

1 AN ACT in relation to budget implementation.

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

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by changing Section 3 as follows:

6 (5 ILCS 375/3) (from Ch. 127, par. 523)

7 Sec. 3. Definitions. Unless the context otherwise
8 requires, the following words and phrases as used in this Act
9 shall have the following meanings. The Department may define
10 these and other words and phrases separately for the purpose of
11 implementing specific programs providing benefits under this
12 Act.

13 (a) "Administrative service organization" means any
14 person, firm or corporation experienced in the handling of
15 claims which is fully qualified, financially sound and capable
16 of meeting the service requirements of a contract of
17 administration executed with the Department.

18 (b) "Annuitant" means (1) an employee who retires, or has
19 retired, on or after January 1, 1966 on an immediate annuity
20 under the provisions of Articles 2, 14 (including an employee
21 who has elected to receive an alternative retirement
22 cancellation payment under Section 14-108.5 of the Illinois
23 Pension Code in lieu of an annuity), 15 (including an employee
24 who has retired under the optional retirement program
25 established under Section 15-158.2), paragraphs (2), (3), or
26 (5) of Section 16-106, or Article 18 of the Illinois Pension
27 Code; (2) any person who was receiving group insurance coverage
28 under this Act as of March 31, 1978 by reason of his status as
29 an annuitant, even though the annuity in relation to which such
30 coverage was provided is a proportional annuity based on less
31 than the minimum period of service required for a retirement
32 annuity in the system involved; (3) any person not otherwise

1 covered by this Act who has retired as a participating member
2 under Article 2 of the Illinois Pension Code but is ineligible
3 for the retirement annuity under Section 2-119 of the Illinois
4 Pension Code; (4) the spouse of any person who is receiving a
5 retirement annuity under Article 18 of the Illinois Pension
6 Code and who is covered under a group health insurance program
7 sponsored by a governmental employer other than the State of
8 Illinois and who has irrevocably elected to waive his or her
9 coverage under this Act and to have his or her spouse
10 considered as the "annuitant" under this Act and not as a
11 "dependent"; or (5) an employee who retires, or has retired,
12 from a qualified position, as determined according to rules
13 promulgated by the Director, under a qualified local government
14 or a qualified rehabilitation facility or a qualified domestic
15 violence shelter or service. (For definition of "retired
16 employee", see (p) post).

17 (b-5) "New SERS annuitant" means a person who, on or after
18 January 1, 1998, becomes an annuitant, as defined in subsection
19 (b), by virtue of beginning to receive a retirement annuity
20 under Article 14 of the Illinois Pension Code (including an
21 employee who has elected to receive an alternative retirement
22 cancellation payment under Section 14-108.5 of that Code in
23 lieu of an annuity), and is eligible to participate in the
24 basic program of group health benefits provided for annuitants
25 under this Act.

26 (b-6) "New SURS annuitant" means a person who (1) on or
27 after January 1, 1998, becomes an annuitant, as defined in
28 subsection (b), by virtue of beginning to receive a retirement
29 annuity under Article 15 of the Illinois Pension Code, (2) has
30 not made the election authorized under Section 15-135.1 of the
31 Illinois Pension Code, and (3) is eligible to participate in
32 the basic program of group health benefits provided for
33 annuitants under this Act.

34 (b-7) "New TRS State annuitant" means a person who, on or
35 after July 1, 1998, becomes an annuitant, as defined in
36 subsection (b), by virtue of beginning to receive a retirement

1 annuity under Article 16 of the Illinois Pension Code based on
2 service as a teacher as defined in paragraph (2), (3), or (5)
3 of Section 16-106 of that Code, and is eligible to participate
4 in the basic program of group health benefits provided for
5 annuitants under this Act.

6 (c) "Carrier" means (1) an insurance company, a corporation
7 organized under the Limited Health Service Organization Act or
8 the Voluntary Health Services Plan Act, a partnership, or other
9 nongovernmental organization, which is authorized to do group
10 life or group health insurance business in Illinois, or (2) the
11 State of Illinois as a self-insurer.

12 (d) "Compensation" means salary or wages payable on a
13 regular payroll by the State Treasurer on a warrant of the
14 State Comptroller out of any State, trust or federal fund, or
15 by the Governor of the State through a disbursing officer of
16 the State out of a trust or out of federal funds, or by any
17 Department out of State, trust, federal or other funds held by
18 the State Treasurer or the Department, to any person for
19 personal services currently performed, and ordinary or
20 accidental disability benefits under Articles 2, 14, 15
21 (including ordinary or accidental disability benefits under
22 the optional retirement program established under Section
23 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
24 Article 18 of the Illinois Pension Code, for disability
25 incurred after January 1, 1966, or benefits payable under the
26 Workers' Compensation or Occupational Diseases Act or benefits
27 payable under a sick pay plan established in accordance with
28 Section 36 of the State Finance Act. "Compensation" also means
29 salary or wages paid to an employee of any qualified local
30 government or qualified rehabilitation facility or a qualified
31 domestic violence shelter or service.

32 (e) "Commission" means the State Employees Group Insurance
33 Advisory Commission authorized by this Act. Commencing July 1,
34 1984, "Commission" as used in this Act means the ~~Illinois~~
35 ~~Economic and Fiscal~~ Commission on Government Forecasting and
36 Accountability as established by the Legislative Commission

1 Reorganization Act of 1984.

2 (f) "Contributory", when referred to as contributory
3 coverage, shall mean optional coverages or benefits elected by
4 the member toward the cost of which such member makes
5 contribution, or which are funded in whole or in part through
6 the acceptance of a reduction in earnings or the foregoing of
7 an increase in earnings by an employee, as distinguished from
8 noncontributory coverage or benefits which are paid entirely by
9 the State of Illinois without reduction of the member's salary.

10 (g) "Department" means any department, institution, board,
11 commission, officer, court or any agency of the State
12 government receiving appropriations and having power to
13 certify payrolls to the Comptroller authorizing payments of
14 salary and wages against such appropriations as are made by the
15 General Assembly from any State fund, or against trust funds
16 held by the State Treasurer and includes boards of trustees of
17 the retirement systems created by Articles 2, 14, 15, 16 and 18
18 of the Illinois Pension Code. "Department" also includes the
19 Illinois Comprehensive Health Insurance Board, the Board of
20 Examiners established under the Illinois Public Accounting
21 Act, and the Illinois Finance Authority.

22 (h) "Dependent", when the term is used in the context of
23 the health and life plan, means a member's spouse and any
24 unmarried child (1) from birth to age 19 including an adopted
25 child, a child who lives with the member from the time of the
26 filing of a petition for adoption until entry of an order of
27 adoption, a stepchild or recognized child who lives with the
28 member in a parent-child relationship, or a child who lives
29 with the member if such member is a court appointed guardian of
30 the child, or (2) age 19 to 23 enrolled as a full-time student
31 in any accredited school, financially dependent upon the
32 member, and eligible to be claimed as a dependent for income
33 tax purposes, or (3) age 19 or over who is mentally or
34 physically handicapped. For the health plan only, the term
35 "dependent" also includes any person enrolled prior to the
36 effective date of this Section who is dependent upon the member

1 to the extent that the member may claim such person as a
2 dependent for income tax deduction purposes; no other such
3 person may be enrolled. For the health plan only, the term
4 "dependent" also includes any person who has received after
5 June 30, 2000 an organ transplant and who is financially
6 dependent upon the member and eligible to be claimed as a
7 dependent for income tax purposes.

8 (i) "Director" means the Director of the Illinois
9 Department of Central Management Services.

10 (j) "Eligibility period" means the period of time a member
11 has to elect enrollment in programs or to select benefits
12 without regard to age, sex or health.

13 (k) "Employee" means and includes each officer or employee
14 in the service of a department who (1) receives his
15 compensation for service rendered to the department on a
16 warrant issued pursuant to a payroll certified by a department
17 or on a warrant or check issued and drawn by a department upon
18 a trust, federal or other fund or on a warrant issued pursuant
19 to a payroll certified by an elected or duly appointed officer
20 of the State or who receives payment of the performance of
21 personal services on a warrant issued pursuant to a payroll
22 certified by a Department and drawn by the Comptroller upon the
23 State Treasurer against appropriations made by the General
24 Assembly from any fund or against trust funds held by the State
25 Treasurer, and (2) is employed full-time or part-time in a
26 position normally requiring actual performance of duty during
27 not less than 1/2 of a normal work period, as established by
28 the Director in cooperation with each department, except that
29 persons elected by popular vote will be considered employees
30 during the entire term for which they are elected regardless of
31 hours devoted to the service of the State, and (3) except that
32 "employee" does not include any person who is not eligible by
33 reason of such person's employment to participate in one of the
34 State retirement systems under Articles 2, 14, 15 (either the
35 regular Article 15 system or the optional retirement program
36 established under Section 15-158.2) or 18, or under paragraph

1 (2), (3), or (5) of Section 16-106, of the Illinois Pension
2 Code, but such term does include persons who are employed
3 during the 6 month qualifying period under Article 14 of the
4 Illinois Pension Code. Such term also includes any person who
5 (1) after January 1, 1966, is receiving ordinary or accidental
6 disability benefits under Articles 2, 14, 15 (including
7 ordinary or accidental disability benefits under the optional
8 retirement program established under Section 15-158.2),
9 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
10 the Illinois Pension Code, for disability incurred after
11 January 1, 1966, (2) receives total permanent or total
12 temporary disability under the Workers' Compensation Act or
13 Occupational Disease Act as a result of injuries sustained or
14 illness contracted in the course of employment with the State
15 of Illinois, or (3) is not otherwise covered under this Act and
16 has retired as a participating member under Article 2 of the
17 Illinois Pension Code but is ineligible for the retirement
18 annuity under Section 2-119 of the Illinois Pension Code.
19 However, a person who satisfies the criteria of the foregoing
20 definition of "employee" except that such person is made
21 ineligible to participate in the State Universities Retirement
22 System by clause (4) of subsection (a) of Section 15-107 of the
23 Illinois Pension Code is also an "employee" for the purposes of
24 this Act. "Employee" also includes any person receiving or
25 eligible for benefits under a sick pay plan established in
26 accordance with Section 36 of the State Finance Act. "Employee"
27 also includes each officer or employee in the service of a
28 qualified local government, including persons appointed as
29 trustees of sanitary districts regardless of hours devoted to
30 the service of the sanitary district, and each employee in the
31 service of a qualified rehabilitation facility and each
32 full-time employee in the service of a qualified domestic
33 violence shelter or service, as determined according to rules
34 promulgated by the Director.

35 (1) "Member" means an employee, annuitant, retired
36 employee or survivor.

1 (m) "Optional coverages or benefits" means those coverages
2 or benefits available to the member on his or her voluntary
3 election, and at his or her own expense.

4 (n) "Program" means the group life insurance, health
5 benefits and other employee benefits designed and contracted
6 for by the Director under this Act.

7 (o) "Health plan" means a health benefits program offered
8 by the State of Illinois for persons eligible for the plan.

9 (p) "Retired employee" means any person who would be an
10 annuitant as that term is defined herein but for the fact that
11 such person retired prior to January 1, 1966. Such term also
12 includes any person formerly employed by the University of
13 Illinois in the Cooperative Extension Service who would be an
14 annuitant but for the fact that such person was made ineligible
15 to participate in the State Universities Retirement System by
16 clause (4) of subsection (a) of Section 15-107 of the Illinois
17 Pension Code.

18 (q) "Survivor" means a person receiving an annuity as a
19 survivor of an employee or of an annuitant. "Survivor" also
20 includes: (1) the surviving dependent of a person who satisfies
21 the definition of "employee" except that such person is made
22 ineligible to participate in the State Universities Retirement
23 System by clause (4) of subsection (a) of Section 15-107 of the
24 Illinois Pension Code; (2) the surviving dependent of any
25 person formerly employed by the University of Illinois in the
26 Cooperative Extension Service who would be an annuitant except
27 for the fact that such person was made ineligible to
28 participate in the State Universities Retirement System by
29 clause (4) of subsection (a) of Section 15-107 of the Illinois
30 Pension Code; and (3) the surviving dependent of a person who
31 was an annuitant under this Act by virtue of receiving an
32 alternative retirement cancellation payment under Section
33 14-108.5 of the Illinois Pension Code.

34 (q-2) "SERS" means the State Employees' Retirement System
35 of Illinois, created under Article 14 of the Illinois Pension
36 Code.

1 (q-3) "SURS" means the State Universities Retirement
2 System, created under Article 15 of the Illinois Pension Code.

3 (q-4) "TRS" means the Teachers' Retirement System of the
4 State of Illinois, created under Article 16 of the Illinois
5 Pension Code.

6 (q-5) "New SERS survivor" means a survivor, as defined in
7 subsection (q), whose annuity is paid under Article 14 of the
8 Illinois Pension Code and is based on the death of (i) an
9 employee whose death occurs on or after January 1, 1998, or
10 (ii) a new SERS annuitant as defined in subsection (b-5). "New
11 SERS survivor" includes the surviving dependent of a person who
12 was an annuitant under this Act by virtue of receiving an
13 alternative retirement cancellation payment under Section
14 14-108.5 of the Illinois Pension Code.

