

1 AN ACT regarding finance.

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

4 ARTICLE 1

5 Section 1-1. Short title. This Act may be cited as the
6 FY2004 Budget Implementation (State Finance-Administration)
7 Act.

8 Section 1-5. Purpose. It is the purpose of this Act to
9 make changes relating to State finance-administration that
10 are necessary to implement the State's FY2004 budget.

11 ARTICLE 20

12 Section 20-5. The Department of Central Management
13 Services Law of the Civil Administrative Code of Illinois is
14 amended by adding Section 405-410 as follows:

15 (20 ILCS 405/405-410 new)

16 Sec. 405-410. Transfer of Information Technology
17 functions.

18 (a) Notwithstanding any other law to the contrary, on or
19 before June 30, 2004, the Director of Central Management
20 Services, working in cooperation with the Director of any
21 other agency, department, board, or commission directly
22 responsible to the Governor, may direct the transfer, to the
23 Department of Central Management Services, of those
24 information technology functions at that agency, department,
25 board, or commission that are suitable for centralization.

26 Upon receipt of the written direction to transfer
27 information technology functions to the Department of Central

1 Management Services, the personnel, equipment, and property
2 (both real and personal) directly relating to the transferred
3 functions shall be transferred to the Department of Central
4 Management Services, and the relevant documents, records, and
5 correspondence shall be transferred or copied, as the
6 Director may prescribe.

7 (b) Upon receiving written direction from the Director
8 of Central Management Services, the Comptroller and Treasurer
9 are authorized to transfer the unexpended balance of any
10 appropriations related to the information technology
11 functions transferred to the Department of Central Management
12 Services and shall make the necessary fund transfers from any
13 special fund in the State Treasury or from any other federal
14 or State trust fund held by the Treasurer to the General
15 Revenue Fund for use by the Department of Central Management
16 Services in support of information technology functions or
17 any other related costs or expenses of the Department of
18 Central Management Services.

19 (c) The rights of employees and the State and its
20 agencies under the Personnel Code and applicable collective
21 bargaining agreements or under any pension, retirement, or
22 annuity plan shall not be affected by any transfer under this
23 Section.

24 (d) The functions transferred to the Department of
25 Central Management Services by this Section shall be vested
26 in and shall be exercised by the Department of Central
27 Management Services. Each act done in the exercise of those
28 functions shall have the same legal effect as if done by the
29 agencies, offices, divisions, departments, bureaus, boards
30 and commissions from which they were transferred.

31 Every person or other entity shall be subject to the same
32 obligations and duties and any penalties, civil or criminal,
33 arising therefrom, and shall have the same rights arising
34 from the exercise of such rights, powers, and duties as had

1 been exercised by the agencies, offices, divisions,
2 departments, bureaus, boards, and commissions from which they
3 were transferred.

4 Whenever reports or notices are now required to be made
5 or given or papers or documents furnished or served by any
6 person in regards to the functions transferred to or upon the
7 agencies, offices, divisions, departments, bureaus, boards,
8 and commissions from which the functions were transferred,
9 the same shall be made, given, furnished or served in the
10 same manner to or upon the Department of Central Management
11 Services.

12 This Section does not affect any act done, ratified, or
13 cancelled or any right occurring or established or any action
14 or proceeding had or commenced in an administrative, civil,
15 or criminal cause regarding the functions transferred, but
16 those proceedings may be continued by the Department of
17 Central Management Services.

18 This Section does not affect the legality of any rules in
19 the Illinois Administrative Code regarding the functions
20 transferred in this Section that are in force on the
21 effective date of this Section. If necessary, however, the
22 affected agencies shall propose, adopt, or repeal rules, rule
23 amendments, and rule recodifications as appropriate to
24 effectuate this Section.

25 ARTICLE 25

26 Section 25-5. The Civil Administrative Code of Illinois
27 is amended by changing Sections 1-5, 5-15, 5-20, and 5-120 as
28 follows:

29 (20 ILCS 5/1-5)

30 Sec. 1-5. Articles. The Civil Administrative Code of
31 Illinois consists of the following Articles:

1 Article 1. General Provisions (20 ILCS 5/1-1 and
2 following).

3 Article 5. Departments of State Government Law (20 ILCS
4 5/5-1 and following).

5 Article 50. State Budget Law (15 ILCS 20/).

6 Article 110. Department on Aging Law (20 ILCS 110/).

7 Article 205. Department of Agriculture Law (20 ILCS
8 205/).

9 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

10 Article 310. Department of Human Services (Alcoholism and
11 Substance Abuse) Law (20 ILCS 310/).

12 Article 405. Department of Central Management Services
13 Law (20 ILCS 405/).

14 Article 510. Department of Children and Family Services
15 Powers Law (20 ILCS 510/).

16 Article 605. Department of Commerce and Economic
17 Opportunity Community-Affairs Law (20 ILCS 605/).

18 Article 805. Department of Natural Resources
19 (Conservation) Law (20 ILCS 805/).

20 Article 1005. Department of Employment Security Law (20
21 ILCS 1005/).

22 Article 1405. Department of Insurance Law (20 ILCS
23 1405/).

24 Article 1505. Department of Labor Law (20 ILCS 1505/).

25 Article 1710. Department of Human Services (Mental Health
26 and Developmental Disabilities) Law (20 ILCS 1710/).

27 Article 1905. Department of Natural Resources (Mines and
28 Minerals) Law (20 ILCS 1905/).

29 Article 2005. Department of Nuclear Safety Law (20 ILCS
30 2005/).

31 Article 2105. Department of Professional Regulation Law
32 (20 ILCS 2105/).

33 Article 2205. Department of Public Aid Law (20 ILCS
34 2205/).

1 Article 2310. Department of Public Health Powers and
2 Duties Law (20 ILCS 2310/).

3 Article 2505. Department of Revenue Law (20 ILCS 2505/).

4 Article 2510. Certified Audit Program Law (20 ILCS
5 2510/).

6 Article 2605. Department of State Police Law (20 ILCS
7 2605/).

8 Article 2705. Department of Transportation Law (20 ILCS
9 2705/).

10 Article 3000. University of Illinois Exercise of
11 Functions and Duties Law (110 ILCS 355/).

12 (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01;
13 92-651, eff. 7-11-02.)

14 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

15 Sec. 5-15. Departments of State government. The
16 Departments of State government are created as follows:

17 The Department on Aging.

18 The Department of Agriculture.

19 The Department of Central Management Services.

20 The Department of Children and Family Services.

21 The Department of Commerce and Economic Opportunity
22 Community-Affairs.

23 The Department of Corrections.

24 The Department of Employment Security.

25 The Department of Financial Institutions.

26 The Department of Human Rights.

27 The Department of Human Services.

28 The Department of Insurance.

29 The Department of Labor.

30 The Department of the Lottery.

31 The Department of Natural Resources.

32 The Department of Nuclear Safety.

33 The Department of Professional Regulation.

- 1 The Department of Public Aid.
- 2 The Department of Public Health.
- 3 The Department of Revenue.
- 4 The Department of State Police.
- 5 The Department of Transportation.
- 6 The Department of Veterans' Affairs.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

9 Sec. 5-20. Heads of departments. Each department shall
10 have an officer as its head who shall be known as director or
11 secretary and who shall, subject to the provisions of the
12 Civil Administrative Code of Illinois, execute the powers and
13 discharge the duties vested by law in his or her respective
14 department.

15 The following officers are hereby created:

16 Director of Aging, for the Department on Aging.

17 Director of Agriculture, for the Department of
18 Agriculture.

19 Director of Central Management Services, for the
20 Department of Central Management Services.

21 Director of Children and Family Services, for the
22 Department of Children and Family Services.

23 Director of Commerce and Economic Opportunity Community
24 Affairs, for the Department of Commerce and Economic
25 Opportunity Community-Affairs.

26 Director of Corrections, for the Department of
27 Corrections.

28 Director of Employment Security, for the Department of
29 Employment Security.

30 Director of Financial Institutions, for the Department of
31 Financial Institutions.

32 Director of Human Rights, for the Department of Human
33 Rights.

1 Secretary of Human Services, for the Department of Human
2 Services.

3 Director of Insurance, for the Department of Insurance.

4 Director of Labor, for the Department of Labor.

5 Director of the Lottery, for the Department of the
6 Lottery.

7 Director of Natural Resources, for the Department of
8 Natural Resources.

9 Director of Nuclear Safety, for the Department of Nuclear
10 Safety.

11 Director of Professional Regulation, for the Department
12 of Professional Regulation.

13 Director of Public Aid, for the Department of Public Aid.

14 Director of Public Health, for the Department of Public
15 Health.

16 Director of Revenue, for the Department of Revenue.

17 Director of State Police, for the Department of State
18 Police.

19 Secretary of Transportation, for the Department of
20 Transportation.

21 Director of Veterans' Affairs, for the Department of
22 Veterans' Affairs.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (20 ILCS 5/5-120) (was 20 ILCS 5/5.13g)

25 Sec. 5-120. In the Department of Commerce and Economic
26 Opportunity Community-Affairs. Assistant Director of Commerce
27 and Economic Opportunity Community-Affairs.

28 (Source: P.A. 91-239, eff. 1-1-00.)

29 Section 25-10. The Department of Commerce and Community
30 Affairs Law of the Civil Administrative Code of Illinois is
31 amended by changing Sections 605-1 and 605-5 and by adding
32 Section 605-7 as follows:

1 (20 ILCS 605/605-1)

2 Sec. 605-1. Article short title. This Article 605 of the
3 Civil Administrative Code of Illinois may be cited as the
4 Department of Commerce and Economic Opportunity Community
5 Affairs Law.

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (20 ILCS 605/605-5) (was 20 ILCS 605/46.1 in part)

8 Sec. 605-5. Definitions. As used in the Sections
9 following this Section:

10 "Department" means the Department of Commerce and
11 Economic Opportunity Community-Affairs.

12 "Director" means the Director of Commerce and Economic
13 Opportunity Community-Affairs.

14 "Local government" means every county, municipality,
15 township, school district, and other local political
16 subdivision having authority to enact laws and ordinances, to
17 administer laws and ordinances, to raise taxes, or to expend
18 funds.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (20 ILCS 605/605-7 new)

21 Sec. 605-7. Name change. On the effective date of this
22 amendatory Act of the 93rd General Assembly, the name of the
23 Department of Commerce and Community Affairs is changed to
24 the Department of Commerce and Economic Opportunity.
25 References in any law, appropriation, rule, form, or other
26 document (i) to the Department of Commerce and Community
27 Affairs or to DCCA are deemed, in appropriate contexts, to be
28 references to the Department of Commerce and Economic
29 Opportunity for all purposes and (ii) to the Director of
30 Commerce and Community Affairs are deemed, in appropriate
31 contexts, to be references to the Director of Commerce and
32 Economic Opportunity for all purposes.

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ARTICLE 30

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Section 30-5. The Illinois Procurement Code is amended by changing Section 50-11 and adding Section 50-12 as follows:

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(30 ILCS 500/50-11)

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Sec. 50-11. Debt delinquency.

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(a) No person shall submit a bid for or enter into a contract with a State agency under this Code if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the Debt Collection Board. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

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(b) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the contractor and its affiliate is not barred from being awarded a contract under this Section and

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1 that the contractor acknowledges that the contracting State
2 agency may declare the contract void if the certification
3 completed pursuant to this subsection (b) is false.

4 (Source: P.A. 92-404, eff. 7-1-02.)

