



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5513

Introduced 2/9/2024, by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

| | |
|-----------------------|-------------------------------|
| 20 ILCS 3005/2.14 new | |
| 35 ILCS 505/8b | |
| 305 ILCS 5/15-6 rep. | |
| 405 ILCS 5/5-107 | from Ch. 91 1/2, par. 5-107 |
| 405 ILCS 5/5-107.1 | from Ch. 91 1/2, par. 5-107.1 |
| 820 ILCS 305/4a-7 | from Ch. 48, par. 138.4a-7 |

Amends the Governor's Office of Management and Budget Act. Creates the Annual Comprehensive Financial Report Internal Control Unit. Provides that the ACFR Internal Control Unit may develop policies, plans, and programs to be used by the Office for the coordination of the financial audit and may advise and assist State agencies in improving internal controls related to the State's financial statements and reporting. Provides that the ACFR Internal Control Unit is authorized to direct State agencies under the jurisdiction of the Governor in the adoption of internal control procedures and documentation necessary to address internal control deficiencies or resolve ACFR audit findings, and to direct implementation of such corrective actions. Requires each State agency under the jurisdiction of the Governor to furnish to the Office of Management and Budget such information as the Office may from time to time require. Provides that the Director or any duly authorized employee of the Office of Management and Budget shall, for the purpose of securing such information, have access to, and the right to examine and receive a copy of all documents, papers, reports, or records of any State agency under the jurisdiction of the Governor to assist in carrying out the Office's responsibilities under the provisions. Amends the Mental Health and Developmental Disabilities Code, the Motor Fuel Tax Law, and the Workers' Compensation Act. Deletes provisions requiring the Auditor General to conduct certain audits. Repeals a provision concerning annual audits. Effective immediately.

LRB103 39491 MXP 69687 b

1 AN ACT concerning State government.

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

4 Section 5. The Governor's Office of Management and Budget
5 Act is amended by adding Section 2.14 as follows:

6 (20 ILCS 3005/2.14 new)

7 Sec. 2.14. Annual Comprehensive Financial Report Internal
8 Control Unit. As used in this Section:

9 "ACFR" means the State Annual Comprehensive Financial
10 Report.

11 There is created within the Governor's Office of
12 Management and Budget an ACFR Internal Control Unit, which
13 shall advise and assist the Director in coordinating the audit
14 of the State Annual Comprehensive Financial Report on behalf
15 of the Governor. The ACFR Internal Control Unit may develop
16 policies, plans, and programs to be used by the Office for the
17 coordination of the financial audit and may advise and assist
18 State agencies, as defined in the Illinois State Auditing Act
19 and under the jurisdiction of the Governor, in improving
20 internal controls related to the State's financial statements
21 and reporting. The ACFR Internal Control Unit is authorized to
22 direct State agencies under the jurisdiction of the Governor
23 in the adoption of internal control procedures and

1 documentation necessary to address internal control
2 deficiencies or resolve ACFR audit findings, and to direct
3 implementation of such corrective actions. Each State agency
4 under the jurisdiction of the Governor shall furnish to the
5 Office such information as the Office may from time to time
6 require, and the Director or any duly authorized employee of
7 the Office shall for the purpose of securing such information,
8 have access to, and the right to examine and receive a copy of
9 all documents, papers, reports, or records of any State agency
10 under the jurisdiction of the Governor to assist in carrying
11 out the Office's responsibilities under this Section.

12 Section 10. The Motor Fuel Tax Law is amended by changing
13 Section 8b as follows:

14 (35 ILCS 505/8b)

15 Sec. 8b. Transportation Renewal Fund; creation;
16 distribution of proceeds.

17 (a) The Transportation Renewal Fund is hereby created as a
18 special fund in the State treasury. Moneys in the Fund shall be
19 used as provided in this Section:

20 (1) 80% of the moneys in the Fund shall be used for
21 highway maintenance, highway construction, bridge repair,
22 congestion relief, and construction of aviation
23 facilities; of that 80%:

24 (A) the State Comptroller shall order transferred

1 and the State Treasurer shall transfer 60% to the
2 State Construction Account Fund; those moneys shall be
3 used solely for construction, reconstruction,
4 improvement, repair, maintenance, operation, and
5 administration of highways and are limited to payments
6 made pursuant to design and construction contracts
7 awarded by the Department of Transportation;

8 (B) 40% shall be distributed by the Department of
9 Transportation to municipalities, counties, and road
10 districts of the State using the percentages set forth
11 in subdivisions (A), (B), (C), and (D) of paragraph
12 (2) of subsection (e) of Section 8; distributions to
13 particular municipalities, counties, and road
14 districts under this subdivision (B) shall be made
15 according to the allocation procedures described for
16 municipalities, counties, and road districts in
17 subsection (e) of Section 8 and shall be subject to the
18 same requirements and limitations described in that
19 subsection; and

20 (2) 20% of the moneys in the Fund shall be used for
21 projects related to rail facilities and mass transit
22 facilities, as defined in Section 2705-305 of the
23 Department of Transportation Law of the Civil
24 Administrative Code of Illinois, including rapid transit,
25 rail, high-speed rail, bus and other equipment in
26 connection with the State or a unit of local government,

1 special district, municipal corporation, or other public
2 agency authorized to provide and promote public
3 transportation within the State; of that 20%:

4 (A) 90% shall be deposited into the Regional
5 Transportation Authority Capital Improvement Fund, a
6 special fund created in the State Treasury; moneys in
7 the Regional Transportation Authority Capital
8 Improvement Fund shall be used by the Regional
9 Transportation Authority for construction,
10 improvements, and deferred maintenance on mass transit
11 facilities and acquisition of buses and other
12 equipment; and

13 (B) 10% shall be deposited into the Downstate Mass
14 Transportation Capital Improvement Fund, a special
15 fund created in the State Treasury; moneys in the
16 Downstate Mass Transportation Capital Improvement Fund
17 shall be used by local mass transit districts other
18 than the Regional Transportation Authority for
19 construction, improvements, and deferred maintenance
20 on mass transit facilities and acquisition of buses
21 and other equipment.