15 (q-6) "New SURS survivor" means a survivor, as defined in
16 subsection (q), whose annuity is paid under Article 15 of the
17 Illinois Pension Code and is based on the death of (i) an
18 employee whose death occurs on or after January 1, 1998, or
19 (ii) a new SURS annuitant as defined in subsection (b-6).

20 (q-7) "New TRS State survivor" means a survivor, as defined
21 in subsection (q), whose annuity is paid under Article 16 of
22 the Illinois Pension Code and is based on the death of (i) an
23 employee who is a teacher as defined in paragraph (2), (3), or
24 (5) of Section 16-106 of that Code and whose death occurs on or
25 after July 1, 1998, or (ii) a new TRS State annuitant as
26 defined in subsection (b-7).

27 (r) "Medical services" means the services provided within
28 the scope of their licenses by practitioners in all categories
29 licensed under the Medical Practice Act of 1987.

30 (s) "Unit of local government" means any county,
31 municipality, township, school district (including a
32 combination of school districts under the Intergovernmental
33 Cooperation Act), special district or other unit, designated as
34 a unit of local government by law, which exercises limited
35 governmental powers or powers in respect to limited
36 governmental subjects, any not-for-profit association with a

1 membership that primarily includes townships and township
2 officials, that has duties that include provision of research
3 service, dissemination of information, and other acts for the
4 purpose of improving township government, and that is funded
5 wholly or partly in accordance with Section 85-15 of the
6 Township Code; any not-for-profit corporation or association,
7 with a membership consisting primarily of municipalities, that
8 operates its own utility system, and provides research,
9 training, dissemination of information, or other acts to
10 promote cooperation between and among municipalities that
11 provide utility services and for the advancement of the goals
12 and purposes of its membership; the Southern Illinois
13 Collegiate Common Market, which is a consortium of higher
14 education institutions in Southern Illinois; and the Illinois
15 Association of Park Districts. "Qualified local government"
16 means a unit of local government approved by the Director and
17 participating in a program created under subsection (i) of
18 Section 10 of this Act.

19 (t) "Qualified rehabilitation facility" means any
20 not-for-profit organization that is accredited by the
21 Commission on Accreditation of Rehabilitation Facilities or
22 certified by the Department of Human Services (as successor to
23 the Department of Mental Health and Developmental
24 Disabilities) to provide services to persons with disabilities
25 and which receives funds from the State of Illinois for
26 providing those services, approved by the Director and
27 participating in a program created under subsection (j) of
28 Section 10 of this Act.

29 (u) "Qualified domestic violence shelter or service" means
30 any Illinois domestic violence shelter or service and its
31 administrative offices funded by the Department of Human
32 Services (as successor to the Illinois Department of Public
33 Aid), approved by the Director and participating in a program
34 created under subsection (k) of Section 10.

35 (v) "TRS benefit recipient" means a person who:

36 (1) is not a "member" as defined in this Section; and

1 (2) is receiving a monthly benefit or retirement
2 annuity under Article 16 of the Illinois Pension Code; and

3 (3) either (i) has at least 8 years of creditable
4 service under Article 16 of the Illinois Pension Code, or
5 (ii) was enrolled in the health insurance program offered
6 under that Article on January 1, 1996, or (iii) is the
7 survivor of a benefit recipient who had at least 8 years of
8 creditable service under Article 16 of the Illinois Pension
9 Code or was enrolled in the health insurance program
10 offered under that Article on the effective date of this
11 amendatory Act of 1995, or (iv) is a recipient or survivor
12 of a recipient of a disability benefit under Article 16 of
13 the Illinois Pension Code.

14 (w) "TRS dependent beneficiary" means a person who:

15 (1) is not a "member" or "dependent" as defined in this
16 Section; and

17 (2) is a TRS benefit recipient's: (A) spouse, (B)
18 dependent parent who is receiving at least half of his or
19 her support from the TRS benefit recipient, or (C)
20 unmarried natural or adopted child who is (i) under age 19,
21 or (ii) enrolled as a full-time student in an accredited
22 school, financially dependent upon the TRS benefit
23 recipient, eligible to be claimed as a dependent for income
24 tax purposes, and either is under age 24 or was, on January
25 1, 1996, participating as a dependent beneficiary in the
26 health insurance program offered under Article 16 of the
27 Illinois Pension Code, or (iii) age 19 or over who is
28 mentally or physically handicapped.

29 (x) "Military leave with pay and benefits" refers to
30 individuals in basic training for reserves, special/advanced
31 training, annual training, emergency call up, or activation by
32 the President of the United States with approved pay and
33 benefits.

34 (y) "Military leave without pay and benefits" refers to
35 individuals who enlist for active duty in a regular component
36 of the U.S. Armed Forces or other duty not specified or

1 authorized under military leave with pay and benefits.

2 (z) "Community college benefit recipient" means a person
3 who:

4 (1) is not a "member" as defined in this Section; and

5 (2) is receiving a monthly survivor's annuity or
6 retirement annuity under Article 15 of the Illinois Pension
7 Code; and

8 (3) either (i) was a full-time employee of a community
9 college district or an association of community college
10 boards created under the Public Community College Act
11 (other than an employee whose last employer under Article
12 15 of the Illinois Pension Code was a community college
13 district subject to Article VII of the Public Community
14 College Act) and was eligible to participate in a group
15 health benefit plan as an employee during the time of
16 employment with a community college district (other than a
17 community college district subject to Article VII of the
18 Public Community College Act) or an association of
19 community college boards, or (ii) is the survivor of a
20 person described in item (i).

21 (aa) "Community college dependent beneficiary" means a
22 person who:

23 (1) is not a "member" or "dependent" as defined in this
24 Section; and

25 (2) is a community college benefit recipient's: (A)
26 spouse, (B) dependent parent who is receiving at least half
27 of his or her support from the community college benefit
28 recipient, or (C) unmarried natural or adopted child who is
29 (i) under age 19, or (ii) enrolled as a full-time student
30 in an accredited school, financially dependent upon the
31 community college benefit recipient, eligible to be
32 claimed as a dependent for income tax purposes and under
33 age 23, or (iii) age 19 or over and mentally or physically
34 handicapped.

35 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
36 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839,

1 eff. 7-30-04.)

2 Section 10. The State Budget Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 50-5 as follows:

5 (15 ILCS 20/50-5) (was 15 ILCS 20/38)

6 Sec. 50-5. Governor to submit State budget. The Governor
7 shall, as soon as possible and not later than the second
8 Wednesday in April in 2003 and the third Wednesday in February
9 of each year beginning in 2004, except as otherwise provided in
10 this Section, submit a State budget, embracing therein the
11 amounts recommended by the Governor to be appropriated to the
12 respective departments, offices, and institutions, and for all
13 other public purposes, the estimated revenues from taxation,
14 the estimated revenues from sources other than taxation, and an
15 estimate of the amount required to be raised by taxation. In
16 2004 only, the Governor shall submit the capital development
17 section of the State budget not later than the fourth Tuesday
18 of March (March 23, 2004). The amounts recommended by the
19 Governor for appropriation to the respective departments,
20 offices and institutions shall be formulated according to the
21 various functions and activities for which the respective
22 department, office or institution of the State government
23 (including the elective officers in the executive department
24 and including the University of Illinois and the judicial
25 department) is responsible. The amounts relating to particular
26 functions and activities shall be further formulated in
27 accordance with the object classification specified in Section
28 13 of the State Finance Act.

29 The Governor shall not propose expenditures and the General
30 Assembly shall not enact appropriations that exceed the
31 resources estimated to be available, as provided in this
32 Section.

33 For the purposes of Article VIII, Section 2 of the 1970
34 Illinois Constitution, the State budget for the following funds

1 shall be prepared on the basis of revenue and expenditure
2 measurement concepts that are in concert with generally
3 accepted accounting principles for governments:

- 4 (1) General Revenue Fund.
- 5 (2) Common School Fund.
- 6 (3) Educational Assistance Fund.
- 7 (4) Road Fund.
- 8 (5) Motor Fuel Tax Fund.
- 9 (6) Agricultural Premium Fund.

10 These funds shall be known as the "budgeted funds". The
11 revenue estimates used in the State budget for the budgeted
12 funds shall include the estimated beginning fund balance, plus
13 revenues estimated to be received during the budgeted year,
14 plus the estimated receipts due the State as of June 30 of the
15 budgeted year that are expected to be collected during the
16 lapse period following the budgeted year, minus the receipts
17 collected during the first 2 months of the budgeted year that
18 became due to the State in the year before the budgeted year.
19 Revenues shall also include estimated federal reimbursements
20 associated with the recognition of Section 25 of the State
21 Finance Act liabilities. For any budgeted fund for which
22 current year revenues are anticipated to exceed expenditures,
23 the surplus shall be considered to be a resource available for
24 expenditure in the budgeted fiscal year.

25 Expenditure estimates for the budgeted funds included in
26 the State budget shall include the costs to be incurred by the
27 State for the budgeted year, to be paid in the next fiscal
28 year, excluding costs paid in the budgeted year which were
29 carried over from the prior year, where the payment is
30 authorized by Section 25 of the State Finance Act. For any
31 budgeted fund for which expenditures are expected to exceed
32 revenues in the current fiscal year, the deficit shall be
33 considered as a use of funds in the budgeted fiscal year.

34 Revenues and expenditures shall also include transfers
35 between funds that are based on revenues received or costs
36 incurred during the budget year.

1 By March 15 of each year, the ~~Economic and Fiscal~~
2 Commission on Government Forecasting and Accountability shall
3 prepare revenue and fund transfer estimates in accordance with
4 the requirements of this Section and report those estimates to
5 the General Assembly and the Governor.

6 For all funds other than the budgeted funds, the proposed
7 expenditures shall not exceed funds estimated to be available
8 for the fiscal year as shown in the budget. Appropriation for a
9 fiscal year shall not exceed funds estimated by the General
10 Assembly to be available during that year.

11 (Source: P.A. 93-1, eff. 2-6-03; 93-662, eff. 2-11-04.)

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

15 (20 ILCS 405/405-410)

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

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

26 Upon receipt of the written direction to transfer
27 information technology functions to the Department of Central
28 Management Services, the personnel, equipment, and property
29 (both real and personal) directly relating to the transferred
30 functions shall be transferred to the Department of Central
31 Management Services, and the relevant documents, records, and
32 correspondence shall be transferred or copied, as the Director
33 may prescribe.

34 (b) Upon receiving written direction from the Director of

1 Central Management Services, the Comptroller and Treasurer are
2 authorized to transfer the unexpended balance of any
3 appropriations related to the information technology functions
4 transferred to the Department of Central Management Services
5 and shall make the necessary fund transfers from any special
6 fund in the State Treasury or from any other federal or State
7 trust fund held by the Treasurer to the General Revenue Fund,
8 the Statistical Services Revolving Fund, or the Communications
9 Revolving Fund, as designated by the Director of Central
10 Management Services, for use by the Department of Central
11 Management Services in support of information technology
12 functions or any other related costs or expenses of the
13 Department of Central Management Services.

14 (c) The rights of employees and the State and its agencies
15 under the Personnel Code and applicable collective bargaining
16 agreements or under any pension, retirement, or annuity plan
17 shall not be affected by any transfer under this Section.

18 (d) The functions transferred to the Department of Central
19 Management Services by this Section shall be vested in and
20 shall be exercised by the Department of Central Management
21 Services. Each act done in the exercise of those functions
22 shall have the same legal effect as if done by the agencies,
23 offices, divisions, departments, bureaus, boards and
24 commissions from which they were transferred.

25 Every person or other entity shall be subject to the same
26 obligations and duties and any penalties, civil or criminal,
27 arising therefrom, and shall have the same rights arising from
28 the exercise of such rights, powers, and duties as had been
29 exercised by the agencies, offices, divisions, departments,
30 bureaus, boards, and commissions from which they were
31 transferred.

32 Whenever reports or notices are now required to be made or
33 given or papers or documents furnished or served by any person
34 in regards to the functions transferred to or upon the
35 agencies, offices, divisions, departments, bureaus, boards,
36 and commissions from which the functions were transferred, the

1 same shall be made, given, furnished or served in the same
2 manner to or upon the Department of Central Management
3 Services.

4 This Section does not affect any act done, ratified, or
5 cancelled or any right occurring or established or any action
6 or proceeding had or commenced in an administrative, civil, or
7 criminal cause regarding the functions transferred, but those
8 proceedings may be continued by the Department of Central
9 Management Services.

10 This Section does not affect the legality of any rules in
11 the Illinois Administrative Code regarding the functions
12 transferred in this Section that are in force on the effective
13 date of this Section. If necessary, however, the affected
14 agencies shall propose, adopt, or repeal rules, rule
15 amendments, and rule recodifications as appropriate to
16 effectuate this Section.

17 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

18 Section 15. The Department of Commerce and Economic
19 Opportunity Law of the Civil Administrative Code of Illinois is
20 amended by changing Section 605-335 as follows:

21 (20 ILCS 605/605-335) (was 20 ILCS 605/46.4a)

22 Sec. 605-335. Incentives to foreign firms.

23 (a) For purposes of this Section:

24 "Foreign firm" means any industrial or manufacturing
25 enterprise that is domiciled in a nation other than the United
26 States.

27 "Incentives" means a loan or grant or offering, abatement,
28 reduction, or deferral of any tax or regulation imposed by the
29 State of Illinois or a unit of local government when the
30 aggregate total of all those incentives will exceed \$10,000.