5 (30 ILCS 500/50-12 new)

6 Sec. 50-12. Collection and remittance of Illinois Use
7 Tax.

8 (a) No person shall enter into a contract with a State
9 agency under this Code unless the person and all affiliates
10 of the person collect and remit Illinois Use Tax on all sales
11 of tangible personal property into the State of Illinois in
12 accordance with the provisions of the Illinois Use Tax Act
13 regardless of whether the person or affiliate is a "retailer
14 maintaining a place of business within this State" as defined
15 in Section 2 of the Use Tax Act. For purposes of this
16 Section, the term "affiliate" means any entity that (1)
17 directly, indirectly, or constructively controls another
18 entity, (2) is directly, indirectly, or constructively
19 controlled by another entity, or (3) is subject to the
20 control of a common entity. For purposes of this subsection
21 (a), an entity controls another entity if it owns, directly
22 or individually, more than 10% of the voting securities of
23 that entity. As used in this subsection (a), the term "voting
24 security" means a security that (1) confers upon the holder
25 the right to vote for the election of members of the board of
26 directors or similar governing body of the business or (2) is
27 convertible into, or entitles the holder to receive upon its
28 exercise, a security that confers such a right to vote. A
29 general partnership interest is a voting security.

30 (b) Every bid submitted and contract executed by the
31 State shall contain a certification by the bidder or
32 contractor that the bidder or contractor is not barred from
33 bidding for or entering into a contract under subsection (a)

1 of this Section and that the bidder or contractor
2 acknowledges that the contracting State agency may declare
3 the contract void if the certification completed pursuant to
4 this subsection (b) is false.

5 Section 30-10. The Illinois Income Tax Act is amended by
6 changing Section 917 as follows:

7 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

8 Sec. 917. Confidentiality and information sharing.

9 (a) Confidentiality. Except as provided in this Section,
10 all information received by the Department from returns filed
11 under this Act, or from any investigation conducted under the
12 provisions of this Act, shall be confidential, except for
13 official purposes within the Department or pursuant to
14 official procedures for collection of any State tax or
15 pursuant to an investigation or audit by the Illinois State
16 Scholarship Commission of a delinquent student loan or
17 monetary award or enforcement of any civil or criminal
18 penalty or sanction imposed by this Act or by another statute
19 imposing a State tax, and any person who divulges any such
20 information in any manner, except for such purposes and
21 pursuant to order of the Director or in accordance with a
22 proper judicial order, shall be guilty of a Class A
23 misdemeanor. However, the provisions of this paragraph are
24 not applicable to information furnished to a licensed
25 attorney representing the taxpayer where an appeal or a
26 protest has been filed on behalf of the taxpayer.

27 (b) Public information. Nothing contained in this Act
28 shall prevent the Director from publishing or making
29 available to the public the names and addresses of persons
30 filing returns under this Act, or from publishing or making
31 available reasonable statistics concerning the operation of
32 the tax wherein the contents of returns are grouped into

1 aggregates in such a way that the information contained in
2 any individual return shall not be disclosed.

3 (c) Governmental agencies. The Director may make
4 available to the Secretary of the Treasury of the United
5 States or his delegate, or the proper officer or his delegate
6 of any other state imposing a tax upon or measured by income,
7 for exclusively official purposes, information received by
8 the Department in the administration of this Act, but such
9 permission shall be granted only if the United States or such
10 other state, as the case may be, grants the Department
11 substantially similar privileges. The Director may exchange
12 information with the Illinois Department of Public Aid and
13 the Department of Human Services (acting as successor to the
14 Department of Public Aid under the Department of Human
15 Services Act) for the purpose of verifying sources and
16 amounts of income and for other purposes directly connected
17 with the administration of this Act and the Illinois Public
18 Aid Code. The Director may exchange information with the
19 Director of the Department of Employment Security for the
20 purpose of verifying sources and amounts of income and for
21 other purposes directly connected with the administration of
22 this Act and Acts administered by the Department of
23 Employment Security. The Director may make available to the
24 Illinois Industrial Commission information regarding
25 employers for the purpose of verifying the insurance coverage
26 required under the Workers' Compensation Act and Workers'
27 Occupational Diseases Act.

28 The Director may make available to any State agency,
29 including the Illinois Supreme Court, which licenses persons
30 to engage in any occupation, information that a person
31 licensed by such agency has failed to file returns under this
32 Act or pay the tax, penalty and interest shown therein, or
33 has failed to pay any final assessment of tax, penalty or
34 interest due under this Act. The Director may make available

1 to any State agency, including the Illinois Supreme Court,
2 information regarding whether a bidder, contractor, or an
3 affiliate of a bidder or contractor has failed to file
4 returns under this Act or pay the tax, penalty, and interest
5 shown therein, or has failed to pay any final assessment of
6 tax, penalty, or interest due under this Act, for the limited
7 purpose of enforcing bidder and contractor certifications.
8 For purposes of this Section, the term "affiliate" means any
9 entity that (1) directly, indirectly, or constructively
10 controls another entity, (2) is directly, indirectly, or
11 constructively controlled by another entity, or (3) is
12 subject to the control of a common entity. For purposes of
13 this subsection (a), an entity controls another entity if it
14 owns, directly or individually, more than 10% of the voting
15 securities of that entity. As used in this subsection (a),
16 the term "voting security" means a security that (1) confers
17 upon the holder the right to vote for the election of members
18 of the board of directors or similar governing body of the
19 business or (2) is convertible into, or entitles the holder
20 to receive upon its exercise, a security that confers such a
21 right to vote. A general partnership interest is a voting
22 security.

23 The Director may make available to any State agency,
24 including the Illinois Supreme Court, units of local
25 government, and school districts, information regarding
26 whether a bidder or contractor is an affiliate of a person
27 who is not collecting and remitting Illinois Use taxes, for
28 the limited purpose of enforcing bidder and contractor
29 certifications.

30 The Director may also make available to the Secretary of
31 State information that a corporation which has been issued a
32 certificate of incorporation by the Secretary of State has
33 failed to file returns under this Act or pay the tax, penalty
34 and interest shown therein, or has failed to pay any final

1 assessment of tax, penalty or interest due under this Act. An
2 assessment is final when all proceedings in court for review
3 of such assessment have terminated or the time for the taking
4 thereof has expired without such proceedings being
5 instituted. For taxable years ending on or after December
6 31, 1987, the Director may make available to the Director or
7 principal officer of any Department of the State of Illinois,
8 information that a person employed by such Department has
9 failed to file returns under this Act or pay the tax, penalty
10 and interest shown therein. For purposes of this paragraph,
11 the word "Department" shall have the same meaning as provided
12 in Section 3 of the State Employees Group Insurance Act of
13 1971.

14 (d) The Director shall make available for public
15 inspection in the Department's principal office and for
16 publication, at cost, administrative decisions issued on or
17 after January 1, 1995. These decisions are to be made
18 available in a manner so that the following taxpayer
19 information is not disclosed:

20 (1) The names, addresses, and identification
21 numbers of the taxpayer, related entities, and employees.

22 (2) At the sole discretion of the Director, trade
23 secrets or other confidential information identified as
24 such by the taxpayer, no later than 30 days after receipt
25 of an administrative decision, by such means as the
26 Department shall provide by rule.

27 The Director shall determine the appropriate extent of
28 the deletions allowed in paragraph (2). In the event the
29 taxpayer does not submit deletions, the Director shall make
30 only the deletions specified in paragraph (1).

31 The Director shall make available for public inspection
32 and publication an administrative decision within 180 days
33 after the issuance of the administrative decision. The term
34 "administrative decision" has the same meaning as defined in

1 Section 3-101 of Article III of the Code of Civil Procedure.
2 Costs collected under this Section shall be paid into the Tax
3 Compliance and Administration Fund.

4 (e) Nothing contained in this Act shall prevent the
5 Director from divulging information to any person pursuant to
6 a request or authorization made by the taxpayer, by an
7 authorized representative of the taxpayer, or, in the case of
8 information related to a joint return, by the spouse filing
9 the joint return with the taxpayer.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-491, eff. 1-1-98.)

11 Section 30-15. The Retailers' Occupation Tax Act is
12 amended by changing Section 11 as follows:

13 (35 ILCS 120/11) (from Ch. 120, par. 450)

14 Sec. 11. All information received by the Department from
15 returns filed under this Act, or from any investigation
16 conducted under this Act, shall be confidential, except for
17 official purposes, and any person who divulges any such
18 information in any manner, except in accordance with a proper
19 judicial order or as otherwise provided by law, shall be
20 guilty of a Class B misdemeanor.

21 Nothing in this Act prevents the Director of Revenue from
22 publishing or making available to the public the names and
23 addresses of persons filing returns under this Act, or
24 reasonable statistics concerning the operation of the tax by
25 grouping the contents of returns so the information in any
26 individual return is not disclosed.

27 Nothing in this Act prevents the Director of Revenue from
28 divulging to the United States Government or the government
29 of any other state, or any village that does not levy any
30 real property taxes for village operations and that receives
31 more than 60% of its general corporate revenue from taxes
32 under the Use Tax Act, the Service Use Tax Act, the Service

1 Occupation Tax Act, and the Retailers' Occupation Tax Act, or
2 any officer or agency thereof, for exclusively official
3 purposes, information received by the Department in
4 administering this Act, provided that such other governmental
5 agency agrees to divulge requested tax information to the
6 Department.

7 The Department's furnishing of information derived from a
8 taxpayer's return or from an investigation conducted under
9 this Act to the surety on a taxpayer's bond that has been
10 furnished to the Department under this Act, either to provide
11 notice to such surety of its potential liability under the
12 bond or, in order to support the Department's demand for
13 payment from such surety under the bond, is an official
14 purpose within the meaning of this Section.

15 The furnishing upon request of information obtained by
16 the Department from returns filed under this Act or
17 investigations conducted under this Act to the Illinois
18 Liquor Control Commission for official use is deemed to be an
19 official purpose within the meaning of this Section.

20 Notice to a surety of potential liability shall not be
21 given unless the taxpayer has first been notified, not less
22 than 10 days prior thereto, of the Department's intent to so
23 notify the surety.

24 The furnishing upon request of the Auditor General, or
25 his authorized agents, for official use, of returns filed and
26 information related thereto under this Act is deemed to be an
27 official purpose within the meaning of this Section.

28 Where an appeal or a protest has been filed on behalf of
29 a taxpayer, the furnishing upon request of the attorney for
30 the taxpayer of returns filed by the taxpayer and information
31 related thereto under this Act is deemed to be an official
32 purpose within the meaning of this Section.

33 The furnishing of financial information to a home rule
34 unit that has imposed a tax similar to that imposed by this

1 Act pursuant to its home rule powers, or to any village that
2 does not levy any real property taxes for village operations
3 and that receives more than 60% of its general corporate
4 revenue from taxes under the Use Tax Act, the Service Use Tax
5 Act, the Service Occupation Tax Act, and the Retailers'
6 Occupation Tax Act, upon request of the Chief Executive
7 thereof, is an official purpose within the meaning of this
8 Section, provided the home rule unit or village that does
9 not levy any real property taxes for village operations and
10 that receives more than 60% of its general corporate revenue
11 from taxes under the Use Tax Act, the Service Use Tax Act,
12 the Service Occupation Tax Act, and the Retailers' Occupation
13 Tax Act agrees in writing to the requirements of this
14 Section.

15 For a village that does not levy any real property taxes
16 for village operations and that receives more than 60% of its
17 general corporate revenue from taxes under the Use Tax Act,
18 Service Use Tax Act, Service Occupation Tax Act, and
19 Retailers' Occupation Tax Act, the officers eligible to
20 receive information from the Department of Revenue under this
21 Section are the village manager and the chief financial
22 officer of the village.

