1

5 (4) Champaign-Urbana: 1

6 (5) Chicago-Naperville-Elgin: 47

7 (6) Danville: 1

8 (7) Davenport-Moline-Rock Island: 1

9 (8) Decatur: 1

10 (9) Kankakee: 1

11 (10) Peoria: 3

12 (11) Rockford: 2

13 (12) St. Louis: 4

14 (13) Springfield: 1

15 (14) Northwest Illinois nonmetropolitan: 3

16 (15) West Central Illinois nonmetropolitan: 3

17 (16) East Central Illinois nonmetropolitan: 2

18 (17) South Illinois nonmetropolitan: 2

19 (d) An applicant seeking issuance of a Conditional Adult
20 Use Dispensing Organization License shall submit an
21 application on forms provided by the Department. An applicant
22 must meet the following requirements:

23 (1) Payment of a nonrefundable application fee of
24 \$5,000 for each license for which the applicant is
25 applying, which shall be deposited into the Cannabis
26 Regulation Fund;

1 (2) Certification that the applicant will comply with
2 the requirements contained in this Act;

3 (3) The legal name of the proposed dispensing
4 organization;

5 (4) A statement that the dispensing organization
6 agrees to respond to the Department's supplemental
7 requests for information;

8 (5) From each principal officer, a statement
9 indicating whether that person:

10 (A) has previously held or currently holds an
11 ownership interest in a cannabis business
12 establishment in Illinois; or

13 (B) has held an ownership interest in a dispensing
14 organization or its equivalent in another state or
15 territory of the United States that had the dispensing
16 organization registration or license suspended,
17 revoked, placed on probationary status, or subjected
18 to other disciplinary action;

19 (6) Disclosure of whether any principal officer has
20 ever filed for bankruptcy or defaulted on spousal support
21 or child support obligation;

22 (7) A resume for each principal officer, including
23 whether that person has an academic degree, certification,
24 or relevant experience with a cannabis business
25 establishment or in a related industry;

26 (8) A description of the training and education that

1 will be provided to dispensing organization agents;

2 (9) A copy of the proposed operating bylaws;

3 (10) A copy of the proposed business plan that
4 complies with the requirements in this Act, including, at
5 a minimum, the following:

6 (A) A description of services to be offered; and

7 (B) A description of the process of dispensing
8 cannabis;

9 (11) A copy of the proposed security plan that
10 complies with the requirements in this Article, including:

11 (A) The process or controls that will be
12 implemented to monitor the dispensary, secure the
13 premises, agents, and currency, and prevent the
14 diversion, theft, or loss of cannabis; and

15 (B) The process to ensure that access to the
16 restricted access areas is restricted to, registered
17 agents, service professionals, transporting
18 organization agents, Department inspectors, and
19 security personnel;

20 (12) A proposed inventory control plan that complies
21 with this Section;

22 (13) A proposed floor plan, a square footage estimate,
23 and a description of proposed security devices, including,
24 without limitation, cameras, motion detectors, servers,
25 video storage capabilities, and alarm service providers;

26 (14) The name, address, social security number, and

1 date of birth of each principal officer and board member
2 of the dispensing organization; each of those individuals
3 shall be at least 21 years of age;

4 (15) Evidence of the applicant's status as a Social
5 Equity Applicant, if applicable, and whether a Social
6 Equity Applicant plans to apply for a loan or grant issued
7 by the Department of Commerce and Economic Opportunity;

8 (16) The address, telephone number, and email address
9 of the applicant's principal place of business, if
10 applicable. A post office box is not permitted;

11 (17) Written summaries of any information regarding
12 instances in which a business or not-for-profit that a
13 prospective board member previously managed or served on
14 were fined or censured, or any instances in which a
15 business or not-for-profit that a prospective board member
16 previously managed or served on had its registration
17 suspended or revoked in any administrative or judicial
18 proceeding;

19 (18) A plan for community engagement;

20 (19) Procedures to ensure accurate recordkeeping and
21 security measures that are in accordance with this Article
22 and Department rules;

23 (20) The estimated volume of cannabis it plans to
24 store at the dispensary;

25 (21) A description of the features that will provide
26 accessibility to purchasers as required by the Americans

1 with Disabilities Act;

2 (22) A detailed description of air treatment systems
3 that will be installed to reduce odors;

4 (23) A reasonable assurance that the issuance of a
5 license will not have a detrimental impact on the
6 community in which the applicant wishes to locate;

7 (24) The dated signature of each principal officer;

8 (25) A description of the enclosed, locked facility
9 where cannabis will be stored by the dispensing
10 organization;

11 (26) Signed statements from each dispensing
12 organization agent stating that he or she will not divert
13 cannabis;

14 (27) The number of licenses it is applying for in each
15 BLS Region;

16 (28) A diversity plan that includes a narrative of at
17 least 2,500 words that establishes a goal of diversity in
18 ownership, management, employment, and contracting to
19 ensure that diverse participants and groups are afforded
20 equality of opportunity;

21 (29) A contract with a private security contractor
22 agency that is licensed under Section 10-5 of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004 in order for the
25 dispensary to have adequate security at its facility; and

26 (30) Other information deemed necessary by the

1 Illinois Cannabis Regulation Oversight Officer to conduct
2 the disparity and availability study referenced in
3 subsection (e) of Section 5-45.

4 (e) An applicant who receives a Conditional Adult Use
5 Dispensing Organization License under this Section has 180
6 days from the date of award to identify a physical location for
7 the dispensing organization retail storefront. The applicant
8 shall provide evidence that the location is not within 1,500
9 feet of an existing dispensing organization, unless the
10 applicant is a Social Equity Applicant or Social Equity
11 Justice Involved Applicant located or seeking to locate within
12 1,500 feet of a dispensing organization licensed under Section
13 15-15 or Section 15-20. If an applicant is unable to find a
14 suitable physical address in the opinion of the Department
15 within 180 days of the issuance of the Conditional Adult Use
16 Dispensing Organization License, the Department may extend the
17 period for finding a physical address an additional 540
18 ~~another 180~~ days if the Conditional Adult Use Dispensing
19 Organization License holder demonstrates concrete attempts to
20 secure a location and a hardship. If the Department denies the
21 extension or the Conditional Adult Use Dispensing Organization
22 License holder is unable to find a location or become
23 operational within 720 ~~360~~ days of being awarded a conditional
24 license, the Department shall rescind the conditional license
25 and award it to the next highest scoring applicant in the BLS
26 Region for which the license was assigned, provided the

1 applicant receiving the license: (i) confirms a continued
2 interest in operating a dispensing organization; (ii) can
3 provide evidence that the applicant continues to meet all
4 requirements for holding a Conditional Adult Use Dispensing
5 Organization License set forth in this Act; and (iii) has not
6 otherwise become ineligible to be awarded a dispensing
7 organization license. If the new awardee is unable to accept
8 the Conditional Adult Use Dispensing Organization License, the
9 Department shall award the Conditional Adult Use Dispensing
10 Organization License to the next highest scoring applicant in
11 the same manner. The new awardee shall be subject to the same
12 required deadlines as provided in this subsection.

13 (e-5) If, within 720 ~~180~~ days of being awarded a
14 Conditional Adult Use Dispensing Organization License, a
15 dispensing organization is unable to find a location within
16 the BLS Region in which it was awarded a Conditional Adult Use
17 Dispensing Organization License because no jurisdiction within
18 the BLS Region allows for the operation of an Adult Use
19 Dispensing Organization, the Department of Financial and
20 Professional Regulation may authorize the Conditional Adult
21 Use Dispensing Organization License holder to transfer its
22 license to a BLS Region specified by the Department.

23 (f) A dispensing organization that is awarded a
24 Conditional Adult Use Dispensing Organization License pursuant
25 to the criteria in Section 15-30 shall not purchase, possess,
26 sell, or dispense cannabis or cannabis-infused products until

1 the person has received an Adult Use Dispensing Organization
2 License issued by the Department pursuant to Section 15-36 of
3 this Act.

4 (g) The Department shall conduct a background check of the
5 prospective organization agents in order to carry out this
6 Article. The Illinois State Police shall charge the applicant
7 a fee for conducting the criminal history record check, which
8 shall be deposited into the State Police Services Fund and
9 shall not exceed the actual cost of the record check. Each
10 person applying as a dispensing organization agent shall
11 submit a full set of fingerprints to the Illinois State Police
12 for the purpose of obtaining a State and federal criminal
13 records check. These fingerprints shall be checked against the
14 fingerprint records now and hereafter, to the extent allowed
15 by law, filed in the Illinois State Police and Federal Bureau
16 of Identification criminal history records databases. The
17 Illinois State Police shall furnish, following positive
18 identification, all Illinois conviction information to the
19 Department.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff.
22 5-13-22.)

23 (410 ILCS 705/15-35)

24 Sec. 15-35. Qualifying Applicant Lottery for Conditional
25 Adult Use Dispensing Organization Licenses.

1 (a) In addition to any of the licenses issued under
2 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
3 or Section 15-35.10 of this Act, within 10 business days after
4 the resulting final scores for all scored applications
5 pursuant to Sections 15-25 and 15-30 are released, the
6 Department shall issue up to 55 Conditional Adult Use
7 Dispensing Organization Licenses by lot, pursuant to the
8 application process adopted under this Section. In order to be
9 eligible to be awarded a Conditional Adult Use Dispensing
10 Organization License by lot under this Section, a Dispensary
11 Applicant must be a Qualifying Applicant.

12 The licenses issued under this Section shall be awarded in
13 each BLS Region in the following amounts:

- 14 (1) Bloomington: 1.
- 15 (2) Cape Girardeau: 1.
- 16 (3) Carbondale-Marion: 1.
- 17 (4) Champaign-Urbana: 1.
- 18 (5) Chicago-Naperville-Elgin: 36.
- 19 (6) Danville: 1.
- 20 (7) Davenport-Moline-Rock Island: 1.
- 21 (8) Decatur: 1.
- 22 (9) Kankakee: 1.
- 23 (10) Peoria: 2.
- 24 (11) Rockford: 1.
- 25 (12) St. Louis: 3.
- 26 (13) Springfield: 1.

1 (14) Northwest Illinois nonmetropolitan: 1.

2 (15) West Central Illinois nonmetropolitan: 1.

3 (16) East Central Illinois nonmetropolitan: 1.

4 (17) South Illinois nonmetropolitan: 1.

5 (a-5) Prior to issuing licenses under subsection (a), the
6 Department may adopt rules through emergency rulemaking in
7 accordance with subsection (kk) of Section 5-45 of the
8 Illinois Administrative Procedure Act. The General Assembly
9 finds that the adoption of rules to regulate cannabis use is
10 deemed an emergency and necessary for the public interest,
11 safety, and welfare.

12 (b) The Department shall distribute the available licenses
13 established under this Section subject to the following:

14 (1) The drawing by lot for all available licenses
15 issued under this Section shall occur on the same day when
16 practicable.

17 (2) Within each BLS Region, the first Qualifying
18 Applicant drawn will have the first right to an available
19 license. The second Qualifying Applicant drawn will have
20 the second right to an available license. The same pattern
21 will continue for each subsequent Qualifying Applicant
22 drawn.

23 (3) The process for distributing available licenses
24 under this Section shall be recorded by the Department in
25 a format selected by the Department.

26 (4) A Dispensary Applicant is prohibited from becoming

1 a Qualifying Applicant if a principal officer resigns
2 after the resulting final scores for all scored
3 applications pursuant to Sections 15-25 and 15-30 are
4 released.

5 (5) No Qualifying Applicant may be awarded more than 2
6 Conditional Adult Use Dispensing Organization Licenses at
7 the conclusion of a lottery conducted under this Section.

8 (6) No individual may be listed as a principal officer
9 of more than 2 Conditional Adult Use Dispensing
10 Organization Licenses awarded under this Section.

11 (7) If, upon being selected for an available license
12 established under this Section, a Qualifying Applicant
13 exceeds the limits under paragraph (5) or (6), the
14 Qualifying Applicant must choose which license to abandon
15 and notify the Department in writing within 5 business
16 days. If the Qualifying Applicant does not notify the
17 Department as required, the Department shall refuse to
18 issue the Qualifying Applicant all available licenses
19 established under this Section obtained by lot in all BLS
20 Regions.

21 (8) If, upon being selected for an available license
22 established under this Section, a Qualifying Applicant has
23 a principal officer who is a principal officer in more
24 than 10 Early Approval Adult Use Dispensing Organization
25 Licenses, Conditional Adult Use Dispensing Organization
26 Licenses, Adult Use Dispensing Organization Licenses, or

1 any combination thereof, the licensees and the Qualifying
2 Applicant listing that principal officer must choose which
3 license to abandon pursuant to subsection (d) of Section
4 15-36 and notify the Department in writing within 5
5 business days. If the Qualifying Applicant or licensees do
6 not notify the Department as required, the Department
7 shall refuse to issue the Qualifying Applicant all
8 available licenses established under this Section obtained
9 by lot in all BLS Regions.

10 (9) All available licenses that have been abandoned
11 under paragraph (7) or (8) shall be distributed to the
12 next Qualifying Applicant drawn by lot.

13 Any and all rights conferred or obtained under this
14 Section shall be limited to the provisions of this Section.

15 (c) An applicant who receives a Conditional Adult Use
16 Dispensing Organization License under this Section has 180
17 days from the date it is awarded to identify a physical
18 location for the dispensing organization's retail storefront.
19 The applicant shall provide evidence that the location is not
20 within 1,500 feet of an existing dispensing organization,
21 unless the applicant is a Social Equity Applicant or Social
22 Equity Justice Involved Applicant located or seeking to locate
23 within 1,500 feet of a dispensing organization licensed under
24 Section 15-15 or Section 15-20. If an applicant is unable to
25 find a suitable physical address in the opinion of the
26 Department within 180 days from the issuance of the

1 Conditional Adult Use Dispensing Organization License, the
2 Department may extend the period for finding a physical
3 address an additional 540 ~~another 180~~ days if the Conditional
4 Adult Use Dispensing Organization License holder demonstrates
5 a concrete attempt to secure a location and a hardship. If the
6 Department denies the extension or the Conditional Adult Use
7 Dispensing Organization License holder is unable to find a
8 location or become operational within 720 ~~360~~ days of being
9 awarded a Conditional Adult Use Dispensing Organization
10 License under this Section, the Department shall rescind the
11 Conditional Adult Use Dispensing Organization License and
12 award it pursuant to subsection (b), provided the applicant
13 receiving the Conditional Adult Use Dispensing Organization
14 License: (i) confirms a continued interest in operating a
15 dispensing organization; (ii) can provide evidence that the
16 applicant continues to meet all requirements for holding a
17 Conditional Adult Use Dispensing Organization License set
18 forth in this Act; and (iii) has not otherwise become
19 ineligible to be awarded a Conditional Adult Use Dispensing
20 Organization License. If the new awardee is unable to accept
21 the Conditional Adult Use Dispensing Organization License, the
22 Department shall award the Conditional Adult Use Dispensing
23 Organization License pursuant to subsection (b). The new
24 awardee shall be subject to the same required deadlines as
25 provided in this subsection.

26 (d) If, within 720 ~~180~~ days of being awarded a Conditional

1 Adult Use Dispensing Organization License, a dispensing
2 organization is unable to find a location within the BLS
3 Region in which it was awarded a Conditional Adult Use
4 Dispensing Organization License because no jurisdiction within
5 the BLS Region allows for the operation of an Adult Use
6 Dispensing Organization, the Department may authorize the
7 Conditional Adult Use Dispensing Organization License holder
8 to transfer its Conditional Adult Use Dispensing Organization
9 License to a BLS Region specified by the Department.

10 (e) A dispensing organization that is awarded a
11 Conditional Adult Use Dispensing Organization License under
12 this Section shall not purchase, possess, sell, or dispense
13 cannabis or cannabis-infused products until the dispensing
14 organization has received an Adult Use Dispensing Organization
15 License issued by the Department pursuant to Section 15-36.

16 (f) The Department shall conduct a background check of the
17 prospective dispensing organization agents in order to carry
18 out this Article. The Illinois State Police shall charge the
19 applicant a fee for conducting the criminal history record
20 check, which shall be deposited into the State Police Services
21 Fund and shall not exceed the actual cost of the record check.
22 Each person applying as a dispensing organization agent shall
23 submit a full set of fingerprints to the Illinois State Police
24 for the purpose of obtaining a State and federal criminal
25 records check. These fingerprints shall be checked against the
26 fingerprint records now and hereafter, to the extent allowed

1 by law, filed with the Illinois State Police and the Federal
2 Bureau of Investigation criminal history records databases.
3 The Illinois State Police shall furnish, following positive
4 identification, all Illinois conviction information to the
5 Department.

6 (g) The Department may verify information contained in
7 each application and accompanying documentation to assess the
8 applicant's veracity and fitness to operate a dispensing
9 organization.

10 (h) The Department may, in its discretion, refuse to issue
11 authorization to an applicant who meets any of the following
12 criteria:

13 (1) An applicant who is unqualified to perform the
14 duties required of the applicant.

15 (2) An applicant who fails to disclose or states
16 falsely any information called for in the application.

17 (3) An applicant who has been found guilty of a
18 violation of this Act, who has had any disciplinary order
19 entered against the applicant by the Department, who has
20 entered into a disciplinary or nondisciplinary agreement
21 with the Department, whose medical cannabis dispensing
22 organization, medical cannabis cultivation organization,
23 Early Approval Adult Use Dispensing Organization License,
24 Early Approval Adult Use Dispensing Organization License
25 at a secondary site, Early Approval Cultivation Center
26 License, Conditional Adult Use Dispensing Organization

1 License, or Adult Use Dispensing Organization License was
2 suspended, restricted, revoked, or denied for just cause,
3 or whose cannabis business establishment license was
4 suspended, restricted, revoked, or denied in any other
5 state.

6 (4) An applicant who has engaged in a pattern or
7 practice of unfair or illegal practices, methods, or
8 activities in the conduct of owning a cannabis business
9 establishment or other business.

10 (i) The Department shall deny issuance of a license under
11 this Section if any principal officer, board member, or person
12 having a financial or voting interest of 5% or greater in the
13 licensee is delinquent in filing any required tax return or
14 paying any amount owed to the State of Illinois.

15 (j) The Department shall verify an applicant's compliance
16 with the requirements of this Article and rules adopted under
17 this Article before issuing a Conditional Adult Use Dispensing
18 Organization License under this Section.

19 (k) If an applicant is awarded a Conditional Adult Use
20 Dispensing Organization License under this Section, the
21 information and plans provided in the application, including
22 any plans submitted for bonus points, shall become a condition
23 of the Conditional Adult Use Dispensing Organization License
24 and any Adult Use Dispensing Organization License issued to
25 the holder of the Conditional Adult Use Dispensing
26 Organization License, except as otherwise provided by this Act

1 or by rule. A dispensing organization has a duty to disclose
2 any material changes to the application. The Department shall
3 review all material changes disclosed by the dispensing
4 organization and may reevaluate its prior decision regarding
5 the awarding of a Conditional Adult Use Dispensing
6 Organization License, including, but not limited to,
7 suspending or permanently revoking a Conditional Adult Use
8 Dispensing Organization License. Failure to comply with the
9 conditions or requirements in the application may subject the
10 dispensing organization to discipline up to and including
11 suspension or permanent revocation of its authorization or
12 Conditional Adult Use Dispensing Organization License by the
13 Department.

14 (1) If an applicant has not begun operating as a
15 dispensing organization within one year after the issuance of
16 the Conditional Adult Use Dispensing Organization License
17 under this Section, the Department may permanently revoke the
18 Conditional Adult Use Dispensing Organization License and
19 award it to the next highest scoring applicant in the BLS
20 Region if a suitable applicant indicates a continued interest
21 in the Conditional Adult Use Dispensing Organization License
22 or may begin a new selection process to award a Conditional
23 Adult Use Dispensing Organization License.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 102-98, eff. 7-15-21.)

1 (410 ILCS 705/15-35.10)

2 Sec. 15-35.10. Social Equity Justice Involved Lottery for
3 Conditional Adult Use Dispensing Organization Licenses.

4 (a) In addition to any of the licenses issued under
5 Section 15-15, Section 15-20, Section 15-25, Section 15-30.20,
6 or Section 15-35, within 10 business days after the resulting
7 final scores for all scored applications pursuant to Sections
8 15-25 and 15-30 are released, the Department shall issue up to
9 55 Conditional Adult Use Dispensing Organization Licenses by
10 lot, pursuant to the application process adopted under this
11 Section. In order to be eligible to be awarded a Conditional
12 Adult Use Dispensing Organization License by lot, a Dispensary
13 Applicant must be a Qualifying Social Equity Justice Involved
14 Applicant.

15 The licenses issued under this Section shall be awarded in
16 each BLS Region in the following amounts:

- 17 (1) Bloomington: 1.
18 (2) Cape Girardeau: 1.
19 (3) Carbondale-Marion: 1.
20 (4) Champaign-Urbana: 1.
21 (5) Chicago-Naperville-Elgin: 36.
22 (6) Danville: 1.
23 (7) Davenport-Moline-Rock Island: 1.
24 (8) Decatur: 1.
25 (9) Kankakee: 1.
26 (10) Peoria: 2.

1 (11) Rockford: 1.

2 (12) St. Louis: 3.

3 (13) Springfield: 1.

4 (14) Northwest Illinois nonmetropolitan: 1.

5 (15) West Central Illinois nonmetropolitan: 1.

6 (16) East Central Illinois nonmetropolitan: 1.

7 (17) South Illinois nonmetropolitan: 1.

8 (a-5) Prior to issuing licenses under subsection (a), the
9 Department may adopt rules through emergency rulemaking in
10 accordance with subsection (kk) of Section 5-45 of the
11 Illinois Administrative Procedure Act. The General Assembly
12 finds that the adoption of rules to regulate cannabis use is
13 deemed an emergency and necessary for the public interest,
14 safety, and welfare.