31 (b) Whenever the Department offers incentives to a foreign
32 firm designed to result in the location or relocation of a
33 facility in this State that will result in the creation of more
34 than 25 new jobs, the Department shall prepare an economic

1 impact study prior to the consummation of an agreement with the
2 foreign firm. An economic impact study pursuant to this Section
3 shall, if practical, include but not be limited to the
4 following:

5 (1) An analysis of the number of direct jobs to be
6 created, the number of indirect jobs to be created, and the
7 net gain in employment in relation to jobs to be
8 potentially lost by other similar and competing firms
9 within the industry located within this State.

10 (2) The effect on local and regional competition within
11 the industry from the industry or business to be located or
12 relocated.

13 (3) The degree of economic benefits of awarding the
14 same incentives to similar and existing industries or
15 businesses located within the State.

16 (4) An examination of how the location or relocation of
17 the foreign firm complements existing industries or
18 businesses located within this State.

19 (5) The relationship of the fiscal costs to the State
20 or unit of local government resulting from the incentives
21 relative to the fiscal return to the State or units of
22 local government derived from the location or relocation of
23 the firm.

24 (c) A report of any economic impact studies prepared by the
25 Department in the previous 3 months pursuant to this Section
26 shall be transmitted to the Governor, members of the General
27 Assembly, and the ~~Illinois Economic and Fiscal~~ Commission on
28 Government Forecasting and Accountability quarterly. In
29 addition to the report, the Department shall include a
30 statement of incentives subject to the agreement with the
31 foreign firm, the name and type of foreign firm involved and a
32 description of its business or industrial activity, the
33 proposed location of the foreign firm, and a statement
34 describing the rationale for the location relative to other
35 locations within the State. The ~~Illinois Economic and Fiscal~~
36 Commission on Government Forecasting and Accountability shall

1 evaluate each report received from the Department and present
2 the evaluation and report to the Commission members and
3 legislative leaders within 30 days upon receipt of each report
4 from the Department.

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

6 Section 20. The Illinois Enterprise Zone Act is amended by
7 changing Section 5.5 as follows:

8 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

9 Sec. 5.5. High Impact Business.

10 (a) In order to respond to unique opportunities to assist
11 in the encouragement, development, growth and expansion of the
12 private sector through large scale investment and development
13 projects, the Department is authorized to receive and approve
14 applications for the designation of "High Impact Businesses" in
15 Illinois subject to the following conditions:

16 (1) such applications may be submitted at any time
17 during the year;

18 (2) such business is not located, at the time of
19 designation, in an enterprise zone designated pursuant to
20 this Act;

21 (3) (A) the business intends to make a minimum
22 investment of \$12,000,000 which will be placed in
23 service in qualified property and intends to create 500
24 full-time equivalent jobs at a designated location in
25 Illinois or intends to make a minimum investment of
26 \$30,000,000 which will be placed in service in
27 qualified property and intends to retain 1,500
28 full-time jobs at a designated location in Illinois.
29 The business must certify in writing that the
30 investments would not be placed in service in qualified
31 property and the job creation or job retention would
32 not occur without the tax credits and exemptions set
33 forth in subsection (b) of this Section. The terms
34 "placed in service" and "qualified property" have the

1 same meanings as described in subsection (h) of Section
2 201 of the Illinois Income Tax Act; or

3 (B) the business intends to establish a new
4 electric generating facility at a designated location
5 in Illinois. "New electric generating facility" for
6 purposes of this Section means a newly-constructed
7 electric generation plant or a newly-constructed
8 generation capacity expansion at an existing electric
9 generation plant, including the transmission lines and
10 associated equipment that transfers electricity from
11 points of supply to points of delivery, and for which
12 such new foundation construction commenced not sooner
13 than July 1, 2001. Such facility shall be designed to
14 provide baseload electric generation and shall operate
15 on a continuous basis throughout the year; and shall
16 have an aggregate rated generating capacity of at least
17 1,000 megawatts for all new units at one site if it
18 uses natural gas as its primary fuel and foundation
19 construction of the facility is commenced on or before
20 December 31, 2004, or shall have an aggregate rated
21 generating capacity of at least 400 megawatts for all
22 new units at one site if it uses coal or gases derived
23 from coal as its primary fuel and shall support the
24 creation of at least 150 new Illinois coal mining jobs.
25 The business must certify in writing that the
26 investments necessary to establish a new electric
27 generating facility would not be placed in service and
28 the job creation in the case of a coal-fueled plant
29 would not occur without the tax credits and exemptions
30 set forth in subsection (b-5) of this Section. The term
31 "placed in service" has the same meaning as described
32 in subsection (h) of Section 201 of the Illinois Income
33 Tax Act; or

34 (C) the business intends to establish production
35 operations at a new coal mine, re-establish production
36 operations at a closed coal mine, or expand production

1 at an existing coal mine at a designated location in
2 Illinois not sooner than July 1, 2001; provided that
3 the production operations result in the creation of 150
4 new Illinois coal mining jobs as described in
5 subdivision (a)(3)(B) of this Section, and further
6 provided that the coal extracted from such mine is
7 utilized as the predominant source for a new electric
8 generating facility. The business must certify in
9 writing that the investments necessary to establish a
10 new, expanded, or reopened coal mine would not be
11 placed in service and the job creation would not occur
12 without the tax credits and exemptions set forth in
13 subsection (b-5) of this Section. The term "placed in
14 service" has the same meaning as described in
15 subsection (h) of Section 201 of the Illinois Income
16 Tax Act; or

17 (D) the business intends to construct new
18 transmission facilities or upgrade existing
19 transmission facilities at designated locations in
20 Illinois, for which construction commenced not sooner
21 than July 1, 2001. For the purposes of this Section,
22 "transmission facilities" means transmission lines
23 with a voltage rating of 115 kilovolts or above,
24 including associated equipment, that transfer
25 electricity from points of supply to points of delivery
26 and that transmit a majority of the electricity
27 generated by a new electric generating facility
28 designated as a High Impact Business in accordance with
29 this Section. The business must certify in writing that
30 the investments necessary to construct new
31 transmission facilities or upgrade existing
32 transmission facilities would not be placed in service
33 without the tax credits and exemptions set forth in
34 subsection (b-5) of this Section. The term "placed in
35 service" has the same meaning as described in
36 subsection (h) of Section 201 of the Illinois Income

1 Tax Act; and

2 (4) no later than 90 days after an application is
3 submitted, the Department shall notify the applicant of the
4 Department's determination of the qualification of the
5 proposed High Impact Business under this Section.

6 (b) Businesses designated as High Impact Businesses
7 pursuant to subdivision (a) (3) (A) of this Section shall qualify
8 for the credits and exemptions described in the following Acts:
9 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
10 subsection (h) of Section 201 of the Illinois Income Tax Act,~~LT~~
11 and~~T~~ Section 1d of the Retailers' Occupation Tax Act;~~LT~~ provided
12 that these credits and exemptions described in these Acts shall
13 not be authorized until the minimum investments set forth in
14 subdivision (a) (3) (A) of this Section have been placed in
15 service in qualified properties and, in the case of the
16 exemptions described in the Public Utilities Act and Section 1d
17 of the Retailers' Occupation Tax Act, the minimum full-time
18 equivalent jobs or full-time jobs set forth in subdivision
19 (a) (3) (A) of this Section have been created or retained.
20 Businesses designated as High Impact Businesses under this
21 Section shall also qualify for the exemption described in
22 Section 51 of the Retailers' Occupation Tax Act. The credit
23 provided in subsection (h) of Section 201 of the Illinois
24 Income Tax Act shall be applicable to investments in qualified
25 property as set forth in subdivision (a) (3) (A) of this Section.

26 (b-5) Businesses designated as High Impact Businesses
27 pursuant to subdivisions (a) (3) (B), (a) (3) (C), and (a) (3) (D)
28 of this Section shall qualify for the credits and exemptions
29 described in the following Acts: Section 51 of the Retailers'
30 Occupation Tax Act, Section 9-222 and Section 9-222.1A of the
31 Public Utilities Act, and subsection (h) of Section 201 of the
32 Illinois Income Tax Act; however, the credits and exemptions
33 authorized under Section 9-222 and Section 9-222.1A of the
34 Public Utilities Act, and subsection (h) of Section 201 of the
35 Illinois Income Tax Act shall not be authorized until the new
36 electric generating facility, the new transmission facility,

1 or the new, expanded, or reopened coal mine is operational,
2 except that a new electric generating facility whose primary
3 fuel source is natural gas is eligible only for the exemption
4 under Section 51 of the Retailers' Occupation Tax Act.

5 (c) High Impact Businesses located in federally designated
6 foreign trade zones or sub-zones are also eligible for
7 additional credits, exemptions and deductions as described in
8 the following Acts: Section 9-221 and Section 9-222.1 of the
9 Public Utilities Act; and subsection (g) of Section 201, and
10 Section 203 of the Illinois Income Tax Act.

11 (d) Existing Illinois businesses which apply for
12 designation as a High Impact Business must provide the
13 Department with the prospective plan for which 1,500 full-time
14 jobs would be eliminated in the event that the business is not
15 designated.

16 (e) New proposed facilities which apply for designation as
17 High Impact Business must provide the Department with proof of
18 alternative non-Illinois sites which would receive the
19 proposed investment and job creation in the event that the
20 business is not designated as a High Impact Business.

21 (f) In the event that a business is designated a High
22 Impact Business and it is later determined after reasonable
23 notice and an opportunity for a hearing as provided under the
24 Illinois Administrative Procedure Act, that the business would
25 have placed in service in qualified property the investments
26 and created or retained the requisite number of jobs without
27 the benefits of the High Impact Business designation, the
28 Department shall be required to immediately revoke the
29 designation and notify the Director of the Department of
30 Revenue who shall begin proceedings to recover all wrongfully
31 exempted State taxes with interest. The business shall also be
32 ineligible for all State funded Department programs for a
33 period of 10 years.

34 (g) The Department shall revoke a High Impact Business
35 designation if the participating business fails to comply with
36 the terms and conditions of the designation.

1 (h) Prior to designating a business, the Department shall
2 provide the members of the General Assembly and ~~Illinois~~
3 ~~Economic and Fiscal~~ Commission on Government Forecasting and
4 Accountability with a report setting forth the terms and
5 conditions of the designation and guarantees that have been
6 received by the Department in relation to the proposed business
7 being designated.

8 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised
9 3-7-02.)

10 Section 25. The State and Regional Development Strategy Act
11 is amended by changing Section 20-10 as follows:

12 (20 ILCS 695/20-10)

13 Sec. 20-10. Strategic Planning. The Department of Commerce
14 and Economic Opportunity ~~Community Affairs~~ may prepare an
15 economic development strategy for Illinois. By no later than
16 February 1, 2001 and biennially thereafter, the Department may
17 make modifications in the economic development strategy as the
18 modifications are warranted by changes in economic conditions
19 or by other factors, including changes in policy. In preparing
20 the strategy and in making modifications to the strategy, the
21 Department may take cognizance of the special economic
22 attributes of the various component areas of the State.

23 (1) The "component areas" shall be determined by the
24 Department and may group counties that are close in
25 geographical proximity and share common economic traits
26 such as commuting zones, labor market areas, or other
27 economically integrated regions.

28 (2) The strategy may recommend actions for promoting
29 sustained economic growth at or above national rates of
30 economic growth.

31 (3) The strategy may include an assessment of
32 historical patterns of economic activity for the State and
33 projections of future economic trends using national
34 economic trends and projections for comparative purposes.

1 All assumptions made in the formulation of the economic
2 projections shall be clearly and explicitly set forth in
3 the strategy.

4 (4) The strategy may identify those community economic
5 improvement characteristics that will positively influence
6 the rate of overall State economic growth.

7 (5) The strategy may recommend actions to foster and
8 promote economic growth, taking into account indigenous
9 resources and prevalent economic factors.

10 (A) The strategy may identify the critical
11 business development approaches being considered or to
12 be considered. The approaches may include, but are not
13 limited to: investment recruitment, such as industry
14 attraction, expansion and retention; trade development
15 efforts including international trade, support for
16 small businesses' efforts to export products and
17 services, tourism attraction and development including
18 cultural tourism; technology development efforts
19 including technology commercialization and
20 manufacturing modernization; and business development
21 efforts, including entrepreneurship and
22 entrepreneurial education, small business management
23 assistance, and business financing.

24 (B) The strategy may identify for the State and
25 each region the critical workforce training and
26 development approaches being considered or to be
27 considered. The approaches may include, but are not
28 limited to: customized job training, retraining and
29 skill upgrading, economic adjustment, job creation and
30 addressing labor shortages in areas of high demand; the
31 market for and quality of the local labor force; the
32 quality of the education and workforce infrastructure;
33 and related issues.

34 (C) The strategy may identify the critical
35 community development approaches being considered or
36 to be considered. The approaches may include, but are

1 not limited to: community growth management such as
2 regional planning and smart growth; area
3 revitalization including brownfields redevelopment and
4 facility reuse; and family self-sufficiency such as
5 through housing conservation and economic opportunity.

6 (D) The strategy may identify the critical public
7 facilities development approaches being considered or
8 to be considered. The approaches may include, but are
9 not limited to: local public services; the local,
10 regional, and State tax and regulatory climate; the
11 physical infrastructure, including communications and
12 transportation systems; the capacity of area
13 utilities; and the quality of public institutions such
14 as schools.