23 Information so provided shall be subject to all
24 confidentiality provisions of this Section. The written
25 agreement shall provide for reciprocity, limitations on
26 access, disclosure, and procedures for requesting
27 information.

28 The Department may make available to the Board of
29 Trustees of any Metro East Mass Transit District information
30 contained on transaction reporting returns required to be
31 filed under Section 3 of this Act that report sales made
32 within the boundary of the taxing authority of that Metro
33 East Mass Transit District, as provided in Section 5.01 of
34 the Local Mass Transit District Act. The disclosure shall be

1 made pursuant to a written agreement between the Department
2 and the Board of Trustees of a Metro East Mass Transit
3 District, which is an official purpose within the meaning of
4 this Section. The written agreement between the Department
5 and the Board of Trustees of a Metro East Mass Transit
6 District shall provide for reciprocity, limitations on
7 access, disclosure, and procedures for requesting
8 information. Information so provided shall be subject to all
9 confidentiality provisions of this Section.

10 The Director may make available to any State agency,
11 including the Illinois Supreme Court, which licenses persons
12 to engage in any occupation, information that a person
13 licensed by such agency has failed to file returns under this
14 Act or pay the tax, penalty and interest shown therein, or
15 has failed to pay any final assessment of tax, penalty or
16 interest due under this Act. The Director may make available
17 to any State agency, including the Illinois Supreme Court,
18 information regarding whether a bidder, contractor, or an
19 affiliate of a bidder or contractor has failed to collect and
20 remit Illinois Use tax on sales into Illinois, or any tax
21 under this Act or pay the tax, penalty, and interest shown
22 therein, or has failed to pay any final assessment of tax,
23 penalty, or interest due under this Act, for the limited
24 purpose of enforcing bidder and contractor certifications.
25 The Director may make available to units of local government
26 and school districts that require bidder and contractor
27 certifications, as set forth in Sections 50-11 and 50-12 of
28 the Illinois Procurement Code, information regarding whether
29 a bidder, contractor, or an affiliate of a bidder or
30 contractor has failed to collect and remit Illinois Use tax
31 on sales into Illinois, file returns under this Act, or pay
32 the tax, penalty, and interest shown therein, or has failed
33 to pay any final assessment of tax, penalty, or interest due
34 under this Act, for the limited purpose of enforcing bidder

1 and contractor certifications. For purposes of this Section,
2 the term "affiliate" means any entity that (1) directly,
3 indirectly, or constructively controls another entity, (2) is
4 directly, indirectly, or constructively controlled by another
5 entity, or (3) is subject to the control of a common entity.
6 For purposes of this Section, an entity controls another
7 entity if it owns, directly or individually, more than 10% of
8 the voting securities of that entity. As used in this
9 Section, the term "voting security" means a security that (1)
10 confers upon the holder the right to vote for the election of
11 members of the board of directors or similar governing body
12 of the business or (2) is convertible into, or entitles the
13 holder to receive upon its exercise, a security that confers
14 such a right to vote. A general partnership interest is a
15 voting security.

16 The Director may make available to any State agency,
17 including the Illinois Supreme Court, units of local
18 government, and school districts, information regarding
19 whether a bidder or contractor is an affiliate of a person
20 who is not collecting and remitting Illinois Use taxes for
21 the limited purpose of enforcing bidder and contractor
22 certifications.

23 The Director may also make available to the Secretary of
24 State information that a limited liability company, which has
25 filed articles of organization with the Secretary of State,
26 or corporation which has been issued a certificate of
27 incorporation by the Secretary of State has failed to file
28 returns under this Act or pay the tax, penalty and interest
29 shown therein, or has failed to pay any final assessment of
30 tax, penalty or interest due under this Act. An assessment
31 is final when all proceedings in court for review of such
32 assessment have terminated or the time for the taking thereof
33 has expired without such proceedings being instituted.

34 The Director shall make available for public inspection

1 in the Department's principal office and for publication, at
2 cost, administrative decisions issued on or after January 1,
3 1995. These decisions are to be made available in a manner
4 so that the following taxpayer information is not disclosed:

5 (1) The names, addresses, and identification
6 numbers of the taxpayer, related entities, and employees.

7 (2) At the sole discretion of the Director, trade
8 secrets or other confidential information identified as
9 such by the taxpayer, no later than 30 days after receipt
10 of an administrative decision, by such means as the
11 Department shall provide by rule.

12 The Director shall determine the appropriate extent of
13 the deletions allowed in paragraph (2). In the event the
14 taxpayer does not submit deletions, the Director shall make
15 only the deletions specified in paragraph (1).

16 The Director shall make available for public inspection
17 and publication an administrative decision within 180 days
18 after the issuance of the administrative decision. The term
19 "administrative decision" has the same meaning as defined in
20 Section 3-101 of Article III of the Code of Civil Procedure.
21 Costs collected under this Section shall be paid into the Tax
22 Compliance and Administration Fund.

23 Nothing contained in this Act shall prevent the Director
24 from divulging information to any person pursuant to a
25 request or authorization made by the taxpayer or by an
26 authorized representative of the taxpayer.

27 (Source: P.A. 90-491, eff. 1-1-98; 91-954, eff. 1-1-02.)

28 Section 30-20. The Counties Code is amended by changing
29 Section 5-1022 as follows:

30 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

31 Sec. 5-1022. Competitive bids.

32 (a) Any purchase by a county with fewer than 2,000,000

1 inhabitants of services, materials, equipment or supplies in
2 excess of \$10,000, other than professional services, shall be
3 contracted for in one of the following ways:

4 (1) by a contract let to the lowest responsible
5 bidder after advertising for bids in a newspaper
6 published within the county or, if no newspaper is
7 published within the county, then a newspaper having
8 general circulation within the county; or

9 (2) by a contract let without advertising for bids
10 in the case of an emergency if authorized by the county
11 board.

12 (b) In determining the lowest responsible bidder, the
13 county board shall take into consideration the qualities of
14 the articles supplied; their conformity with the
15 specifications; their suitability to the requirements of the
16 county, availability of support services; uniqueness of the
17 service, materials, equipment, or supplies as it applies to
18 networked, integrated computer systems; compatibility to
19 existing equipment; and the delivery terms. The county board
20 also may take into consideration whether a bidder is a
21 private enterprise or a State-controlled enterprise and,
22 notwithstanding any other provision of this Section or a
23 lower bid by a State-controlled enterprise, may let a
24 contract to the lowest responsible bidder that is a private
25 enterprise.

26 (c) This Section does not apply to contracts by a county
27 with the federal government or to purchases of used
28 equipment, purchases at auction or similar transactions which
29 by their very nature are not suitable to competitive bids,
30 pursuant to an ordinance adopted by the county board.

31 (d) Notwithstanding the provisions of this Section, a
32 county may let without advertising for bids in the case of
33 purchases and contracts, when individual orders do not exceed
34 \$25,000, for the use, purchase, delivery, movement, or

1 installation of data processing equipment, software, or
2 services and telecommunications and inter-connect equipment,
3 software, and services.

4 (e) A county may require, as a condition of any contract
5 for goods and services, that persons awarded a contract with
6 the county and all affiliates of the person collect and remit
7 Illinois Use Tax on all sales of tangible personal property
8 into the State of Illinois in accordance with the provisions
9 of the Illinois Use Tax Act regardless of whether the person
10 or affiliate is a "retailer maintaining a place of business
11 within this State" as defined in Section 2 of the Use Tax
12 Act. For purposes of this subsection (e), the term
13 "affiliate" means any entity that (1) directly, indirectly,
14 or constructively controls another entity, (2) is directly,
15 indirectly, or constructively controlled by another entity,
16 or (3) is subject to the control of a common entity. For
17 purposes of this subsection (e), an entity controls another
18 entity if it owns, directly or individually, more than 10% of
19 the voting securities of that entity. As used in this
20 subsection (e), the term "voting security" means a security
21 that (1) confers upon the holder the right to vote for the
22 election of members of the board of directors or similar
23 governing body of the business or (2) is convertible into, or
24 entitles the holder to receive upon its exercise, a security
25 that confers such a right to vote. A general partnership
26 interest is a voting security.

27 (f) Bids submitted to, and contracts executed by, the
28 county may require a certification by the bidder or
29 contractor that the bidder or contractor is not barred from
30 bidding for or entering into a contract under this Section
31 and that the bidder or contractor acknowledges that the
32 county may declare the contract void if the certification
33 completed pursuant to this subsection (f) is false.

34 (Source: P.A. 90-517, eff. 8-22-97.)

1 Section 30-25. The Illinois Municipal Code is amended by
2 changing Sections 8-9-2 and 8-10-3 as follows:

3 (65 ILCS 5/8-9-2) (from Ch. 24, par. 8-9-2)

4 Sec. 8-9-2. (a) In municipalities of less than 500,000
5 population, the corporate authorities may provide by
6 ordinance that all supplies needed for use of the
7 municipality shall be furnished by contract, let to the
8 lowest bidder.

9 In municipalities of more than 500,000 population the
10 provisions of Division 10 of this Article 8 shall apply to
11 and govern the purchase of supplies.

12 The provisions of this Section are subject to any
13 contrary provisions contained in "An Act concerning the use
14 of Illinois mined coal in certain plants and institutions",
15 filed July 13, 1937, as heretofore and hereafter amended.

16 (b) The corporate authorities of a municipality may by
17 ordinance provide that contracts to provide goods and
18 services to the municipality contain a provision requiring
19 the contractor and its affiliates to collect and remit
20 Illinois Use Tax on all sales of tangible personal property
21 into the State of Illinois in accordance with the provisions
22 of the Illinois Use Tax Act, and municipal use tax on all
23 sales of tangible personal property into the municipality in
24 accordance with a municipal ordinance authorized by Section
25 8-11-6 or 8-11-1.5, during the term of the contract or for
26 some other specified period, regardless of whether the
27 contractor or affiliate is a "retailer maintaining a place of
28 business within this State" as defined in Section 2 of the
29 Use Tax Act. The provision may state that if the requirement
30 is not met, the contract may be terminated by the
31 municipality, and the contractor may be subject to such other
32 penalties or the exercise of such remedies as may be stated
33 in the contract or the ordinance adopted under this Section.

1 An ordinance adopted under this Section may contain
2 exceptions for emergencies or other circumstances when the
3 exception is in the best interest of the public. For purposes
4 of this Section, the term "affiliate" means any entity that
5 (1) directly, indirectly, or constructively controls another
6 entity, (2) is directly, indirectly, or constructively
7 controlled by another entity, or (3) is subject to the
8 control of a common entity. For purposes of this subsection
9 (b), an entity controls another entity if it owns, directly
10 or individually, more than 10% of the voting securities of
11 that entity. As used in this subsection (b), the term "voting
12 security" means a security that (1) confers upon the holder
13 the right to vote for the election of members of the board of
14 directors or similar governing body of the business or (2) is
15 convertible into, or entitles the holder to receive upon its
16 exercise, a security that confers such a right to vote. A
17 general partnership interest is a voting security.

18 (Source: Laws 1967, p. 3729.)