15 (b) The Department shall distribute the available licenses
16 established under this Section subject to the following:

17 (1) The drawing by lot for all available licenses
18 established under this Section shall occur on the same day
19 when practicable.

20 (2) Within each BLS Region, the first Qualifying
21 Social Equity Justice Involved Applicant drawn will have
22 the first right to an available license. The second
23 Qualifying Social Equity Justice Involved Applicant drawn
24 will have the second right to an available license. The
25 same pattern will continue for each subsequent applicant
26 drawn.

1 (3) The process for distributing available licenses
2 under this Section shall be recorded by the Department in
3 a format selected by the Department.

4 (4) A Dispensary Applicant is prohibited from becoming
5 a Qualifying Social Equity Justice Involved Applicant if a
6 principal officer resigns after the resulting final scores
7 for all scored applications pursuant to Sections 15-25 and
8 15-30 are released.

9 (5) No Qualifying Social Equity Justice Involved
10 Applicant may be awarded more than 2 Conditional Adult Use
11 Dispensing Organization Licenses at the conclusion of a
12 lottery conducted under this Section.

13 (6) No individual may be listed as a principal officer
14 of more than 2 Conditional Adult Use Dispensing
15 Organization Licenses awarded under this Section.

16 (7) If, upon being selected for an available license
17 established under this Section, a Qualifying Social Equity
18 Justice Involved Applicant exceeds the limits under
19 paragraph (5) or (6), the Qualifying Social Equity Justice
20 Involved Applicant must choose which license to abandon
21 and notify the Department in writing within 5 business
22 days on forms prescribed by the Department. If the
23 Qualifying Social Equity Justice Involved Applicant does
24 not notify the Department as required, the Department
25 shall refuse to issue the Qualifying Social Equity Justice
26 Involved Applicant all available licenses established

1 under this Section obtained by lot in all BLS Regions.

2 (8) If, upon being selected for an available license
3 established under this Section, a Qualifying Social Equity
4 Justice Involved Applicant has a principal officer who is
5 a principal officer in more than 10 Early Approval Adult
6 Use Dispensing Organization Licenses, Conditional Adult
7 Use Dispensing Organization Licenses, Adult Use Dispensing
8 Organization Licenses, or any combination thereof, the
9 licensees and the Qualifying Social Equity Justice
10 Involved Applicant listing that principal officer must
11 choose which license to abandon pursuant to subsection (d)
12 of Section 15-36 and notify the Department in writing
13 within 5 business days on forms prescribed by the
14 Department. If the Dispensary Applicant or licensees do
15 not notify the Department as required, the Department
16 shall refuse to issue the Qualifying Social Equity Justice
17 Involved Applicant all available licenses established
18 under this Section obtained by lot in all BLS Regions.

19 (9) All available licenses that have been abandoned
20 under paragraph (7) or (8) shall be distributed to the
21 next Qualifying Social Equity Justice Involved Applicant
22 drawn by lot.

23 Any and all rights conferred or obtained under this
24 subsection shall be limited to the provisions of this
25 subsection.

26 (c) An applicant who receives a Conditional Adult Use

1 Dispensing Organization License under this Section has 180
2 days from the date of the award to identify a physical location
3 for the dispensing organization's retail storefront. The
4 applicant shall provide evidence that the location is not
5 within 1,500 feet of an existing dispensing organization,
6 unless the applicant is a Social Equity Applicant or Social
7 Equity Justice Involved Applicant located or seeking to locate
8 within 1,500 feet of a dispensing organization licensed under
9 Section 15-15 or Section 15-20. If an applicant is unable to
10 find a suitable physical address in the opinion of the
11 Department within 180 days from the issuance of the
12 Conditional Adult Use Dispensing Organization License, the
13 Department may extend the period for finding a physical
14 address an additional 540 ~~another 180~~ days if the Conditional
15 Adult Use Dispensing Organization License holder demonstrates
16 a concrete attempt to secure a location and a hardship. If the
17 Department denies the extension or the Conditional Adult Use
18 Dispensing Organization License holder is unable to find a
19 location or become operational within 720 ~~360~~ days of being
20 awarded a Conditional Adult Use Dispensing Organization
21 License under this Section, the Department shall rescind the
22 Conditional Adult Use Dispensing Organization License and
23 award it pursuant to subsection (b) and notify the new awardee
24 at the email address provided in the awardee's application,
25 provided the applicant receiving the Conditional Adult Use
26 Dispensing Organization License: (i) confirms a continued

1 interest in operating a dispensing organization; (ii) can
2 provide evidence that the applicant continues to meet all
3 requirements for holding a Conditional Adult Use Dispensing
4 Organization License set forth in this Act; and (iii) has not
5 otherwise become ineligible to be awarded a Conditional Adult
6 Use Dispensing Organization License. If the new awardee is
7 unable to accept the Conditional Adult Use Dispensing
8 Organization License, the Department shall award the
9 Conditional Adult Use Dispensing Organization License pursuant
10 to subsection (b). The new awardee shall be subject to the same
11 required deadlines as provided in this subsection.

12 (d) If, within 180 days of being awarded a Conditional
13 Adult Use Dispensing Organization License, a dispensing
14 organization is unable to find a location within the BLS
15 Region in which it was awarded a Conditional Adult Use
16 Dispensing Organization License under this Section because no
17 jurisdiction within the BLS Region allows for the operation of
18 an Adult Use Dispensing Organization, the Department may
19 authorize the Conditional Adult Use Dispensing Organization
20 License holder to transfer its Conditional Adult Use
21 Dispensing Organization License to a BLS Region specified by
22 the Department.

23 (e) A dispensing organization that is awarded a
24 Conditional Adult Use Dispensing Organization License under
25 this Section shall not purchase, possess, sell, or dispense
26 cannabis or cannabis-infused products until the dispensing

1 organization has received an Adult Use Dispensing Organization
2 License issued by the Department pursuant to Section 15-36.

3 (f) The Department shall conduct a background check of the
4 prospective dispensing organization agents in order to carry
5 out this Article. The Illinois State Police shall charge the
6 applicant a fee for conducting the criminal history record
7 check, which shall be deposited into the State Police Services
8 Fund and shall not exceed the actual cost of the record check.
9 Each person applying as a dispensing organization agent shall
10 submit a full set of fingerprints to the Illinois State Police
11 for the purpose of obtaining a State and federal criminal
12 records check. These fingerprints shall be checked against the
13 fingerprint records now and hereafter, to the extent allowed
14 by law, filed with the Illinois State Police and the Federal
15 Bureau of Investigation criminal history records databases.
16 The Illinois State Police shall furnish, following positive
17 identification, all Illinois conviction information to the
18 Department.

19 (g) The Department may verify information contained in
20 each application and accompanying documentation to assess the
21 applicant's veracity and fitness to operate a dispensing
22 organization.

23 (h) The Department may, in its discretion, refuse to issue
24 an authorization to an applicant who meets any of the
25 following criteria:

26 (1) An applicant who is unqualified to perform the

1 duties required of the applicant.

2 (2) An applicant who fails to disclose or states
3 falsely any information called for in the application.

4 (3) An applicant who has been found guilty of a
5 violation of this Act, who has had any disciplinary order
6 entered against the applicant by the Department, who has
7 entered into a disciplinary or nondisciplinary agreement
8 with the Department, whose medical cannabis dispensing
9 organization, medical cannabis cultivation organization,
10 Early Approval Adult Use Dispensing Organization License,
11 Early Approval Adult Use Dispensing Organization License
12 at a secondary site, Early Approval Cultivation Center
13 License, Conditional Adult Use Dispensing Organization
14 License, or Adult Use Dispensing Organization License was
15 suspended, restricted, revoked, or denied for just cause,
16 or whose cannabis business establishment license was
17 suspended, restricted, revoked, or denied in any other
18 state.

19 (4) An applicant who has engaged in a pattern or
20 practice of unfair or illegal practices, methods, or
21 activities in the conduct of owning a cannabis business
22 establishment or other business.

23 (i) The Department shall deny the license if any principal
24 officer, board member, or person having a financial or voting
25 interest of 5% or greater in the licensee is delinquent in
26 filing any required tax return or paying any amount owed to the

1 State of Illinois.

2 (j) The Department shall verify an applicant's compliance
3 with the requirements of this Article and rules adopted under
4 this Article before issuing a Conditional Adult Use Dispensing
5 Organization License.

6 (k) If an applicant is awarded a Conditional Adult Use
7 Dispensing Organization License under this Section, the
8 information and plans provided in the application, including
9 any plans submitted for bonus points, shall become a condition
10 of the Conditional Adult Use Dispensing Organization License
11 and any Adult Use Dispensing Organization License issued to
12 the holder of the Conditional Adult Use Dispensing
13 Organization License, except as otherwise provided by this Act
14 or by rule. Dispensing organizations have a duty to disclose
15 any material changes to the application. The Department shall
16 review all material changes disclosed by the dispensing
17 organization and may reevaluate its prior decision regarding
18 the awarding of a Conditional Adult Use Dispensing
19 Organization License, including, but not limited to,
20 suspending or permanently revoking a Conditional Adult Use
21 Dispensing Organization License. Failure to comply with the
22 conditions or requirements in the application may subject the
23 dispensing organization to discipline up to and including
24 suspension or permanent revocation of its authorization or
25 Conditional Adult Use Dispensing Organization License by the
26 Department.

1 districts, in an amount calculated under subsection (c), for
2 revenue loss associated with providing homestead exemptions to
3 veterans with disabilities. A taxing district is eligible for
4 reimbursement under this Section if (i) application of the
5 homestead exemptions for veterans with disabilities under
6 Sections 15-165 and 15-169 of the Property Tax Code results in
7 a cumulative reduction of more than 2.5% in the total
8 equalized assessed value of all taxable property in the taxing
9 district, when compared with the total equalized assessed
10 value of all taxable property in the taxing district prior to
11 the application of those exemptions, for the taxable year that
12 is 2 years before the start of the State fiscal year in which
13 the application for reimbursement is made and (ii) the taxing
14 district is located in whole or in part in a county that
15 contains a United States military base. Reimbursement payments
16 shall be made to the county that applies to the Department of
17 Revenue on behalf of the taxing district under subsection (b)
18 and shall be distributed by the county to the taxing district
19 as directed by the Department of Revenue.

20 (b) If the county clerk determines that one or more taxing
21 districts located in whole or in part in the county qualify for
22 reimbursement under this Section, then the county clerk shall
23 apply to the Department of Revenue on behalf of the taxing
24 district for reimbursement under this Section in the form and
25 manner required by the Department. The county clerk shall
26 consolidate applications submitted on behalf of more than one

1 taxing district into a single application. The Department of
2 Revenue may audit the information submitted by the county
3 clerk as part of the application under this Section for the
4 purpose of verifying the accuracy of that information.

5 (c) Subject to the maximum aggregate reimbursement amount
6 set forth in this subsection, the amount of the reimbursement
7 shall be as follows:

8 (1) for reimbursements awarded for the fiscal year
9 that begins on July 1, 2023, 50% of the product generated
10 by multiplying 90% of the total dollar amount of
11 exemptions granted for taxable year 2021 under Section
12 15-165 or Section 15-169 of the Property Tax Code to
13 property located in the taxing district by the taxing
14 district's property tax rate for taxable year 2021; and

15 (2) for reimbursements awarded for fiscal years that
16 begin on or after July 1, 2024 and begin before July 1,
17 2028, 100% of the product generated by multiplying 90% of
18 the total dollar amount of exemptions granted for the base
19 year under Section 15-165 or Section 15-169 of the
20 Property Tax Code to property located in the taxing
21 district by the taxing district's property tax rate for
22 the base year.

23 The aggregate amount of reimbursements that may be awarded
24 under this Section for all taxing districts in any calendar
25 year may not exceed the lesser of \$15,000,000 or the amount
26 appropriated for the program for that calendar year. If the

1 total amount of eligible reimbursements under this Section
2 exceeds the lesser of \$15,000,000 or the amount appropriated
3 for the program for that calendar year, then the reimbursement
4 amount awarded to each particular taxing district shall be
5 reduced on a pro rata basis until the aggregate amount of
6 reimbursements awarded under this Section for the calendar
7 year does not exceed the lesser of \$15,000,000 or the amount
8 appropriated for the program for the calendar year.

9 (d) The Department of Revenue may adopt rules necessary
10 for the implementation of this Section.

11 (e) As used in this Section:

12 "Base year" means the taxable year that is 2 years before
13 the start of the State fiscal year in which the application for
14 reimbursement is made.

15 "Taxable year" means the calendar year during which
16 property taxes payable in the next succeeding year are levied.

17 "Taxing district" has the meaning given to that term in
18 Section 1-150 of the Property Tax Code.

19 ARTICLE 125.

20 Section 125-5. The State Finance Act is amended by
21 changing Section 6z-129 as follows:

22 (30 ILCS 105/6z-129)

23 Sec. 6z-129. Horse Racing Purse Equity Fund. The Horse

1 Racing Purse Equity Fund is a nonappropriated trust fund held
2 outside of the State treasury. Within 30 ~~60~~ calendar days
3 after ~~of~~ funds are being deposited in the Horse Racing Purse
4 Equity Fund and the applicable grant agreement is executed,
5 whichever is later, the Department of Agriculture shall
6 transfer the entire balance in the Fund to the organization
7 licensees that hold purse moneys that support each of the ~~make~~
8 ~~grants, the division of which shall be divided based upon the~~
9 ~~annual agreement of all~~ legally recognized horsemen's
10 associations that have contracted with an organization
11 licensee over the immediately preceding 3 calendar years under
12 subsection (d) of Section 29 of the Illinois Horse Racing Act
13 of 1975. The 2023 division of such fund balance among the
14 qualifying purse accounts shall be pursuant to the 2021
15 agreement of the involved horsemen associations with 45% being
16 allocated to the thoroughbred purse account at a racetrack
17 located in Stickney Township in Cook County, 30% being
18 allocated to the harness purse account at a racetrack located
19 in Stickney Township in Cook County, and 25% being allocated
20 to the thoroughbred purse account at a racetrack located in
21 Madison County. Transfers may be made to an organization
22 licensee that has one or more executed grant agreements while
23 the other organization licensee awaits finalization and
24 execution of its grant agreement or agreements. All funds
25 transferred to purse accounts pursuant to this Section shall
26 be for the sole purpose of augmenting future purses during

1 State fiscal year 2024. For purposes of this Section, a
2 legally recognized horsemen association is that horsemen
3 association representing the largest number of owners,
4 trainers, jockeys or Standardbred drivers who race horses at
5 an Illinois organization ~~organizational~~ licensee and that
6 enter into agreements with Illinois organization licenses to
7 govern the racing meet and that also provide required consents
8 pursuant to the Illinois Horse Racing Act of 1975.

9 (Source: P.A. 102-16, eff. 6-17-21.)

10 Section 125-10. The Illinois Horse Racing Act of 1975 is
11 amended by changing Section 28.1 as follows:

12 (230 ILCS 5/28.1)

13 Sec. 28.1. Payments.

14 (a) Beginning on January 1, 2000, moneys collected by the
15 Department of Revenue and the Racing Board pursuant to Section
16 26 or Section 27 of this Act shall be deposited into the Horse
17 Racing Fund, which is hereby created as a special fund in the
18 State Treasury.

19 (b) Appropriations, as approved by the General Assembly,
20 may be made from the Horse Racing Fund to the Board to pay the
21 salaries of the Board members, secretary, stewards, directors
22 of mutuels, veterinarians, representatives, accountants,
23 clerks, stenographers, inspectors and other employees of the
24 Board, and all expenses of the Board incident to the

1 administration of this Act, including, but not limited to, all
2 expenses and salaries incident to the taking of saliva and
3 urine samples in accordance with the rules and regulations of
4 the Board.

5 (c) (Blank).

6 (d) Beginning January 1, 2000, payments to all programs in
7 existence on the effective date of this amendatory Act of 1999
8 that are identified in Sections 26(c), 26(f), 26(h)(11)(C),
9 and 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h)
10 of Section 30, and subsections (a), (b), (c), (d), (e), (f),
11 (g), and (h) of Section 31 shall be made from the General
12 Revenue Fund at the funding levels determined by amounts paid
13 under this Act in calendar year 1998. Beginning on the
14 effective date of this amendatory Act of the 93rd General
15 Assembly, payments to the Peoria Park District shall be made
16 from the General Revenue Fund at the funding level determined
17 by amounts paid to that park district for museum purposes
18 under this Act in calendar year 1994.

19 If an inter-track wagering location licensee's facility
20 changes its location, then the payments associated with that
21 facility under this subsection (d) for museum purposes shall
22 be paid to the park district in the area where the facility
23 relocates, and the payments shall be used for museum purposes.
24 If the facility does not relocate to a park district, then the
25 payments shall be paid to the taxing district that is
26 responsible for park or museum expenditures.

1 (e) Beginning July 1, 2006, the payment authorized under
2 subsection (d) to museums and aquariums located in park
3 districts of over 500,000 population shall be paid to museums,
4 aquariums, and zoos in amounts determined by Museums in the
5 Park, an association of museums, aquariums, and zoos located
6 on Chicago Park District property.

7 (f) Beginning July 1, 2007, the Children's Discovery
8 Museum in Normal, Illinois shall receive payments from the
9 General Revenue Fund at the funding level determined by the
10 amounts paid to the Miller Park Zoo in Bloomington, Illinois
11 under this Section in calendar year 2006.

12 (g) On July 3, 2023, the Comptroller shall order
13 transferred and the Treasurer shall transfer \$5,100,000 from
14 the Horse Racing Fund to the Horse Racing Purse Equity Fund. On
15 ~~August 31, 2021, after subtracting all lapse period spending~~
16 ~~from the June 30 balance of the prior fiscal year, the~~
17 ~~Comptroller shall transfer to the Horse Racing Purse Equity~~
18 ~~Fund 50% of the balance within the Horse Racing Fund.~~

19 (Source: P.A. 102-16, eff. 6-17-21.)

20 ARTICLE 130.

21 Section 130-5. The Department of Transportation Law of the
22 Civil Administrative Code of Illinois is amended by adding
23 Section 2705-617 as follows:

1 (20 ILCS 2705/2705-617 new)

2 Sec. 2705-617. Student loan repayment assistance for
3 engineers pilot program. The Department shall provide higher
4 education student loan repayment assistance in the form of an
5 annual after-tax bonus of \$15,000 per year, for not more than 4
6 years, for up to 50 engineers employed by the Department,
7 subject to the following:

8 (1) the engineer is a graduate of a college or
9 university located in this State;

10 (2) the engineer provides documentation to the
11 Department of the repayment of higher education student
12 loans taken to attend a college or university located in
13 this State;

14 (3) the engineer has been employed by the Department
15 for at least 4 years; and

16 (4) the engineer was hired by the Department on or
17 after July 1, 2024.

18 ARTICLE 135.

19 Section 135-1. Short title. This Article may be cited as
20 the Mechanical Insulation Energy and Safety Assessment Act.
21 References in this Article to "this Act" mean this Article.

22 Section 135-5. Legislative findings. The General Assembly
23 finds that:

1 (1) the State has a vested interest in decreasing the
2 carbon footprint of publicly owned buildings;

3 (2) it is in the public interest of the State to ensure
4 that all Illinois residents can use publicly owned
5 buildings for employment, educational purposes, and social
6 services free from harmful mold and bacteria; and

7 (3) mechanical insulation plays an important part in
8 lowering operating expenses, reducing energy loss, and
9 decreasing emissions.

10 Section 135-10. Definitions. As used in this Act:

11 "Agency" means the Capital Development Board.

12 "Mechanical insulation" means insulation materials,
13 facings, and accessory products that are applied to mechanical
14 systems.

15 "Mechanical insulation energy and safety assessment" means
16 an assessment that analyzes potential energy savings and any
17 potential public health risks according to the specifications
18 applicable to the building's mechanical equipment.

19 "Qualified mechanical insulation contractor" means a
20 mechanical insulation contractor who is an active participant
21 in an apprenticeship program approved by the United States
22 Department of Labor.

23 Section 135-15. Mechanical insulation assessment and
24 remediation. To further Illinois along the path of 100% clean

1 energy, there is hereby created a Mechanical Insulation
2 Assessment Pilot Program. In furtherance of the goals of the
3 pilot program, the Agency shall contract with a qualified
4 mechanical insulation contractor to execute a mechanical
5 insulation energy and safety assessment for 50 State-owned
6 buildings. The Agency shall contract with other entities as
7 deemed necessary to aid in determining the cost and scope of
8 each remediation project including any and all necessary
9 ancillary work. To determine the 50 buildings that will
10 participate in the Pilot Program, the Agency shall take into
11 consideration whether remediation work has been completed on
12 the mechanical system recently as well as any immediate plans
13 to update the mechanical systems and whether there are plans
14 for the building's continued future use.

15 The Mechanical Insulation Energy and Safety Assessment
16 Pilot Program findings shall include: (1) any and all
17 remediation measures necessary to bring the subject mechanical
18 insulation system up to Code in accordance with the Energy
19 Efficient Building Act and to ensure the system functions at a
20 specific operating temperature to minimize energy loss; (2)
21 any and all projected energy savings to the State as a result
22 of the completion of any and all recommendation remediation;
23 (3) any public health or safety concerns identified during the
24 assessment; and (4) the projected cost to complete any and all
25 recommended remediations.

26 Further, the Agency shall report to the General Assembly

1 the findings of the completed Mechanical Insulation Energy and
2 Safety Assessment Pilot Program no later than July 1, 2025.

3 The findings of each subject building's mechanical
4 insulation energy and safety assessment shall be a matter of
5 public record and posted on the Agency's website no later than
6 July 1, 2025.

7 This Act is subject to appropriation.

8 All work under this Act shall be performed in accordance
9 with the Prevailing Wage Act.

10 Section 135-900. The Prevailing Wage Act is amended by
11 changing Section 2 as follows:

12 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

13 Sec. 2. This Act applies to the wages of laborers,
14 mechanics and other workers employed in any public works, as
15 hereinafter defined, by any public body and to anyone under
16 contracts for public works. This includes any maintenance,
17 repair, assembly, or disassembly work performed on equipment
18 whether owned, leased, or rented.