15 (E) The strategy may identify the other critical
16 marketplace systems, including: the financial
17 marketplace; the competitive advantages of the area in
18 terms of natural resources, capital resources or
19 technology resources; and other factors affecting area
20 development.

21 (6) In preparing the strategy or modifications to the
22 strategy, the Department may work with State agencies,
23 boards, and commissions whose programs and activities
24 significantly affect economic activity in the State as
25 appropriate. The Directors of the agencies, boards, and
26 commissions shall provide the assistance to the Department
27 as the Governor deems appropriate.

28 (7) In preparing the strategy or the modifications to
29 the strategy, the Department may consult with local and
30 regional economic development organizations, local elected
31 officials, community-based organizations, service delivery
32 providers, and other organizations whose programs and
33 activities significantly affect economic activity.

34 (8) In preparing the strategy or the modifications to
35 the strategy, the Department may take into consideration
36 any decisions or recommendations related to programs,

1 services, and government regulations that have been
2 rendered as a result of a Statewide Performance Review.

3 (9) The strategy shall be presented to the Governor,
4 the President and Minority Leader of the Senate, the
5 Speaker and Minority Leader of the House of
6 Representatives, the members of the Illinois Economic
7 Development Board, and the Chair of the ~~Economic and Fiscal~~
8 Commission on Government Forecasting and Accountability on
9 February 1, 2001 and biennially thereafter, as warranted by
10 changes in economic conditions or by other factors,
11 including changes in policy.

12 (10) The strategy shall be published and made available
13 to the public in both paper and electronic media.

14 (Source: P.A. 91-476, eff. 8-11-99; 92-490, eff. 8-23-01;
15 revised 12-6-03.)

16 Section 30. The Department of Revenue Law of the Civil
17 Administrative Code of Illinois is amended by changing Section
18 2505-550 as follows:

19 (20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)

20 Sec. 2505-550. Jobs Impact Committee and report. With
21 respect to the credits provided for by Sections 209 and 210 of
22 the Illinois Income Tax Act, Section 3-50 of the Use Tax Act,
23 Section 2 of the Service Use Tax Act, Section 2 of the Service
24 Occupation Tax Act, and Section 2-45 of the Retailers'
25 Occupation Tax Act, there is hereby created a Jobs Impact
26 Committee, which shall consist of the Director or the person or
27 persons the Director may designate, and the representative or
28 representatives that shall be designated to serve on the
29 Committee by the Department of Commerce and Economic
30 Opportunity Community Affairs, the Governor's Office of
31 Management and Budget Bureau of the Budget, and the ~~Economic~~
32 ~~and Fiscal~~ Commission on Government Forecasting and
33 Accountability. The Committee, so assembled, shall invite and
34 appoint 2 members of the businesses that are eligible for the

1 credits provided by those Sections. The Committee shall study
2 the use and effectiveness of these credits with regard to job
3 creation relative to the revenue loss to the State from the
4 provision of these credits. The Director shall, on behalf of
5 the Committee, submit the Committee's report to the General
6 Assembly on or before June 30, 1998.

7 (Source: P.A. 90-552, eff. 12-12-97; 91-239, eff. 1-1-00;
8 revised 8-23-03.)

9 Section 35. The Governor's Office of Management and Budget
10 Act is amended by changing Sections 2.5 and 2.6 as follows:

11 (20 ILCS 3005/2.5) (from Ch. 127, par. 412.5)

12 Sec. 2.5. Effective January 1, 1980, to require the
13 preparation and submission of an annual long-range capital
14 expenditure plan for all State agencies. Such Capital Plan
15 shall detail each project for each of the following 3 fiscal
16 years, including the project cost in current dollar amounts,
17 the future maintenance costs for the completed project, the
18 anticipated life expectancy of the project and the impact the
19 project will have on the annual operating budget for the
20 agency. Each State agency's annual capital plan shall include
21 energy conservation projects intended to reduce energy costs to
22 the greatest extent possible in those agency's buildings and
23 facilities included in the capital plan. Each State agency's
24 annual capital plan shall be submitted to the Office no later
25 than January 15th of each year. A summary of all capital plans
26 and future needs assessments shall be included in the
27 Governor's Budget Request and the detail of the capital plans
28 shall be delivered to the Chairmen and Minority Spokesmen of
29 the House and Senate Appropriations Committees and the ~~Illinois~~
30 ~~Economic and Fiscal~~ Commission on Government Forecasting and
31 Accountability on the date of the Governor's Budget Address to
32 the General Assembly; except that, in 2004 only, the summary
33 and detail shall be delivered not later than the fourth Tuesday
34 in March (March 23, 2004).

1 (Source: P.A. 93-25, eff. 6-20-03; 93-662, eff. 2-11-04.)

2 (20 ILCS 3005/2.6) (from Ch. 127, par. 412.6)

3 Sec. 2.6. To provide bond indentures to the ~~Illinois~~
4 ~~Economic and Fiscal~~ Commission on Government Forecasting and
5 Accountability no later than 7 calendar days following the sale
6 or issuance of any bonds.

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

8 Section 40. The Illinois Capital Budget Act is amended by
9 changing Sections 3 and 6 as follows:

10 (20 ILCS 3010/3) (from Ch. 127, par. 3103)

11 Sec. 3. Each capital improvement program shall include, but
12 not be limited to, roads, bridges, buildings, including
13 schools, prisons, recreational facilities and conservation
14 areas, and other infrastructure facilities that are owned by
15 the State of Illinois.

16 Each capital improvement program shall include a needs
17 assessment of the State's capital facilities. Each needs
18 assessment shall include where possible the inventory, age,
19 condition, use, sources of financing, past investment,
20 maintenance history, trends in condition, financing and
21 investment, and projected dollar amount of need in the next 5
22 years, 10 years, and until the year 2000. Needs assessment of
23 State facilities shall use, to the fullest extent possible,
24 existing studies and data from other agencies such as the
25 Illinois Department of Transportation, the Illinois
26 Environmental Protection Agency, the ~~Illinois Economic and~~
27 ~~Fiscal~~ Commission on Government Forecasting and
28 Accountability, the Capital Development Board, the Governor's
29 Task Force on the Future of Illinois, and relevant federal
30 agencies, so that studies can be completed as efficiently as
31 possible, and so information on needs can be used to seek
32 federal funds as soon as possible.

33 Each capital improvement program shall include an

1 identification and analysis of factors that affect estimated
2 capital investment needs, including but not limited to,
3 economic assumptions, engineering standards, estimates of
4 spending for operations and maintenance, federal and State
5 regulations, and estimation of demand for services.

6 Each capital improvement program shall include an
7 identification and analysis of the principal policy issues that
8 affect estimated capital investment needs, including but not
9 limited to, economic development policy, equity
10 considerations, policies regarding alternative technologies,
11 political jurisdiction over different infrastructure systems,
12 and the role of the private sector in planning for and
13 investing in infrastructure.

14 (Source: P.A. 92-16, eff. 6-28-01.)

15 (20 ILCS 3010/6) (from Ch. 127, par. 3106)

16 Sec. 6. The Governor's Office of Management and Budget
17 ~~Bureau of the Budget~~ shall prepare and submit an assessment of
18 the State's capital project needs to the following: the Speaker
19 and Minority Leader of the House of Representatives, the
20 President and Minority Leader of the Senate and the ~~Illinois~~
21 ~~Economic and Fiscal~~ Commission on Government Forecasting and
22 Accountability. The assessment shall be included in the
23 Governor's annual State budget and shall discuss the State's
24 needs in the next fiscal year and in the next 5 fiscal years.

25 (Source: P.A. 86-192; revised 8-23-03.)

26 Section 45. The Asbestos Abatement Finance Act is amended
27 by changing Section 10 as follows:

28 (20 ILCS 3510/10) (from Ch. 111 1/2, par. 8110)

29 Sec. 10. Authority records and reports. The accounts and
30 books of the Authority in connection with this Act shall be set
31 up on and maintained in a manner approved by the Auditor
32 General, and the Authority shall file with the Auditor General
33 a certified annual report of its acts and doings under this Act

1 within 120 days after the close of its fiscal year. The
2 Authority shall also file with the Governor, the Secretary of
3 the Senate, the Clerk of the House of Representatives, and the
4 ~~Illinois Economic and Fiscal~~ Commission on Government
5 Forecasting and Accountability, by March 1 of each year,
6 commencing March 1, 1990, a written report covering its
7 activities under this Act for the previous fiscal year. After
8 such filing, such report shall be a public record and open for
9 inspection at the offices of the Authority during normal
10 business hours.

11 (Source: P.A. 86-976.)

12 Section 50. The Illinois Environmental Facilities
13 Financing Act is amended by changing Section 7 as follows:

14 (20 ILCS 3515/7) (from Ch. 127, par. 727)

15 Sec. 7. Powers. In addition to the powers otherwise
16 authorized by law, for the purposes of this Act, the State
17 authority shall have the following powers together with all
18 powers incidental thereto or necessary for the performance
19 thereof:

20 (1) to have perpetual succession as a body politic and
21 corporate;

22 (2) to adopt bylaws for the regulation of its affairs and
23 the conduct of its business;

24 (3) to sue and be sued and to prosecute and defend actions
25 in the courts;

26 (4) to have and to use a corporate seal and to alter the
27 same at pleasure;

28 (5) to maintain an office at such place or places as it may
29 designate;

30 (6) to determine the location, pursuant to the
31 Environmental Protection Act, and the manner of construction of
32 any environmental or hazardous waste treatment facility to be
33 financed under this Act and to acquire, construct, reconstruct,
34 repair, alter, improve, extend, own, finance, lease, sell and

1 otherwise dispose of the facility, to enter into contracts for
2 any and all of such purposes, to designate a person as its
3 agent to determine the location and manner of construction of
4 an environmental or hazardous waste treatment facility
5 undertaken by such person under the provisions of this Act and
6 as agent of the authority to acquire, construct, reconstruct,
7 repair, alter, improve, extend, own, lease, sell and otherwise
8 dispose of the facility, and to enter into contracts for any
9 and all of such purposes;

10 (7) to finance and to lease or sell to a person any or all
11 of the environmental or hazardous waste treatment facilities
12 upon such terms and conditions as the directing body considers
13 proper, and to charge and collect rent or other payments
14 therefor and to terminate any such lease or sales agreement or
15 financing agreement upon the failure of the lessee, purchaser
16 or debtor to comply with any of the obligations thereof; and to
17 include in any such lease or other agreement, if desired,
18 provisions that the lessee, purchaser or debtor thereunder
19 shall have options to renew the term of the lease, sales or
20 other agreement for such period or periods and at such rent or
21 other consideration as shall be determined by the directing
22 body or to purchase any or all of the environmental or
23 hazardous waste treatment facilities for a nominal amount or
24 otherwise or that at or prior to the payment of all of the
25 indebtedness incurred by the authority for the financing of
26 such environmental or hazardous waste treatment facilities the
27 authority may convey any or all of the environmental or
28 hazardous waste treatment facilities to the lessee or purchaser
29 thereof with or without consideration;

30 (8) to issue bonds for any of its corporate purposes,
31 including a bond issuance for the purpose of financing a group
32 of projects involving environmental facilities, and to refund
33 those bonds, all as provided for in this Act and subject to
34 Section 13 of this Act;

35 (9) generally to fix and revise from time to time and
36 charge and collect rates, rents, fees and charges for the use

1 of and services furnished or to be furnished by any
2 environmental or hazardous waste treatment facility or any
3 portion thereof and to contract with any person, firm or
4 corporation or other body public or private in respect thereof;

5 (10) to employ consulting engineers, architects,
6 attorneys, accountants, construction and financial experts,
7 superintendents, managers and such other employees and agents
8 as may be necessary in its judgment and to fix their
9 compensation;

10 (11) to receive and accept from any public agency loans or
11 grants for or in aid of the construction of any environmental
12 facility and any portion thereof, or for equipping the
13 facility, and to receive and accept grants, gifts or other
14 contributions from any source;

15 (12) to refund outstanding obligations incurred by any
16 person to finance the cost of an environmental or hazardous
17 waste treatment facility including obligations incurred for
18 environmental or hazardous waste treatment facilities
19 undertaken and completed prior to or after the enactment of
20 this Act when the authority finds that such financing is in the
21 public interest;

22 (13) to prohibit the financing of environmental facilities
23 for new coal-fired electric steam generating plants and new
24 coal-fired industrial boilers which do not use Illinois coal as
25 the primary source of fuel;

26 (14) to set and impose appropriate financial penalties on
27 any person who receives financing from the State authority
28 based on a commitment to use Illinois coal as the primary
29 source of fuel at a new coal-fired electric utility steam
30 generating plant or new coal-fired industrial boiler and later
31 uses non-Illinois coal as the primary source of fuel;

32 (15) to fix, determine, charge and collect any premiums,
33 fees, charges, costs and expenses, including, without
34 limitation, any application fees, program fees, commitment
35 fees, financing charges or publication fees in connection with
36 its activities under this Act; all expenses of the State

1 authority incurred in carrying out this Act are payable solely
2 from funds provided under the authority of this Act and no
3 liability shall be incurred by any authority beyond the extent
4 to which moneys are provided under this Act. All fees and
5 moneys accumulated by the Authority as provided in this Act or
6 the Illinois Finance Authority Act shall be held outside of the
7 State treasury and in the custody of the Treasurer of the
8 Authority; and

9 (16) to do all things necessary and convenient to carry out
10 the purposes of this Act.