19 (65 ILCS 5/8-10-3) (from Ch. 24, par. 8-10-3)
20 Sec. 8-10-3. (a) Except as otherwise herein provided,
21 all purchase orders or contracts of whatever nature, for
22 labor, services or work, the purchase, lease, or sale of
23 personal property, materials, equipment or supplies,
24 involving amounts in excess of \$10,000, made by or on behalf
25 of any such municipality, shall be let by free and open
26 competitive bidding after advertisement, to the lowest
27 responsible bidder, or in the appropriate instance, to the
28 highest responsible bidder, depending upon whether such
29 municipality is to expend or to receive money. All such
30 purchase orders or contracts, as defined above, which shall
31 involve amounts of \$10,000, or less, shall be let in the
32 manner described above whenever practicable, except that such
33 purchase orders or contracts may be let in the open market in

1 a manner calculated to insure the best interests of the
2 public, after solicitation of bids by mail, telephone, or
3 otherwise. The provisions of this Section are subject to any
4 contrary provision contained in "An Act concerning the use of
5 Illinois mined coal in certain plants and institutions",
6 filed July 13, 1937, as heretofore and hereafter amended.

7 (b) The corporate authorities of a municipality may by
8 ordinance provide that contracts to provide goods and
9 services to the municipality contain a provision requiring
10 the contractor and its affiliates to collect and remit
11 Illinois Use Tax on all sales of tangible personal property
12 into the State of Illinois in accordance with the provisions
13 of the Illinois Use Tax Act, and municipal use tax on all
14 sales of tangible personal property into the municipality in
15 accordance with a municipal ordinance authorized by Section
16 8-11-6 or 8-11-1.5, during the term of the contract or for
17 some other specified period, regardless of whether the
18 contractor or affiliate is a "retailer maintaining a place of
19 business within this State" as defined in Section 2 of the
20 Use Tax Act. The provision may state that if the requirement
21 is not met, the contract may be terminated by the
22 municipality, and the contractor may be subject to such other
23 penalties or the exercise of such remedies as may be stated
24 in the contract or the ordinance adopted under this Section.
25 An ordinance adopted under this Section may contain
26 exceptions for emergencies or other circumstances when the
27 exception is in the best interest of the public. For purposes
28 of this Section, the term "affiliate" means any entity that
29 (1) directly, indirectly, or constructively controls another
30 entity, (2) is directly, indirectly, or constructively
31 controlled by another entity, or (3) is subject to the
32 control of a common entity. For purposes of this subsection
33 (b), an entity controls another entity if it owns, directly
34 or individually, more than 10% of the voting securities of

1 that entity. As used in this subsection (b), the term "voting
2 security" means a security that (1) confers upon the holder
3 the right to vote for the election of members of the board of
4 directors or similar governing body of the business or (2) is
5 convertible into, or entitles the holder to receive upon its
6 exercise, a security that confers such a right to vote. A
7 general partnership interest is a voting security.
8 (Source: P.A. 81-1376.)

9 Section 30-30. The School Code is amended by changing
10 Section 10-20.21 as follows:

11 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

12 Sec. 10-20.21. Contracts.

13 (a) To award all contracts for purchase of supplies,
14 materials or work or contracts with private carriers for
15 transportation of pupils involving an expenditure in excess
16 of \$10,000 to the lowest responsible bidder, considering
17 conformity with specifications, terms of delivery, quality
18 and serviceability, after due advertisement, except the
19 following: (i) contracts for the services of individuals
20 possessing a high degree of professional skill where the
21 ability or fitness of the individual plays an important part;
22 (ii) contracts for the printing of finance committee reports
23 and departmental reports; (iii) contracts for the printing or
24 engraving of bonds, tax warrants and other evidences of
25 indebtedness; (iv) contracts for the purchase of perishable
26 foods and perishable beverages; (v) contracts for materials
27 and work which have been awarded to the lowest responsible
28 bidder after due advertisement, but due to unforeseen
29 revisions, not the fault of the contractor for materials and
30 work, must be revised causing expenditures not in excess of
31 10% of the contract price; (vi) contracts for the maintenance
32 or servicing of, or provision of repair parts for, equipment

1 which are made with the manufacturer or authorized service
2 agent of that equipment where the provision of parts,
3 maintenance, or servicing can best be performed by the
4 manufacturer or authorized service agent; (vii) purchases and
5 contracts for the use, purchase, delivery, movement, or
6 installation of data processing equipment, software, or
7 services and telecommunications and interconnect equipment,
8 software, and services; (viii) contracts for duplicating
9 machines and supplies; (ix) contracts for the purchase of
10 natural gas when the cost is less than that offered by a
11 public utility; (x) purchases of equipment previously owned
12 by some entity other than the district itself; (xi) contracts
13 for repair, maintenance, remodeling, renovation, or
14 construction, or a single project involving an expenditure
15 not to exceed \$20,000 and not involving a change or increase
16 in the size, type, or extent of an existing facility; (xii)
17 contracts for goods or services procured from another
18 governmental agency; (xiii) contracts for goods or services
19 which are economically procurable from only one source, such
20 as for the purchase of magazines, books, periodicals,
21 pamphlets and reports, and for utility services such as
22 water, light, heat, telephone or telegraph; and (xiv) where
23 funds are expended in an emergency and such emergency
24 expenditure is approved by 3/4 of the members of the board.
25 All competitive bids for contracts involving an expenditure
26 in excess of \$10,000 must be sealed by the bidder and must be
27 opened by a member or employee of the school board at a
28 public bid opening at which the contents of the bids must be
29 announced. Each bidder must receive at least 3 days' notice
30 of the time and place of the bid opening. For purposes of
31 this Section due advertisement includes, but is not limited
32 to, at least one public notice at least 10 days before the
33 bid date in a newspaper published in the district, or if no
34 newspaper is published in the district, in a newspaper of

1 general circulation in the area of the district.

2 (b) To require, as a condition of any contract for goods
3 and services, that persons bidding for and awarded a contract
4 and all affiliates of the person collect and remit Illinois
5 Use Tax on all sales of tangible personal property into the
6 State of Illinois in accordance with the provisions of the
7 Illinois Use Tax Act regardless of whether the person or
8 affiliate is a "retailer maintaining a place of business
9 within this State" as defined in Section 2 of the Use Tax
10 Act. For purposes of this Section, the term "affiliate" means
11 any entity that (1) directly, indirectly, or constructively
12 controls another entity, (2) is directly, indirectly, or
13 constructively controlled by another entity, or (3) is
14 subject to the control of a common entity. For purposes of
15 this subsection (b), an entity controls another entity if it
16 owns, directly or individually, more than 10% of the voting
17 securities of that entity. As used in this subsection (b),
18 the term "voting security" means a security that (1) confers
19 upon the holder the right to vote for the election of members
20 of the board of directors or similar governing body of the
21 business or (2) is convertible into, or entitles the holder
22 to receive upon its exercise, a security that confers such a
23 right to vote. A general partnership interest is a voting
24 security.

25 To require that bids and contracts include a
26 certification by the bidder or contractor that the bidder or
27 contractor is not barred from bidding for or entering into a
28 contract under this Section and that the bidder or contractor
29 acknowledges that the school board may declare the contract
30 void if the certification completed pursuant to this
31 subsection (b) is false.

32 (Source: P.A. 86-411; 87-414.)

1 Section 50-3. The Department of Central Management
2 Services Law of the Civil Administrative Code of Illinois is
3 amended by adding Section 405-292 as follows:

4 (20 ILCS 405/405-292 new)

5 Sec. 405-292. Business processing reengineering;
6 planning for a more efficient government.

7 (a) The Department shall be responsible for recommending
8 to the Governor efficiency initiatives to reorganize,
9 restructure, and reengineer the business processes of the
10 State. In performing this responsibility the Department shall
11 have the power and duty to do the following:

12 (1) Propose the transfer, consolidation,
13 reorganization, restructuring, reengineering, or
14 elimination of programs, processes, or functions in order
15 to attain efficiency in operations and cost savings
16 through the efficiency initiatives.

17 (2) Control the procurement of contracted services
18 in connection with the efficiency initiatives to assist
19 in the analysis, design, planning, and implementation of
20 proposals approved by the Governor to attain efficiency
21 in operations and cost savings; and

22 (3) Establish the amount of cost savings to be
23 realized by State agencies from implementing the
24 efficiency initiatives, which shall be paid to the
25 Department for deposit into the Efficiency Initiatives
26 Revolving Fund.

27 (b) For the purposes of this Section, "State agencies"
28 means all departments, boards, commissions, and agencies of
29 the State of Illinois subject to the Governor.

30 Section 50-5. The Department of Commerce and Community
31 Affairs Law of the Civil Administrative Code of Illinois is
32 amended by changing Section 605-705 and by adding Section

1 605-807 as follows:

2 (20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)

3 Sec. 605-705. Grants to local tourism and convention
4 bureaus.

5 (a) To establish a grant program for local tourism and
6 convention bureaus. The Department will develop and
7 implement a program for the use of funds, as authorized under
8 this Act, by local tourism and convention bureaus. For the
9 purposes of this Act, bureaus eligible to receive funds are
10 those local tourism and convention bureaus that are (i)
11 either units of local government or incorporated as
12 not-for-profit organizations; (ii) in legal existence for a
13 minimum of 2 years before July 1, 2001; (iii) operating with
14 a paid, full-time staff whose sole purpose is to promote
15 tourism in the designated service area; and (iv) affiliated
16 with one or more municipalities or counties that support the
17 bureau with local hotel-motel taxes. After July 1, 2001,
18 bureaus requesting certification in order to receive funds
19 for the first time must be local tourism and convention
20 bureaus that are (i) either units of local government or
21 incorporated as not-for-profit organizations; (ii) in legal
22 existence for a minimum of 2 years before the request for
23 certification; (iii) operating with a paid, full-time staff
24 whose sole purpose is to promote tourism in the designated
25 service area; and (iv) affiliated with multiple
26 municipalities or counties that support the bureau with local
27 hotel-motel taxes. Each bureau receiving funds under this Act
28 will be certified by the Department as the designated
29 recipient to serve an area of the State. Notwithstanding the
30 criteria set forth in this subsection (a), or any rule
31 adopted under this subsection (a), the Director of the
32 Department may provide for the award of grant funds to one or
33 more entities if in the Department's judgment that action is

1 necessary in order to prevent a loss of funding critical to
2 promoting tourism in a designated geographic area of the
3 State.

4 (b) To distribute grants to local tourism and convention
5 bureaus from appropriations made from the Local Tourism Fund
6 for that purpose. Of the amounts appropriated annually to
7 the Department for expenditure under this Section, one-third
8 of those monies shall be used for grants to convention and
9 tourism bureaus in cities with a population greater than
10 500,000. The remaining two-thirds of the annual
11 appropriation shall be used for grants to convention and
12 tourism bureaus in the remainder of the State, in accordance
13 with a formula based upon the population served. The
14 Department may reserve up to 10% of the total local tourism
15 funds available for costs of administering the program
16 appropriated to conduct audits of grants, to provide
17 incentive funds to those bureaus that will conduct
18 promotional activities designed to further the Department's
19 statewide advertising campaign, to fund special statewide
20 promotional activities, and to fund promotional activities
21 that support an increased use of the State's parks or
22 historic sites.

23 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
24 92-16, eff. 6-28-01; 92-38, eff. 6-28-01; 92-524, eff.
25 2-8-02.)

26 (20 ILCS 605/605-807 new)

27 Sec. 605-807. Federal Workforce Training Fund.

28 (a) The Federal Workforce Training Fund is created as a
29 special fund in the State treasury. The Department may accept
30 gifts, grants, awards, matching contributions, interest
31 income, appropriations, and cost sharings from individuals,
32 businesses, governments, and other third party sources, on
33 terms that the Director deems advisable. Moneys received

1 under this Section may be expended for purposes consistent
2 with the conditions under which those moneys are received,
3 subject to appropriations made by the General Assembly for
4 those purposes.