19 As used in this Act, unless the context indicates
20 otherwise:

21 "Public works" means all fixed works constructed or
22 demolished by any public body, or paid for wholly or in part
23 out of public funds. "Public works" as defined herein includes
24 all projects financed in whole or in part with bonds, grants,

1 loans, or other funds made available by or through the State or
2 any of its political subdivisions, including but not limited
3 to: bonds issued under the Industrial Project Revenue Bond Act
4 (Article 11, Division 74 of the Illinois Municipal Code), the
5 Industrial Building Revenue Bond Act, the Illinois Finance
6 Authority Act, the Illinois Sports Facilities Authority Act,
7 or the Build Illinois Bond Act; loans or other funds made
8 available pursuant to the Build Illinois Act; loans or other
9 funds made available pursuant to the Riverfront Development
10 Fund under Section 10-15 of the River Edge Redevelopment Zone
11 Act; or funds from the Fund for Illinois' Future under Section
12 6z-47 of the State Finance Act, funds for school construction
13 under Section 5 of the General Obligation Bond Act, funds
14 authorized under Section 3 of the School Construction Bond
15 Act, funds for school infrastructure under Section 6z-45 of
16 the State Finance Act, and funds for transportation purposes
17 under Section 4 of the General Obligation Bond Act. "Public
18 works" also includes (i) all projects financed in whole or in
19 part with funds from the Environmental Protection Agency under
20 the Illinois Renewable Fuels Development Program Act for which
21 there is no project labor agreement; (ii) all work performed
22 pursuant to a public private agreement under the Public
23 Private Agreements for the Illiana Expressway Act or the
24 Public-Private Agreements for the South Suburban Airport Act;
25 (iii) all projects undertaken under a public-private agreement
26 under the Public-Private Partnerships for Transportation Act;

1 and (iv) all transportation facilities undertaken under a
2 design-build contract or a Construction Manager/General
3 Contractor contract under the Innovations for Transportation
4 Infrastructure Act. "Public works" also includes all projects
5 at leased facility property used for airport purposes under
6 Section 35 of the Local Government Facility Lease Act. "Public
7 works" also includes the construction of a new wind power
8 facility by a business designated as a High Impact Business
9 under Section 5.5(a)(3)(E) and the construction of a new
10 utility-scale solar power facility by a business designated as
11 a High Impact Business under Section 5.5(a)(3)(E-5) of the
12 Illinois Enterprise Zone Act. "Public works" also includes
13 electric vehicle charging station projects financed pursuant
14 to the Electric Vehicle Act and renewable energy projects
15 required to pay the prevailing wage pursuant to the Illinois
16 Power Agency Act. "Public works" does not include work done
17 directly by any public utility company, whether or not done
18 under public supervision or direction, or paid for wholly or
19 in part out of public funds. "Public works" also includes
20 construction projects performed by a third party contracted by
21 any public utility, as described in subsection (a) of Section
22 2.1, in public rights-of-way, as defined in Section 21-201 of
23 the Public Utilities Act, whether or not done under public
24 supervision or direction, or paid for wholly or in part out of
25 public funds. "Public works" also includes construction
26 projects that exceed 15 aggregate miles of new fiber optic

1 cable, performed by a third party contracted by any public
2 utility, as described in subsection (b) of Section 2.1, in
3 public rights-of-way, as defined in Section 21-201 of the
4 Public Utilities Act, whether or not done under public
5 supervision or direction, or paid for wholly or in part out of
6 public funds. "Public works" also includes any corrective
7 action performed pursuant to Title XVI of the Environmental
8 Protection Act for which payment from the Underground Storage
9 Tank Fund is requested. "Public works" also includes work
10 performed subject to Mechanical Insulation Energy and Safety
11 Assessment Act "Public works" does not include projects
12 undertaken by the owner at an owner-occupied single-family
13 residence or at an owner-occupied unit of a multi-family
14 residence. "Public works" does not include work performed for
15 soil and water conservation purposes on agricultural lands,
16 whether or not done under public supervision or paid for
17 wholly or in part out of public funds, done directly by an
18 owner or person who has legal control of those lands.

19 "Construction" means all work on public works involving
20 laborers, workers or mechanics. This includes any maintenance,
21 repair, assembly, or disassembly work performed on equipment
22 whether owned, leased, or rented.

23 "Locality" means the county where the physical work upon
24 public works is performed, except (1) that if there is not
25 available in the county a sufficient number of competent
26 skilled laborers, workers and mechanics to construct the

1 public works efficiently and properly, "locality" includes any
2 other county nearest the one in which the work or construction
3 is to be performed and from which such persons may be obtained
4 in sufficient numbers to perform the work and (2) that, with
5 respect to contracts for highway work with the Department of
6 Transportation of this State, "locality" may at the discretion
7 of the Secretary of the Department of Transportation be
8 construed to include two or more adjacent counties from which
9 workers may be accessible for work on such construction.

10 "Public body" means the State or any officer, board or
11 commission of the State or any political subdivision or
12 department thereof, or any institution supported in whole or
13 in part by public funds, and includes every county, city,
14 town, village, township, school district, irrigation, utility,
15 reclamation improvement or other district and every other
16 political subdivision, district or municipality of the state
17 whether such political subdivision, municipality or district
18 operates under a special charter or not.

19 "Labor organization" means an organization that is the
20 exclusive representative of an employer's employees recognized
21 or certified pursuant to the National Labor Relations Act.

22 The terms "general prevailing rate of hourly wages",
23 "general prevailing rate of wages" or "prevailing rate of
24 wages" when used in this Act mean the hourly cash wages plus
25 annualized fringe benefits for training and apprenticeship
26 programs approved by the U.S. Department of Labor, Bureau of

1 Apprenticeship and Training, health and welfare, insurance,
2 vacations and pensions paid generally, in the locality in
3 which the work is being performed, to employees engaged in
4 work of a similar character on public works.

5 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
6 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
7 6-15-22.)

8 ARTICLE 140.

9 Section 140-5. The Illinois Income Tax Act is amended by
10 changing Section 203 as follows:

11 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

12 Sec. 203. Base income defined.

13 (a) Individuals.

14 (1) In general. In the case of an individual, base
15 income means an amount equal to the taxpayer's adjusted
16 gross income for the taxable year as modified by paragraph
17 (2).

18 (2) Modifications. The adjusted gross income referred
19 to in paragraph (1) shall be modified by adding thereto
20 the sum of the following amounts:

21 (A) An amount equal to all amounts paid or accrued
22 to the taxpayer as interest or dividends during the
23 taxable year to the extent excluded from gross income

1 in the computation of adjusted gross income, except
2 stock dividends of qualified public utilities
3 described in Section 305(e) of the Internal Revenue
4 Code;

5 (B) An amount equal to the amount of tax imposed by
6 this Act to the extent deducted from gross income in
7 the computation of adjusted gross income for the
8 taxable year;

9 (C) An amount equal to the amount received during
10 the taxable year as a recovery or refund of real
11 property taxes paid with respect to the taxpayer's
12 principal residence under the Revenue Act of 1939 and
13 for which a deduction was previously taken under
14 subparagraph (L) of this paragraph (2) prior to July
15 1, 1991, the retrospective application date of Article
16 4 of Public Act 87-17. In the case of multi-unit or
17 multi-use structures and farm dwellings, the taxes on
18 the taxpayer's principal residence shall be that
19 portion of the total taxes for the entire property
20 which is attributable to such principal residence;

21 (D) 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 adjusted gross income;

25 (D-5) An amount, to the extent not included in
26 adjusted gross income, equal to the amount of money

1 withdrawn by the taxpayer in the taxable year from a
2 medical care savings account and the interest earned
3 on the account in the taxable year of a withdrawal
4 pursuant to subsection (b) of Section 20 of the
5 Medical Care Savings Account Act or subsection (b) of
6 Section 20 of the Medical Care Savings Account Act of
7 2000;

8 (D-10) For taxable years ending after December 31,
9 1997, an amount equal to any eligible remediation
10 costs that the individual deducted in computing
11 adjusted gross income and for which the individual
12 claims a credit under subsection (l) of Section 201;

13 (D-15) For taxable years 2001 and thereafter, an
14 amount equal to the bonus depreciation deduction taken
15 on the taxpayer's federal income tax return for the
16 taxable year under subsection (k) of Section 168 of
17 the Internal Revenue Code;

18 (D-16) If the taxpayer sells, transfers, abandons,
19 or otherwise disposes of property for which the
20 taxpayer was required in any taxable year to make an
21 addition modification under subparagraph (D-15), then
22 an amount equal to the aggregate amount of the
23 deductions taken in all taxable years under
24 subparagraph (Z) with respect to that property.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which a

1 subtraction is allowed with respect to that property
2 under subparagraph (Z) and for which the taxpayer was
3 allowed in any taxable year to make a subtraction
4 modification under subparagraph (Z), then an amount
5 equal to that subtraction modification.

6 The taxpayer is required to make the addition
7 modification under this subparagraph only once with
8 respect to any one piece of property;

9 (D-17) An amount equal to the amount otherwise
10 allowed as a deduction in computing base income for
11 interest paid, accrued, or incurred, directly or
12 indirectly, (i) for taxable years ending on or after
13 December 31, 2004, to a foreign person who would be a
14 member of the same unitary business group but for the
15 fact that foreign person's business activity outside
16 the United States is 80% or more of the foreign
17 person's total business activity and (ii) for taxable
18 years ending on or after December 31, 2008, to a person
19 who would be a member of the same unitary business
20 group but for the fact that the person is prohibited
21 under Section 1501(a)(27) from being included in the
22 unitary business group because he or she is ordinarily
23 required to apportion business income under different
24 subsections of Section 304. The addition modification
25 required by this subparagraph shall be reduced to the
26 extent that dividends were included in base income of

1 the unitary group for the same taxable year and
2 received by the taxpayer or by a member of the
3 taxpayer's unitary business group (including amounts
4 included in gross income under Sections 951 through
5 964 of the Internal Revenue Code and amounts included
6 in gross income under Section 78 of the Internal
7 Revenue Code) with respect to the stock of the same
8 person to whom the interest was paid, accrued, or
9 incurred.

10 This paragraph shall not apply to the following:

11 (i) an item of interest paid, accrued, or
12 incurred, directly or indirectly, to a person who
13 is subject in a foreign country or state, other
14 than a state which requires mandatory unitary
15 reporting, to a tax on or measured by net income
16 with respect to such interest; or

17 (ii) an item of interest paid, accrued, or
18 incurred, directly or indirectly, to a person if
19 the taxpayer can establish, based on a
20 preponderance of the evidence, both of the
21 following:

22 (a) the person, during the same taxable
23 year, paid, accrued, or incurred, the interest
24 to a person that is not a related member, and

25 (b) the transaction giving rise to the
26 interest expense between the taxpayer and the

1 person did not have as a principal purpose the
2 avoidance of Illinois income tax, and is paid
3 pursuant to a contract or agreement that
4 reflects an arm's-length interest rate and
5 terms; or

6 (iii) the taxpayer can establish, based on
7 clear and convincing evidence, that the interest
8 paid, accrued, or incurred relates to a contract
9 or agreement entered into at arm's-length rates
10 and terms and the principal purpose for the
11 payment is not federal or Illinois tax avoidance;
12 or

13 (iv) an item of interest paid, accrued, or
14 incurred, directly or indirectly, to a person if
15 the taxpayer establishes by clear and convincing
16 evidence that the adjustments are unreasonable; or
17 if the taxpayer and the Director agree in writing
18 to the application or use of an alternative method
19 of apportionment under Section 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 (D-18) An amount equal to the amount of intangible
4 expenses and costs otherwise allowed as a deduction in
5 computing base income, and that were paid, accrued, or
6 incurred, directly or indirectly, (i) for taxable
7 years ending on or after December 31, 2004, to a
8 foreign person who would be a member of the same
9 unitary business group but for the fact that the
10 foreign person's business activity outside the United
11 States is 80% or more of that person's total business
12 activity and (ii) for taxable years ending on or after
13 December 31, 2008, to a person who would be a member of
14 the same unitary business group but for the fact that
15 the person is prohibited under Section 1501(a)(27)
16 from being included in the unitary business group
17 because he or she is ordinarily required to apportion
18 business income under different subsections of Section
19 304. The addition modification required by this
20 subparagraph shall be reduced to the extent that
21 dividends were included in base income of the unitary
22 group for the same taxable year and received by the
23 taxpayer or by a member of the taxpayer's unitary
24 business group (including amounts included in gross
25 income under Sections 951 through 964 of the Internal
26 Revenue Code and amounts included in gross income

1 under Section 78 of the Internal Revenue Code) with
2 respect to the stock of the same person to whom the
3 intangible expenses and costs were directly or
4 indirectly paid, incurred, or accrued. The preceding
5 sentence does not apply to the extent that the same
6 dividends caused a reduction to the addition
7 modification required under Section 203(a)(2)(D-17) of
8 this Act. As used in this subparagraph, the term
9 "intangible expenses and costs" includes (1) expenses,
10 losses, and costs for, or related to, the direct or
11 indirect acquisition, use, maintenance or management,
12 ownership, sale, exchange, or any other disposition of
13 intangible property; (2) losses incurred, directly or
14 indirectly, from factoring transactions or discounting
15 transactions; (3) royalty, patent, technical, and
16 copyright fees; (4) licensing fees; and (5) other
17 similar expenses and costs. For purposes of this
18 subparagraph, "intangible property" includes patents,
19 patent applications, trade names, trademarks, service
20 marks, copyrights, mask works, trade secrets, and
21 similar types of intangible assets.

22 This paragraph shall not apply to the following:

23 (i) any item of intangible expenses or costs
24 paid, accrued, or incurred, directly or
25 indirectly, from a transaction with a person who
26 is subject in a foreign country or state, other

1 than a state which requires mandatory unitary
2 reporting, to a tax on or measured by net income
3 with respect to such item; or

4 (ii) any item of intangible expense or cost
5 paid, accrued, or incurred, directly or
6 indirectly, if the taxpayer can establish, based
7 on a preponderance of the evidence, both of the
8 following:

9 (a) the person during the same taxable
10 year paid, accrued, or incurred, the
11 intangible expense or cost to a person that is
12 not a related member, and

13 (b) the transaction giving rise to the
14 intangible expense or cost between the
15 taxpayer and the person did not have as a
16 principal purpose the avoidance of Illinois
17 income tax, and is paid pursuant to a contract
18 or agreement that reflects arm's-length terms;

19 or

20 (iii) any item of intangible expense or cost
21 paid, accrued, or incurred, directly or
22 indirectly, from a transaction with a person if
23 the taxpayer establishes by clear and convincing
24 evidence, that the adjustments are unreasonable;
25 or if the taxpayer and the Director agree in
26 writing to the application or use of an

1 alternative method of apportionment under Section
2 304(f);

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act
6 for any tax year beginning after the effective
7 date of this amendment provided such adjustment is
8 made pursuant to regulation adopted by the
9 Department and such regulations provide methods
10 and standards by which the Department will utilize
11 its authority under Section 404 of this Act;

12 (D-19) For taxable years ending on or after
13 December 31, 2008, an amount equal to the amount of
14 insurance premium expenses and costs otherwise allowed
15 as a deduction in computing base income, and that were
16 paid, accrued, or incurred, directly or indirectly, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304. The
23 addition modification required by this subparagraph
24 shall be reduced to the extent that dividends were
25 included in base income of the unitary group for the
26 same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group
2 (including amounts included in gross income under
3 Sections 951 through 964 of the Internal Revenue Code
4 and amounts included in gross income under Section 78
5 of the Internal Revenue Code) with respect to the
6 stock of the same person to whom the premiums and costs
7 were directly or indirectly paid, incurred, or
8 accrued. The preceding sentence does not apply to the
9 extent that the same dividends caused a reduction to
10 the addition modification required under Section
11 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
12 Act;

13 (D-20) For taxable years beginning on or after
14 January 1, 2002 and ending on or before December 31,
15 2006, in the case of a distribution from a qualified
16 tuition program under Section 529 of the Internal
17 Revenue Code, other than (i) a distribution from a
18 College Savings Pool created under Section 16.5 of the
19 State Treasurer Act or (ii) a distribution from the
20 Illinois Prepaid Tuition Trust Fund, an amount equal
21 to the amount excluded from gross income under Section
22 529(c)(3)(B). For taxable years beginning on or after
23 January 1, 2007, in the case of a distribution from a
24 qualified tuition program under Section 529 of the
25 Internal Revenue Code, other than (i) a distribution
26 from a College Savings Pool created under Section 16.5

1 of the State Treasurer Act, (ii) a distribution from
2 the Illinois Prepaid Tuition Trust Fund, or (iii) a
3 distribution from a qualified tuition program under
4 Section 529 of the Internal Revenue Code that (I)
5 adopts and determines that its offering materials
6 comply with the College Savings Plans Network's
7 disclosure principles and (II) has made reasonable
8 efforts to inform in-state residents of the existence
9 of in-state qualified tuition programs by informing
10 Illinois residents directly and, where applicable, to
11 inform financial intermediaries distributing the
12 program to inform in-state residents of the existence
13 of in-state qualified tuition programs at least
14 annually, an amount equal to the amount excluded from
15 gross income under Section 529(c)(3)(B).

16 For the purposes of this subparagraph (D-20), a
17 qualified tuition program has made reasonable efforts
18 if it makes disclosures (which may use the term
19 "in-state program" or "in-state plan" and need not
20 specifically refer to Illinois or its qualified
21 programs by name) (i) directly to prospective
22 participants in its offering materials or makes a
23 public disclosure, such as a website posting; and (ii)
24 where applicable, to intermediaries selling the
25 out-of-state program in the same manner that the
26 out-of-state program distributes its offering

1 materials;

2 (D-20.5) For taxable years beginning on or after
3 January 1, 2018, in the case of a distribution from a
4 qualified ABLE program under Section 529A of the
5 Internal Revenue Code, other than a distribution from
6 a qualified ABLE program created under Section 16.6 of
7 the State Treasurer Act, an amount equal to the amount
8 excluded from gross income under Section 529A(c) (1) (B)
9 of the Internal Revenue Code;

10 (D-21) For taxable years beginning on or after
11 January 1, 2007, in the case of transfer of moneys from
12 a qualified tuition program under Section 529 of the
13 Internal Revenue Code that is administered by the
14 State to an out-of-state program, an amount equal to
15 the amount of moneys previously deducted from base
16 income under subsection (a) (2) (Y) of this Section;

17 (D-21.5) For taxable years beginning on or after
18 January 1, 2018, in the case of the transfer of moneys
19 from a qualified tuition program under Section 529 or
20 a qualified ABLE program under Section 529A of the
21 Internal Revenue Code that is administered by this
22 State to an ABLE account established under an
23 out-of-state ABLE account program, an amount equal to
24 the contribution component of the transferred amount
25 that was previously deducted from base income under
26 subsection (a) (2) (Y) or subsection (a) (2) (HH) of this

1 Section;

2 (D-22) For taxable years beginning on or after
3 January 1, 2009, and prior to January 1, 2018, in the
4 case of a nonqualified withdrawal or refund of moneys
5 from a qualified tuition program under Section 529 of
6 the Internal Revenue Code administered by the State
7 that is not used for qualified expenses at an eligible
8 education institution, an amount equal to the
9 contribution component of the nonqualified withdrawal
10 or refund that was previously deducted from base
11 income under subsection (a)(2)(y) of this Section,
12 provided that the withdrawal or refund did not result
13 from the beneficiary's death or disability. For
14 taxable years beginning on or after January 1, 2018:
15 (1) in the case of a nonqualified withdrawal or
16 refund, as defined under Section 16.5 of the State
17 Treasurer Act, of moneys from a qualified tuition
18 program under Section 529 of the Internal Revenue Code
19 administered by the State, an amount equal to the
20 contribution component of the nonqualified withdrawal
21 or refund that was previously deducted from base
22 income under subsection (a)(2)(Y) of this Section, and
23 (2) in the case of a nonqualified withdrawal or refund
24 from a qualified ABLE program under Section 529A of
25 the Internal Revenue Code administered by the State
26 that is not used for qualified disability expenses, an

1 amount equal to the contribution component of the
2 nonqualified withdrawal or refund that was previously
3 deducted from base income under subsection (a)(2)(HH)
4 of this Section;

5 (D-23) An amount equal to the credit allowable to
6 the taxpayer under Section 218(a) of this Act,
7 determined without regard to Section 218(c) of this
8 Act;

9 (D-24) For taxable years ending on or after
10 December 31, 2017, an amount equal to the deduction
11 allowed under Section 199 of the Internal Revenue Code
12 for the taxable year;

13 (D-25) In the case of a resident, an amount equal
14 to the amount of tax for which a credit is allowed
15 pursuant to Section 201(p)(7) of this Act;

16 and by deducting from the total so obtained the sum of the
17 following amounts:

18 (E) For taxable years ending before December 31,
19 2001, any amount included in such total in respect of
20 any compensation (including but not limited to any
21 compensation paid or accrued to a serviceman while a
22 prisoner of war or missing in action) paid to a
23 resident by reason of being on active duty in the Armed
24 Forces of the United States and in respect of any
25 compensation paid or accrued to a resident who as a
26 governmental employee was a prisoner of war or missing

1 in action, and in respect of any compensation paid to a
2 resident in 1971 or thereafter for annual training
3 performed pursuant to Sections 502 and 503, Title 32,
4 United States Code as a member of the Illinois
5 National Guard or, beginning with taxable years ending
6 on or after December 31, 2007, the National Guard of
7 any other state. For taxable years ending on or after
8 December 31, 2001, any amount included in such total
9 in respect of any compensation (including but not
10 limited to any compensation paid or accrued to a
11 serviceman while a prisoner of war or missing in
12 action) paid to a resident by reason of being a member
13 of any component of the Armed Forces of the United
14 States and in respect of any compensation paid or
15 accrued to a resident who as a governmental employee
16 was a prisoner of war or missing in action, and in
17 respect of any compensation paid to a resident in 2001
18 or thereafter by reason of being a member of the
19 Illinois National Guard or, beginning with taxable
20 years ending on or after December 31, 2007, the
21 National Guard of any other state. The provisions of
22 this subparagraph (E) are exempt from the provisions
23 of Section 250;