11 The State authority may not operate any environmental or
12 hazardous waste treatment facility as a business except for the
13 purpose of protecting or maintaining such facility as security
14 for bonds of the State authority. No environmental or hazardous
15 waste treatment facilities completed prior to January 1, 1970
16 may be financed by the State authority under this Act, but
17 additions and improvements to such environmental or hazardous
18 waste treatment facilities which are commenced subsequent to
19 January 1, 1970 may be financed by the State authority. Any
20 lease, sales agreement or other financing agreement in
21 connection with an environmental or hazardous waste treatment
22 facility entered into pursuant to this Act must be for a term
23 not shorter than the longest maturity of any bonds issued to
24 finance such environmental or hazardous waste treatment
25 facility or a portion thereof and must provide for rentals or
26 other payments adequate to pay the principal of and interest
27 and premiums, if any, on such bonds as the same fall due and to
28 create and maintain such reserves and accounts for
29 depreciation, if any, as the directing body determines to be
30 necessary.

31 The Authority shall give priority to providing financing
32 for the establishment of hazardous waste treatment facilities
33 necessary to achieve the goals of Section 22.6 of the
34 Environmental Protection Act.

35 The Authority shall give special consideration to small
36 businesses in authorizing the issuance of bonds for the

1 financing of environmental facilities pursuant to subsection
2 (c) of Section 2.

3 The Authority shall make a financial report on all projects
4 financed under this Section to the General Assembly, to the
5 Governor, and to the ~~Illinois Economic and Fiscal~~ Commission on
6 Government Forecasting and Accountability by April 1 of each
7 year. Such report shall be a public record and open for
8 inspection at the offices of the Authority during normal
9 business hours. The report shall include: (a) all applications
10 for loans and other financial assistance presented to the
11 members of the Authority during such fiscal year, (b) all
12 projects and owners thereof which have received any form of
13 financial assistance from the Authority during such year, (c)
14 the nature and amount of all such assistance, and (d) projected
15 activities of the Authority for the next fiscal year, including
16 projection of the total amount of loans and other financial
17 assistance anticipated and the amount of revenue bonds or other
18 evidences of indebtedness that will be necessary to provide the
19 projected level of assistance during the next fiscal year.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of "An Act to revise the law in
26 relation to the General Assembly", approved February 25, 1874,
27 as amended, and filing such additional copies with the State
28 Government Report Distribution Center for the General Assembly
29 as is required under paragraph (t) of Section 7 of the State
30 Library Act.

31 (Source: P.A. 93-205, eff. 1-1-04.)

32 Section 55. The Illinois Housing Development Act is amended
33 by changing Section 5 as follows:

34 (20 ILCS 3805/5) (from Ch. 67 1/2, par. 305)

1 Sec. 5. The Governor shall designate the Chairman, from
2 time to time, and the Authority shall annually elect from its
3 membership a vice chairman a treasurer, and a secretary. The
4 Chairman shall be the chief executive officer of the Authority.
5 The secretary shall keep a record of the proceedings of the
6 Authority. The treasurer of the Authority shall be custodian of
7 all Authority funds, and shall be bonded in such amount as the
8 other members of the Authority may designate. The accounts and
9 books of the Authority shall be set up and maintained in a
10 manner approved by the Auditor General, and the Authority shall
11 file with the Auditor General a certified annual report within
12 120 days after the close of its fiscal year. The Authority
13 shall also file with the Governor, the Secretary of the Senate,
14 the Clerk of the House of Representatives and the ~~Illinois~~
15 ~~Economic and Fiscal~~ Commission on Government Forecasting and
16 Accountability, by March 1 of each year, a written report
17 covering its activities, and any activities of any
18 instrumentality corporation established pursuant to this Act,
19 for the previous fiscal year and, when so filed, such report
20 shall be a public record and open for inspection at the offices
21 of the Authority during normal business hours. The report shall
22 include a complete list of (a) all applications for mortgage
23 loans and other financial assistance regarding developments of
24 more than four living units presented to the members of the
25 Authority during such fiscal year, (b) all developments and
26 housing related commercial facilities and the owners thereof
27 which have received any form of financial assistance from the
28 Authority during such fiscal year, (c) the nature and amount of
29 all such financial assistance, (d) the dwelling unit
30 distribution and estimated rent structure for each development
31 financed by the Authority during such fiscal year, (e)
32 projected activities of the Authority for the next fiscal year,
33 including a projection of the total amount of mortgages and
34 other financial assistance anticipated and the amount of
35 revenue bonds or other evidences of indebtedness that will be
36 necessary to provide the projected level of assistance during

1 the next fiscal year, and (f) activities related to allocation
2 of low-income housing credits.

3 (Source: P.A. 85-612.)

4 Section 60. The Pension Impact Note Act is amended by
5 changing Section 2 as follows:

6 (25 ILCS 55/2) (from Ch. 63, par. 42.42)

7 Sec. 2. Pension impact notes. The ~~Illinois Economic and~~
8 ~~Fiscal~~ Commission on Government Forecasting and
9 Accountability, hereafter in this Act referred to as the
10 "Commission", shall prepare a written pension system impact
11 note in relation to any bill introduced in either house of the
12 General Assembly which proposes to amend, revise, or add to any
13 provision of the Illinois Pension Code or the State Pension
14 Funds Continuing Appropriation Act. Upon the introduction of
15 any such bill, the Clerk of the House or the Secretary of the
16 Senate shall forward the bill to the Commission, which shall
17 prepare such a note within 7 calendar days after receiving the
18 request. The bill shall be held on second reading until the
19 note has been received.

20 Copies of each pension impact note shall be furnished by
21 the Commission to the presiding officer of each house, the
22 minority leader of each house, the Clerk of the House of
23 Representatives, the Secretary of the Senate, the sponsor of
24 the bill which is the subject of the note, the member, if any,
25 who initiated the request for the note, the Chairman of the
26 House Committee on Personnel and Pensions, and the Chairman of
27 the Senate Committee on Insurance, Pensions and Licensed
28 Activities.

29 (Source: P.A. 93-632, eff. 2-1-04.)

30 Section 65. The State Debt Impact Note Act is amended by
31 changing the title of the Act and Sections 3, 5, and 7 as
32 follows:

1 (25 ILCS 65/Act title)

2 An Act in relation to the providing of information on the
3 State's long-term debt service requirements ~~and to amend in~~
4 ~~connection therewith Section 3 of "An Act creating the Illinois~~
5 ~~Economic and Fiscal Commission, defining its powers and duties,~~
6 ~~making an appropriation therefor, repealing an Act therein~~
7 ~~named, and providing for the transfer of appropriations in~~
8 ~~connection therewith", approved July 13, 1972, as amended.~~

9 (25 ILCS 65/3) (from Ch. 63, par. 42.73)

10 Sec. 3. The ~~Illinois Economic and Fiscal~~ Commission on
11 Government Forecasting and Accountability shall prepare a
12 written State Debt Impact Note in relation to any bill
13 introduced in either house of the General Assembly which
14 proposes to increase or add new long term debt authorization or
15 would require, through appropriation, the use of bond financed
16 funds. Upon the assignment of any such bill to Committee, the
17 chairperson of the Committee on Assignments in the House of
18 Representatives or the chairperson of the Committee on
19 Assignment of Bills in the Senate shall forward the bill to the
20 ~~Illinois Economic and Fiscal~~ Commission on Government
21 Forecasting and Accountability which shall prepare such a note
22 within 7 calendar days after receiving the request and the bill
23 shall be held on second reading until the note has been
24 received, except that whenever, because of the complexity of
25 the measure, additional time is required for preparation of the
26 note, the Commission may so inform the sponsor of the bill, who
27 may approve an extension of the time within which the note is
28 to be furnished for an additional 7 calendar days. Copies of
29 each State Debt Impact Note shall be furnished by the
30 Commission to the presiding officer of each house, the minority
31 leader of each house, the Clerk of the House of
32 Representatives, the Secretary of the Senate, the sponsor of
33 the bill which is the subject of the note, the member, if any,
34 who initiated the request for the note, the Chairperson and
35 Minority Spokespersons of the House and Senate Appropriations

1 and Revenue Committees.

2 (Source: P.A. 81-615.)

3 (25 ILCS 65/5) (from Ch. 63, par. 42.75)

4 Sec. 5. The ~~Illinois Economic and Fiscal~~ Commission on
5 Government Forecasting and Accountability may include in any
6 State Debt Impact Note any comment or opinion which it deems
7 appropriate with regard to the fiscal and financial impact of
8 the measure for which the note is prepared.

9 (Source: P.A. 81-615.)

10 (25 ILCS 65/7) (from Ch. 63, par. 42.77)

11 Sec. 7. Whenever any committee of either house reports any
12 bill which is required by this Act to have a long-term debt
13 note with an amendment or whenever any bill is amended on the
14 floor of either house in such manner as to substantially affect
15 the impact of the bill on the State's debt service capacity,
16 the ~~Illinois Economic and Fiscal~~ Commission on Government
17 Forecasting and Accountability shall upon request by any member
18 of the house by which the bill is being considered prepare a
19 new or revised State Debt Impact Note in relation to the
20 amended bill. Copies of each new or revised State Debt Impact
21 Note shall be furnished to the persons named in Section 2.

22 Whenever any member of either House is of the opinion that
23 a State Debt Impact Note should be prepared on any bill and
24 such note has not been requested, the member may at any time
25 before the bill is moved to third reading request that such a
26 note be obtained, in which case the bill shall be submitted to
27 the ~~Economic and Fiscal~~ Commission on Government Forecasting
28 and Accountability for preparation of the note. If the sponsor
29 is of the opinion that a long-term debt note is not required,
30 the matter shall be decided by majority vote of those present
31 and voting in the House of which he is a member.

32 (Source: P.A. 81-615.)

33 Section 70. The Legislative Commission Reorganization Act

1 of 1984 is amended by changing Sections 1-3, 3-1, and 3A-1 as
2 follows:

3 (25 ILCS 130/1-3) (from Ch. 63, par. 1001-3)

4 Sec. 1-3. Legislative support services agencies. The Joint
5 Committee on Legislative Support Services is responsible for
6 establishing general policy and coordinating activities among
7 the legislative support services agencies. The legislative
8 support services agencies include the following:

9 (1) Joint Committee on Administrative Rules;

10 (2) ~~Illinois Economic and Fiscal~~ Commission on Government
11 Forecasting and Accountability;

12 (3) Legislative Information System;

13 (4) Legislative Reference Bureau;

14 (5) Legislative Audit Commission;

15 (6) Legislative Printing Unit;

16 (7) Legislative Research Unit; and

17 (8) Office of the Architect of the Capitol.

18 (Source: P.A. 93-632, eff. 2-1-04.)

19 (25 ILCS 130/3-1) (from Ch. 63, par. 1003-1)

20 Sec. 3-1. The ~~Illinois Economic and Fiscal~~ Commission on
21 Government Forecasting and Accountability is hereby
22 established as a legislative support services agency. The
23 Commission is subject to the provisions of this Act and shall
24 perform the powers and duties delegated to it under "An Act
25 creating the ~~Illinois Economic and Fiscal~~ Commission on
26 Government Forecasting and Accountability, ~~defining its powers~~
27 ~~and duties, making an appropriation therefor, repealing an Act~~
28 ~~therein named, and providing for the transfer of appropriations~~
29 ~~in connection therewith", approved July 13, 1972, as amended,~~
30 and such other functions as may be provided by law.

31 (Source: P.A. 83-1257.)

32 (25 ILCS 130/3A-1)

33 Sec. 3A-1. ~~Economic and Fiscal~~ Commission on Government

1 Forecasting and Accountability; pension laws.

2 (a) The ~~Economic and Fiscal~~ Commission on Government
3 Forecasting and Accountability shall have the powers, duties,
4 and functions that may be provided by law.

5 (b) The Commission shall make a continuing study of the
6 laws and practices pertaining to pensions and related
7 retirement and disability benefits for persons in State or
8 local government service and their survivors and dependents,
9 shall evaluate existing laws and practices, and shall review
10 and make recommendations on proposed changes to those laws and
11 practices.

12 (c) The Commission shall be responsible for the preparation
13 of Pension Impact Notes as provided in the Pension Impact Note
14 Act.

15 (d) The Commission shall report to the General Assembly
16 annually or as it deems necessary or useful on the results of
17 its studies and the performance of its duties.

18 (e) The Commission may request assistance from any other
19 entity as necessary or useful for the performance of its
20 duties.

21 (f) For purposes of the Successor Agency Act and Section 9b
22 of the State Finance Act, the ~~Economic and Fiscal~~ Commission on
23 Government Forecasting and Accountability is the successor to
24 the Pension Laws Commission. The ~~Economic and Fiscal~~ Commission
25 on Government Forecasting and Accountability succeeds to and
26 assumes all powers, duties, rights, responsibilities,
27 personnel, assets, liabilities, and indebtedness of the
28 Pension Laws Commission. Any reference in any law, rule, form,
29 or other document to the Pension Laws Commission is deemed to
30 be a reference to the ~~Economic and Fiscal~~ Commission on
31 Government Forecasting and Accountability.