5 (b) Beginning on the effective date of this amendatory
6 Act of the 93rd General Assembly, all moneys received by the
7 State pursuant to the federal Workforce Investment Act or
8 Section 403(a)(5) of the federal Social Security Act shall be
9 deposited into the Federal Workforce Training Fund, to be
10 used for purposes consistent with the conditions under which
11 those moneys are received by the State, except that any
12 moneys received pursuant to the federal Workforce Investment
13 Act and necessary to pay liabilities incurred in connection
14 with that Act and outstanding as of June 30, 2003, or any
15 moneys received pursuant to Section 403(a)(5) of the federal
16 Social Security Act and necessary to pay liabilities incurred
17 in connection with that Act and outstanding as of June 30,
18 2003, shall be deposited into the Title III Social Security
19 and Employment Fund.

20 On September 1, 2003, or as soon thereafter as may be
21 reasonably practical, the State Comptroller shall transfer
22 all unobligated moneys received by the State pursuant to the
23 federal Workforce Investment Act or Section 403(a)(5) of the
24 federal Social Security Act from the Title III Social
25 Security and Employment Fund to the Federal Workforce
26 Training Fund. The moneys transferred pursuant to this
27 Amendatory Act of the 93rd General Assembly may be used or
28 expended for purposes consistent with the conditions under
29 which those moneys were received by the State.

30 (c) Beginning on the effective date of this amendatory
31 Act of the 93rd General Assembly, all moneys received by the
32 State pursuant to the federal Illinois Trade Adjustment
33 Assistance Program shall be deposited into the Federal
34 Workforce Training Fund, to be used for purposes consistent

1 with the conditions under which those moneys are received by
2 the State, except that any moneys received pursuant to the
3 federal Illinois Trade Adjustment Assistance Program and
4 necessary to pay liabilities incurred in connection with that
5 program and outstanding as of June 30, 2003, shall be
6 deposited into the Title III Social Security and Employment
7 Fund.

8 On July 1, 2003 or as soon thereafter as may be
9 reasonably practical, the State Comptroller shall make one or
10 more transfers of all moneys received by the State pursuant
11 to the federal Illinois Trade Adjustment Assistance Program
12 in excess of those necessary to pay liabilities in connection
13 with that program and outstanding as of June 30, 2003 from
14 the Title III Social Security and Employment Fund to the
15 Federal Workforce Training Fund. The moneys transferred
16 pursuant to this amendatory Act of the 93rd General Assembly
17 may be used or expended for purposes consistent with the
18 conditions under which those moneys were received by the
19 State.

20 Section 50-7. The Department of Revenue Law of the Civil
21 Administrative Code of Illinois is amended by changing
22 Section 2505-400 as follows:

23 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

24 Sec. 2505-400. Contracts for collection assistance.

25 (a) The Department has the power to contract for
26 collection assistance on a contingent fee basis, with
27 collection fees to be retained by the collection agency and
28 the net collections to be paid to the Department. In the case
29 of any liability referred to a collection agency on or after
30 July 1, 2003, any fee charged to the State by the collection
31 agency shall be considered additional State tax of the
32 taxpayer imposed under the Act under which the tax being

1 collected was imposed, shall be deemed assessed at the time
2 payment of the tax is made to the collection agency, and
3 shall be separately stated in any statement or notice of the
4 liability issued by the collection agency to the taxpayer.

5 (b) The Department has the power to enter into written
6 agreements with State's Attorneys for pursuit of civil
7 liability under Section 17-1a of the Criminal Code of 1961
8 against persons who have issued to the Department checks or
9 other orders in violation of the provisions of paragraph (d)
10 of subsection (B) of Section 17-1 of the Criminal Code of
11 1961. Of the amount collected, the Department shall retain
12 the amount owing upon the dishonored check or order along
13 with the dishonored check fee imposed under the Uniform
14 Penalty and Interest Act. The balance of damages, fees, and
15 costs collected under Section 17-1a of the Criminal Code of
16 1961 shall be retained by the State's Attorney. The agreement
17 shall not affect the allocation of fines and costs imposed in
18 any criminal prosecution.

19 (c) The Department may issue the Secretary of the
20 Treasury of the United States (or his or her delegate)
21 notice, as required by Section 6402(e) of the Internal
22 Revenue Code, of any past due, legally enforceable State
23 income tax obligation of a taxpayer. The Department must
24 notify the taxpayer that any fee charged to the State by the
25 Secretary of the Treasury of the United States (or his or her
26 delegate) under Internal Revenue Code Section 6402(e) is
27 considered additional State income tax of the taxpayer with
28 respect to whom the Department issued the notice, and is
29 deemed assessed upon issuance by the Department of notice to
30 the Secretary of the Treasury of the United States (or his or
31 her delegate) under Section 6402(e) of the Internal Revenue
32 Code; a notice of additional State income tax is not
33 considered a notice of deficiency, and the taxpayer has no
34 right of protest.

1 (Source: P.A. 91-239, eff. 1-1-00; 92-492, eff. 1-1-02.)

2 Section 50-8. The Bureau of the Budget Act is amended by
3 changing the Act title and Sections 0.01, 1, 2, 2.5, 2.7, 3,
4 4, 5.1, 6, 6.01, 7, and 9 and by adding Section 9.5 as
5 follows:

6 (20 ILCS 3005/Act title)

7 An Act to create the Governor's Office of Management and
8 ~~a-Bureau-of-the~~ Bureau of the Budget and to define its powers and duties
9 ~~and-to-make-an-appropriation.~~

10 (20 ILCS 3005/0.01) (from Ch. 127, par. 410)

11 Sec. 0.01. Short title. This Act may be cited as the
12 Governor's Office of Management and ~~Bureau-of-the~~ Bureau of the Budget Act.
13 (Source: P.A. 86-1324.)

14 (20 ILCS 3005/1) (from Ch. 127, par. 411)

15 Sec. 1. Definitions. "~~Bureau~~" ~~means--the--Bureau--of--the~~
16 ~~Budget.~~

17 "Capital expenditure" means money spent for replacing,
18 remodeling, expanding, or acquiring facilities, buildings or
19 land owned directly by the State through any State
20 department, authority, public corporation of the State, State
21 college or university, or any other public agency created by
22 the State, but not units of local government or school
23 districts.

24 "Director" means the Director of the Governor's Office of
25 Management and ~~Bureau-of-the~~ Bureau of the Budget.

26 "Office" means the Governor's Office of Management and
27 Budget.

28 "State Agency," whether used in the singular or plural,
29 means all Departments, Officers, Commissions, Boards,
30 Institutions and bodies, politic and corporate of the State,

1 including the Offices of Clerk of the Supreme Court and
2 Clerks of the Appellate Courts; except it shall not mean the
3 several Courts of the State, nor the Legislature, its
4 Committees or Commissions, nor the Constitutionally elected
5 State Officers.

6 (Source: P.A. 81-1094.)

7 (20 ILCS 3005/2) (from Ch. 127, par. 412)

8 Sec. 2. There is created in the executive office of the
9 Governor an Office a-Bureau to be known as the Governor's
10 Office of Management and Bureau-~~of-the~~ Budget. The Office
11 Bureau shall be headed by a Director, who shall be appointed
12 by the Governor. The functions of the Office Bureau shall be
13 as prescribed in Sections 2.1 through 2.7 of this Act.

14 (Source: P.A. 89-460, eff. 5-24-96.)

15 (20 ILCS 3005/2.5) (from Ch. 127, par. 412.5)

16 Sec. 2.5. Effective January 1, 1980, to require the
17 preparation and submission of an annual long-range capital
18 expenditure plan for all State agencies. Such Capital Plan
19 shall detail each project for each of the following 3 fiscal
20 years, including the project cost in current dollar amounts,
21 the future maintenance costs for the completed project, the
22 anticipated life expectancy of the project and the impact the
23 project will have on the annual operating budget for the
24 agency. Each State agency's annual capital plan shall
25 include energy conservation projects intended to reduce
26 energy costs to the greatest extent possible in those
27 agency's buildings and facilities included in the capital
28 plan. Each State agency's annual capital plan shall be
29 submitted to the Office Bureau no later than January 15th of
30 each year. A summary of all capital plans and future needs
31 assessments shall be included in the Governor's Budget
32 Request and the detail of the capital plans shall be

1 delivered to the Chairmen and Minority Spokesmen of the House
2 and Senate Appropriations Committees and the Illinois
3 Economic and Fiscal Commission on the date of the Governor's
4 Budget Address to the General Assembly.

5 (Source: P.A. 87-852.)

6 (20 ILCS 3005/2.7)

7 Sec. 2.7. Securities information. To assist those
8 entities underwriting securities that are payable from State
9 appropriations, whether issued by the State or by others, by
10 providing financial and other information regarding the State
11 to securities investors, nationally recognized securities
12 information repositories, or the federal Municipal Securities
13 Rulemaking Board, and to any State information depository as
14 required by the federal Securities and Exchange Act of 1934
15 and the rules promulgated thereunder. The Governor's Office
16 of Management and Bureau-of-the Budget is the only State
17 office authorized to provide such information.

18 (Source: P.A. 89-460, eff. 5-24-96.)

19 (20 ILCS 3005/3) (from Ch. 127, par. 413)

20 Sec. 3. The Director, under such rules and regulations as
21 the Governor may prescribe, may organize the Office Bureau,
22 allocate functions and duties within it, and appoint
23 employees, in such a manner as best enables it to achieve its
24 purposes and fulfill its responsibilities. He is authorized
25 to make expenditures for necessary expenses of the Office
26 Bureau within the appropriations made therefor.

27 (Source: P. A. 76-23.)

28 (20 ILCS 3005/4) (from Ch. 127, par. 414)

29 Sec. 4. Under such regulations as the Governor may
30 prescribe, (1) every State agency shall furnish to the Office
31 Bureau such information as the Office Bureau may from time to

1 time require, and (2) the Director or any duly authorized
2 employee of the Office Bureau shall for the purpose of
3 securing such information, have access to, and the right to
4 examine, all books, documents, papers or records of any State
5 agency.

6 (Source: P. A. 76-23.)

7 (20 ILCS 3005/5.1) (from Ch. 127, par. 415)

8 Sec. 5.1. Under such regulations as the Governor may
9 prescribe, every State agency, other than State colleges and
10 universities, agencies of legislative and judicial branches
11 of State government, and elected State executive officers not
12 including the Governor, shall file with the Illinois
13 Commission on Intergovernmental Cooperation all applications
14 for federal grants, contracts and agreements. The Commission
15 on Intergovernmental Cooperation shall immediately forward
16 all such materials to the Office Bureau for the Office's
17 Bureau's approval. Any application for federal funds which
18 has not received Office Bureau approval shall be considered
19 void and any funds received as a result of such application
20 shall be returned to the federal government before they are
21 spent. Each State agency subject to this Section shall, at
22 least 45 days before submitting its application to the
23 federal agency, report in detail to the Commission on
24 Intergovernmental Cooperation what the grant is intended to
25 accomplish and the specific plans for spending the federal
26 dollars received pursuant to the grant. The Commission on
27 Intergovernmental Cooperation shall immediately forward such
28 materials to the Office Bureau. The Office Bureau may approve
29 the submission of an application to the federal agency in
30 less than 45 days after its receipt by the Office Bureau when
31 the Office Bureau determines that the circumstances require
32 an expedited application. Such reports of applications and
33 plans of expenditure shall include but shall not be limited

1 to:

2 (1) an estimate of both the direct and indirect costs in
3 non-federal revenues of participation in the federal program;

4 (2) the probable length of duration of the program, a
5 schedule of fund receipts and an estimate of the cost to the
6 State of maintaining the program if and when the federal
7 financial assistance or grant is terminated;

8 (3) a list of State or local agencies utilizing the
9 financial assistance as direct recipients or subgrantees;

10 (4) a description of each program proposed to be funded
11 by the financial assistance or grant; and

12 (5) a description of any financial, program or planning
13 commitment on the part of the State required by the federal
14 government as a requirement for receipt of the financial
15 assistance or grant.