24 (F) An amount equal to all amounts included in
25 such total pursuant to the provisions of Sections
26 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and

1 408 of the Internal Revenue Code, or included in such
2 total as distributions under the provisions of any
3 retirement or disability plan for employees of any
4 governmental agency or unit, or retirement payments to
5 retired partners, which payments are excluded in
6 computing net earnings from self employment by Section
7 1402 of the Internal Revenue Code and regulations
8 adopted pursuant thereto;

9 (G) The valuation limitation amount;

10 (H) An amount equal to the amount of any tax
11 imposed by this Act which was refunded to the taxpayer
12 and included in such total for the taxable year;

13 (I) An amount equal to all amounts included in
14 such total pursuant to the provisions of Section 111
15 of the Internal Revenue Code as a recovery of items
16 previously deducted from adjusted gross income in the
17 computation of taxable income;

18 (J) An amount equal to those dividends included in
19 such total which were paid by a corporation which
20 conducts business operations in a River Edge
21 Redevelopment Zone or zones created under the River
22 Edge Redevelopment Zone Act, and conducts
23 substantially all of its operations in a River Edge
24 Redevelopment Zone or zones. This subparagraph (J) is
25 exempt from the provisions of Section 250;

26 (K) An amount equal to those dividends included in

1 such total that were paid by a corporation that
2 conducts business operations in a federally designated
3 Foreign Trade Zone or Sub-Zone and that is designated
4 a High Impact Business located in Illinois; provided
5 that dividends eligible for the deduction provided in
6 subparagraph (J) of paragraph (2) of this subsection
7 shall not be eligible for the deduction provided under
8 this subparagraph (K);

9 (L) For taxable years ending after December 31,
10 1983, an amount equal to all social security benefits
11 and railroad retirement benefits included in such
12 total pursuant to Sections 72(r) and 86 of the
13 Internal Revenue Code;

14 (M) With the exception of any amounts subtracted
15 under subparagraph (N), an amount equal to the sum of
16 all amounts disallowed as deductions by (i) Sections
17 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
18 and all amounts of expenses allocable to interest and
19 disallowed as deductions by Section 265(a)(1) of the
20 Internal Revenue Code; and (ii) for taxable years
21 ending on or after August 13, 1999, Sections
22 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
23 Internal Revenue Code, plus, for taxable years ending
24 on or after December 31, 2011, Section 45G(e)(3) of
25 the Internal Revenue Code and, for taxable years
26 ending on or after December 31, 2008, any amount

1 included in gross income under Section 87 of the
2 Internal Revenue Code; the provisions of this
3 subparagraph are exempt from the provisions of Section
4 250;

5 (N) An amount equal to all amounts included in
6 such total which are exempt from taxation by this
7 State either by reason of its statutes or Constitution
8 or by reason of the Constitution, treaties or statutes
9 of the United States; provided that, in the case of any
10 statute of this State that exempts income derived from
11 bonds or other obligations from the tax imposed under
12 this Act, the amount exempted shall be the interest
13 net of bond premium amortization;

14 (O) An amount equal to any contribution made to a
15 job training project established pursuant to the Tax
16 Increment Allocation Redevelopment Act;

17 (P) 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 or of any itemized deduction
22 taken from adjusted gross income in the computation of
23 taxable income for restoration of substantial amounts
24 held under claim of right for the taxable year;

25 (Q) An amount equal to any amounts included in
26 such total, received by the taxpayer as an

1 acceleration in the payment of life, endowment or
2 annuity benefits in advance of the time they would
3 otherwise be payable as an indemnity for a terminal
4 illness;

5 (R) An amount equal to the amount of any federal or
6 State bonus paid to veterans of the Persian Gulf War;

7 (S) An amount, to the extent included in adjusted
8 gross income, equal to the amount of a contribution
9 made in the taxable year on behalf of the taxpayer to a
10 medical care savings account established under the
11 Medical Care Savings Account Act or the Medical Care
12 Savings Account Act of 2000 to the extent the
13 contribution is accepted by the account administrator
14 as provided in that Act;

15 (T) An amount, to the extent included in adjusted
16 gross income, equal to the amount of interest earned
17 in the taxable year on a medical care savings account
18 established under the Medical Care Savings Account Act
19 or the Medical Care Savings Account Act of 2000 on
20 behalf of the taxpayer, other than interest added
21 pursuant to item (D-5) of this paragraph (2);

22 (U) For one taxable year beginning on or after
23 January 1, 1994, an amount equal to the total amount of
24 tax imposed and paid under subsections (a) and (b) of
25 Section 201 of this Act on grant amounts received by
26 the taxpayer under the Nursing Home Grant Assistance

1 Act during the taxpayer's taxable years 1992 and 1993;

2 (V) Beginning with tax years ending on or after
3 December 31, 1995 and ending with tax years ending on
4 or before December 31, 2004, an amount equal to the
5 amount paid by a taxpayer who is a self-employed
6 taxpayer, a partner of a partnership, or a shareholder
7 in a Subchapter S corporation for health insurance or
8 long-term care insurance for that taxpayer or that
9 taxpayer's spouse or dependents, to the extent that
10 the amount paid for that health insurance or long-term
11 care insurance may be deducted under Section 213 of
12 the Internal Revenue Code, has not been deducted on
13 the federal income tax return of the taxpayer, and
14 does not exceed the taxable income attributable to
15 that taxpayer's income, self-employment income, or
16 Subchapter S corporation income; except that no
17 deduction shall be allowed under this item (V) if the
18 taxpayer is eligible to participate in any health
19 insurance or long-term care insurance plan of an
20 employer of the taxpayer or the taxpayer's spouse. The
21 amount of the health insurance and long-term care
22 insurance subtracted under this item (V) shall be
23 determined by multiplying total health insurance and
24 long-term care insurance premiums paid by the taxpayer
25 times a number that represents the fractional
26 percentage of eligible medical expenses under Section

1 213 of the Internal Revenue Code of 1986 not actually
2 deducted on the taxpayer's federal income tax return;

3 (W) For taxable years beginning on or after
4 January 1, 1998, all amounts included in the
5 taxpayer's federal gross income in the taxable year
6 from amounts converted from a regular IRA to a Roth
7 IRA. This paragraph is exempt from the provisions of
8 Section 250;

9 (X) For taxable year 1999 and thereafter, an
10 amount equal to the amount of any (i) distributions,
11 to the extent includible in gross income for federal
12 income tax purposes, made to the taxpayer because of
13 his or her status as a victim of persecution for racial
14 or religious reasons by Nazi Germany or any other Axis
15 regime or as an heir of the victim and (ii) items of
16 income, to the extent includible in gross income for
17 federal income tax purposes, attributable to, derived
18 from or in any way related to assets stolen from,
19 hidden from, or otherwise lost to a victim of
20 persecution for racial or religious reasons by Nazi
21 Germany or any other Axis regime immediately prior to,
22 during, and immediately after World War II, including,
23 but not limited to, interest on the proceeds
24 receivable as insurance under policies issued to a
25 victim of persecution for racial or religious reasons
26 by Nazi Germany or any other Axis regime by European

1 insurance companies immediately prior to and during
2 World War II; provided, however, this subtraction from
3 federal adjusted gross income does not apply to assets
4 acquired with such assets or with the proceeds from
5 the sale of such assets; provided, further, this
6 paragraph shall only apply to a taxpayer who was the
7 first recipient of such assets after their recovery
8 and who is a victim of persecution for racial or
9 religious reasons by Nazi Germany or any other Axis
10 regime or as an heir of the victim. The amount of and
11 the eligibility for any public assistance, benefit, or
12 similar entitlement is not affected by the inclusion
13 of items (i) and (ii) of this paragraph in gross income
14 for federal income tax purposes. This paragraph is
15 exempt from the provisions of Section 250;

16 (Y) For taxable years beginning on or after
17 January 1, 2002 and ending on or before December 31,
18 2004, moneys contributed in the taxable year to a
19 College Savings Pool account under Section 16.5 of the
20 State Treasurer Act, except that amounts excluded from
21 gross income under Section 529(c)(3)(C)(i) of the
22 Internal Revenue Code shall not be considered moneys
23 contributed under this subparagraph (Y). For taxable
24 years beginning on or after January 1, 2005, a maximum
25 of \$10,000 contributed in the taxable year to (i) a
26 College Savings Pool account under Section 16.5 of the

1 State Treasurer Act or (ii) the Illinois Prepaid
2 Tuition Trust Fund, except that amounts excluded from
3 gross income under Section 529(c)(3)(C)(i) of the
4 Internal Revenue Code shall not be considered moneys
5 contributed under this subparagraph (Y). For purposes
6 of this subparagraph, contributions made by an
7 employer on behalf of an employee, or matching
8 contributions made by an employee, shall be treated as
9 made by the employee. This subparagraph (Y) is exempt
10 from the provisions of Section 250;

11 (Z) For taxable years 2001 and thereafter, for the
12 taxable year in which the bonus depreciation deduction
13 is taken on the taxpayer's federal income tax return
14 under subsection (k) of Section 168 of the Internal
15 Revenue Code and for each applicable taxable year
16 thereafter, an amount equal to "x", where:

17 (1) "y" equals the amount of the depreciation
18 deduction taken for the taxable year on the
19 taxpayer's federal income tax return on property
20 for which the bonus depreciation deduction was
21 taken in any year under subsection (k) of Section
22 168 of the Internal Revenue Code, but not
23 including the bonus depreciation deduction;

24 (2) for taxable years ending on or before
25 December 31, 2005, "x" equals "y" multiplied by 30
26 and then divided by 70 (or "y" multiplied by

1 0.429); and

2 (3) for taxable years ending after December
3 31, 2005:

4 (i) for property on which a bonus
5 depreciation deduction of 30% of the adjusted
6 basis was taken, "x" equals "y" multiplied by
7 30 and then divided by 70 (or "y" multiplied
8 by 0.429);

9 (ii) for property on which a bonus
10 depreciation deduction of 50% of the adjusted
11 basis was taken, "x" equals "y" multiplied by
12 1.0;

13 (iii) for property on which a bonus
14 depreciation deduction of 100% of the adjusted
15 basis was taken in a taxable year ending on or
16 after December 31, 2021, "x" equals the
17 depreciation deduction that would be allowed
18 on that property if the taxpayer had made the
19 election under Section 168(k)(7) of the
20 Internal Revenue Code to not claim bonus
21 depreciation on that property; and

22 (iv) for property on which a bonus
23 depreciation deduction of a percentage other
24 than 30%, 50% or 100% of the adjusted basis
25 was taken in a taxable year ending on or after
26 December 31, 2021, "x" equals "y" multiplied

1 by 100 times the percentage bonus depreciation
2 on the property (that is, $100(\text{bonus}\%)$) and
3 then divided by 100 times 1 minus the
4 percentage bonus depreciation on the property
5 (that is, $100(1-\text{bonus}\%)$).

6 The aggregate amount deducted under this
7 subparagraph in all taxable years for any one piece of
8 property may not exceed the amount of the bonus
9 depreciation deduction taken on that property on the
10 taxpayer's federal income tax return under subsection
11 (k) of Section 168 of the Internal Revenue Code. This
12 subparagraph (Z) is exempt from the provisions of
13 Section 250;

14 (AA) If the taxpayer sells, transfers, abandons,
15 or otherwise disposes of property for which the
16 taxpayer was required in any taxable year to make an
17 addition modification under subparagraph (D-15), then
18 an amount equal to that addition modification.

19 If the taxpayer continues to own property through
20 the last day of the last tax year for which a
21 subtraction is allowed with respect to that property
22 under subparagraph (Z) and for which the taxpayer was
23 required in any taxable year to make an addition
24 modification under subparagraph (D-15), then an amount
25 equal to that addition modification.

26 The taxpayer is allowed to take the deduction

1 under this subparagraph only once with respect to any
2 one piece of property.

3 This subparagraph (AA) is exempt from the
4 provisions of Section 250;

5 (BB) Any amount included in adjusted gross income,
6 other than salary, received by a driver in a
7 ridesharing arrangement using a motor vehicle;

8 (CC) The amount of (i) any interest income (net of
9 the deductions allocable thereto) taken into account
10 for the taxable year with respect to a transaction
11 with a taxpayer that is required to make an addition
12 modification with respect to such transaction under
13 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
14 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
15 the amount of that addition modification, and (ii) any
16 income from intangible property (net of the deductions
17 allocable thereto) taken into account for the taxable
18 year with respect to a transaction with a taxpayer
19 that is required to make an addition modification with
20 respect to such transaction under Section
21 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
22 203(d)(2)(D-8), but not to exceed the amount of that
23 addition modification. This subparagraph (CC) is
24 exempt from the provisions of Section 250;

25 (DD) An amount equal to the interest income taken
26 into account for the taxable year (net of the

1 deductions allocable thereto) with respect to
2 transactions with (i) a foreign person who would be a
3 member of the taxpayer's unitary business group but
4 for the fact that the foreign person's business
5 activity outside the United States is 80% or more of
6 that person's total business activity and (ii) for
7 taxable years ending on or after December 31, 2008, 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, but
14 not to exceed the addition modification required to be
15 made for the same taxable year under Section
16 203(a)(2)(D-17) for interest paid, accrued, or
17 incurred, directly or indirectly, to the same person.
18 This subparagraph (DD) is exempt from the provisions
19 of Section 250;

20 (EE) An amount equal to the income from intangible
21 property taken into account for the taxable year (net
22 of the deductions allocable thereto) with respect to
23 transactions with (i) a foreign person who would be a
24 member of the taxpayer's unitary business group but
25 for the fact that the foreign person's business
26 activity outside the United States is 80% or more of

1 that person's total business activity and (ii) for
2 taxable years ending on or after December 31, 2008, to
3 a person who would be a member of the same unitary
4 business group but for the fact that the person is
5 prohibited under Section 1501(a)(27) from being
6 included in the unitary business group because he or
7 she is ordinarily required to apportion business
8 income under different subsections of Section 304, but
9 not to exceed the addition modification required to be
10 made for the same taxable year under Section
11 203(a)(2)(D-18) for intangible expenses and costs
12 paid, accrued, or incurred, directly or indirectly, to
13 the same foreign person. This subparagraph (EE) is
14 exempt from the provisions of Section 250;

15 (FF) An amount equal to any amount awarded to the
16 taxpayer during the taxable year by the Court of
17 Claims under subsection (c) of Section 8 of the Court
18 of Claims Act for time unjustly served in a State
19 prison. This subparagraph (FF) is exempt from the
20 provisions of Section 250;

21 (GG) For taxable years ending on or after December
22 31, 2011, in the case of a taxpayer who was required to
23 add back any insurance premiums under Section
24 203(a)(2)(D-19), such taxpayer may elect to subtract
25 that part of a reimbursement received from the
26 insurance company equal to the amount of the expense

1 or loss (including expenses incurred by the insurance
2 company) that would have been taken into account as a
3 deduction for federal income tax purposes if the
4 expense or loss had been uninsured. If a taxpayer
5 makes the election provided for by this subparagraph
6 (GG), the insurer to which the premiums were paid must
7 add back to income the amount subtracted by the
8 taxpayer pursuant to this subparagraph (GG). This
9 subparagraph (GG) is exempt from the provisions of
10 Section 250;

11 (HH) For taxable years beginning on or after
12 January 1, 2018 and prior to January 1, 2028, a maximum
13 of \$10,000 contributed in the taxable year to a
14 qualified ABLE account under Section 16.6 of the State
15 Treasurer Act, except that amounts excluded from gross
16 income under Section 529(c)(3)(C)(i) or Section
17 529A(c)(1)(C) of the Internal Revenue Code shall not
18 be considered moneys contributed under this
19 subparagraph (HH). For purposes of this subparagraph
20 (HH), contributions made by an employer on behalf of
21 an employee, or matching contributions made by an
22 employee, shall be treated as made by the employee;
23 ~~and~~

24 (II) For taxable years that begin on or after
25 January 1, 2021 and begin before January 1, 2026, the
26 amount that is included in the taxpayer's federal

1 adjusted gross income pursuant to Section 61 of the
2 Internal Revenue Code as discharge of indebtedness
3 attributable to student loan forgiveness and that is
4 not excluded from the taxpayer's federal adjusted
5 gross income pursuant to paragraph (5) of subsection
6 (f) of Section 108 of the Internal Revenue Code; and ~~—~~

7 (JJ) For taxable years beginning on or after
8 January 1, 2023, for any cannabis establishment
9 operating in this State and licensed under the
10 Cannabis Regulation and Tax Act or any cannabis
11 cultivation center or medical cannabis dispensing
12 organization operating in this State and licensed
13 under the Compassionate Use of Medical Cannabis
14 Program Act, an amount equal to the deductions that
15 were disallowed under Section 280E of the Internal
16 Revenue Code for the taxable year and that would not be
17 added back under this subsection. The provisions of
18 this subparagraph (JJ) are exempt from the provisions
19 of Section 250.

20 (b) Corporations.

21 (1) In general. In the case of a corporation, base
22 income means an amount equal to the taxpayer's taxable
23 income for the taxable year as modified by paragraph (2).

24 (2) Modifications. The taxable income referred to in
25 paragraph (1) shall be modified by adding thereto the sum

1 of the following amounts:

2 (A) An amount equal to all amounts paid or accrued
3 to the taxpayer as interest and all distributions
4 received from regulated investment companies during
5 the taxable year to the extent excluded from gross
6 income in the computation of taxable income;

7 (B) An amount equal to the amount of tax imposed by
8 this Act to the extent deducted from gross income in
9 the computation of taxable income for the taxable
10 year;

11 (C) In the case of a regulated investment company,
12 an amount equal to the excess of (i) the net long-term
13 capital gain for the taxable year, over (ii) the
14 amount of the capital gain dividends designated as
15 such in accordance with Section 852(b)(3)(C) of the
16 Internal Revenue Code and any amount designated under
17 Section 852(b)(3)(D) of the Internal Revenue Code,
18 attributable to the taxable year (this amendatory Act
19 of 1995 (Public Act 89-89) is declarative of existing
20 law and is not a new enactment);

21 (D) The amount of any net operating loss deduction
22 taken in arriving at taxable income, other than a net
23 operating loss carried forward from a taxable year
24 ending prior to December 31, 1986;

25 (E) For taxable years in which a net operating
26 loss carryback or carryforward from a taxable year

1 ending prior to December 31, 1986 is an element of
2 taxable income under paragraph (1) of subsection (e)
3 or subparagraph (E) of paragraph (2) of subsection
4 (e), the amount by which addition modifications other
5 than those provided by this subparagraph (E) exceeded
6 subtraction modifications in such earlier taxable
7 year, with the following limitations applied in the
8 order that they are listed:

9 (i) the addition modification relating to the
10 net operating loss carried back or forward to the
11 taxable year from any taxable year ending prior to
12 December 31, 1986 shall be reduced by the amount
13 of addition modification under this subparagraph
14 (E) which related to that net operating loss and
15 which was taken into account in calculating the
16 base income of an earlier taxable year, and

17 (ii) the addition modification relating to the
18 net operating loss carried back or forward to the
19 taxable year from any taxable year ending prior to
20 December 31, 1986 shall not exceed the amount of
21 such carryback or carryforward;

22 For taxable years in which there is a net
23 operating loss carryback or carryforward from more
24 than one other taxable year ending prior to December
25 31, 1986, the addition modification provided in this
26 subparagraph (E) shall be the sum of the amounts

1 computed independently under the preceding provisions
2 of this subparagraph (E) for each such taxable year;

3 (E-5) For taxable years ending after December 31,
4 1997, an amount equal to any eligible remediation
5 costs that the corporation deducted in computing
6 adjusted gross income and for which the corporation
7 claims a credit under subsection (l) of Section 201;

8 (E-10) For taxable years 2001 and thereafter, an
9 amount equal to the bonus depreciation deduction taken
10 on the taxpayer's federal income tax return for the
11 taxable year under subsection (k) of Section 168 of
12 the Internal Revenue Code;

13 (E-11) If the taxpayer sells, transfers, abandons,
14 or otherwise disposes of property for which the
15 taxpayer was required in any taxable year to make an
16 addition modification under subparagraph (E-10), then
17 an amount equal to the aggregate amount of the
18 deductions taken in all taxable years under
19 subparagraph (T) with respect to that property.

20 If the taxpayer continues to own property through
21 the last day of the last tax year for which a
22 subtraction is allowed with respect to that property
23 under subparagraph (T) and for which the taxpayer was
24 allowed in any taxable year to make a subtraction
25 modification under subparagraph (T), then an amount
26 equal to that subtraction modification.

1 The taxpayer is required to make the addition
2 modification under this subparagraph only once with
3 respect to any one piece of property;

4 (E-12) An amount equal to the amount otherwise
5 allowed as a deduction in computing base income for
6 interest paid, accrued, or incurred, directly or
7 indirectly, (i) for taxable years ending on or after
8 December 31, 2004, to a foreign person who would be a
9 member of the same unitary business group but for the
10 fact the foreign person's business activity outside
11 the United States is 80% or more of the foreign
12 person's total business activity and (ii) for taxable
13 years ending on or after December 31, 2008, to a person
14 who would be a member of the same unitary business
15 group but for the fact that the person is prohibited
16 under Section 1501(a)(27) from being included in the
17 unitary business group because he or she is ordinarily
18 required to apportion business income under different
19 subsections of Section 304. The addition modification
20 required by this subparagraph shall be reduced to the
21 extent that dividends were included in base income of
22 the unitary group for the same taxable year and
23 received by the taxpayer or by a member of the
24 taxpayer's unitary business group (including amounts
25 included in gross income pursuant to Sections 951
26 through 964 of the Internal Revenue Code and amounts

1 included in gross income under Section 78 of the
2 Internal Revenue Code) with respect to the stock of
3 the same person to whom the interest was paid,
4 accrued, or incurred.