32 (Source: P.A. 93-632, eff. 2-1-04.)

33 Section 75. The Illinois Economic and Fiscal Commission Act
34 is amended by changing the title of the Act and Sections 2 and
35 6.2 as follows:

1 (25 ILCS 155/Act title)

2 An Act creating the ~~Illinois Economic and Fiscal~~ Commission
3 on Government Forecasting and Accountability, ~~defining its~~
4 ~~powers and duties, making an appropriation therefor, repealing~~
5 ~~an Act therein named, and providing for the transfer of~~
6 ~~appropriations in connection therewith.~~

7 (25 ILCS 155/2) (from Ch. 63, par. 342)

8 Sec. 2. The ~~Illinois Economic and Fiscal~~ Commission on
9 Government Forecasting and Accountability, hereafter in this
10 Act referred to as the Commission, is created and is
11 established as a legislative support services agency subject to
12 the Legislative Commission Reorganization Act of 1984.

13 On the effective date of this amendatory Act of the 93th
14 General Assembly, the name of the Illinois Economic and Fiscal
15 Commission is changed to the Commission on Government
16 Forecasting and Accountability. References in any law,
17 appropriation, rule, form, or other document to the Illinois
18 Economic and Fiscal Commission are deemed, in appropriate
19 contexts, to be references to the Commission on Government
20 Forecasting and Accountability for all purposes. References in
21 any law, appropriation, rule, form, or other document to the
22 Executive Director of the Illinois Economic and Fiscal
23 Commission are deemed, in appropriate contexts, to be
24 references to the Executive Director of the Commission on
25 Government Forecasting and Accountability for all purposes.
26 For purposes of Section 9b of the State Finance Act, the
27 Commission on Government Forecasting and Accountability is the
28 successor to the Illinois Economic and Fiscal Commission.

29 (Source: P.A. 83-1257.)

30 (25 ILCS 155/6.2) (from Ch. 63, par. 346.2)

31 Sec. 6.2. Short title. This Act may be cited as the
32 ~~Illinois Economic and Fiscal~~ Commission on Government
33 Forecasting and Accountability Act.

1 (Source: P.A. 93-632, eff. 2-1-04.)

2 Section 80. The Fiscal Control and Internal Auditing Act is
3 amended by changing Section 2004 as follows:

4 (30 ILCS 10/2004) (from Ch. 15, par. 2004)

5 Sec. 2004. Consultations by internal auditor. Each chief
6 internal auditor may consult with the Auditor General, the
7 Department of Central Management Services, the ~~Economic and~~
8 ~~Fiscal~~ Commission on Government Forecasting and
9 Accountability, the appropriations committees of the General
10 Assembly, the Governor's Office of Management and Budget Bureau
11 ~~of the Budget~~, or the Internal Audit Advisory Board on matters
12 affecting the duties or responsibilities of the chief internal
13 auditor under this Act.

14 (Source: P.A. 86-936; revised 8-23-03.)

15 Section 83. The State Finance Act is amended by changing
16 Sections 8g, 8h, and 14.1 as follows:

17 (30 ILCS 105/8g)

18 Sec. 8g. Fund transfers.

19 (a) In addition to any other transfers that may be provided
20 for by law, as soon as may be practical after the effective
21 date of this amendatory Act of the 91st General Assembly, the
22 State Comptroller shall direct and the State Treasurer shall
23 transfer the sum of \$10,000,000 from the General Revenue Fund
24 to the Motor Vehicle License Plate Fund created by Senate Bill
25 1028 of the 91st General Assembly.

26 (b) In addition to any other transfers that may be provided
27 for by law, as soon as may be practical after the effective
28 date of this amendatory Act of the 91st General Assembly, the
29 State Comptroller shall direct and the State Treasurer shall
30 transfer the sum of \$25,000,000 from the General Revenue Fund
31 to the Fund for Illinois' Future created by Senate Bill 1066 of
32 the 91st General Assembly.

1 (c) In addition to any other transfers that may be provided
2 for by law, on August 30 of each fiscal year's license period,
3 the Illinois Liquor Control Commission shall direct and the
4 State Comptroller and State Treasurer shall transfer from the
5 General Revenue Fund to the Youth Alcoholism and Substance
6 Abuse Prevention Fund an amount equal to the number of retail
7 liquor licenses issued for that fiscal year multiplied by \$50.

8 (d) The payments to programs required under subsection (d)
9 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
10 pursuant to appropriation, from the special funds referred to
11 in the statutes cited in that subsection, rather than directly
12 from the General Revenue Fund.

13 Beginning January 1, 2000, on the first day of each month,
14 or as soon as may be practical thereafter, the State
15 Comptroller shall direct and the State Treasurer shall transfer
16 from the General Revenue Fund to each of the special funds from
17 which payments are to be made under Section 28.1(d) of the
18 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
19 amount required for those payments from that special fund,
20 which annual amount shall not exceed the annual amount for
21 those payments from that special fund for the calendar year
22 1998. The special funds to which transfers shall be made under
23 this subsection (d) include, but are not necessarily limited
24 to, the Agricultural Premium Fund; the Metropolitan Exposition
25 Auditorium and Office Building Fund; the Fair and Exposition
26 Fund; the Standardbred Breeders Fund; the Thoroughbred
27 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

28 (e) In addition to any other transfers that may be provided
29 for by law, as soon as may be practical after the effective
30 date of this amendatory Act of the 91st General Assembly, but
31 in no event later than June 30, 2000, the State Comptroller
32 shall direct and the State Treasurer shall transfer the sum of
33 \$15,000,000 from the General Revenue Fund to the Fund for
34 Illinois' Future.

35 (f) In addition to any other transfers that may be provided
36 for by law, as soon as may be practical after the effective

1 date of this amendatory Act of the 91st General Assembly, but
2 in no event later than June 30, 2000, the State Comptroller
3 shall direct and the State Treasurer shall transfer the sum of
4 \$70,000,000 from the General Revenue Fund to the Long-Term Care
5 Provider Fund.

6 (f-1) In fiscal year 2002, in addition to any other
7 transfers that may be provided for by law, at the direction of
8 and upon notification from the Governor, the State Comptroller
9 shall direct and the State Treasurer shall transfer amounts not
10 exceeding a total of \$160,000,000 from the General Revenue Fund
11 to the Long-Term Care Provider Fund.

12 (g) In addition to any other transfers that may be provided
13 for by law, on July 1, 2001, or as soon thereafter as may be
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$1,200,000 from the General
16 Revenue Fund to the Violence Prevention Fund.

17 (h) In each of fiscal years 2002 through 2004, but not
18 thereafter, in addition to any other transfers that may be
19 provided for by law, the State Comptroller shall direct and the
20 State Treasurer shall transfer \$5,000,000 from the General
21 Revenue Fund to the Tourism Promotion Fund.

22 (i) On or after July 1, 2001 and until May 1, 2002, in
23 addition to any other transfers that may be provided for by
24 law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not exceeding a total of
27 \$80,000,000 from the General Revenue Fund to the Tobacco
28 Settlement Recovery Fund. Any amounts so transferred shall be
29 re-transferred by the State Comptroller and the State Treasurer
30 from the Tobacco Settlement Recovery Fund to the General
31 Revenue Fund at the direction of and upon notification from the
32 Governor, but in any event on or before June 30, 2002.

33 (i-1) On or after July 1, 2002 and until May 1, 2003, in
34 addition to any other transfers that may be provided for by
35 law, at the direction of and upon notification from the
36 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
 2 \$80,000,000 from the General Revenue Fund to the Tobacco
 3 Settlement Recovery Fund. Any amounts so transferred shall be
 4 re-transferred by the State Comptroller and the State Treasurer
 5 from the Tobacco Settlement Recovery Fund to the General
 6 Revenue Fund at the direction of and upon notification from the
 7 Governor, but in any event on or before June 30, 2003.

8 (j) On or after July 1, 2001 and no later than June 30,
 9 2002, in addition to any other transfers that may be provided
 10 for by law, at the direction of and upon notification from the
 11 Governor, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts not to exceed the following
 13 sums into the Statistical Services Revolving Fund:

| | | |
|----|---|-------------|
| 14 | From the General Revenue Fund | \$8,450,000 |
| 15 | From the Public Utility Fund | 1,700,000 |
| 16 | From the Transportation Regulatory Fund | 2,650,000 |
| 17 | From the Title III Social Security and | |
| 18 | Employment Fund | 3,700,000 |
| 19 | From the Professions Indirect Cost Fund | 4,050,000 |
| 20 | From the Underground Storage Tank Fund | 550,000 |
| 21 | From the Agricultural Premium Fund | 750,000 |
| 22 | From the State Pensions Fund | 200,000 |
| 23 | From the Road Fund | 2,000,000 |
| 24 | From the Health Facilities | |
| 25 | Planning Fund | 1,000,000 |
| 26 | From the Savings and Residential Finance | |
| 27 | Regulatory Fund | 130,800 |
| 28 | From the Appraisal Administration Fund | 28,600 |
| 29 | From the Pawnbroker Regulation Fund | 3,600 |
| 30 | From the Auction Regulation | |
| 31 | Administration Fund | 35,800 |
| 32 | From the Bank and Trust Company Fund..... | 634,800 |
| 33 | From the Real Estate License | |
| 34 | Administration Fund | 313,600 |

35 (k) In addition to any other transfers that may be provided
 36 for by law, as soon as may be practical after the effective

1 date of this amendatory Act of the 92nd General Assembly, the
 2 State Comptroller shall direct and the State Treasurer shall
 3 transfer the sum of \$2,000,000 from the General Revenue Fund to
 4 the Teachers Health Insurance Security Fund.

5 (k-1) In addition to any other transfers that may be
 6 provided for by law, on July 1, 2002, or as soon as may be
 7 practical thereafter, the State Comptroller shall direct and
 8 the State Treasurer shall transfer the sum of \$2,000,000 from
 9 the General Revenue Fund to the Teachers Health Insurance
 10 Security Fund.

11 (k-2) In addition to any other transfers that may be
 12 provided for by law, on July 1, 2003, or as soon as may be
 13 practical thereafter, the State Comptroller shall direct and
 14 the State Treasurer shall transfer the sum of \$2,000,000 from
 15 the General Revenue Fund to the Teachers Health Insurance
 16 Security Fund.

17 (k-3) On or after July 1, 2002 and no later than June 30,
 18 2003, in addition to any other transfers that may be provided
 19 for by law, at the direction of and upon notification from the
 20 Governor, the State Comptroller shall direct and the State
 21 Treasurer shall transfer amounts not to exceed the following
 22 sums into the Statistical Services Revolving Fund:

| | | |
|----|---|------------|
| 23 | Appraisal Administration Fund | \$150,000 |
| 24 | General Revenue Fund | 10,440,000 |
| 25 | Savings and Residential Finance | |
| 26 | Regulatory Fund | 200,000 |
| 27 | State Pensions Fund | 100,000 |
| 28 | Bank and Trust Company Fund | 100,000 |
| 29 | Professions Indirect Cost Fund | 3,400,000 |
| 30 | Public Utility Fund | 2,081,200 |
| 31 | Real Estate License Administration Fund | 150,000 |
| 32 | Title III Social Security and | |
| 33 | Employment Fund | 1,000,000 |
| 34 | Transportation Regulatory Fund | 3,052,100 |
| 35 | Underground Storage Tank Fund | 50,000 |

36 (l) In addition to any other transfers that may be provided

1 for by law, on July 1, 2002, or as soon as may be practical
2 thereafter, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$3,000,000 from the General
4 Revenue Fund to the Presidential Library and Museum Operating
5 Fund.

6 (m) In addition to any other transfers that may be provided
7 for by law, on July 1, 2002 and on the effective date of this
8 amendatory Act of the 93rd General Assembly, or as soon
9 thereafter as may be practical, the State Comptroller shall
10 direct and the State Treasurer shall transfer the sum of
11 \$1,200,000 from the General Revenue Fund to the Violence
12 Prevention Fund.

13 (n) In addition to any other transfers that may be provided
14 for by law, on July 1, 2003, or as soon thereafter as may be
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$6,800,000 from the General
17 Revenue Fund to the DHS Recoveries Trust Fund.

18 (o) On or after July 1, 2003, and no later than June 30,
19 2004, in addition to any other transfers that may be provided
20 for by law, at the direction of and upon notification from the
21 Governor, the State Comptroller shall direct and the State
22 Treasurer shall transfer amounts not to exceed the following
23 sums into the Vehicle Inspection Fund:

24 From the Underground Storage Tank Fund \$35,000,000.

25 (p) On or after July 1, 2003 and until May 1, 2004, in
26 addition to any other transfers that may be provided for by
27 law, at the direction of and upon notification from the
28 Governor, the State Comptroller shall direct and the State
29 Treasurer shall transfer amounts not exceeding a total of
30 \$80,000,000 from the General Revenue Fund to the Tobacco
31 Settlement Recovery Fund. Any amounts so transferred shall be
32 re-transferred from the Tobacco Settlement Recovery Fund to the
33 General Revenue Fund at the direction of and upon notification
34 from the Governor, but in any event on or before June 30, 2004.

35 (q) In addition to any other transfers that may be provided
36 for by law, on July 1, 2003, or as soon as may be practical

1 thereafter, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$5,000,000 from the General
3 Revenue Fund to the Illinois Military Family Relief Fund.