22 (b) (Blank). ~~Beginning on July 1, 2020, the Auditor~~
23 ~~General shall conduct an annual financial audit of the~~
24 ~~obligations, expenditures, receipt, and use of the funds~~
25 ~~deposited into the Transportation Renewal Fund and provide~~
26 ~~specific recommendations to help ensure compliance with State~~

1 ~~and federal statutes, rules, and regulations.~~

2 (Source: P.A. 101-32, eff. 6-28-19; 101-604, eff. 12-13-19.)

3 (305 ILCS 5/15-6 rep.)

4 Section 15. The Illinois Public Aid Code is amended by
5 repealing Section 15-6.

6 Section 20. The Mental Health and Developmental
7 Disabilities Code is amended by changing Sections 5-107 and
8 5-107.1 as follows:

9 (405 ILCS 5/5-107) (from Ch. 91 1/2, par. 5-107)

10 Sec. 5-107. Remittances from intermediary agencies under
11 Title XVIII of the Federal Social Security Act for services to
12 persons in State facilities shall be deposited with the State
13 Treasurer and placed in the Mental Health Fund. Payments
14 received from the Department of Healthcare and Family Services
15 under Title XIX of the Federal Social Security Act for
16 services to persons in State facilities shall be deposited
17 with the State Treasurer and shall be placed in the General
18 Revenue Fund.

19 ~~The Auditor General shall audit or cause to be audited all~~
20 ~~amounts collected by the Department.~~

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

22 (405 ILCS 5/5-107.1) (from Ch. 91 1/2, par. 5-107.1)

1 Sec. 5-107.1. Remittances from or on behalf of licensed
2 long-term care facilities through Department of Healthcare and
3 Family Services reimbursement and monies from other funds for
4 Day Training Programs for clients with a developmental
5 disability shall be deposited with the State Treasurer and
6 placed in the Mental Health Fund.

7 ~~The Auditor General shall audit or cause to be audited all~~
8 ~~amounts collected by the Department.~~

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

10 Section 25. The Workers' Compensation Act is amended by
11 changing Section 4a-7 as follows:

12 (820 ILCS 305/4a-7) (from Ch. 48, par. 138.4a-7)

13 Sec. 4a-7. (a) The Commission may upon direction of the
14 Board from time to time assess each of the private
15 self-insurers a pro rata share of the funding reasonably
16 necessary to carry out its activities under Sections 4a-1
17 through 4a-9. The prorations shall be made on the basis of each
18 self-insured's most recent payment into the rate adjustment
19 fund under Section 7(f) of this Act. In no event shall a
20 private self-insurer be assessed at one time in excess of .6%
21 of the compensation paid by that private self-insurer during
22 the previous calendar year for claims incurred as a
23 self-insurer. Total assessments against it in any calendar
24 year shall not exceed 1.2% of the compensation it has paid

1 during the previous calendar year as a self-insurer for claims
2 incurred. Funds obtained by such assessments shall be used
3 only for the purposes set forth in Sections 4a-1 through 4a-9,
4 and shall be deposited upon receipt by the Commission into the
5 Self-Insurers Security Fund. If payment of any assessment made
6 under this subsection is not made within 30 days of the sending
7 of the notice to the private self-insurer, the Commission at
8 the direction of the Board shall proceed in circuit court for
9 judgment against that private self-insurer which judgment
10 shall include the amount of the assessment, the costs of suit,
11 interest and reasonable attorneys' fees.

12 (b) A private self-insurer which ceases to be a
13 self-insurer shall be liable for any and all assessments made
14 pursuant to this Section during the period following the date
15 its certificate of authority to self-insure is withdrawn,
16 revoked or surrendered until such time as it has discharged
17 all obligations to pay compensation which arose during the
18 period of time said former self-insurer was self-insured.
19 Assessments of such a former private self-insurer shall be
20 based on the compensation paid by the former private
21 self-insurer during the preceding calendar year on claims that
22 arose during the period of time said former private
23 self-insurer was self-insured.

24 (c) ~~An~~ ~~The Board on behalf of the Commission shall~~
25 ~~annually contract for an independent certified audit of the~~
26 ~~financial activities of the Fund, and an annual report as of~~

1 June 30 shall be submitted promptly by the Board to the
2 Chairman of the Illinois Workers' Compensation Commission and
3 to each Trustee. Written reports of all activities shall be
4 submitted to the Commission by the Board on a monthly basis.

5 (d) If there are monies remaining in the Fund after all
6 outstanding obligations of all insolvent self-insurers have
7 been satisfied and the costs of administration and defense
8 have been paid, such amounts shall be returned by the
9 Commission from the Fund as directed by the Board to the then
10 private self-insurers in that proportion which each said
11 private self-insurer has contributed to the Fund one year
12 thereafter, provided no outstanding liabilities remain against
13 the Fund.

14 (e) Each private self-insurer shall be subject to the
15 direction of the Commission as provided in Sections 4a-1
16 through 4a-9 as a condition of obtaining and maintaining its
17 certificate of authority to self-insure.

18 (Source: P.A. 102-910, eff. 5-27-22.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.