5 This paragraph shall not apply to the following:

6 (i) an item of interest paid, accrued, or
7 incurred, directly or indirectly, to a person who
8 is subject in a foreign country or state, other
9 than a state which requires mandatory unitary
10 reporting, to a tax on or measured by net income
11 with respect to such interest; or

12 (ii) an item of interest paid, accrued, or
13 incurred, directly or indirectly, to a person if
14 the taxpayer can establish, based on a
15 preponderance of the evidence, both of the
16 following:

17 (a) the person, during the same taxable
18 year, paid, accrued, or incurred, the interest
19 to a person that is not a related member, and

20 (b) the transaction giving rise to the
21 interest expense between the taxpayer and the
22 person did not have as a principal purpose the
23 avoidance of Illinois income tax, and is paid
24 pursuant to a contract or agreement that
25 reflects an arm's-length interest rate and
26 terms; or

1 (iii) the taxpayer can establish, based on
2 clear and convincing evidence, that the interest
3 paid, accrued, or incurred relates to a contract
4 or agreement entered into at arm's-length rates
5 and terms and the principal purpose for the
6 payment is not federal or Illinois tax avoidance;
7 or

8 (iv) an item of interest paid, accrued, or
9 incurred, directly or indirectly, to a person if
10 the taxpayer establishes by clear and convincing
11 evidence that the adjustments are unreasonable; or
12 if the taxpayer and the Director agree in writing
13 to the application or use of an alternative method
14 of apportionment under Section 304(f).

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (E-13) An amount equal to the amount of intangible
25 expenses and costs otherwise allowed as a deduction in
26 computing base income, and that were paid, accrued, or

1 incurred, directly or indirectly, (i) for taxable
2 years ending on or after December 31, 2004, to a
3 foreign person who would be a member of the same
4 unitary business group but for the fact that the
5 foreign person's business activity outside the United
6 States is 80% or more of that person's total business
7 activity and (ii) for taxable years ending on or after
8 December 31, 2008, to a person who would be a member of
9 the same unitary business group but for the fact that
10 the person is prohibited under Section 1501(a)(27)
11 from being included in the unitary business group
12 because he or she is ordinarily required to apportion
13 business income under different subsections of Section
14 304. The addition modification required by this
15 subparagraph shall be reduced to the extent that
16 dividends were included in base income of the unitary
17 group for the same taxable year and received by the
18 taxpayer or by a member of the taxpayer's unitary
19 business group (including amounts included in gross
20 income pursuant to Sections 951 through 964 of the
21 Internal Revenue Code and amounts included in gross
22 income under Section 78 of the Internal Revenue Code)
23 with respect to the stock of the same person to whom
24 the intangible expenses and costs were directly or
25 indirectly paid, incurred, or accrued. The preceding
26 sentence shall not apply to the extent that the same

1 dividends caused a reduction to the addition
2 modification required under Section 203(b)(2)(E-12) of
3 this Act. As used in this subparagraph, the term
4 "intangible expenses and costs" includes (1) expenses,
5 losses, and costs for, or related to, the direct or
6 indirect acquisition, use, maintenance or management,
7 ownership, sale, exchange, or any other disposition of
8 intangible property; (2) losses incurred, directly or
9 indirectly, from factoring transactions or discounting
10 transactions; (3) royalty, patent, technical, and
11 copyright fees; (4) licensing fees; and (5) other
12 similar expenses and costs. For purposes of this
13 subparagraph, "intangible property" includes patents,
14 patent applications, trade names, trademarks, service
15 marks, copyrights, mask works, trade secrets, and
16 similar types of intangible assets.

17 This paragraph shall not apply to the following:

18 (i) any item of intangible expenses or costs
19 paid, accrued, or incurred, directly or
20 indirectly, from a transaction with a person who
21 is subject in a foreign country or state, other
22 than a state which requires mandatory unitary
23 reporting, to a tax on or measured by net income
24 with respect to such item; or

25 (ii) any item of intangible expense or cost
26 paid, accrued, or incurred, directly or

1 indirectly, if the taxpayer can establish, based
2 on a preponderance of the evidence, both of the
3 following:

4 (a) the person during the same taxable
5 year paid, accrued, or incurred, the
6 intangible expense or cost to a person that is
7 not a related member, and

8 (b) the transaction giving rise to the
9 intangible expense or cost between the
10 taxpayer and the person did not have as a
11 principal purpose the avoidance of Illinois
12 income tax, and is paid pursuant to a contract
13 or agreement that reflects arm's-length terms;
14 or

15 (iii) any item of intangible expense or cost
16 paid, accrued, or incurred, directly or
17 indirectly, from a transaction with a person if
18 the taxpayer establishes by clear and convincing
19 evidence, that the adjustments are unreasonable;
20 or if the taxpayer and the Director agree in
21 writing to the application or use of an
22 alternative method of apportionment under Section
23 304(f);

24 Nothing in this subsection shall preclude the
25 Director from making any other adjustment
26 otherwise allowed under Section 404 of this Act

1 for any tax year beginning after the effective
2 date of this amendment provided such adjustment is
3 made pursuant to regulation adopted by the
4 Department and such regulations provide methods
5 and standards by which the Department will utilize
6 its authority under Section 404 of this Act;

7 (E-14) For taxable years ending on or after
8 December 31, 2008, an amount equal to the amount of
9 insurance premium expenses and costs otherwise allowed
10 as a deduction in computing base income, and that were
11 paid, accrued, or incurred, directly or indirectly, to
12 a person who would be a member of the same unitary
13 business group but for the fact that the person is
14 prohibited under Section 1501(a)(27) from being
15 included in the unitary business group because he or
16 she is ordinarily required to apportion business
17 income under different subsections of Section 304. The
18 addition modification required by this subparagraph
19 shall be reduced to the extent that dividends were
20 included in base income of the unitary group for the
21 same taxable year and received by the taxpayer or by a
22 member of the taxpayer's unitary business group
23 (including amounts included in gross income under
24 Sections 951 through 964 of the Internal Revenue Code
25 and amounts included in gross income under Section 78
26 of the Internal Revenue Code) with respect to the

1 stock of the same person to whom the premiums and costs
2 were directly or indirectly paid, incurred, or
3 accrued. The preceding sentence does not apply to the
4 extent that the same dividends caused a reduction to
5 the addition modification required under Section
6 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
7 Act;

8 (E-15) For taxable years beginning after December
9 31, 2008, any deduction for dividends paid by a
10 captive real estate investment trust that is allowed
11 to a real estate investment trust under Section
12 857(b)(2)(B) of the Internal Revenue Code for
13 dividends paid;

14 (E-16) An amount equal to the credit allowable to
15 the taxpayer under Section 218(a) of this Act,
16 determined without regard to Section 218(c) of this
17 Act;

18 (E-17) For taxable years ending on or after
19 December 31, 2017, an amount equal to the deduction
20 allowed under Section 199 of the Internal Revenue Code
21 for the taxable year;

22 (E-18) for taxable years beginning after December
23 31, 2018, an amount equal to the deduction allowed
24 under Section 250(a)(1)(A) of the Internal Revenue
25 Code for the taxable year;

26 (E-19) for taxable years ending on or after June

1 30, 2021, an amount equal to the deduction allowed
2 under Section 250(a)(1)(B)(i) of the Internal Revenue
3 Code for the taxable year;

4 (E-20) for taxable years ending on or after June
5 30, 2021, an amount equal to the deduction allowed
6 under Sections 243(e) and 245A(a) of the Internal
7 Revenue Code for the taxable year.

8 and by deducting from the total so obtained the sum of the
9 following amounts:

10 (F) An amount equal to the amount of any tax
11 imposed by this Act which was refunded to the taxpayer
12 and included in such total for the taxable year;

13 (G) An amount equal to any amount included in such
14 total under Section 78 of the Internal Revenue Code;

15 (H) In the case of a regulated investment company,
16 an amount equal to the amount of exempt interest
17 dividends as defined in subsection (b)(5) of Section
18 852 of the Internal Revenue Code, paid to shareholders
19 for the taxable year;

20 (I) With the exception of any amounts subtracted
21 under subparagraph (J), an amount equal to the sum of
22 all amounts disallowed as deductions by (i) Sections
23 171(a)(2) and 265(a)(2) and amounts disallowed as
24 interest expense by Section 291(a)(3) of the Internal
25 Revenue Code, and all amounts of expenses allocable to
26 interest and disallowed as deductions by Section

1 265(a)(1) of the Internal Revenue Code; and (ii) for
2 taxable years ending on or after August 13, 1999,
3 Sections 171(a)(2), 265, 280C, 291(a)(3), and
4 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
5 for tax years ending on or after December 31, 2011,
6 amounts disallowed as deductions by Section 45G(e)(3)
7 of the Internal Revenue Code and, for taxable years
8 ending on or after December 31, 2008, any amount
9 included in gross income under Section 87 of the
10 Internal Revenue Code and the policyholders' share of
11 tax-exempt interest of a life insurance company under
12 Section 807(a)(2)(B) of the Internal Revenue Code (in
13 the case of a life insurance company with gross income
14 from a decrease in reserves for the tax year) or
15 Section 807(b)(1)(B) of the Internal Revenue Code (in
16 the case of a life insurance company allowed a
17 deduction for an increase in reserves for the tax
18 year); the provisions of this subparagraph are exempt
19 from the provisions of Section 250;

20 (J) 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 (K) An amount equal to those dividends included in
4 such total which were paid by a corporation which
5 conducts business operations in a River Edge
6 Redevelopment Zone or zones created under the River
7 Edge Redevelopment Zone Act and conducts substantially
8 all of its operations in a River Edge Redevelopment
9 Zone or zones. This subparagraph (K) is exempt from
10 the provisions of Section 250;

11 (L) An amount equal to those dividends included in
12 such total that were paid by a corporation that
13 conducts business operations in a federally designated
14 Foreign Trade Zone or Sub-Zone and that is designated
15 a High Impact Business located in Illinois; provided
16 that dividends eligible for the deduction provided in
17 subparagraph (K) of paragraph 2 of this subsection
18 shall not be eligible for the deduction provided under
19 this subparagraph (L);

20 (M) For any taxpayer that is a financial
21 organization within the meaning of Section 304(c) of
22 this Act, an amount included in such total as interest
23 income from a loan or loans made by such taxpayer to a
24 borrower, to the extent that such a loan is secured by
25 property which is eligible for the River Edge
26 Redevelopment Zone Investment Credit. To determine the

1 portion of a loan or loans that is secured by property
2 eligible for a Section 201(f) investment credit to the
3 borrower, the entire principal amount of the loan or
4 loans between the taxpayer and the borrower should be
5 divided into the basis of the Section 201(f)
6 investment credit property which secures the loan or
7 loans, using for this purpose the original basis of
8 such property on the date that it was placed in service
9 in the River Edge Redevelopment Zone. The subtraction
10 modification available to the taxpayer in any year
11 under this subsection shall be that portion of the
12 total interest paid by the borrower with respect to
13 such loan attributable to the eligible property as
14 calculated under the previous sentence. This
15 subparagraph (M) is exempt from the provisions of
16 Section 250;

17 (M-1) For any taxpayer that is a financial
18 organization within the meaning of Section 304(c) of
19 this Act, an amount included in such total as interest
20 income from a loan or loans made by such taxpayer to a
21 borrower, to the extent that such a loan is secured by
22 property which is eligible for the High Impact
23 Business Investment Credit. To determine the portion
24 of a loan or loans that is secured by property eligible
25 for a Section 201(h) investment credit to the
26 borrower, the entire principal amount of the loan or

1 loans between the taxpayer and the borrower should be
2 divided into the basis of the Section 201(h)
3 investment credit property which secures the loan or
4 loans, using for this purpose the original basis of
5 such property on the date that it was placed in service
6 in a federally designated Foreign Trade Zone or
7 Sub-Zone located in Illinois. No taxpayer that is
8 eligible for the deduction provided in subparagraph
9 (M) of paragraph (2) of this subsection shall be
10 eligible for the deduction provided under this
11 subparagraph (M-1). The subtraction modification
12 available to taxpayers in any year under this
13 subsection shall be that portion of the total interest
14 paid by the borrower with respect to such loan
15 attributable to the eligible property as calculated
16 under the previous sentence;

17 (N) Two times any contribution made during the
18 taxable year to a designated zone organization to the
19 extent that the contribution (i) qualifies as a
20 charitable contribution under subsection (c) of
21 Section 170 of the Internal Revenue Code and (ii)
22 must, by its terms, be used for a project approved by
23 the Department of Commerce and Economic Opportunity
24 under Section 11 of the Illinois Enterprise Zone Act
25 or under Section 10-10 of the River Edge Redevelopment
26 Zone Act. This subparagraph (N) is exempt from the

1 provisions of Section 250;

2 (O) An amount equal to: (i) 85% for taxable years
3 ending on or before December 31, 1992, or, a
4 percentage equal to the percentage allowable under
5 Section 243(a)(1) of the Internal Revenue Code of 1986
6 for taxable years ending after December 31, 1992, of
7 the amount by which dividends included in taxable
8 income and received from a corporation that is not
9 created or organized under the laws of the United
10 States or any state or political subdivision thereof,
11 including, for taxable years ending on or after
12 December 31, 1988, dividends received or deemed
13 received or paid or deemed paid under Sections 951
14 through 965 of the Internal Revenue Code, exceed the
15 amount of the modification provided under subparagraph
16 (G) of paragraph (2) of this subsection (b) which is
17 related to such dividends, and including, for taxable
18 years ending on or after December 31, 2008, dividends
19 received from a captive real estate investment trust;
20 plus (ii) 100% of the amount by which dividends,
21 included in taxable income and received, including,
22 for taxable years ending on or after December 31,
23 1988, dividends received or deemed received or paid or
24 deemed paid under Sections 951 through 964 of the
25 Internal Revenue Code and including, for taxable years
26 ending on or after December 31, 2008, dividends

1 received from a captive real estate investment trust,
2 from any such corporation specified in clause (i) that
3 would but for the provisions of Section 1504(b)(3) of
4 the Internal Revenue Code be treated as a member of the
5 affiliated group which includes the dividend
6 recipient, exceed the amount of the modification
7 provided under subparagraph (G) of paragraph (2) of
8 this subsection (b) which is related to such
9 dividends. For taxable years ending on or after June
10 30, 2021, (i) for purposes of this subparagraph, the
11 term "dividend" does not include any amount treated as
12 a dividend under Section 1248 of the Internal Revenue
13 Code, and (ii) this subparagraph shall not apply to
14 dividends for which a deduction is allowed under
15 Section 245(a) of the Internal Revenue Code. This
16 subparagraph (O) is exempt from the provisions of
17 Section 250 of this Act;

18 (P) An amount equal to any contribution made to a
19 job training project established pursuant to the Tax
20 Increment Allocation Redevelopment Act;

21 (Q) An amount equal to the amount of the deduction
22 used to compute the federal income tax credit for
23 restoration of substantial amounts held under claim of
24 right for the taxable year pursuant to Section 1341 of
25 the Internal Revenue Code;

26 (R) On and after July 20, 1999, in the case of an

1 attorney-in-fact with respect to whom an interinsurer
2 or a reciprocal insurer has made the election under
3 Section 835 of the Internal Revenue Code, 26 U.S.C.
4 835, an amount equal to the excess, if any, of the
5 amounts paid or incurred by that interinsurer or
6 reciprocal insurer in the taxable year to the
7 attorney-in-fact over the deduction allowed to that
8 interinsurer or reciprocal insurer with respect to the
9 attorney-in-fact under Section 835(b) of the Internal
10 Revenue Code for the taxable year; the provisions of
11 this subparagraph are exempt from the provisions of
12 Section 250;

13 (S) For taxable years ending on or after December
14 31, 1997, in the case of a Subchapter S corporation, an
15 amount equal to all amounts of income allocable to a
16 shareholder subject to the Personal Property Tax
17 Replacement Income Tax imposed by subsections (c) and
18 (d) of Section 201 of this Act, including amounts
19 allocable to organizations exempt from federal income
20 tax by reason of Section 501(a) of the Internal
21 Revenue Code. This subparagraph (S) is exempt from the
22 provisions of Section 250;

23 (T) For taxable years 2001 and thereafter, for the
24 taxable year in which the bonus depreciation deduction
25 is taken on the taxpayer's federal income tax return
26 under subsection (k) of Section 168 of the Internal

1 Revenue Code and for each applicable taxable year
2 thereafter, an amount equal to "x", where:

3 (1) "y" equals the amount of the depreciation
4 deduction taken for the taxable year on the
5 taxpayer's federal income tax return on property
6 for which the bonus depreciation deduction was
7 taken in any year under subsection (k) of Section
8 168 of the Internal Revenue Code, but not
9 including the bonus depreciation deduction;

10 (2) for taxable years ending on or before
11 December 31, 2005, "x" equals "y" multiplied by 30
12 and then divided by 70 (or "y" multiplied by
13 0.429); and

14 (3) for taxable years ending after December
15 31, 2005:

16 (i) for property on which a bonus
17 depreciation deduction of 30% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 30 and then divided by 70 (or "y" multiplied
20 by 0.429);

21 (ii) for property on which a bonus
22 depreciation deduction of 50% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 1.0;

25 (iii) for property on which a bonus
26 depreciation deduction of 100% of the adjusted

1 basis was taken in a taxable year ending on or
2 after December 31, 2021, "x" equals the
3 depreciation deduction that would be allowed
4 on that property if the taxpayer had made the
5 election under Section 168(k)(7) of the
6 Internal Revenue Code to not claim bonus
7 depreciation on that property; and

8 (iv) for property on which a bonus
9 depreciation deduction of a percentage other
10 than 30%, 50% or 100% of the adjusted basis
11 was taken in a taxable year ending on or after
12 December 31, 2021, "x" equals "y" multiplied
13 by 100 times the percentage bonus depreciation
14 on the property (that is, $100(\text{bonus}\%)$) and
15 then divided by 100 times 1 minus the
16 percentage bonus depreciation on the property
17 (that is, $100(1-\text{bonus}\%)$).

18 The aggregate amount deducted under this
19 subparagraph in all taxable years for any one piece of
20 property may not exceed the amount of the bonus
21 depreciation deduction taken on that property on the
22 taxpayer's federal income tax return under subsection
23 (k) of Section 168 of the Internal Revenue Code. This
24 subparagraph (T) is exempt from the provisions of
25 Section 250;

26 (U) If the taxpayer sells, transfers, abandons, or

1 otherwise disposes of property for which the taxpayer
2 was required in any taxable year to make an addition
3 modification under subparagraph (E-10), then an amount
4 equal to that addition modification.

5 If the taxpayer continues to own property through
6 the last day of the last tax year for which a
7 subtraction is allowed with respect to that property
8 under subparagraph (T) and for which the taxpayer was
9 required in any taxable year to make an addition
10 modification under subparagraph (E-10), then an amount
11 equal to that addition modification.

12 The taxpayer is allowed to take the deduction
13 under this subparagraph only once with respect to any
14 one piece of property.

15 This subparagraph (U) is exempt from the
16 provisions of Section 250;

17 (V) The amount of: (i) any interest income (net of
18 the deductions allocable thereto) taken into account
19 for the taxable year with respect to a transaction
20 with a taxpayer that is required to make an addition
21 modification with respect to such transaction under
22 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
23 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
24 the amount of such addition modification, (ii) any
25 income from intangible property (net of the deductions
26 allocable thereto) taken into account for the taxable

1 year with respect to a transaction with a taxpayer
2 that is required to make an addition modification with
3 respect to such transaction under Section
4 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
5 203(d)(2)(D-8), but not to exceed the amount of such
6 addition modification, and (iii) any insurance premium
7 income (net of deductions allocable thereto) taken
8 into account for the taxable year with respect to a
9 transaction with a taxpayer that is required to make
10 an addition modification with respect to such
11 transaction under Section 203(a)(2)(D-19), Section
12 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
13 203(d)(2)(D-9), but not to exceed the amount of that
14 addition modification. This subparagraph (V) is exempt
15 from the provisions of Section 250;

16 (W) 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(b)(2)(E-12) for interest paid, accrued, or
8 incurred, directly or indirectly, to the same person.
9 This subparagraph (W) is exempt from the provisions of
10 Section 250;

11 (X) 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(b)(2)(E-13) for intangible expenses and costs
3 paid, accrued, or incurred, directly or indirectly, to
4 the same foreign person. This subparagraph (X) is
5 exempt from the provisions of Section 250;

6 (Y) For taxable years ending on or after December
7 31, 2011, in the case of a taxpayer who was required to
8 add back any insurance premiums under Section
9 203(b)(2)(E-14), such taxpayer may elect to subtract
10 that part of a reimbursement received from the
11 insurance company equal to the amount of the expense
12 or loss (including expenses incurred by the insurance
13 company) that would have been taken into account as a
14 deduction for federal income tax purposes if the
15 expense or loss had been uninsured. If a taxpayer
16 makes the election provided for by this subparagraph
17 (Y), the insurer to which the premiums were paid must
18 add back to income the amount subtracted by the
19 taxpayer pursuant to this subparagraph (Y). This
20 subparagraph (Y) is exempt from the provisions of
21 Section 250; ~~and~~

22 (Z) The difference between the nondeductible
23 controlled foreign corporation dividends under Section
24 965(e)(3) of the Internal Revenue Code over the
25 taxable income of the taxpayer, computed without
26 regard to Section 965(e)(2)(A) of the Internal Revenue

1 Code, and without regard to any net operating loss
2 deduction. This subparagraph (Z) is exempt from the
3 provisions of Section 250; and ~~and~~

4 (AA) For taxable years beginning on or after
5 January 1, 2023, for any cannabis establishment
6 operating in this State and licensed under the
7 Cannabis Regulation and Tax Act or any cannabis
8 cultivation center or medical cannabis dispensing
9 organization operating in this State and licensed
10 under the Compassionate Use of Medical Cannabis
11 Program Act, an amount equal to the deductions that
12 were disallowed under Section 280E of the Internal
13 Revenue Code for the taxable year and that would not be
14 added back under this subsection. The provisions of
15 this subparagraph (AA) are exempt from the provisions
16 of Section 250.