4 (r) In addition to any other transfers that may be provided
5 for by law, on July 1, 2003, or as soon as may be practical
6 thereafter, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$1,922,000 from the General
8 Revenue Fund to the Presidential Library and Museum Operating
9 Fund.

10 (s) In addition to any other transfers that may be provided
11 for by law, on or after July 1, 2003, the State Comptroller
12 shall direct and the State Treasurer shall transfer the sum of
13 \$4,800,000 from the Statewide Economic Development Fund to the
14 General Revenue Fund.

15 (t) In addition to any other transfers that may be provided
16 for by law, on or after July 1, 2003, the State Comptroller
17 shall direct and the State Treasurer shall transfer the sum of
18 \$50,000,000 from the General Revenue Fund to the Budget
19 Stabilization Fund.

20 (u) On or after July 1, 2004 and until May 1, 2005, in
21 addition to any other transfers that may be provided for by
22 law, at the direction of and upon notification from the
23 Governor, the State Comptroller shall direct and the State
24 Treasurer shall transfer amounts not exceeding a total of
25 \$80,000,000 from the General Revenue Fund to the Tobacco
26 Settlement Recovery Fund. Any amounts so transferred shall be
27 retransferred by the State Comptroller and the State Treasurer
28 from the Tobacco Settlement Recovery Fund to the General
29 Revenue Fund at the direction of and upon notification from the
30 Governor, but in any event on or before June 30, 2005.

31 (v) In addition to any other transfers that may be provided
32 for by law, on July 1, 2004, or as soon thereafter as may be
33 practical, the State Comptroller shall direct and the State
34 Treasurer shall transfer the sum of \$1,200,000 from the General
35 Revenue Fund to the Violence Prevention Fund.

36 (w) In addition to any other transfers that may be provided

1 for by law, on July 1, 2004, or as soon thereafter as may be
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$6,445,000 from the General
4 Revenue Fund to the Presidential Library and Museum Operating
5 Fund.

6 (x) In addition to any other transfers that may be provided
7 for by law, on January 15, 2005, or as soon thereafter as may
8 be practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer to the General Revenue Fund the
10 following sums:

11 From the State Crime Laboratory Fund, \$200,000;

12 From the State Police Wireless Service Emergency Fund,
13 \$200,000;

14 From the State Offender DNA Identification System
15 Fund, \$800,000; and

16 From the State Police Whistleblower Reward and
17 Protection Fund, \$500,000.

18 (Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01;
19 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04;
20 93-839, eff. 7-30-04.)

21 (30 ILCS 105/8h)

22 Sec. 8h. Transfers to General Revenue Fund.

23 (a) Except as provided in subsection (b), notwithstanding
24 any other State law to the contrary, the Governor may, through
25 June 30, 2007, from time to time direct the State Treasurer and
26 Comptroller to transfer a specified sum from any fund held by
27 the State Treasurer to the General Revenue Fund in order to
28 help defray the State's operating costs for the fiscal year.
29 The total transfer under this Section from any fund in any
30 fiscal year shall not exceed the lesser of (i) 8% of the
31 revenues to be deposited into the fund during that fiscal year
32 or (ii) an amount that leaves a remaining fund balance of 25%
33 of the July 1 fund balance of that fiscal year. In fiscal year
34 2005 only, prior to calculating the July 1, 2004 final
35 balances, the Governor may calculate and direct the State

1 Treasurer with the Comptroller to transfer additional amounts
2 determined by applying the formula authorized in Public Act
3 93-839 ~~this amendatory Act of the 93rd General Assembly~~ to the
4 funds balances on July 1, 2003. No transfer may be made from a
5 fund under this Section that would have the effect of reducing
6 the available balance in the fund to an amount less than the
7 amount remaining unexpended and unreserved from the total
8 appropriation from that fund estimated to be expended for that
9 fiscal year. This Section does not apply to any funds that are
10 restricted by federal law to a specific use, to any funds in
11 the Motor Fuel Tax Fund, the Hospital Provider Fund, ~~or~~ the
12 Medicaid Provider Relief Fund, or the Reviewing Court
13 Alternative Dispute Resolution Fund, or to any funds to which
14 subsection (f) of Section 20-40 of the Nursing and Advanced
15 Practice Nursing Act applies. Notwithstanding any other
16 provision of this Section, for fiscal year 2004, the total
17 transfer under this Section from the Road Fund or the State
18 Construction Account Fund shall not exceed the lesser of (i) 5%
19 of the revenues to be deposited into the fund during that
20 fiscal year or (ii) 25% of the beginning balance in the fund.
21 For fiscal year 2005 through fiscal year 2007, no amounts may
22 be transferred under this Section from the Road Fund, the State
23 Construction Account Fund, the Criminal Justice Information
24 Systems Trust Fund, the Wireless Service Emergency Fund ~~the~~
25 ~~Wireless Carrier Reimbursement Fund~~, or the Mandatory
26 Arbitration Fund.

27 In determining the available balance in a fund, the
28 Governor may include receipts, transfers into the fund, and
29 other resources anticipated to be available in the fund in that
30 fiscal year.

31 The State Treasurer and Comptroller shall transfer the
32 amounts designated under this Section as soon as may be
33 practicable after receiving the direction to transfer from the
34 Governor.

35 (b) This Section does not apply to any fund established
36 under the Community Senior Services and Resources Act.

1 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
2 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
3 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised
4 12-1-04.)

5 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

6 Sec. 14.1. Appropriations for State contributions to the
7 State Employees' Retirement System; payroll requirements.

8 (a) Appropriations for State contributions to the State
9 Employees' Retirement System of Illinois shall be expended in
10 the manner provided in this Section. Except as otherwise
11 provided in subsection (a-1), at the time of each payment of
12 salary to an employee under the personal services line item,
13 payment shall be made to the State Employees' Retirement
14 System, from the amount appropriated for State contributions to
15 the State Employees' Retirement System, of an amount calculated
16 at the rate certified for the applicable fiscal year by the
17 Board of Trustees of the State Employees' Retirement System
18 under Section 14-135.08 of the Illinois Pension Code. If a line
19 item appropriation to an employer for this purpose is
20 ~~unavailable or~~ exhausted or is unavailable due to any
21 limitation on appropriations that may apply, (including, but
22 not limited to, limitations on appropriations from the Road
23 Fund under Section 8.3 of the State Finance Act), the amounts
24 shall be paid under the continuing appropriation for this
25 purpose contained in the State Pension Funds Continuing
26 Appropriation Act.

27 (a-1) Beginning on the effective date of this amendatory
28 Act of the 93rd General Assembly through the payment of the
29 final payroll from fiscal year 2004 appropriations,
30 appropriations for State contributions to the State Employees'
31 Retirement System of Illinois shall be expended in the manner
32 provided in this subsection (a-1). At the time of each payment
33 of salary to an employee under the personal services line item
34 from a fund other than the General Revenue Fund, payment shall
35 be made for deposit into the General Revenue Fund from the

1 amount appropriated for State contributions to the State
2 Employees' Retirement System of an amount calculated at the
3 rate certified for fiscal year 2004 by the Board of Trustees of
4 the State Employees' Retirement System under Section 14-135.08
5 of the Illinois Pension Code. This payment shall be made to the
6 extent that a line item appropriation to an employer for this
7 purpose is available or unexhausted. No payment from
8 appropriations for State contributions shall be made in
9 conjunction with payment of salary to an employee under the
10 personal services line item from the General Revenue Fund.

11 (b) Except during the period beginning on the effective
12 date of this amendatory Act of the 93rd General Assembly and
13 ending at the time of the payment of the final payroll from
14 fiscal year 2004 appropriations, the State Comptroller shall
15 not approve for payment any payroll voucher that (1) includes
16 payments of salary to eligible employees in the State
17 Employees' Retirement System of Illinois and (2) does not
18 include the corresponding payment of State contributions to
19 that retirement system at the full rate certified under Section
20 14-135.08 for that fiscal year for eligible employees, unless
21 the balance in the fund on which the payroll voucher is drawn
22 is insufficient to pay the total payroll voucher, or
23 unavailable due to any limitation on appropriations that may
24 apply, including, but not limited to, limitations on
25 appropriations from the Road Fund under Section 8.3 of the
26 State Finance Act. If the State Comptroller approves a payroll
27 voucher under this Section for which the fund balance is
28 insufficient to pay the full amount of the required State
29 contribution to the State Employees' Retirement System, the
30 Comptroller shall promptly so notify the Retirement System.

31 (Source: P.A. 93-665, eff. 3-5-04.)

32 Section 85. The General Obligation Bond Act is amended by
33 changing Sections 8 and 21 as follows:

34 (30 ILCS 330/8) (from Ch. 127, par. 658)

1 Sec. 8. Bond sale expenses.

2 (a) An amount not to exceed 0.5 percent of the principal
3 amount of the proceeds of sale of each bond sale is authorized
4 to be used to pay the reasonable costs of issuance and sale,
5 including, without limitation, underwriter's discounts and
6 fees, but excluding bond insurance, of State of Illinois
7 general obligation bonds authorized and sold pursuant to this
8 Act, provided that no salaries of State employees or other
9 State office operating expenses shall be paid out of
10 non-appropriated proceeds. The Governor's Office of Management
11 and Budget shall compile a summary of all costs of issuance on
12 each sale (including both costs paid out of proceeds and those
13 paid out of appropriated funds) and post that summary on its
14 web site within 20 business days after the issuance of the
15 Bonds. The summary shall include, as applicable, the respective
16 percentages of participation and compensation of each
17 underwriter that is a member of the underwriting syndicate,
18 legal counsel, financial advisors, and other professionals for
19 the bond issue and an identification of all costs of issuance
20 paid to minority owned businesses, female owned businesses, and
21 businesses owned by persons with disabilities. The terms
22 "minority owned businesses", "female owned businesses", and
23 "business owned by a person with a disability" have the
24 meanings given to those terms in the Business Enterprise for
25 Minorities, Females, and Persons with Disabilities Act. That
26 posting shall be maintained on the web site for a period of at
27 least 30 days. In addition, the Governor's Office of Management
28 and Budget shall provide a written copy of each summary of
29 costs to the Speaker and Minority Leader of the House of
30 Representatives, the President and Minority Leader of the
31 Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
32 Government Forecasting and Accountability within 20 business
33 days after each issuance of the Bonds. In addition, the
34 Governor's Office of Management and Budget shall provide copies
35 of all contracts under which any costs of issuance are paid or
36 to be paid to the ~~Illinois Economic and Fiscal~~ Commission on

1 Government Forecasting and Accountability within 20 business
2 days after the issuance of Bonds for which those costs are paid
3 or to be paid. Instead of filing a second or subsequent copy of
4 the same contract, the Governor's Office of Management and
5 Budget may file a statement that specified costs are paid under
6 specified contracts filed earlier with the Commission.

7 (b) The Director of the Governor's Office of Management and
8 Budget shall not, in connection with the issuance of Bonds,
9 contract with any underwriter, financial advisor, or attorney
10 unless that underwriter, financial advisor, or attorney
11 certifies that the underwriter, financial advisor, or attorney
12 has not and will not pay a contingent fee, whether directly or
13 indirectly, to a third party for having promoted the selection
14 of the underwriter, financial advisor, or attorney for that
15 contract. In the event that the Governor's Office of Management
16 and Budget determines that an underwriter, financial advisor,
17 or attorney has filed a false certification with respect to the
18 payment of contingent fees, the Governor's Office of Management
19 and Budget shall not contract with that underwriter, financial
20 advisor, or attorney, or with any firm employing any person who
21 signed false certifications, for a period of 2 calendar years,
22 beginning with the date the determination is made. The validity
23 of Bonds issued under such circumstances of violation pursuant
24 to this Section shall not be affected.

25 (Source: P.A. 93-2, eff. 4-7-03; 93-839, eff. 7-30-04.)

26 (30 ILCS 330/21)

27 Sec. 21. Truth in borrowing disclosures.

28 (a) Within 20 business days after the issuance of any Bonds
29 under this Act, the Director of the Governor's Office of
30 Management and Budget shall publish a truth in borrowing
31 disclosure that discloses the total principal and interest
32 payments to be paid on the Bonds over the full stated term of
33 the Bonds. The disclosure also shall include principal and
34 interest payments to be made by each fiscal year over the full
35 stated term of the Bonds and total principal and interest

1 payments to be made by each fiscal year on all other
2 outstanding Bonds issued under this Act over the full stated
3 terms of those Bonds.

4 (b) Within 20 business days after the issuance of any
5 refunding bonds under Section 16 of this Act, the Director of
6 the Governor's Office of Management and Budget shall publish a
7 truth in borrowing disclosure that discloses the estimated
8 present-valued savings to be obtained through the refunding, in
9 total and by each fiscal year that the refunding Bonds may be
10 outstanding.