16 All State agencies subject to this Section shall
17 immediately file with the Illinois Commission on
18 Intergovernmental Cooperation, any awards of federal funds
19 and any and all changes in the programs, in awards, in
20 program duration, in schedule of fund receipts, and in
21 estimated costs to the State of maintaining the program if
22 and when federal assistance is terminated, or in direct and
23 indirect costs, of any grant under which they are or expect
24 to be receiving federal funds. The Commission on
25 Intergovernmental Cooperation shall immediately forward such
26 materials to the Office Bureau.

27 The Office Bureau in cooperation with the Commission on
28 Intergovernmental Cooperation shall develop standard forms
29 and a system of identifying numbers for the applications and
30 reports required by this Section. Upon receipt from the State
31 agencies of each application and report, the Commission shall
32 promptly designate the appropriate identifying number
33 therefor and communicate such number to the respective State
34 agency, the Comptroller and the Office Bureau.

1 Each State agency subject to this Section shall include
2 in each report to the Comptroller of the receipt of federal
3 funds the identifying number applicable to the grant under
4 which such funds are received.

5 (Source: P.A. 87-961.)

6 (20 ILCS 3005/6) (from Ch. 127, par. 416)

7 Sec. 6. In performing its responsibility under Section
8 2.1, to assist the Governor in submitting a recommended
9 budget, the Office Bureau shall:

10 (a) Distribute to all state agencies the proper blanks
11 necessary to the preparation of budget estimates, which
12 blanks shall be in such form as shall be prescribed by the
13 Director, to procure, among other things, information as to
14 the revenues and expenditures for the preceding fiscal year,
15 the appropriations made by the General Assembly for the
16 preceding fiscal year, the expenditures therefrom,
17 obligations incurred thereon, and the amounts unobligated and
18 unexpended, an estimate of the revenues and expenditures of
19 the current fiscal year, and an estimate of the revenues and
20 amounts needed for the respective departments and offices for
21 the next succeeding fiscal year.

22 (b) Require from each state agency its estimate of
23 receipts and expenditures for the succeeding fiscal year,
24 accompanied by a statement in writing giving facts and
25 explanation of reasons for each item of expenditure
26 requested.

27 (c) Make, at the discretion of the Director, further
28 inquiries and investigations as to any item desired.

29 (d) Approve, disapprove or alter the estimates.

30 (Source: P. A. 76-2411.)

31 (20 ILCS 3005/6.01) (from Ch. 127, par. 416.01)

32 Sec. 6.01. The several courts of the State, the General

1 Assembly, its committees and commissions, and the elective
2 officers in the Executive department shall file with the
3 Office Bureau information which will enable the Governor to
4 present to the General Assembly estimates of the amount of
5 money required to be raised by taxation for all purposes.
6 They shall submit to the Office Bureau, on forms prescribed
7 by the Office Bureau, information as to the revenues and
8 expenditures for the preceding fiscal year, the
9 appropriations made by the General Assembly for the preceding
10 fiscal year, the expenditures therefrom, obligations incurred
11 thereon, and the amounts unobligated and unexpended, an
12 estimate of the revenues and expenditures of the current
13 fiscal year, and an estimate of the revenues and amounts
14 needed for the respective departments and offices for the
15 next succeeding fiscal year.

16 (Source: P. A. 76-2411.)

17 (20 ILCS 3005/7) (from Ch. 127, par. 417)

18 Sec. 7. All statements and estimates of expenditures
19 submitted to the Office Bureau in connection with the
20 preparation of a State budget, and any other estimates of
21 expenditures, supporting requests for appropriations, shall
22 be formulated according to the various functions and
23 activities for which the respective department, office or
24 institution of the State government (including the elective
25 officers in the executive department and including the
26 University of Illinois and the judicial department) is
27 responsible. All such statements and estimates of
28 expenditures relating to a particular function or activity
29 shall be further formulated or subject to analysis in
30 accordance with the following classification of objects:

- 31 (1) Personal services
- 32 (2) State contribution for employee group insurance
- 33 (3) Contractual services

- 1 (4) Travel
- 2 (5) Commodities
- 3 (6) Equipment
- 4 (7) Permanent improvements
- 5 (8) Land
- 6 (9) Electronic Data Processing
- 7 (10) Telecommunication services
- 8 (11) Operation of Automotive Equipment
- 9 (12) Contingencies
- 10 (13) Reserve
- 11 (14) Interest
- 12 (15) Awards and Grants
- 13 (16) Debt Retirement
- 14 (17) Non-cost Charges

15 (Source: P.A. 83-1303.)

16 (20 ILCS 3005/9) (from Ch. 127, par. 419)

17 Sec. 9. All statements and estimates of expenditures
 18 submitted to the Director of the Office Bureau in connection
 19 with the preparation of a State budget, and any other
 20 estimates of expenditures supporting requests for
 21 appropriations, shall be accompanied by comparative
 22 performance data formulated according to the various
 23 functions and activities, and, whenever the nature of the
 24 work admits, according to the work units, for which the
 25 respective state agency is responsible. All such statements
 26 and estimates of expenditures shall be accompanied, in
 27 addition, by a tabulation of all position and employment
 28 titles in such department, office or institution, the number
 29 of each, and the salaries for each, formulated according to
 30 divisions, bureaus, sections, offices, departments, boards,
 31 and similar subdivisions, which shall correspond as nearly as
 32 practicable to the functions and activities for which the
 33 department, office or institution is responsible.

1 (Source: P. A. 76-2411.)

2 (20 ILCS 3005/9.5 new)

3 Sec. 9.5. Name change. On the effective date of this
4 amendatory Act of the 93rd General Assembly, the name of the
5 Bureau of the Budget is changed to the Governor's Office of
6 Management and Budget. References in any law, appropriation,
7 rule, form, or other document (i) to the Bureau of the Budget
8 or to BOB are deemed, in appropriate contexts, to be
9 references to the Governor's Office of Management and Budget
10 for all purposes and (ii) to the Director of the Bureau of
11 the Budget are deemed, in appropriate contexts, to be
12 references to the Director of the Governor's Office of
13 Management and Budget for all purposes.

14 Section 50-9. The Arts Council Act is amended by
15 changing Sections 1 and 6 as follows:

16 (20 ILCS 3915/1) (from Ch. 127, par. 214.11)

17 Sec. 1. Council created. There is created the Illinois
18 Arts Council, an agency of the State of Illinois.

19 The Illinois Arts Council shall be composed of not less
20 than 13 nor more than 35 members to be appointed by the
21 Governor, one of whom shall be a senior citizen age 60 or
22 over. In making initial appointments, the Governor shall
23 designate approximately one-half of the members to serve for
24 2 years, and the balance of the members to serve for 4 years,
25 each term of office to commence July 1, 1965. The senior
26 citizen member first appointed under this amendatory Act of
27 1984 shall serve for a term of 4 years commencing July 1,
28 1985. Thereafter all appointments shall be made for a 4 year
29 term. The Governor shall designate the Chairman of the
30 Council from among the members thereof.

31 (Source: P.A. 83-1538.)

1 (20 ILCS 3915/6) (from Ch. 127, par. 214.16)

2 Sec. 6. Employees; operational services.

3 (a) The Council may employ an executive director, a
4 secretary and such clerical, technical and other employees
5 and assistants as it considers necessary for the proper
6 transaction of its business.

7 (b) The Department of Central Management Services shall
8 provide to the Illinois Arts Council the same type and level
9 of services as it provides to other State agencies, including
10 but not limited to office space, communications, facilities
11 management, and any other operational services that the
12 Department provides to other State offices and agencies, as
13 necessary to fulfill the Council's statutory mandate.

14 (Source: Laws 1965, p. 1965.)

15 Section 50-10. The State Finance Act is amended by
16 changing Section 8.3 and by adding Sections 5.596, 6p-5,
17 8.16c, and 8j as follows:

18 (30 ILCS 105/5.596 new)

19 Sec. 5.596. The Efficiency Initiatives Revolving Fund.

20 (30 ILCS 105/6p-5 new)

21 Sec. 6p-5. Efficiency Initiatives Revolving Fund.
22 Amounts designated by the Director of Central Management
23 Services and approved by the Governor as savings from the
24 efficiency initiatives authorized by Section 405-292 of the
25 Department of Central Management Services Law of the Civil
26 Administrative Code of Illinois shall be paid into the
27 Efficiency Initiatives Revolving Fund. State agencies shall
28 pay these amounts into the Efficiency Initiatives Revolving
29 Fund from the line item appropriations where the cost savings
30 are anticipated to occur. The money in this fund shall be

1 used by the Department for expenses incurred in connection
 2 with the efficiency initiatives authorized by Section 405-292
 3 of the Department of Central Management Services Law of the
 4 Civil Administrative Code of Illinois. On or before August
 5 31, 2004, and each August 31 thereafter, the Department of
 6 Central Management Services shall transfer excess balances in
 7 the Efficiency Initiatives Revolving Fund to the General
 8 Revenue Fund. As used in this Section, "excess balances"
 9 means amounts in excess of the amount necessary to fund
 10 current and anticipated efficiency initiatives.

11 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

21 first -- to pay the cost of administration of
 22 Chapters 2 through 10 of the Illinois Vehicle Code,
 23 except the cost of administration of Articles I and II of
 24 Chapter 3 of that Code; and

25 secondly -- for expenses of the Department of
 26 Transportation for construction, reconstruction,
 27 improvement, repair, maintenance, operation, and
 28 administration of highways in accordance with the
 29 provisions of laws relating thereto, or for any purpose
 30 related or incident to and connected therewith, including
 31 the separation of grades of those highways with railroads
 32 and with highways and including the payment of awards
 33 made by the Industrial Commission under the terms of the

1 Workers' Compensation Act or Workers' Occupational
2 Diseases Act for injury or death of an employee of the
3 Division of Highways in the Department of Transportation;
4 or for the acquisition of land and the erection of
5 buildings for highway purposes, including the acquisition
6 of highway right-of-way or for investigations to
7 determine the reasonably anticipated future highway
8 needs; or for making of surveys, plans, specifications
9 and estimates for and in the construction and maintenance
10 of flight strips and of highways necessary to provide
11 access to military and naval reservations, to defense
12 industries and defense-industry sites, and to the sources
13 of raw materials and for replacing existing highways and
14 highway connections shut off from general public use at
15 military and naval reservations and defense-industry
16 sites, or for the purchase of right-of-way, except that
17 the State shall be reimbursed in full for any expense
18 incurred in building the flight strips; or for the
19 operating and maintaining of highway garages; or for
20 patrolling and policing the public highways and
21 conserving the peace; or for any of those purposes or any
22 other purpose that may be provided by law.

23 Appropriations for any of those purposes are payable from
24 the Road Fund. Appropriations may also be made from the Road
25 Fund for the administrative expenses of any State agency that
26 are related to motor vehicles or arise from the use of motor
27 vehicles.