17 (3) Special rule. For purposes of paragraph (2) (A),
18 "gross income" in the case of a life insurance company,
19 for tax years ending on and after December 31, 1994, and
20 prior to December 31, 2011, shall mean the gross
21 investment income for the taxable year and, for tax years
22 ending on or after December 31, 2011, shall mean all
23 amounts included in life insurance gross income under
24 Section 803(a) (3) of the Internal Revenue Code.

25 (c) Trusts and estates.

1 (1) In general. In the case of a trust or estate, base
2 income means an amount equal to the taxpayer's taxable
3 income for the taxable year as modified by paragraph (2).

4 (2) Modifications. Subject to the provisions of
5 paragraph (3), the taxable income referred to in paragraph
6 (1) shall be modified by adding thereto the sum of the
7 following amounts:

8 (A) An amount equal to all amounts paid or accrued
9 to the taxpayer as interest or dividends during the
10 taxable year to the extent excluded from gross income
11 in the computation of taxable income;

12 (B) In the case of (i) an estate, \$600; (ii) a
13 trust which, under its governing instrument, is
14 required to distribute all of its income currently,
15 \$300; and (iii) any other trust, \$100, but in each such
16 case, only to the extent such amount was deducted in
17 the computation of taxable income;

18 (C) An amount equal to the amount of tax imposed by
19 this Act to the extent deducted from gross income in
20 the computation of taxable income for the taxable
21 year;

22 (D) The amount of any net operating loss deduction
23 taken in arriving at taxable income, other than a net
24 operating loss carried forward from a taxable year
25 ending prior to December 31, 1986;

26 (E) For taxable years in which a net operating

1 loss carryback or carryforward from a taxable year
2 ending prior to December 31, 1986 is an element of
3 taxable income under paragraph (1) of subsection (e)
4 or subparagraph (E) of paragraph (2) of subsection
5 (e), the amount by which addition modifications other
6 than those provided by this subparagraph (E) exceeded
7 subtraction modifications in such taxable year, with
8 the following limitations applied in the order that
9 they are listed:

10 (i) the addition modification relating to the
11 net operating loss carried back or forward to the
12 taxable year from any taxable year ending prior to
13 December 31, 1986 shall be reduced by the amount
14 of addition modification under this subparagraph
15 (E) which related to that net operating loss and
16 which was taken into account in calculating the
17 base income of an earlier taxable year, and

18 (ii) the addition modification relating to the
19 net operating loss carried back or forward to the
20 taxable year from any taxable year ending prior to
21 December 31, 1986 shall not exceed the amount of
22 such carryback or carryforward;

23 For taxable years in which there is a net
24 operating loss carryback or carryforward from more
25 than one other taxable year ending prior to December
26 31, 1986, the addition modification provided in this

1 subparagraph (E) shall be the sum of the amounts
2 computed independently under the preceding provisions
3 of this subparagraph (E) for each such taxable year;

4 (F) For taxable years ending on or after January
5 1, 1989, an amount equal to the tax deducted pursuant
6 to Section 164 of the Internal Revenue Code if the
7 trust or estate is claiming the same tax for purposes
8 of the Illinois foreign tax credit under Section 601
9 of this Act;

10 (G) An amount equal to the amount of the capital
11 gain deduction allowable under the Internal Revenue
12 Code, to the extent deducted from gross income in the
13 computation of taxable income;

14 (G-5) For taxable years ending after December 31,
15 1997, an amount equal to any eligible remediation
16 costs that the trust or estate deducted in computing
17 adjusted gross income and for which the trust or
18 estate claims a credit under subsection (l) of Section
19 201;

20 (G-10) For taxable years 2001 and thereafter, an
21 amount equal to the bonus depreciation deduction taken
22 on the taxpayer's federal income tax return for the
23 taxable year under subsection (k) of Section 168 of
24 the Internal Revenue Code; and

25 (G-11) If the taxpayer sells, transfers, abandons,
26 or otherwise disposes of property for which the

1 taxpayer was required in any taxable year to make an
2 addition modification under subparagraph (G-10), then
3 an amount equal to the aggregate amount of the
4 deductions taken in all taxable years under
5 subparagraph (R) with respect to that property.

6 If the taxpayer continues to own property through
7 the last day of the last tax year for which a
8 subtraction is allowed with respect to that property
9 under subparagraph (R) and for which the taxpayer was
10 allowed in any taxable year to make a subtraction
11 modification under subparagraph (R), then an amount
12 equal to that subtraction modification.

13 The taxpayer is required to make the addition
14 modification under this subparagraph only once with
15 respect to any one piece of property;

16 (G-12) An amount equal to the amount otherwise
17 allowed as a deduction in computing base income for
18 interest paid, accrued, or incurred, directly or
19 indirectly, (i) for taxable years ending on or after
20 December 31, 2004, to a foreign person who would be a
21 member of the same unitary business group but for the
22 fact that the foreign person's business activity
23 outside the United States is 80% or more of the foreign
24 person's total business activity and (ii) for taxable
25 years ending on or after December 31, 2008, to a person
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited
2 under Section 1501(a)(27) from being included in the
3 unitary business group because he or she is ordinarily
4 required to apportion business income under different
5 subsections of Section 304. The addition modification
6 required by this subparagraph shall be reduced to the
7 extent that dividends were included in base income of
8 the unitary group for the same taxable year and
9 received by the taxpayer or by a member of the
10 taxpayer's unitary business group (including amounts
11 included in gross income pursuant to Sections 951
12 through 964 of the Internal Revenue Code and amounts
13 included in gross income under Section 78 of the
14 Internal Revenue Code) with respect to the stock of
15 the same person to whom the interest was paid,
16 accrued, or incurred.

17 This paragraph shall not apply to the following:

18 (i) an item of interest paid, accrued, or
19 incurred, directly or indirectly, to 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 interest; or

24 (ii) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a person if
26 the taxpayer can establish, based on a

1 preponderance of the evidence, both of the
2 following:

3 (a) the person, during the same taxable
4 year, paid, accrued, or incurred, the interest
5 to a person that is not a related member, and

6 (b) the transaction giving rise to the
7 interest expense between the taxpayer and the
8 person did not have as a principal purpose the
9 avoidance of Illinois income tax, and is paid
10 pursuant to a contract or agreement that
11 reflects an arm's-length interest rate and
12 terms; or

13 (iii) the taxpayer can establish, based on
14 clear and convincing evidence, that the interest
15 paid, accrued, or incurred relates to a contract
16 or agreement entered into at arm's-length rates
17 and terms and the principal purpose for the
18 payment is not federal or Illinois tax avoidance;
19 or

20 (iv) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person if
22 the taxpayer establishes by clear and convincing
23 evidence that the adjustments are unreasonable; or
24 if the taxpayer and the Director agree in writing
25 to the application or use of an alternative method
26 of apportionment under Section 304(f).

1 Nothing in this subsection shall preclude the
2 Director from making any other adjustment
3 otherwise allowed under Section 404 of this Act
4 for any tax year beginning after the effective
5 date of this amendment provided such adjustment is
6 made pursuant to regulation adopted by the
7 Department and such regulations provide methods
8 and standards by which the Department will utilize
9 its authority under Section 404 of this Act;

10 (G-13) An amount equal to the amount of intangible
11 expenses and costs otherwise allowed as a deduction in
12 computing base income, and that were paid, accrued, or
13 incurred, directly or indirectly, (i) for taxable
14 years ending on or after December 31, 2004, to a
15 foreign person who would be a member of the same
16 unitary business group but for the fact that the
17 foreign person's business activity outside the United
18 States is 80% or more of that person's total business
19 activity and (ii) for taxable years ending on or after
20 December 31, 2008, to a person who would be a member of
21 the same unitary business group but for the fact that
22 the person is prohibited under Section 1501(a)(27)
23 from being included in the unitary business group
24 because he or she is ordinarily required to apportion
25 business income under different subsections of Section
26 304. The addition modification required by this

1 subparagraph shall be reduced to the extent that
2 dividends were included in base income of the unitary
3 group for the same taxable year and received by the
4 taxpayer or by a member of the taxpayer's unitary
5 business group (including amounts included in gross
6 income pursuant to Sections 951 through 964 of the
7 Internal Revenue Code and amounts included in gross
8 income under Section 78 of the Internal Revenue Code)
9 with respect to the stock of the same person to whom
10 the intangible expenses and costs were directly or
11 indirectly paid, incurred, or accrued. The preceding
12 sentence shall not apply to the extent that the same
13 dividends caused a reduction to the addition
14 modification required under Section 203(c)(2)(G-12) of
15 this Act. As used in this subparagraph, the term
16 "intangible expenses and costs" includes: (1)
17 expenses, losses, and costs for or related to the
18 direct or indirect acquisition, use, maintenance or
19 management, ownership, sale, exchange, or any other
20 disposition of intangible property; (2) losses
21 incurred, directly or indirectly, from factoring
22 transactions or discounting transactions; (3) royalty,
23 patent, technical, and copyright fees; (4) licensing
24 fees; and (5) other similar expenses and costs. For
25 purposes of this subparagraph, "intangible property"
26 includes patents, patent applications, trade names,

1 trademarks, service marks, copyrights, mask works,
2 trade secrets, and similar types of intangible assets.

3 This paragraph shall not apply to the following:

4 (i) any item of intangible expenses or costs
5 paid, accrued, or incurred, directly or
6 indirectly, from a transaction with 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 item; or

11 (ii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, if the taxpayer can establish, based
14 on a preponderance of the evidence, both of the
15 following:

16 (a) the person during the same taxable
17 year paid, accrued, or incurred, the
18 intangible expense or cost to a person that is
19 not a related member, and

20 (b) the transaction giving rise to the
21 intangible expense or cost between the
22 taxpayer and the person did not have as a
23 principal purpose the avoidance of Illinois
24 income tax, and is paid pursuant to a contract
25 or agreement that reflects arm's-length terms;
26 or

1 (iii) any item of intangible expense or cost
2 paid, accrued, or incurred, directly or
3 indirectly, from a transaction with a person if
4 the taxpayer establishes by clear and convincing
5 evidence, that the adjustments are unreasonable;
6 or if the taxpayer and the Director agree in
7 writing to the application or use of an
8 alternative method of apportionment under Section
9 304(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;

19 (G-14) For taxable years ending on or after
20 December 31, 2008, an amount equal to the amount of
21 insurance premium expenses and costs otherwise allowed
22 as a deduction in computing base income, and that were
23 paid, accrued, or incurred, directly or indirectly, to
24 a person who would be a member of the same unitary
25 business group but for the fact that the person is
26 prohibited under Section 1501(a)(27) from being

1 included in the unitary business group because he or
2 she is ordinarily required to apportion business
3 income under different subsections of Section 304. The
4 addition modification required by this subparagraph
5 shall be reduced to the extent that dividends were
6 included in base income of the unitary group for the
7 same taxable year and received by the taxpayer or by a
8 member of the taxpayer's unitary business group
9 (including amounts included in gross income under
10 Sections 951 through 964 of the Internal Revenue Code
11 and amounts included in gross income under Section 78
12 of the Internal Revenue Code) with respect to the
13 stock of the same person to whom the premiums and costs
14 were directly or indirectly paid, incurred, or
15 accrued. The preceding sentence does not apply to the
16 extent that the same dividends caused a reduction to
17 the addition modification required under Section
18 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
19 Act;

20 (G-15) An amount equal to the credit allowable to
21 the taxpayer under Section 218(a) of this Act,
22 determined without regard to Section 218(c) of this
23 Act;

24 (G-16) For taxable years ending on or after
25 December 31, 2017, an amount equal to the deduction
26 allowed under Section 199 of the Internal Revenue Code

1 for the taxable year;

2 and by deducting from the total so obtained the sum of the
3 following amounts:

4 (H) An amount equal to all amounts included in
5 such total pursuant to the provisions of Sections
6 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
7 of the Internal Revenue Code or included in such total
8 as distributions under the provisions of any
9 retirement or disability plan for employees of any
10 governmental agency or unit, or retirement payments to
11 retired partners, which payments are excluded in
12 computing net earnings from self employment by Section
13 1402 of the Internal Revenue Code and regulations
14 adopted pursuant thereto;

15 (I) The valuation limitation amount;

16 (J) An amount equal to the amount of any tax
17 imposed by this Act which was refunded to the taxpayer
18 and included in such total for the taxable year;

19 (K) An amount equal to all amounts included in
20 taxable income as modified by subparagraphs (A), (B),
21 (C), (D), (E), (F) and (G) which are exempt from
22 taxation by this State either by reason of its
23 statutes or Constitution or by reason of the
24 Constitution, treaties or statutes of the United
25 States; provided that, in the case of any statute of
26 this State that exempts income derived from bonds or

1 other obligations from the tax imposed under this Act,
2 the amount exempted shall be the interest net of bond
3 premium amortization;

4 (L) With the exception of any amounts subtracted
5 under subparagraph (K), an amount equal to the sum of
6 all amounts disallowed as deductions by (i) Sections
7 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
8 and all amounts of expenses allocable to interest and
9 disallowed as deductions by Section 265(a)(1) of the
10 Internal Revenue Code; and (ii) for taxable years
11 ending on or after August 13, 1999, Sections
12 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
13 Internal Revenue Code, plus, (iii) for taxable years
14 ending on or after December 31, 2011, Section
15 45G(e)(3) of the Internal Revenue Code and, for
16 taxable years ending on or after December 31, 2008,
17 any amount included in gross income under Section 87
18 of the Internal Revenue Code; the provisions of this
19 subparagraph are exempt from the provisions of Section
20 250;

21 (M) An amount equal to those dividends included in
22 such total which were paid by a corporation which
23 conducts business operations in a River Edge
24 Redevelopment Zone or zones created under the River
25 Edge Redevelopment Zone Act and conducts substantially
26 all of its operations in a River Edge Redevelopment

1 Zone or zones. This subparagraph (M) is exempt from
2 the provisions of Section 250;

3 (N) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (O) An amount equal to those dividends included in
7 such total that were paid by a corporation that
8 conducts business operations in a federally designated
9 Foreign Trade Zone or Sub-Zone and that is designated
10 a High Impact Business located in Illinois; provided
11 that dividends eligible for the deduction provided in
12 subparagraph (M) of paragraph (2) of this subsection
13 shall not be eligible for the deduction provided under
14 this subparagraph (O);

15 (P) An amount equal to the amount of the deduction
16 used to compute the federal income tax credit for
17 restoration of substantial amounts held under claim of
18 right for the taxable year pursuant to Section 1341 of
19 the Internal Revenue Code;

20 (Q) For taxable year 1999 and thereafter, an
21 amount equal to the amount of any (i) distributions,
22 to the extent includible in gross income for federal
23 income tax purposes, made to the taxpayer because of
24 his or her status as a victim of persecution for racial
25 or religious reasons by Nazi Germany or any other Axis
26 regime or as an heir of the victim and (ii) items of

1 income, to the extent includible in gross income for
2 federal income tax purposes, attributable to, derived
3 from or in any way related to assets stolen from,
4 hidden from, or otherwise lost to a victim of
5 persecution for racial or religious reasons by Nazi
6 Germany or any other Axis regime immediately prior to,
7 during, and immediately after World War II, including,
8 but not limited to, interest on the proceeds
9 receivable as insurance under policies issued to a
10 victim of persecution for racial or religious reasons
11 by Nazi Germany or any other Axis regime by European
12 insurance companies immediately prior to and during
13 World War II; provided, however, this subtraction from
14 federal adjusted gross income does not apply to assets
15 acquired with such assets or with the proceeds from
16 the sale of such assets; provided, further, this
17 paragraph shall only apply to a taxpayer who was the
18 first recipient of such assets after their recovery
19 and who is a victim of persecution for racial or
20 religious reasons by Nazi Germany or any other Axis
21 regime or as an heir of the victim. The amount of and
22 the eligibility for any public assistance, benefit, or
23 similar entitlement is not affected by the inclusion
24 of items (i) and (ii) of this paragraph in gross income
25 for federal income tax purposes. This paragraph is
26 exempt from the provisions of Section 250;

1 (R) For taxable years 2001 and thereafter, for the
2 taxable year in which the bonus depreciation deduction
3 is taken on the taxpayer's federal income tax return
4 under subsection (k) of Section 168 of the Internal
5 Revenue Code and for each applicable taxable year
6 thereafter, an amount equal to "x", where:

7 (1) "y" equals the amount of the depreciation
8 deduction taken for the taxable year on the
9 taxpayer's federal income tax return on property
10 for which the bonus depreciation deduction was
11 taken in any year under subsection (k) of Section
12 168 of the Internal Revenue Code, but not
13 including the bonus depreciation deduction;

14 (2) for taxable years ending on or before
15 December 31, 2005, "x" equals "y" multiplied by 30
16 and then divided by 70 (or "y" multiplied by
17 0.429); and

18 (3) for taxable years ending after December
19 31, 2005:

20 (i) for property on which a bonus
21 depreciation deduction of 30% of the adjusted
22 basis was taken, "x" equals "y" multiplied by
23 30 and then divided by 70 (or "y" multiplied
24 by 0.429);

25 (ii) for property on which a bonus
26 depreciation deduction of 50% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 1.0;

3 (iii) for property on which a bonus
4 depreciation deduction of 100% of the adjusted
5 basis was taken in a taxable year ending on or
6 after December 31, 2021, "x" equals the
7 depreciation deduction that would be allowed
8 on that property if the taxpayer had made the
9 election under Section 168(k)(7) of the
10 Internal Revenue Code to not claim bonus
11 depreciation on that property; and

12 (iv) for property on which a bonus
13 depreciation deduction of a percentage other
14 than 30%, 50% or 100% of the adjusted basis
15 was taken in a taxable year ending on or after
16 December 31, 2021, "x" equals "y" multiplied
17 by 100 times the percentage bonus depreciation
18 on the property (that is, $100(\text{bonus}\%)$) and
19 then divided by 100 times 1 minus the
20 percentage bonus depreciation on the property
21 (that is, $100(1-\text{bonus}\%)$).

22 The aggregate amount deducted under this
23 subparagraph in all taxable years for any one piece of
24 property may not exceed the amount of the bonus
25 depreciation deduction taken on that property on the
26 taxpayer's federal income tax return under subsection

1 (k) of Section 168 of the Internal Revenue Code. This
2 subparagraph (R) is exempt from the provisions of
3 Section 250;

4 (S) If the taxpayer sells, transfers, abandons, or
5 otherwise disposes of property for which the taxpayer
6 was required in any taxable year to make an addition
7 modification under subparagraph (G-10), then an amount
8 equal to that addition modification.

9 If the taxpayer continues to own property through
10 the last day of the last tax year for which a
11 subtraction is allowed with respect to that property
12 under subparagraph (R) and for which the taxpayer was
13 required in any taxable year to make an addition
14 modification under subparagraph (G-10), then an amount
15 equal to that addition modification.

16 The taxpayer is allowed to take the deduction
17 under this subparagraph only once with respect to any
18 one piece of property.

19 This subparagraph (S) is exempt from the
20 provisions of Section 250;

21 (T) The amount of (i) any interest income (net of
22 the deductions allocable thereto) taken into account
23 for the taxable year with respect to a transaction
24 with a taxpayer that is required to make an addition
25 modification with respect to such transaction under
26 Section 203(a)(2)(D-17), 203(b)(2)(E-12),

1 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
2 the amount of such addition modification and (ii) any
3 income from intangible property (net of the deductions
4 allocable thereto) taken into account for the taxable
5 year with respect to a transaction with a taxpayer
6 that is required to make an addition modification with
7 respect to such transaction under Section
8 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
9 203(d)(2)(D-8), but not to exceed the amount of such
10 addition modification. This subparagraph (T) is exempt
11 from the provisions of Section 250;

12 (U) An amount equal to the interest income taken
13 into account for the taxable year (net of the
14 deductions allocable thereto) with respect to
15 transactions with (i) a foreign person who would be a
16 member of the taxpayer's unitary business group but
17 for the fact the foreign person's business activity
18 outside the United States is 80% or more of that
19 person's total business activity and (ii) for taxable
20 years ending on or after December 31, 2008, to a person
21 who would be a member of the same unitary business
22 group but for the fact that the person is prohibited
23 under Section 1501(a)(27) from being included in the
24 unitary business group because he or she is ordinarily
25 required to apportion business income under different
26 subsections of Section 304, but not to exceed the

1 addition modification required to be made for the same
2 taxable year under Section 203(c)(2)(G-12) for
3 interest paid, accrued, or incurred, directly or
4 indirectly, to the same person. This subparagraph (U)
5 is exempt from the provisions of Section 250;

6 (V) An amount equal to the income from intangible
7 property taken into account for the taxable year (net
8 of the deductions allocable thereto) with respect to
9 transactions with (i) a foreign person who would be a
10 member of the taxpayer's unitary business group but
11 for the fact that the foreign person's business
12 activity outside the United States is 80% or more of
13 that person's total business activity and (ii) for
14 taxable years ending on or after December 31, 2008, to
15 a person who would be a member of the same unitary
16 business group but for the fact that the person is
17 prohibited under Section 1501(a)(27) from being
18 included in the unitary business group because he or
19 she is ordinarily required to apportion business
20 income under different subsections of Section 304, but
21 not to exceed the addition modification required to be
22 made for the same taxable year under Section
23 203(c)(2)(G-13) for intangible expenses and costs
24 paid, accrued, or incurred, directly or indirectly, to
25 the same foreign person. This subparagraph (V) is
26 exempt from the provisions of Section 250;

1 (W) in the case of an estate, an amount equal to
2 all amounts included in such total pursuant to the
3 provisions of Section 111 of the Internal Revenue Code
4 as a recovery of items previously deducted by the
5 decedent from adjusted gross income in the computation
6 of taxable income. This subparagraph (W) is exempt
7 from Section 250;

8 (X) an amount equal to the refund included in such
9 total of any tax deducted for federal income tax
10 purposes, to the extent that deduction was added back
11 under subparagraph (F). This subparagraph (X) is
12 exempt from the provisions of Section 250;

13 (Y) For taxable years ending on or after December
14 31, 2011, in the case of a taxpayer who was required to
15 add back any insurance premiums under Section
16 203(c)(2)(G-14), such taxpayer may elect to subtract
17 that part of a reimbursement received from the
18 insurance company equal to the amount of the expense
19 or loss (including expenses incurred by the insurance
20 company) that would have been taken into account as a
21 deduction for federal income tax purposes if the
22 expense or loss had been uninsured. If a taxpayer
23 makes the election provided for by this subparagraph
24 (Y), the insurer to which the premiums were paid must
25 add back to income the amount subtracted by the
26 taxpayer pursuant to this subparagraph (Y). This

1 subparagraph (Y) is exempt from the provisions of
2 Section 250; ~~and~~

3 (Z) For taxable years beginning after December 31,
4 2018 and before January 1, 2026, the amount of excess
5 business loss of the taxpayer disallowed as a
6 deduction by Section 461(1)(1)(B) of the Internal
7 Revenue Code; and ~~and~~

8 (AA) For taxable years beginning on or after
9 January 1, 2023, for any cannabis establishment
10 operating in this State and licensed under the
11 Cannabis Regulation and Tax Act or any cannabis
12 cultivation center or medical cannabis dispensing
13 organization operating in this State and licensed
14 under the Compassionate Use of Medical Cannabis
15 Program Act, an amount equal to the deductions that
16 were disallowed under Section 280E of the Internal
17 Revenue Code for the taxable year and that would not be
18 added back under this subsection. The provisions of
19 this subparagraph (AA) are exempt from the provisions
20 of Section 250.