28 Beginning with fiscal year 1980 and thereafter, no Road
29 Fund monies shall be appropriated to the following
30 Departments or agencies of State government for
31 administration, grants, or operations; but this limitation is
32 not a restriction upon appropriating for those purposes any
33 Road Fund monies that are eligible for federal reimbursement;

34 1. Department of Public Health;

1 2. Department of Transportation, only with respect
 2 to subsidies for one-half fare Student Transportation and
 3 Reduced Fare for Elderly;

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

7 4. Judicial Systems and Agencies.

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

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

16 2. Department of Transportation, only with respect
 17 to Intercity Rail Subsidies and Rail Freight Services.

18 Beginning with fiscal year 1982 and thereafter, no Road
 19 Fund monies shall be appropriated to the following
 20 Departments or agencies of State government for
 21 administration, grants, or operations; but this limitation is
 22 not a restriction upon appropriating for those purposes any
 23 Road Fund monies that are eligible for federal reimbursement:

24 Department of Central Management Services, except for awards
 25 made by the Industrial Commission under the terms of the
 26 Workers' Compensation Act or Workers' Occupational Diseases
 27 Act for injury or death of an employee of the Division of
 28 Highways in the Department of Transportation.

29 Beginning with fiscal year 1984 and thereafter, no Road
 30 Fund monies shall be appropriated to the following
 31 Departments or agencies of State government for
 32 administration, grants, or operations; but this limitation is
 33 not a restriction upon appropriating for those purposes any
 34 Road Fund monies that are eligible for federal reimbursement:

1 1. Department of State Police, except not more than
2 40% of the funds appropriated for the Division of
3 Operations;

4 2. State Officers.

5 Beginning with fiscal year 1984 and thereafter, no Road
6 Fund monies shall be appropriated to any Department or agency
7 of State government for administration, grants, or operations
8 except as provided hereafter; but this limitation is not a
9 restriction upon appropriating for those purposes any Road
10 Fund monies that are eligible for federal reimbursement. It
11 shall not be lawful to circumvent the above appropriation
12 limitations by governmental reorganization or other methods.
13 Appropriations shall be made from the Road Fund only in
14 accordance with the provisions of this Section.

15 Money in the Road Fund shall, if and when the State of
16 Illinois incurs any bonded indebtedness for the construction
17 of permanent highways, be set aside and used for the purpose
18 of paying and discharging during each fiscal year the
19 principal and interest on that bonded indebtedness as it
20 becomes due and payable as provided in the Transportation
21 Bond Act, and for no other purpose. The surplus, if any, in
22 the Road Fund after the payment of principal and interest on
23 that bonded indebtedness then annually due shall be used as
24 follows:

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

27 secondly -- no Road Fund monies derived from fees,
28 excises, or license taxes relating to registration,
29 operation and use of vehicles on public highways or to
30 fuels used for the propulsion of those vehicles, shall be
31 appropriated or expended other than for costs of
32 administering the laws imposing those fees, excises, and
33 license taxes, statutory refunds and adjustments allowed
34 thereunder, administrative costs of the Department of

1 Transportation, payment of debts and liabilities incurred
2 in construction and reconstruction of public highways and
3 bridges, acquisition of rights-of-way for and the cost of
4 construction, reconstruction, maintenance, repair, and
5 operation of public highways and bridges under the
6 direction and supervision of the State, political
7 subdivision, or municipality collecting those monies, and
8 the costs for patrolling and policing the public highways
9 (by State, political subdivision, or municipality
10 collecting that money) for enforcement of traffic laws.
11 The separation of grades of such highways with railroads
12 and costs associated with protection of at-grade highway
13 and railroad crossing shall also be permissible.

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

17 Except as provided in this paragraph, beginning with
18 fiscal year 1991 and thereafter, no Road Fund monies shall be
19 appropriated to the Department of State Police for the
20 purposes of this Section in excess of its total fiscal year
21 1990 Road Fund appropriations for those purposes unless
22 otherwise provided in Section 5g of this Act. For fiscal
23 years year 2003 and 2004 only, no Road Fund monies shall be
24 appropriated to the Department of State Police for the
25 purposes of this Section in excess of \$97,310,000. It shall
26 not be lawful to circumvent this limitation on appropriations
27 by governmental reorganization or other methods unless
28 otherwise provided in Section 5g of this Act.

29 In fiscal year 1994, no Road Fund monies shall be
30 appropriated to the Secretary of State for the purposes of
31 this Section in excess of the total fiscal year 1991 Road
32 Fund appropriations to the Secretary of State for those
33 purposes, plus \$9,800,000. It shall not be lawful to
34 circumvent this limitation on appropriations by governmental

1 reorganization or other method.

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

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

13	Fiscal Year 2000	\$80,500,000;
14	Fiscal Year 2001	\$80,500,000;
15	Fiscal Year 2002	\$80,500,000;
16	Fiscal Year 2003	\$130,500,000;
17	<u>Fiscal Year 2004</u>	<u>\$130,500,000;</u>
18	Fiscal Year <u>2005</u> 2004 and	
19	each year thereafter	\$30,500,000.

20 It shall not be lawful to circumvent this limitation on
21 appropriations by governmental reorganization or other
22 methods.

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

27 Nothing in this Section prohibits transfers from the Road
28 Fund to the State Construction Account Fund under Section 5e
29 of this Act; nor to the General Revenue Fund, as authorized
30 by this amendatory Act of the 93rd General Assembly.

31 The additional amounts authorized for expenditure in this
32 Section by this amendatory Act of the 92nd General Assembly
33 shall be repaid to the Road Fund from the General Revenue
34 Fund in the next succeeding fiscal year that the General

1 Revenue Fund has a positive budgetary balance, as determined
2 by generally accepted accounting principles applicable to
3 government.

4 The additional amounts authorized for expenditure by the
5 Secretary of State and the Department of State Police in this
6 Section by this amendatory Act of the 93rd General Assembly
7 shall be repaid to the Road Fund from the General Revenue
8 Fund in the next succeeding fiscal year that the General
9 Revenue Fund has a positive budgetary balance, as determined
10 by generally accepted accounting principles applicable to
11 government.

12 (Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01;
13 92-600, eff. 6-28-02.)

14 (30 ILCS 105/8.16c new)

15 Sec. 8.16c. Appropriations related to efficiency
16 initiatives. Appropriations for processing contracted
17 assistance, the purchase of commodities and equipment, the
18 retention of staff, and all other expenses incident to
19 efficiency initiatives authorized by Section 405-292 of the
20 Department of Central Management Services Law of the Civil
21 Administrative Code of Illinois are payable from the
22 Efficiency Initiatives Revolving Fund. Until there are
23 sufficient funds in the Efficiency Initiatives Revolving Fund
24 to carry out the purposes of this amendatory Act of the 93rd
25 General Assembly, the State agencies subject to Section
26 405-292 of the Department of Central Management Services Law
27 of the Civil Administrative Code of Illinois shall, on
28 written approval of the Director of Central Management
29 Services, pay the costs associated with the efficiency
30 initiative from current appropriations as if those expenses
31 were duly incurred by the respective agencies.

32 (30 ILCS 105/8j new)

1 Sec. 8j. Allocation and transfer of fee receipts to
2 General Revenue Fund. If and only if any one or more of
3 Senate Bills 774, 841, 842, and 1903 of the 93rd General
4 Assembly become law, notwithstanding any other law to the
5 contrary, additional amounts generated by the new and
6 increased fees created or authorized by these amendatory Acts
7 of the 93rd General Assembly shall be allocated between the
8 fund otherwise entitled to receive the fee and the General
9 Revenue Fund by the Bureau of the Budget. In determining the
10 amount of the allocation to the General Revenue Fund, the
11 Director of the Bureau of the Budget shall calculate whether
12 the available resources in the fund are sufficient to satisfy
13 the unexpended and unreserved appropriations from the fund
14 for the fiscal year.

15 In calculating the available resources in a fund, the
16 Director of the Bureau of the Budget may include receipts,
17 transfers into the fund, and other resources anticipated to
18 be available in the fund in that fiscal year.

19 Upon determining the amount of an allocation to the
20 General Revenue Fund under this Section, the Director of the
21 Bureau of the Budget may direct the State Treasurer and
22 Comptroller to transfer the amount of that allocation from
23 the fund in which the fee amounts have been deposited to the
24 General Revenue Fund; provided, however, that the Director
25 shall not direct the transfer of any amount that would have
26 the effect of reducing the available resources in the fund to
27 an amount less than the amount remaining unexpended and
28 unreserved from the total appropriation from that fund for
29 that fiscal year.

30 The State Treasurer and Comptroller shall transfer the
31 amounts designated under this Section as soon as may be
32 practicable after receiving the direction to transfer from
33 the Director of the Bureau of the Budget.

1 Section 50-20. The Pretrial Services Act is amended by
2 changing Section 33 as follows:

3 (725 ILCS 185/33) (from Ch. 38, par. 333)

4 Sec. 33. The Supreme Court shall pay from funds
5 appropriated to it for this purpose 100% of all approved
6 costs for pretrial services, including pretrial services
7 officers, necessary support personnel, travel costs
8 reasonably related to the delivery of pretrial services,
9 space costs, equipment, telecommunications, postage,
10 commodities, printing and contractual services. Costs shall
11 be reimbursed monthly, based on a plan and budget approved by
12 the Supreme Court. No department may be reimbursed for costs
13 which exceed or are not provided for in the approved plan and
14 budget. For State fiscal year 2004 only, the Mandatory
15 Arbitration Fund may be used to reimburse approved costs for
16 pretrial services.

17 (Source: P.A. 84-1449.)

18 Section 50-25. The Probation and Probation Officers Act
19 is amended by changing Section 15 as follows:

20 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

21 Sec. 15. (1) The Supreme Court of Illinois may establish
22 a Division of Probation Services whose purpose shall be the
23 development, establishment, promulgation, and enforcement of
24 uniform standards for probation services in this State, and
25 to otherwise carry out the intent of this Act. The Division
26 may:

27 (a) establish qualifications for chief probation
28 officers and other probation and court services personnel
29 as to hiring, promotion, and training.

30 (b) make available, on a timely basis, lists of
31 those applicants whose qualifications meet the

1 regulations referred to herein, including on said lists
2 all candidates found qualified.

3 (c) establish a means of verifying the conditions
4 for reimbursement under this Act and develop criteria for
5 approved costs for reimbursement.

6 (d) develop standards and approve employee
7 compensation schedules for probation and court services
8 departments.

9 (e) employ sufficient personnel in the Division to
10 carry out the functions of the Division.

11 (f) establish a system of training and establish
12 standards for personnel orientation and training.

13 (g) develop standards for a system of record
14 keeping for cases and programs, gather statistics,
15 establish a system of uniform forms, and develop research
16 for planning of Probation Services.

17 (h) develop standards to assure adequate support
18 personnel, office space, equipment and supplies, travel
19 expenses, and other essential items necessary for
20 Probation and Court Services Departments to carry out
21 their duties.

22 (i) review and approve annual plans submitted by
23 Probation and Court Services Departments.

24 (j) monitor and evaluate all programs operated by
25 Probation and Court Services Departments, and may include
26 in the program evaluation criteria such factors as the
27 percentage of Probation sentences for felons convicted of
28 Probationable offenses.

29 (k) seek the cooperation of local and State
30 government and private agencies to improve the quality of
31 probation and court services.

32 (l) where appropriate, establish programs and
33 corresponding standards designed to generally improve the
34 quality of probation and court services and reduce the

1 rate of adult or juvenile offenders committed to the
2 Department of Corrections.

3 (m) establish such other standards and regulations
4 and do all acts necessary to carry out the intent and
5 purposes of this Act.