21 (3) Limitation. The amount of any modification
22 otherwise required under this subsection shall, under
23 regulations prescribed by the Department, be adjusted by
24 any amounts included therein which were properly paid,
25 credited, or required to be distributed, or permanently
26 set aside for charitable purposes pursuant to Internal

1 Revenue Code Section 642(c) during the taxable year.

2 (d) Partnerships.

3 (1) In general. In the case of a partnership, base
4 income means an amount equal to the taxpayer's taxable
5 income for the taxable year as modified by paragraph (2).

6 (2) Modifications. The taxable income referred to in
7 paragraph (1) shall be modified by adding thereto the sum
8 of the following amounts:

9 (A) An amount equal to all amounts paid or accrued
10 to the taxpayer as interest or dividends during the
11 taxable year to the extent excluded from gross income
12 in the computation of taxable income;

13 (B) An amount equal to the amount of tax imposed by
14 this Act to the extent deducted from gross income for
15 the taxable year;

16 (C) The amount of deductions allowed to the
17 partnership pursuant to Section 707 (c) of the
18 Internal Revenue Code in calculating its taxable
19 income;

20 (D) An amount equal to the amount of the capital
21 gain deduction allowable under the Internal Revenue
22 Code, to the extent deducted from gross income in the
23 computation of taxable income;

24 (D-5) For taxable years 2001 and thereafter, an
25 amount equal to the bonus depreciation deduction taken

1 on the taxpayer's federal income tax return for the
2 taxable year under subsection (k) of Section 168 of
3 the Internal Revenue Code;

4 (D-6) If the taxpayer sells, transfers, abandons,
5 or otherwise disposes of property for which the
6 taxpayer was required in any taxable year to make an
7 addition modification under subparagraph (D-5), then
8 an amount equal to the aggregate amount of the
9 deductions taken in all taxable years under
10 subparagraph (O) with respect to that property.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which a
13 subtraction is allowed with respect to that property
14 under subparagraph (O) and for which the taxpayer was
15 allowed in any taxable year to make a subtraction
16 modification under subparagraph (O), then an amount
17 equal to that subtraction modification.

18 The taxpayer is required to make the addition
19 modification under this subparagraph only once with
20 respect to any one piece of property;

21 (D-7) An amount equal to the amount otherwise
22 allowed as a deduction in computing base income for
23 interest paid, accrued, or incurred, directly or
24 indirectly, (i) for taxable years ending on or after
25 December 31, 2004, to a foreign person who would be a
26 member of the same unitary business group but for the

1 fact the foreign person's business activity outside
2 the United States is 80% or more of the foreign
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304. The addition modification
11 required by this subparagraph shall be reduced to the
12 extent that dividends were included in base income of
13 the unitary group for the same taxable year and
14 received by the taxpayer or by a member of the
15 taxpayer's unitary business group (including amounts
16 included in gross income pursuant to Sections 951
17 through 964 of the Internal Revenue Code and amounts
18 included in gross income under Section 78 of the
19 Internal Revenue Code) with respect to the stock of
20 the same person to whom the interest was paid,
21 accrued, or incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a person who
25 is subject in a foreign country or state, other
26 than a state which requires mandatory unitary

1 reporting, to a tax on or measured by net income
2 with respect to such interest; or

3 (ii) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer can establish, based on a
6 preponderance of the evidence, both of the
7 following:

8 (a) the person, during the same taxable
9 year, paid, accrued, or incurred, the interest
10 to a person that is not a related member, and

11 (b) the transaction giving rise to the
12 interest expense between the taxpayer and the
13 person did not have as a principal purpose the
14 avoidance of Illinois income tax, and is paid
15 pursuant to a contract or agreement that
16 reflects an arm's-length interest rate and
17 terms; or

18 (iii) the taxpayer can establish, based on
19 clear and convincing evidence, that the interest
20 paid, accrued, or incurred relates to a contract
21 or agreement entered into at arm's-length rates
22 and terms and the principal purpose for the
23 payment is not federal or Illinois tax avoidance;
24 or

25 (iv) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer establishes by clear and convincing
2 evidence that the adjustments are unreasonable; or
3 if the taxpayer and the Director agree in writing
4 to the application or use of an alternative method
5 of apportionment under Section 304(f).

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act
9 for any tax year beginning after the effective
10 date of this amendment provided such adjustment is
11 made pursuant to regulation adopted by the
12 Department and such regulations provide methods
13 and standards by which the Department will utilize
14 its authority under Section 404 of this Act; and

15 (D-8) An amount equal to the amount of intangible
16 expenses and costs otherwise allowed as a deduction in
17 computing base income, and that were paid, accrued, or
18 incurred, directly or indirectly, (i) for taxable
19 years ending on or after December 31, 2004, to a
20 foreign person who would be a member of the same
21 unitary business group but for the fact that the
22 foreign person's business activity outside the United
23 States is 80% or more of that person's total business
24 activity and (ii) for taxable years ending on or after
25 December 31, 2008, to a person who would be a member of
26 the same unitary business group but for the fact that

1 the person is prohibited under Section 1501(a)(27)
2 from being included in the unitary business group
3 because he or she is ordinarily required to apportion
4 business income under different subsections of Section
5 304. The addition modification required by this
6 subparagraph shall be reduced to the extent that
7 dividends were included in base income of the unitary
8 group for the same taxable year and received by the
9 taxpayer or by a member of the taxpayer's unitary
10 business group (including amounts included in gross
11 income pursuant to Sections 951 through 964 of the
12 Internal Revenue Code and amounts included in gross
13 income under Section 78 of the Internal Revenue Code)
14 with respect to the stock of the same person to whom
15 the intangible expenses and costs were directly or
16 indirectly paid, incurred or accrued. The preceding
17 sentence shall not apply to the extent that the same
18 dividends caused a reduction to the addition
19 modification required under Section 203(d)(2)(D-7) of
20 this Act. As used in this subparagraph, the term
21 "intangible expenses and costs" includes (1) expenses,
22 losses, and costs for, or related to, the direct or
23 indirect acquisition, use, maintenance or management,
24 ownership, sale, exchange, or any other disposition of
25 intangible property; (2) losses incurred, directly or
26 indirectly, from factoring transactions or discounting

1 transactions; (3) royalty, patent, technical, and
2 copyright fees; (4) licensing fees; and (5) other
3 similar expenses and costs. For purposes of this
4 subparagraph, "intangible property" includes patents,
5 patent applications, trade names, trademarks, service
6 marks, copyrights, mask works, trade secrets, and
7 similar types of intangible assets;

8 This paragraph shall not apply to the following:

9 (i) any item of intangible expenses or costs
10 paid, accrued, or incurred, directly or
11 indirectly, from a transaction with a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such item; or

16 (ii) any item of intangible expense or cost
17 paid, accrued, or incurred, directly or
18 indirectly, if the taxpayer can establish, based
19 on a preponderance of the evidence, both of the
20 following:

21 (a) the person during the same taxable
22 year paid, accrued, or incurred, the
23 intangible expense or cost to a person that is
24 not a related member, and

25 (b) the transaction giving rise to the
26 intangible expense or cost between the

1 taxpayer and the person did not have as a
2 principal purpose the avoidance of Illinois
3 income tax, and is paid pursuant to a contract
4 or agreement that reflects arm's-length terms;
5 or

6 (iii) any item of intangible expense or cost
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person if
9 the taxpayer establishes by clear and convincing
10 evidence, that the adjustments are unreasonable;
11 or if the taxpayer and the Director agree in
12 writing to the application or use of an
13 alternative method of apportionment under Section
14 304(f);

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (D-9) For taxable years ending on or after
25 December 31, 2008, an amount equal to the amount of
26 insurance premium expenses and costs otherwise allowed

1 as a deduction in computing base income, and that were
2 paid, accrued, or incurred, directly or indirectly, to
3 a person who would be a member of the same unitary
4 business group but for the fact that the person is
5 prohibited under Section 1501(a)(27) from being
6 included in the unitary business group because he or
7 she is ordinarily required to apportion business
8 income under different subsections of Section 304. The
9 addition modification required by this subparagraph
10 shall be reduced to the extent that dividends were
11 included in base income of the unitary group for the
12 same taxable year and received by the taxpayer or by a
13 member of the taxpayer's unitary business group
14 (including amounts included in gross income under
15 Sections 951 through 964 of the Internal Revenue Code
16 and amounts included in gross income under Section 78
17 of the Internal Revenue Code) with respect to the
18 stock of the same person to whom the premiums and costs
19 were directly or indirectly paid, incurred, or
20 accrued. The preceding sentence does not apply to the
21 extent that the same dividends caused a reduction to
22 the addition modification required under Section
23 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act;

24 (D-10) An amount equal to the credit allowable to
25 the taxpayer under Section 218(a) of this Act,
26 determined without regard to Section 218(c) of this

1 Act;

2 (D-11) For taxable years ending on or after
3 December 31, 2017, an amount equal to the deduction
4 allowed under Section 199 of the Internal Revenue Code
5 for the taxable year;

6 and by deducting from the total so obtained the following
7 amounts:

8 (E) The valuation limitation amount;

9 (F) An amount equal to the amount of any tax
10 imposed by this Act which was refunded to the taxpayer
11 and included in such total for the taxable year;

12 (G) An amount equal to all amounts included in
13 taxable income as modified by subparagraphs (A), (B),
14 (C) and (D) which are exempt from taxation by this
15 State either by reason of its statutes or Constitution
16 or by reason of the Constitution, treaties or statutes
17 of the United States; provided that, in the case of any
18 statute of this State that exempts income derived from
19 bonds or other obligations from the tax imposed under
20 this Act, the amount exempted shall be the interest
21 net of bond premium amortization;

22 (H) Any income of the partnership which
23 constitutes personal service income as defined in
24 Section 1348(b)(1) of the Internal Revenue Code (as in
25 effect December 31, 1981) or a reasonable allowance
26 for compensation paid or accrued for services rendered

1 by partners to the partnership, whichever is greater;
2 this subparagraph (H) is exempt from the provisions of
3 Section 250;

4 (I) An amount equal to all amounts of income
5 distributable to an entity subject to the Personal
6 Property Tax Replacement Income Tax imposed by
7 subsections (c) and (d) of Section 201 of this Act
8 including amounts distributable to organizations
9 exempt from federal income tax by reason of Section
10 501(a) of the Internal Revenue Code; this subparagraph
11 (I) is exempt from the provisions of Section 250;

12 (J) With the exception of any amounts subtracted
13 under subparagraph (G), an amount equal to the sum of
14 all amounts disallowed as deductions by (i) Sections
15 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
16 and all amounts of expenses allocable to interest and
17 disallowed as deductions by Section 265(a)(1) of the
18 Internal Revenue Code; and (ii) for taxable years
19 ending on or after August 13, 1999, Sections
20 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
21 Internal Revenue Code, plus, (iii) for taxable years
22 ending on or after December 31, 2011, Section
23 45G(e)(3) of the Internal Revenue Code and, for
24 taxable years ending on or after December 31, 2008,
25 any amount included in gross income under Section 87
26 of the Internal Revenue Code; the provisions of this

1 subparagraph are exempt from the provisions of Section
2 250;

3 (K) An amount equal to those dividends included in
4 such total which were paid by a corporation which
5 conducts business operations in a River Edge
6 Redevelopment Zone or zones created under the River
7 Edge Redevelopment Zone Act and conducts substantially
8 all of its operations from a River Edge Redevelopment
9 Zone or zones. This subparagraph (K) is exempt from
10 the provisions of Section 250;

11 (L) An amount equal to any contribution made to a
12 job training project established pursuant to the Real
13 Property Tax Increment Allocation Redevelopment Act;

14 (M) An amount equal to those dividends included in
15 such total that were paid by a corporation that
16 conducts business operations in a federally designated
17 Foreign Trade Zone or Sub-Zone and that is designated
18 a High Impact Business located in Illinois; provided
19 that dividends eligible for the deduction provided in
20 subparagraph (K) of paragraph (2) of this subsection
21 shall not be eligible for the deduction provided under
22 this subparagraph (M);

23 (N) An amount equal to the amount of the deduction
24 used to compute the federal income tax credit for
25 restoration of substantial amounts held under claim of
26 right for the taxable year pursuant to Section 1341 of

1 the Internal Revenue Code;

2 (O) For taxable years 2001 and thereafter, for the
3 taxable year in which the bonus depreciation deduction
4 is taken on the taxpayer's federal income tax return
5 under subsection (k) of Section 168 of the Internal
6 Revenue Code and for each applicable taxable year
7 thereafter, an amount equal to "x", where:

8 (1) "y" equals the amount of the depreciation
9 deduction taken for the taxable year on the
10 taxpayer's federal income tax return on property
11 for which the bonus depreciation deduction was
12 taken in any year under subsection (k) of Section
13 168 of the Internal Revenue Code, but not
14 including the bonus depreciation deduction;

15 (2) for taxable years ending on or before
16 December 31, 2005, "x" equals "y" multiplied by 30
17 and then divided by 70 (or "y" multiplied by
18 0.429); and

19 (3) for taxable years ending after December
20 31, 2005:

21 (i) for property on which a bonus
22 depreciation deduction of 30% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 30 and then divided by 70 (or "y" multiplied
25 by 0.429);

26 (ii) for property on which a bonus

1 depreciation deduction of 50% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 1.0;

4 (iii) for property on which a bonus
5 depreciation deduction of 100% of the adjusted
6 basis was taken in a taxable year ending on or
7 after December 31, 2021, "x" equals the
8 depreciation deduction that would be allowed
9 on that property if the taxpayer had made the
10 election under Section 168(k)(7) of the
11 Internal Revenue Code to not claim bonus
12 depreciation on that property; and

13 (iv) for property on which a bonus
14 depreciation deduction of a percentage other
15 than 30%, 50% or 100% of the adjusted basis
16 was taken in a taxable year ending on or after
17 December 31, 2021, "x" equals "y" multiplied
18 by 100 times the percentage bonus depreciation
19 on the property (that is, $100(\text{bonus}\%)$) and
20 then divided by 100 times 1 minus the
21 percentage bonus depreciation on the property
22 (that is, $100(1-\text{bonus}\%)$).

23 The aggregate amount deducted under this
24 subparagraph in all taxable years for any one piece of
25 property may not exceed the amount of the bonus
26 depreciation deduction taken on that property on the

1 taxpayer's federal income tax return under subsection
2 (k) of Section 168 of the Internal Revenue Code. This
3 subparagraph (O) is exempt from the provisions of
4 Section 250;

5 (P) If the taxpayer sells, transfers, abandons, or
6 otherwise disposes of property for which the taxpayer
7 was required in any taxable year to make an addition
8 modification under subparagraph (D-5), then an amount
9 equal to that addition modification.

10 If the taxpayer continues to own property through
11 the last day of the last tax year for which a
12 subtraction is allowed with respect to that property
13 under subparagraph (O) and for which the taxpayer was
14 required in any taxable year to make an addition
15 modification under subparagraph (D-5), then an amount
16 equal to that 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 (P) is exempt from the
21 provisions of Section 250;

22 (Q) The amount of (i) any interest income (net of
23 the deductions allocable thereto) taken into account
24 for the taxable year with respect to a transaction
25 with a taxpayer that is required to make an addition
26 modification with respect to such transaction under

1 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
2 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
3 the amount of such addition modification and (ii) any
4 income from intangible property (net of the deductions
5 allocable thereto) taken into account for the taxable
6 year with respect to a transaction with a taxpayer
7 that is required to make an addition modification with
8 respect to such transaction under Section
9 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
10 203(d)(2)(D-8), but not to exceed the amount of such
11 addition modification. This subparagraph (Q) is exempt
12 from Section 250;

13 (R) An amount equal to the interest income taken
14 into account for the taxable year (net of the
15 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-7) for interest paid, accrued, or
5 incurred, directly or indirectly, to the same person.
6 This subparagraph (R) is exempt from Section 250;

7 (S) An amount equal to the income from intangible
8 property taken into account for the taxable year (net
9 of the deductions allocable thereto) with respect to
10 transactions with (i) a foreign person who would be a
11 member of the taxpayer's unitary business group but
12 for the fact that the foreign person's business
13 activity outside the United States is 80% or more of
14 that person's total business activity and (ii) for
15 taxable years ending on or after December 31, 2008, to
16 a person who would be a member of the same unitary
17 business group but for the fact that the person is
18 prohibited under Section 1501(a)(27) from being
19 included in the unitary business group because he or
20 she is ordinarily required to apportion business
21 income under different subsections of Section 304, but
22 not to exceed the addition modification required to be
23 made for the same taxable year under Section
24 203(d)(2)(D-8) for intangible expenses and costs paid,
25 accrued, or incurred, directly or indirectly, to the
26 same person. This subparagraph (S) is exempt from

1 Section 250; ~~and~~

2 (T) 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(d)(2)(D-9), 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 (T), 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 (T). This
16 subparagraph (T) is exempt from the provisions of
17 Section 250; and -

18 (U) For taxable years beginning on or after
19 January 1, 2023, for any cannabis establishment
20 operating in this State and licensed under the
21 Cannabis Regulation and Tax Act or any cannabis
22 cultivation center or medical cannabis dispensing
23 organization operating in this State and licensed
24 under the Compassionate Use of Medical Cannabis
25 Program Act, an amount equal to the deductions that
26 were disallowed under Section 280E of the Internal

1 Revenue Code for the taxable year and that would not be
2 added back under this subsection. The provisions of
3 this subparagraph (U) are exempt from the provisions
4 of Section 250.

5 (e) Gross income; adjusted gross income; taxable income.

6 (1) In general. Subject to the provisions of paragraph
7 (2) and subsection (b) (3), for purposes of this Section
8 and Section 803(e), a taxpayer's gross income, adjusted
9 gross income, or taxable income for the taxable year shall
10 mean the amount of gross income, adjusted gross income or
11 taxable income properly reportable for federal income tax
12 purposes for the taxable year under the provisions of the
13 Internal Revenue Code. Taxable income may be less than
14 zero. However, for taxable years ending on or after
15 December 31, 1986, net operating loss carryforwards from
16 taxable years ending prior to December 31, 1986, may not
17 exceed the sum of federal taxable income for the taxable
18 year before net operating loss deduction, plus the excess
19 of addition modifications over subtraction modifications
20 for the taxable year. For taxable years ending prior to
21 December 31, 1986, taxable income may never be an amount
22 in excess of the net operating loss for the taxable year as
23 defined in subsections (c) and (d) of Section 172 of the
24 Internal Revenue Code, provided that when taxable income
25 of a corporation (other than a Subchapter S corporation),

1 trust, or estate is less than zero and addition
2 modifications, other than those provided by subparagraph
3 (E) of paragraph (2) of subsection (b) for corporations or
4 subparagraph (E) of paragraph (2) of subsection (c) for
5 trusts and estates, exceed subtraction modifications, an
6 addition modification must be made under those
7 subparagraphs for any other taxable year to which the
8 taxable income less than zero (net operating loss) is
9 applied under Section 172 of the Internal Revenue Code or
10 under subparagraph (E) of paragraph (2) of this subsection
11 (e) applied in conjunction with Section 172 of the
12 Internal Revenue Code.