6 The Division shall establish a model list of structured
7 intermediate sanctions that may be imposed by a probation
8 agency for violations of terms and conditions of a sentence
9 of probation, conditional discharge, or supervision.

10 The State of Illinois shall provide for the costs of
11 personnel, travel, equipment, telecommunications, postage,
12 commodities, printing, space, contractual services and other
13 related costs necessary to carry out the intent of this Act.

14 (2) (a) The chief judge of each circuit shall provide
15 full-time probation services for all counties within the
16 circuit, in a manner consistent with the annual probation
17 plan, the standards, policies, and regulations established by
18 the Supreme Court. A probation district of two or more
19 counties within a circuit may be created for the purposes of
20 providing full-time probation services. Every county or group
21 of counties within a circuit shall maintain a probation
22 department which shall be under the authority of the Chief
23 Judge of the circuit or some other judge designated by the
24 Chief Judge. The Chief Judge, through the Probation and Court
25 Services Department shall submit annual plans to the Division
26 for probation and related services.

27 (b) The Chief Judge of each circuit shall appoint the
28 Chief Probation Officer and all other probation officers for
29 his or her circuit from lists of qualified applicants
30 supplied by the Supreme Court. Candidates for chief managing
31 officer and other probation officer positions must apply with
32 both the Chief Judge of the circuit and the Supreme Court.

33 (3) A Probation and Court Service Department shall apply
34 to the Supreme Court for funds for basic services, and may

1 apply for funds for new and expanded programs or
2 Individualized Services and Programs. Costs shall be
3 reimbursed monthly based on a plan and budget approved by the
4 Supreme Court. No Department may be reimbursed for costs
5 which exceed or are not provided for in the approved annual
6 plan and budget. After the effective date of this amendatory
7 Act of 1985, each county must provide basic services in
8 accordance with the annual plan and standards created by the
9 division. No department may receive funds for new or expanded
10 programs or individualized services and programs unless they
11 are in compliance with standards as enumerated in paragraph
12 (h) of subsection (1) of this Section, the annual plan, and
13 standards for basic services.

14 (4) The Division shall reimburse the county or counties
15 for probation services as follows:

16 (a) 100% of the salary of all chief managing
17 officers designated as such by the Chief Judge and the
18 division.

19 (b) 100% of the salary for all probation officer
20 and supervisor positions approved for reimbursement by
21 the division after April 1, 1984, to meet workload
22 standards and to implement intensive sanction and
23 probation supervision programs and other basic services
24 as defined in this Act.

25 (c) 100% of the salary for all secure detention
26 personnel and non-secure group home personnel approved
27 for reimbursement after December 1, 1990. For all such
28 positions approved for reimbursement before December 1,
29 1990, the counties shall be reimbursed \$1,250 per month
30 beginning July 1, 1995, and an additional \$250 per month
31 beginning each July 1st thereafter until the positions
32 receive 100% salary reimbursement. Allocation of such
33 positions will be based on comparative need considering
34 capacity, staff/resident ratio, physical plant and

1 program.

2 (d) \$1,000 per month for salaries for the remaining
3 probation officer positions engaged in basic services and
4 new or expanded services. All such positions shall be
5 approved by the division in accordance with this Act and
6 division standards.

7 (e) 100% of the travel expenses in accordance with
8 Division standards for all Probation positions approved
9 under paragraph (b) of subsection 4 of this Section.

10 (f) If the amount of funds reimbursed to the county
11 under paragraphs (a) through (e) of subsection 4 of this
12 Section on an annual basis is less than the amount the
13 county had received during the 12 month period
14 immediately prior to the effective date of this
15 amendatory Act of 1985, then the Division shall reimburse
16 the amount of the difference to the county. The effect of
17 paragraph (b) of subsection 7 of this Section shall be
18 considered in implementing this supplemental
19 reimbursement provision.

20 (5) The Division shall provide funds beginning on April
21 1, 1987 for the counties to provide Individualized Services
22 and Programs as provided in Section 16 of this Act.

23 (6) A Probation and Court Services Department in order
24 to be eligible for the reimbursement must submit to the
25 Supreme Court an application containing such information and
26 in such a form and by such dates as the Supreme Court may
27 require. Departments to be eligible for funding must satisfy
28 the following conditions:

29 (a) The Department shall have on file with the
30 Supreme Court an annual Probation plan for continuing,
31 improved, and new Probation and Court Services Programs
32 approved by the Supreme Court or its designee. This plan
33 shall indicate the manner in which Probation and Court
34 Services will be delivered and improved, consistent with

1 the minimum standards and regulations for Probation and
2 Court Services, as established by the Supreme Court. In
3 counties with more than one Probation and Court Services
4 Department eligible to receive funds, all Departments
5 within that county must submit plans which are approved
6 by the Supreme Court.

7 (b) The annual probation plan shall seek to
8 generally improve the quality of probation services and
9 to reduce the commitment of adult and juvenile offenders
10 to the Department of Corrections and shall require, when
11 appropriate, coordination with the Department of
12 Corrections and the Department of Children and Family
13 Services in the development and use of community
14 resources, information systems, case review and
15 permanency planning systems to avoid the duplication of
16 services.

17 (c) The Department shall be in compliance with
18 standards developed by the Supreme Court for basic, new
19 and expanded services, training, personnel hiring and
20 promotion.

21 (d) The Department shall in its annual plan
22 indicate the manner in which it will support the rights
23 of crime victims and in which manner it will implement
24 Article I, Section 8.1 of the Illinois Constitution and
25 in what manner it will coordinate crime victims' support
26 services with other criminal justice agencies within its
27 jurisdiction, including but not limited to, the State's
28 Attorney, the Sheriff and any municipal police
29 department.

30 (7) No statement shall be verified by the Supreme Court
31 or its designee or vouchered by the Comptroller unless each
32 of the following conditions have been met:

33 (a) The probation officer is a full-time employee
34 appointed by the Chief Judge to provide probation

1 services.

2 (b) The probation officer, in order to be eligible
3 for State reimbursement, is receiving a salary of at
4 least \$17,000 per year.

5 (c) The probation officer is appointed or was
6 reappointed in accordance with minimum qualifications or
7 criteria established by the Supreme Court; however, all
8 probation officers appointed prior to January 1, 1978,
9 shall be exempted from the minimum requirements
10 established by the Supreme Court. Payments shall be made
11 to counties employing these exempted probation officers
12 as long as they are employed in the position held on the
13 effective date of this amendatory Act of 1985.
14 Promotions shall be governed by minimum qualifications
15 established by the Supreme Court.

16 (d) The Department has an established compensation
17 schedule approved by the Supreme Court. The compensation
18 schedule shall include salary ranges with necessary
19 increments to compensate each employee. The increments
20 shall, within the salary ranges, be based on such factors
21 as bona fide occupational qualifications, performance,
22 and length of service. Each position in the Department
23 shall be placed on the compensation schedule according to
24 job duties and responsibilities of such position. The
25 policy and procedures of the compensation schedule shall
26 be made available to each employee.

27 (8) In order to obtain full reimbursement of all
28 approved costs, each Department must continue to employ at
29 least the same number of probation officers and probation
30 managers as were authorized for employment for the fiscal
31 year which includes January 1, 1985. This number shall be
32 designated as the base amount of the Department. No positions
33 approved by the Division under paragraph (b) of subsection 4
34 will be included in the base amount. In the event that the

1 Department employs fewer Probation officers and Probation
2 managers than the base amount for a period of 90 days,
3 funding received by the Department under subsection 4 of this
4 Section may be reduced on a monthly basis by the amount of
5 the current salaries of any positions below the base amount.

6 (9) Before the 15th day of each month, the treasurer of
7 any county which has a Probation and Court Services
8 Department, or the treasurer of the most populous county, in
9 the case of a Probation or Court Services Department funded
10 by more than one county, shall submit an itemized statement
11 of all approved costs incurred in the delivery of Basic
12 Probation and Court Services under this Act to the Supreme
13 Court. The treasurer may also submit an itemized statement of
14 all approved costs incurred in the delivery of new and
15 expanded Probation and Court Services as well as
16 Individualized Services and Programs. The Supreme Court or
17 its designee shall verify compliance with this Section and
18 shall examine and audit the monthly statement and, upon
19 finding them to be correct, shall forward them to the
20 Comptroller for payment to the county treasurer. In the case
21 of payment to a treasurer of a county which is the most
22 populous of counties sharing the salary and expenses of a
23 Probation and Court Services Department, the treasurer shall
24 divide the money between the counties in a manner that
25 reflects each county's share of the cost incurred by the
26 Department.

27 (10) The county treasurer must certify that funds
28 received under this Section shall be used solely to maintain
29 and improve Probation and Court Services. The county or
30 circuit shall remain in compliance with all standards,
31 policies and regulations established by the Supreme Court. If
32 at any time the Supreme Court determines that a county or
33 circuit is not in compliance, the Supreme Court shall
34 immediately notify the Chief Judge, county board chairman and

1 the Director of Court Services Chief Probation Officer. If
2 after 90 days of written notice the noncompliance still
3 exists, the Supreme Court shall be required to reduce the
4 amount of monthly reimbursement by 10%. An additional 10%
5 reduction of monthly reimbursement shall occur for each
6 consecutive month of noncompliance. Except as provided in
7 subsection 5 of Section 15, funding to counties shall
8 commence on April 1, 1986. Funds received under this Act
9 shall be used to provide for Probation Department expenses
10 including those required under Section 13 of this Act. For
11 State fiscal year 2004 only, the Mandatory Arbitration Fund
12 may be used to provide for Probation Department expenses,
13 including those required under Section 13 of this Act.

14 (11) The respective counties shall be responsible for
15 capital and space costs, fringe benefits, clerical costs,
16 equipment, telecommunications, postage, commodities and
17 printing.

18 (12) Probation officers shall be considered peace
19 officers in the exercise of their official duties. Probation
20 officers, sheriffs and police officers may, anywhere within
21 the State, arrest any probationer who is in violation of any
22 of the conditions of his probation, and it shall be the duty
23 of the officer making such arrest to take said probationer
24 before the Court having jurisdiction over him for further
25 order.

26 (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;
27 89-626, eff. 8-9-96.)

28 Section 50-35. The Code of Civil Procedure is amended by
29 changing Section 2-1009A as follows:

30 (735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

31 Sec. 2-1009A. Filing Fees. In each county authorized by
32 the Supreme Court to utilize mandatory arbitration, the clerk

1 of the circuit court shall charge and collect, in addition to
2 any other fees, an arbitration fee of \$8, except in counties
3 with 3,000,000 or more inhabitants the fee shall be \$10, at
4 the time of filing the first pleading, paper or other
5 appearance filed by each party in all civil cases, but no
6 additional fee shall be required if more than one party is
7 represented in a single pleading, paper or other appearance.
8 Arbitration fees received by the clerk of the circuit court
9 pursuant to this Section shall be remitted within one month
10 after receipt to the State Treasurer for deposit into the
11 Mandatory Arbitration Fund, a special fund in the State
12 treasury for the purpose of funding mandatory arbitration
13 programs and such other alternative dispute resolution
14 programs as may be authorized by circuit court rule for
15 operation in counties that have implemented mandatory
16 arbitration, with a separate account being maintained for
17 each county. Notwithstanding any other provision of this
18 Section to the contrary, and for State fiscal year 2004 only,
19 up to \$5,500,000 of the Mandatory Arbitration Fund may be
20 used for any other purpose authorized by the Supreme Court.
21 (Source: P.A. 88-108; 89-532, eff. 7-19-96.)

22 ARTICLE 999

23 Section 999-99. Effective date. This Act takes effect
24 upon becoming law.