13 (2) Special rule. For purposes of paragraph (1) of
14 this subsection, the taxable income properly reportable
15 for federal income tax purposes shall mean:

16 (A) Certain life insurance companies. In the case
17 of a life insurance company subject to the tax imposed
18 by Section 801 of the Internal Revenue Code, life
19 insurance company taxable income, plus the amount of
20 distribution from pre-1984 policyholder surplus
21 accounts as calculated under Section 815a of the
22 Internal Revenue Code;

23 (B) Certain other insurance companies. In the case
24 of mutual insurance companies subject to the tax
25 imposed by Section 831 of the Internal Revenue Code,
26 insurance company taxable income;

1 (C) Regulated investment companies. In the case of
2 a regulated investment company subject to the tax
3 imposed by Section 852 of the Internal Revenue Code,
4 investment company taxable income;

5 (D) Real estate investment trusts. In the case of
6 a real estate investment trust subject to the tax
7 imposed by Section 857 of the Internal Revenue Code,
8 real estate investment trust taxable income;

9 (E) Consolidated corporations. In the case of a
10 corporation which is a member of an affiliated group
11 of corporations filing a consolidated income tax
12 return for the taxable year for federal income tax
13 purposes, taxable income determined as if such
14 corporation had filed a separate return for federal
15 income tax purposes for the taxable year and each
16 preceding taxable year for which it was a member of an
17 affiliated group. For purposes of this subparagraph,
18 the taxpayer's separate taxable income shall be
19 determined as if the election provided by Section
20 243(b)(2) of the Internal Revenue Code had been in
21 effect for all such years;

22 (F) Cooperatives. In the case of a cooperative
23 corporation or association, the taxable income of such
24 organization determined in accordance with the
25 provisions of Section 1381 through 1388 of the
26 Internal Revenue Code, but without regard to the

1 prohibition against offsetting losses from patronage
2 activities against income from nonpatronage
3 activities; except that a cooperative corporation or
4 association may make an election to follow its federal
5 income tax treatment of patronage losses and
6 nonpatronage losses. In the event such election is
7 made, such losses shall be computed and carried over
8 in a manner consistent with subsection (a) of Section
9 207 of this Act and apportioned by the apportionment
10 factor reported by the cooperative on its Illinois
11 income tax return filed for the taxable year in which
12 the losses are incurred. The election shall be
13 effective for all taxable years with original returns
14 due on or after the date of the election. In addition,
15 the cooperative may file an amended return or returns,
16 as allowed under this Act, to provide that the
17 election shall be effective for losses incurred or
18 carried forward for taxable years occurring prior to
19 the date of the election. Once made, the election may
20 only be revoked upon approval of the Director. The
21 Department shall adopt rules setting forth
22 requirements for documenting the elections and any
23 resulting Illinois net loss and the standards to be
24 used by the Director in evaluating requests to revoke
25 elections. Public Act 96-932 is declaratory of
26 existing law;

1 (G) Subchapter S corporations. In the case of: (i)
2 a Subchapter S corporation for which there is in
3 effect an election for the taxable year under Section
4 1362 of the Internal Revenue Code, the taxable income
5 of such corporation determined in accordance with
6 Section 1363(b) of the Internal Revenue Code, except
7 that taxable income shall take into account those
8 items which are required by Section 1363(b)(1) of the
9 Internal Revenue Code to be separately stated; and
10 (ii) a Subchapter S corporation for which there is in
11 effect a federal election to opt out of the provisions
12 of the Subchapter S Revision Act of 1982 and have
13 applied instead the prior federal Subchapter S rules
14 as in effect on July 1, 1982, the taxable income of
15 such corporation determined in accordance with the
16 federal Subchapter S rules as in effect on July 1,
17 1982; and

18 (H) Partnerships. In the case of a partnership,
19 taxable income determined in accordance with Section
20 703 of the Internal Revenue Code, except that taxable
21 income shall take into account those items which are
22 required by Section 703(a)(1) to be separately stated
23 but which would be taken into account by an individual
24 in calculating his taxable income.

25 (3) Recapture of business expenses on disposition of
26 asset or business. Notwithstanding any other law to the

1 contrary, if in prior years income from an asset or
2 business has been classified as business income and in a
3 later year is demonstrated to be non-business income, then
4 all expenses, without limitation, deducted in such later
5 year and in the 2 immediately preceding taxable years
6 related to that asset or business that generated the
7 non-business income shall be added back and recaptured as
8 business income in the year of the disposition of the
9 asset or business. Such amount shall be apportioned to
10 Illinois using the greater of the apportionment fraction
11 computed for the business under Section 304 of this Act
12 for the taxable year or the average of the apportionment
13 fractions computed for the business under Section 304 of
14 this Act for the taxable year and for the 2 immediately
15 preceding taxable years.

16 (f) Valuation limitation amount.

17 (1) In general. The valuation limitation amount
18 referred to in subsections (a)(2)(G), (c)(2)(I) and
19 (d)(2)(E) is an amount equal to:

20 (A) The sum of the pre-August 1, 1969 appreciation
21 amounts (to the extent consisting of gain reportable
22 under the provisions of Section 1245 or 1250 of the
23 Internal Revenue Code) for all property in respect of
24 which such gain was reported for the taxable year;
25 plus

1 (B) The lesser of (i) the sum of the pre-August 1,
2 1969 appreciation amounts (to the extent consisting of
3 capital gain) for all property in respect of which
4 such gain was reported for federal income tax purposes
5 for the taxable year, or (ii) the net capital gain for
6 the taxable year, reduced in either case by any amount
7 of such gain included in the amount determined under
8 subsection (a) (2) (F) or (c) (2) (H).

9 (2) Pre-August 1, 1969 appreciation amount.

10 (A) If the fair market value of property referred
11 to in paragraph (1) was readily ascertainable on
12 August 1, 1969, the pre-August 1, 1969 appreciation
13 amount for such property is the lesser of (i) the
14 excess of such fair market value over the taxpayer's
15 basis (for determining gain) for such property on that
16 date (determined under the Internal Revenue Code as in
17 effect on that date), or (ii) the total gain realized
18 and reportable for federal income tax purposes in
19 respect of the sale, exchange or other disposition of
20 such property.

21 (B) If the fair market value of property referred
22 to in paragraph (1) was not readily ascertainable on
23 August 1, 1969, the pre-August 1, 1969 appreciation
24 amount for such property is that amount which bears
25 the same ratio to the total gain reported in respect of
26 the property for federal income tax purposes for the

1 taxable year, as the number of full calendar months in
2 that part of the taxpayer's holding period for the
3 property ending July 31, 1969 bears to the number of
4 full calendar months in the taxpayer's entire holding
5 period for the property.

6 (C) The Department shall prescribe such
7 regulations as may be necessary to carry out the
8 purposes of this paragraph.

9 (g) Double deductions. Unless specifically provided
10 otherwise, nothing in this Section shall permit the same item
11 to be deducted more than once.

12 (h) Legislative intention. Except as expressly provided by
13 this Section there shall be no modifications or limitations on
14 the amounts of income, gain, loss or deduction taken into
15 account in determining gross income, adjusted gross income or
16 taxable income for federal income tax purposes for the taxable
17 year, or in the amount of such items entering into the
18 computation of base income and net income under this Act for
19 such taxable year, whether in respect of property values as of
20 August 1, 1969 or otherwise.

21 (Source: P.A. 101-9, eff. 6-5-19; 101-81, eff. 7-12-19;
22 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658, eff.
23 8-27-21; 102-813, eff. 5-13-22; 102-1112, eff. 12-21-22.)

1 ARTICLE 145.

2 Section 145-5. The Illinois Act on the Aging is amended by
3 changing Section 4.02 as follows:

4 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

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

16 (a) (blank);

17 (b) (blank);

18 (c) home care aide services;

19 (d) personal assistant services;

20 (e) adult day services;

21 (f) home-delivered meals;

22 (g) education in self-care;

23 (h) personal care services;

24 (i) adult day health services;

- 1 (j) habilitation services;
- 2 (k) respite care;
- 3 (k-5) community reintegration services;
- 4 (k-6) flexible senior services;
- 5 (k-7) medication management;
- 6 (k-8) emergency home response;
- 7 (l) other nonmedical social services that may enable
- 8 the person to become self-supporting; or
- 9 (m) clearinghouse for information provided by senior
- 10 citizen home owners who want to rent rooms to or share
- 11 living space with other senior citizens.

12 The Department shall establish eligibility standards for

13 such services. In determining the amount and nature of

14 services for which a person may qualify, consideration shall

15 not be given to the value of cash, property or other assets

16 held in the name of the person's spouse pursuant to a written

17 agreement dividing marital property into equal but separate

18 shares or pursuant to a transfer of the person's interest in a

19 home to his spouse, provided that the spouse's share of the

20 marital property is not made available to the person seeking

21 such services.

22 Beginning January 1, 2008, the Department shall require as

23 a condition of eligibility that all new financially eligible

24 applicants apply for and enroll in medical assistance under

25 Article V of the Illinois Public Aid Code in accordance with

26 rules promulgated by the Department.

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

1 related to the standards established for care in a group
2 facility appropriate to the person's condition. These
3 non-institutional services, pilot projects or experimental
4 facilities may be provided as part of or in addition to those
5 authorized by federal law or those funded and administered by
6 the Department of Human Services. The Departments of Human
7 Services, Healthcare and Family Services, Public Health,
8 Veterans' Affairs, and Commerce and Economic Opportunity and
9 other appropriate agencies of State, federal and local
10 governments shall cooperate with the Department on Aging in
11 the establishment and development of the non-institutional
12 services. The Department shall require an annual audit from
13 all personal assistant and home care aide vendors contracting
14 with the Department under this Section. The annual audit shall
15 assure that each audited vendor's procedures are in compliance
16 with Department's financial reporting guidelines requiring an
17 administrative and employee wage and benefits cost split as
18 defined in administrative rules. The audit is a public record
19 under the Freedom of Information Act. The Department shall
20 execute, relative to the nursing home prescreening project,
21 written inter-agency agreements with the Department of Human
22 Services and the Department of Healthcare and Family Services,
23 to effect the following: (1) intake procedures and common
24 eligibility criteria for those persons who are receiving
25 non-institutional services; and (2) the establishment and
26 development of non-institutional services in areas of the

1 State where they are not currently available or are
2 undeveloped. On and after July 1, 1996, all nursing home
3 prescreenings for individuals 60 years of age or older shall
4 be conducted by the Department.

5 As part of the Department on Aging's routine training of
6 case managers and case manager supervisors, the Department may
7 include information on family futures planning for persons who
8 are age 60 or older and who are caregivers of their adult
9 children with developmental disabilities. The content of the
10 training shall be at the Department's discretion.

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

21 The Department, or the Department's authorized
22 representative, may recover the amount of moneys expended for
23 services provided to or in behalf of a person under this
24 Section by a claim against the person's estate or against the
25 estate of the person's surviving spouse, but no recovery may
26 be had until after the death of the surviving spouse, if any,

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

24 The Department shall increase the effectiveness of the
25 existing Community Care Program by:

26 (1) ensuring that in-home services included in the

1 care plan are available on evenings and weekends;

2 (2) ensuring that care plans contain the services that
3 eligible participants need based on the number of days in
4 a month, not limited to specific blocks of time, as
5 identified by the comprehensive assessment tool selected
6 by the Department for use statewide, not to exceed the
7 total monthly service cost maximum allowed for each
8 service; the Department shall develop administrative rules
9 to implement this item (2);

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

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

26 (5) ensuring that homemakers can provide personal care

1 services that may or may not involve contact with clients,
2 including but not limited to:

3 (A) bathing;

4 (B) grooming;

5 (C) toileting;

6 (D) nail care;

7 (E) transferring;

8 (F) respiratory services;

9 (G) exercise; or

10 (H) positioning;

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

17 (7) ensuring that the State may access maximum federal
18 matching funds by seeking approval for the Centers for
19 Medicare and Medicaid Services for modifications to the
20 State's home and community based services waiver and
21 additional waiver opportunities, including applying for
22 enrollment in the Balance Incentive Payment Program by May
23 1, 2013, in order to maximize federal matching funds; this
24 shall include, but not be limited to, modification that
25 reflects all changes in the Community Care Program
26 services and all increases in the services cost maximum;

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

4 (9) ensuring that services are authorized accurately
5 and consistently for the Community Care Program (CCP); the
6 Department shall implement a Service Authorization policy
7 directive; the purpose shall be to ensure that eligibility
8 and services are authorized accurately and consistently in
9 the CCP program; the policy directive shall clarify
10 service authorization guidelines to Care Coordination
11 Units and Community Care Program providers no later than
12 May 1, 2013;

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

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

5 (12) implementing any necessary policy changes or
6 promulgating any rules, no later than January 1, 2014, to
7 assist the Department of Healthcare and Family Services in
8 moving as many participants as possible, consistent with
9 federal regulations, into coordinated care plans if a care
10 coordination plan that covers long term care is available
11 in the recipient's area; and

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

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

23 The Department shall develop procedures to enhance
24 availability of services on evenings, weekends, and on an
25 emergency basis to meet the respite needs of caregivers.
26 Procedures shall be developed to permit the utilization of

1 services in successive blocks of 24 hours up to the monthly
2 maximum established by the Department. Workers providing these
3 services shall be appropriately trained.

4 Beginning on the effective date of this amendatory Act of
5 1991, no person may perform chore/housekeeping and home care
6 aide services under a program authorized by this Section
7 unless that person has been issued a certificate of
8 pre-service to do so by his or her employing agency.
9 Information gathered to effect such certification shall
10 include (i) the person's name, (ii) the date the person was
11 hired by his or her current employer, and (iii) the training,
12 including dates and levels. Persons engaged in the program
13 authorized by this Section before the effective date of this
14 amendatory Act of 1991 shall be issued a certificate of all
15 pre- and in-service training from his or her employer upon
16 submitting the necessary information. The employing agency
17 shall be required to retain records of all staff pre- and
18 in-service training, and shall provide such records to the
19 Department upon request and upon termination of the employer's
20 contract with the Department. In addition, the employing
21 agency is responsible for the issuance of certifications of
22 in-service training completed to their employees.

23 The Department is required to develop a system to ensure
24 that persons working as home care aides and personal
25 assistants receive increases in their wages when the federal
26 minimum wage is increased by requiring vendors to certify that

1 they are meeting the federal minimum wage statute for home
2 care aides and personal assistants. An employer that cannot
3 ensure that the minimum wage increase is being given to home
4 care aides and personal assistants shall be denied any
5 increase in reimbursement costs.

6 The Community Care Program Advisory Committee is created
7 in the Department on Aging. The Director shall appoint
8 individuals to serve in the Committee, who shall serve at
9 their own expense. Members of the Committee must abide by all
10 applicable ethics laws. The Committee shall advise the
11 Department on issues related to the Department's program of
12 services to prevent unnecessary institutionalization. The
13 Committee shall meet on a bi-monthly basis and shall serve to
14 identify and advise the Department on present and potential
15 issues affecting the service delivery network, the program's
16 clients, and the Department and to recommend solution
17 strategies. Persons appointed to the Committee shall be
18 appointed on, but not limited to, their own and their agency's
19 experience with the program, geographic representation, and
20 willingness to serve. The Director shall appoint members to
21 the Committee to represent provider, advocacy, policy
22 research, and other constituencies committed to the delivery
23 of high quality home and community-based services to older
24 adults. Representatives shall be appointed to ensure
25 representation from community care providers including, but
26 not limited to, adult day service providers, homemaker

1 providers, case coordination and case management units,
2 emergency home response providers, statewide trade or labor
3 unions that represent home care aides and direct care staff,
4 area agencies on aging, adults over age 60, membership
5 organizations representing older adults, and other
6 organizational entities, providers of care, or individuals
7 with demonstrated interest and expertise in the field of home
8 and community care as determined by the Director.

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

1 Committee.

2 The Department on Aging and the Department of Human
3 Services shall cooperate in the development and submission of
4 an annual report on programs and services provided under this
5 Section. Such joint report shall be filed with the Governor
6 and the General Assembly on or before September 30 each year.

7 The requirement for reporting to the General Assembly
8 shall be satisfied by filing copies of the report as required
9 by Section 3.1 of the General Assembly Organization Act and
10 filing such additional copies with the State Government Report
11 Distribution Center for the General Assembly as is required
12 under paragraph (t) of Section 7 of the State Library Act.

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

25 For the purposes of this Section, "flexible senior
26 services" refers to services that require one-time or periodic

1 expenditures including, but not limited to, respite care, home
2 modification, assistive technology, housing assistance, and
3 transportation.

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

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

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

1 Section 2-27 of the Illinois State Auditing Act.

2 The Department shall implement co-payments for the
3 Community Care Program at the federally allowable maximum
4 level (i) beginning August 1, 2013, if the Auditor General has
5 reported that the Department has failed to comply with the
6 reporting requirements of Section 2-27 of the Illinois State
7 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
8 General has reported that the Department has not undertaken
9 the required actions listed in the report required by
10 subsection (a) of Section 2-27 of the Illinois State Auditing
11 Act.

12 The Department shall continue to provide other Community
13 Care Program reports as required by statute.

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

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

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

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

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

1 this paragraph.

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

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

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

26 (2) One representative of the Department of Healthcare

1 and Family Services, appointed by the Director of
2 Healthcare and Family Services.

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

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

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

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

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

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

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

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

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

26 (12) One member of the House of Representatives, who

1 shall serve as co-chairperson, appointed by the Speaker of
2 the House of Representatives.

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

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

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

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

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

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

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

1 The Community Care Program Medicaid Initiative shall
2 provide targeted funding to care coordination units to help
3 seniors complete their applications for medical assistance
4 benefits. On and after July 1, 2019, care coordination units
5 shall receive no less than \$200 per completed application,
6 which rate may be included in a bundled rate for initial intake
7 services when Medicaid application assistance is provided in
8 conjunction with the initial intake process for new program
9 participants.

10 The Community Care Program Medicaid Initiative shall cease
11 operation 5 years after the effective date of this amendatory
12 Act of the 100th General Assembly, after which the
13 Subcommittee shall dissolve.

14 Effective July 1, 2023, subject to federal approval, the
15 Department on Aging shall reimburse Care Coordination Units at
16 the following rates for case management services: \$252.40 for
17 each initial assessment; \$366.40 for each initial assessment
18 with translation; \$229.68 for each redetermination assessment;
19 \$313.68 for each redetermination assessment with translation;
20 \$200.00 for each completed application for medical assistance
21 benefits; \$132.26 for each face-to-face, choices-for-care
22 screening; \$168.26 for each face-to-face, choices-for-care
23 screening with translation; \$124.56 for each 6-month,
24 face-to-face visit; \$132.00 for each MCO participant
25 eligibility determination; and \$157.00 for each MCO
26 participant eligibility determination with translation.

1 (Source: P.A. 101-10, eff. 6-5-19; 102-1071, eff. 6-10-22.)

2 ARTICLE 150.

3 Section 150-5. The Illinois Affordable Housing Act is
4 amended by changing Section 17 as follows:

5 (310 ILCS 65/17) (from Ch. 67 1/2, par. 1267)

6 Sec. 17. Annual Budget and Report. (a) Within 9 months
7 after the effective date of this Act, the Commission shall
8 prepare a plan listing available resources, priorities for
9 expenditures, and procedures for making application for grants
10 and loans. The plan shall be published in the Illinois
11 Register. Such a plan shall be prepared annually and published
12 for each succeeding year.

13 (b) Within 60 days of the end of each fiscal year, the
14 Commission shall prepare a report to the General Assembly
15 describing the activities of the Affordable Housing Program
16 for the preceding year.

17 (c) 1% of permitted funds within the annual proposed
18 budget stemming from the plan shall be allocated to support
19 limited-equity cooperative housing through programs and
20 subsidies for cooperative homebuyer assistance, building
21 acquisition and renovation, assistance with monthly housing
22 charges, predevelopment funding, and technical assistance.

23 (Source: P.A. 86-925.)

1 ARTICLE 155.

2 Section 155-5. The Higher Education Student Assistance Act
3 is amended by adding Section 27 as follows:

4 (110 ILCS 947/27 new)

5 Sec. 27. Prepare for Illinois' Future Program.

6 (a) Subject to appropriation, the Illinois Student
7 Assistance Commission shall as soon as is practicable, develop
8 and implement a Prepare for Illinois' Future Program to offer
9 comprehensive test preparation and professional licensure
10 preparation, free of charge and at no cost to students, with a
11 goal of serving all students at institutions of higher
12 education. If funding for the program is insufficient to
13 support universal access, then the Commission may prioritize
14 offering the services to recipients of the Monetary Award
15 Program grant assistance under Section 35 of this Act.

16 (b) The Program shall offer students, at a minimum, test
17 preparation services for the Medical College Admission Test,
18 the Law School Admission Test, the Graduate Record
19 Examination, the Graduate Management Admission Test, and other
20 preparation programs for professional exams that may include,
21 but are not limited to, exams for nursing, teaching, real
22 estate, securities, and law. The program may also provide
23 preparation for credentials such as, but not limited to, the

1 Securities Industry Essentials Exam, a Financial Paraplanner
2 Qualified Professional exam, and a Wealth Management
3 Specialist exam. In establishing the Program, the Commission
4 shall consider, among other factors, whether the test and
5 licensure exam preparation and credentialing programs can be
6 provided by a single vendor.

7 (c) The Commission shall report to the General Assembly
8 and Governor on the Program's usage as soon as is practicable
9 after the Program has been in place for at least one academic
10 year. To the extent that appropriate data is available, the
11 Commission shall also report information on the program's
12 effectiveness, with a goal of providing multi-stage research
13 to gauge the impact of this investment on in-state university
14 recruitment and retention, the State's talent pipeline, and
15 the longitudinal value provided to State students.
16 Institutions of higher education shall provide information to
17 the Commission as needed to facilitate completion of this
18 report.

19 ARTICLE 999.

20 Section 999-95. No acceleration or delay. Where this Act
21 makes changes in a statute that is represented in this Act by
22 text that is not yet or no longer in effect (for example, a
23 Section represented by multiple versions), the use of that
24 text does not accelerate or delay the taking effect of (i) the

1 changes made by this Act or (ii) provisions derived from any
2 other Public Act.

3 Section 999-99. Effective date. This Act takes effect upon
4 becoming law, except that Articles 10, 85, 98, 100, and 125
5 take effect on July 1, 2023, Articles 20, 80, and 99 take
6 effect on January 1, 2024, and Section 5-110 takes effect on
7 the effective date of House Bill 2041 of the 103rd General
8 Assembly or upon becoming law, whichever is later."