11 (c) The disclosures required in subsections (a) and (b)
12 shall be published by posting the disclosures for no less than
13 30 days on the web site of the Governor's Office of Management
14 and Budget and by providing the disclosures in written form to
15 the ~~Illinois Economic and Fiscal~~ Commission on Government
16 Forecasting and Accountability. These disclosures shall be
17 calculated assuming Bonds are not redeemed or refunded prior to
18 their stated maturities. Amounts included in these disclosures
19 as payment of interest on variable rate Bonds shall be computed
20 at an interest rate equal to the rate at which the variable
21 rate Bonds are first set upon issuance, plus 2.5%, after taking
22 into account any credits permitted in the related indenture or
23 other instrument against the amount of such interest for each
24 fiscal year. Amounts included in these disclosures as payment
25 of interest on variable rate Bonds shall include the amounts
26 certified by the Director of the Governor's Office of
27 Management and Budget under subsection (b) of Section 9 of this
28 Act.

29 (Source: P.A. 93-839, eff. 7-30-04.)

30 Section 90. The Metropolitan Civic Center Support Act is
31 amended by changing Section 6 as follows:

32 (30 ILCS 355/6) (from Ch. 85, par. 1396)

33 Sec. 6. Annual statements of assets and expenses and annual
34 audit reports shall be submitted to the Department and to the

1 Legislative Audit Commission by each Authority receiving or
2 having received State financial support. Each Authority
3 receiving or having received State financial support shall
4 prepare an annual operating plan which details income and
5 expenditures for the proposed budget year of the Authority.
6 This plan shall contain the appropriate detail for the proposed
7 budget year and a 3 year plan which will justify the project's
8 ability to meet financial obligations by producing sufficient
9 revenue and detailing depreciation and maintenance
10 requirements. Such annual operating plan shall be submitted to
11 the Department and to the ~~Illinois Economic and Fiscal~~
12 Commission on Government Forecasting and Accountability no
13 later than January 15th of each year.

14 (Source: P.A. 84-245.)

15 Section 95. The Build Illinois Bond Act is amended by
16 changing Sections 5 and 8.5 as follows:

17 (30 ILCS 425/5) (from Ch. 127, par. 2805)

18 Sec. 5. Bond Sale Expenses.

19 (a) An amount not to exceed 0.5% of the principal amount of
20 the proceeds of the sale of each bond sale is authorized to be
21 used to pay reasonable costs of each issuance and sale of Bonds
22 authorized and sold pursuant to this Act, including, without
23 limitation, underwriter's discounts and fees, but excluding
24 bond insurance, advertising, printing, bond rating, travel of
25 outside vendors, security, delivery, legal and financial
26 advisory services, initial fees of trustees, registrars,
27 paying agents and other fiduciaries, initial costs of credit or
28 liquidity enhancement arrangements, initial fees of indexing
29 and remarketing agents, and initial costs of interest rate
30 swaps, guarantees or arrangements to limit interest rate risk,
31 as determined in the related Bond Sale Order, from the proceeds
32 of each Bond sale, provided that no salaries of State employees
33 or other State office operating expenses shall be paid out of
34 non-appropriated proceeds. The Governor's Office of Management

1 and Budget shall compile a summary of all costs of issuance on
2 each sale (including both costs paid out of proceeds and those
3 paid out of appropriated funds) and post that summary on its
4 web site within 20 business days after the issuance of the
5 bonds. That posting shall be maintained on the web site for a
6 period of at least 30 days. In addition, the Governor's Office
7 of Management and Budget shall provide a written copy of each
8 summary of costs to the Speaker and Minority Leader of the
9 House of Representatives, the President and Minority Leader of
10 the Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
11 Government Forecasting and Accountability within 20 business
12 days after each issuance of the bonds. This summary shall
13 include, as applicable, the respective percentage of
14 participation and compensation of each underwriter that is a
15 member of the underwriting syndicate, legal counsel, financial
16 advisors, and other professionals for the Bond issue, and an
17 identification of all costs of issuance paid to minority owned
18 businesses, female owned businesses, and businesses owned by
19 persons with disabilities. The terms "minority owned
20 businesses", "female owned businesses", and "business owned by
21 a person with a disability" have the meanings given to those
22 terms in the Business Enterprise for Minorities, Females, and
23 Persons with Disabilities Act. In addition, the Governor's
24 Office of Management and Budget shall provide copies of all
25 contracts under which any costs of issuance are paid or to be
26 paid to the ~~Illinois Economic and Fiscal~~ Commission on
27 Government Forecasting and Accountability within 20 business
28 days after the issuance of Bonds for which those costs are paid
29 or to be paid. Instead of filing a second or subsequent copy of
30 the same contract, the Governor's Office of Management and
31 Budget may file a statement that specified costs are paid under
32 specified contracts filed earlier with the Commission.

33 (b) The Director of the Governor's Office of Management and
34 Budget shall not, in connection with the issuance of Bonds,
35 contract with any underwriter, financial advisor, or attorney
36 unless that underwriter, financial advisor, or attorney

1 certifies that the underwriter, financial advisor, or attorney
2 has not and will not pay a contingent fee, whether directly or
3 indirectly, to any third party for having promoted the
4 selection of the underwriter, financial advisor, or attorney
5 for that contract. In the event that the Governor's Office of
6 Management and Budget determines that an underwriter,
7 financial advisor, or attorney has filed a false certification
8 with respect to the payment of contingent fees, the Governor's
9 Office of Management and Budget shall not contract with that
10 underwriter, financial advisor, or attorney, or with any firm
11 employing any person who signed false certifications, for a
12 period of 2 calendar years, beginning with the date the
13 determination is made. The validity of Bonds issued under such
14 circumstances of violation pursuant to this Section shall not
15 be affected.

16 (Source: P.A. 93-839, eff. 7-30-04.)

17 (30 ILCS 425/8.5)

18 Sec. 8.5. Truth in borrowing disclosures.

19 (a) Within 20 business days after the issuance of any Bonds
20 under this Act, the Director of the Governor's Office of
21 Management and Budget shall publish a truth in borrowing
22 disclosure that discloses the total principal and interest
23 payments to be paid on the Bonds over the full stated term of
24 the Bonds. The disclosure also shall include principal and
25 interest payments to be made by each fiscal year over the full
26 stated term of the Bonds and total principal and interest
27 payments to be made by each fiscal year on all other
28 outstanding Bonds issued under this Act over the full stated
29 terms of those Bonds.

30 (b) Within 20 business days after the issuance of any
31 refunding bonds under Section 15 of this Act, the Director of
32 the Governor's Office of Management and Budget shall publish a
33 truth in borrowing disclosure that discloses the estimated
34 present-valued savings to be obtained through the refunding, in
35 total and by each fiscal year that the refunding Bonds may be

1 outstanding.

2 (c) The disclosures required in subsections (a) and (b)
3 shall be published by posting the disclosures for no less than
4 30 days on the web site of the Governor's Office of Management
5 and Budget and by providing the disclosures in written form to
6 the ~~Illinois Economic and Fiscal~~ Commission on Government
7 Forecasting and Accountability. These disclosures shall be
8 calculated assuming Bonds are not redeemed or refunded prior to
9 their stated maturities. Amounts included in these disclosures
10 as payment of interest on variable rate Bonds shall be computed
11 at an interest rate equal to the rate at which the variable
12 rate Bonds are first set upon issuance, plus 2.5%, after taking
13 into account any credits permitted in the related indenture or
14 other instrument against the amount of such interest for each
15 fiscal year. Amounts included in these disclosures as payments
16 of interest shall include those amounts paid pursuant to
17 arrangements authorized pursuant to subsection (b) of Section 6
18 of this Act.

19 (Source: P.A. 93-839, eff. 7-30-04.)

20 Section 100. The State Facilities Closure Act is amended by
21 changing Sections 5-5 and 99-995 as follows:

22 (30 ILCS 608/5-5)

23 Sec. 5-5. Definitions. In this Act:

24 "Commission" means the ~~Illinois Economic and Fiscal~~
25 Commission on Government Forecasting and Accountability.

26 "State facility" means any facility (i) that is owned and
27 operated by the State or leased and operated by the State and
28 (ii) that is the primary stationary work location for 25 or
29 more State employees. "State facility" does not include any
30 facility under the jurisdiction of the legislative branch,
31 including the Auditor General, or the judicial branch.

32 (Source: P.A. 93-839, eff. 7-30-04.)

33 (30 ILCS 608/99-995)

1 Sec. 99-995. Closed meetings; vote requirement. This Act
2 authorizes the ~~Illinois Economic and Fiscal~~ Commission on
3 Government Forecasting and Accountability to hold closed
4 meetings in certain circumstances. In order to meet the
5 requirements of subsection (c) of Section 5 of Article IV of
6 the Illinois Constitution, the General Assembly determines
7 that closed meetings of the ~~Illinois Economic and Fiscal~~
8 Commission on Government Forecasting and Accountability are
9 required by the public interest. Thus, this Act is enacted by
10 the affirmative vote of two-thirds of the members elected to
11 each house of the General Assembly.

12 (Source: P.A. 93-839, eff. 7-30-04.)

13 Section 105. The Illinois Pension Code is amended by
14 changing Sections 1-103.3, 3-109.3, 14-108.3, 14-108.5,
15 15-158.3, 16-133.3, 22-803, 22-1001, 22-1002, and 22-1003 as
16 follows:

17 (40 ILCS 5/1-103.3)

18 Sec. 1-103.3. Application of 1994 amendment; funding
19 standard.

20 (a) The provisions of this amendatory Act of 1994 that
21 change the method of calculating, certifying, and paying the
22 required State contributions to the retirement systems
23 established under Articles 2, 14, 15, 16, and 18 shall first
24 apply to the State contributions required for State fiscal year
25 1996.

26 (b) The General Assembly declares that a funding ratio (the
27 ratio of a retirement system's total assets to its total
28 actuarial liabilities) of 90% is an appropriate goal for
29 State-funded retirement systems in Illinois, and it finds that
30 a funding ratio of 90% is now the generally-recognized norm
31 throughout the nation for public employee retirement systems
32 that are considered to be financially secure and funded in an
33 appropriate and responsible manner.

34 (c) Every 5 years, beginning in 1999, the ~~Illinois Economic~~

1 ~~and Fiscal~~ Commission on Government Forecasting and
2 Accountability, in consultation with the affected retirement
3 systems and the Governor's Office of Management and Budget
4 (formerly Bureau of the Budget), shall consider and determine
5 whether the 90% funding ratio adopted in subsection (b)
6 continues to represent an appropriate goal for State-funded
7 retirement systems in Illinois, and it shall report its
8 findings and recommendations on this subject to the Governor
9 and the General Assembly.

10 (Source: P.A. 88-593, eff. 8-22-94; revised 8-23-03.)

11 (40 ILCS 5/3-109.3)

12 Sec. 3-109.3. Self-managed plan.

13 (a) Purpose. The General Assembly finds that it is
14 important for municipalities to be able to attract and retain
15 the most qualified police officers and that in order to attract
16 and retain these police officers, municipalities should have
17 the flexibility to provide a defined contribution plan as an
18 alternative for eligible employees who elect not to participate
19 in a defined benefit retirement program provided under this
20 Article. Accordingly, a self-managed plan shall be provided,
21 which shall offer participating employees the opportunity to
22 accumulate assets for retirement through a combination of
23 employee and employer contributions that may be invested in
24 mutual funds, collective investment funds, or other investment
25 products and used to purchase annuity contracts, either fixed
26 or variable, or a combination thereof. The plan must be
27 qualified under the Internal Revenue Code of 1986.

28 (b) Study by Commission; Adoption of plan. The Illinois
29 Pension Laws Commission (or its successor, the ~~Economic and~~
30 ~~Fiscal~~ Commission on Government Forecasting and
31 Accountability) shall study and evaluate the creation of a
32 statewide self-managed plan for eligible employees under this
33 Article. The Commission shall report its findings and
34 recommendations to the General Assembly no later than January
35 1, 2002.

1 In accordance with the recommendations of the Commission
2 and any action taken by the General Assembly in response to
3 those recommendations, a statewide self-managed plan shall be
4 adopted for eligible employees under this Article. The
5 self-managed plan shall take effect as specified in the plan,
6 but in no event earlier than July 1, 2002 or the date of its
7 approval by the U.S. Internal Revenue Service, whichever occurs
8 later.

9 The self-managed plan shall include a plan document and
10 shall provide for the adoption of such rules and procedures as
11 are necessary or desirable for the administration of the
12 self-managed plan. Consistent with fiduciary duty to the
13 participants and beneficiaries of the self-managed plan, it may
14 provide for delegation of suitable aspects of plan
15 administration to companies authorized to do business in this
16 State.

17 (c) Selection of service providers and funding vehicles.
18 The principal administrator of the self-managed plan shall
19 solicit proposals to provide administrative services and
20 funding vehicles for the self-managed plan from insurance and
21 annuity companies and mutual fund companies, banks, trust
22 companies, or other financial institutions authorized to do
23 business in this State. In reviewing the proposals received and
24 approving and contracting with no fewer than 2 and no more than
25 7 companies, the principal administrator shall consider, among
26 other things, the following criteria:

27 (1) the nature and extent of the benefits that would be
28 provided to the participants;

29 (2) the reasonableness of the benefits in relation to
30 the premium charged;

31 (3) the suitability of the benefits to the needs and
32 interests of the participating employees and the employer;

33 (4) the ability of the company to provide benefits
34 under the contract and the financial stability of the
35 company; and

36 (5) the efficacy of the contract in the recruitment and

1 retention of employees.

2 The principal administrator shall periodically review each
3 approved company. A company may continue to provide
4 administrative services and funding vehicles for the
5 self-managed plan only so long as it continues to be an
6 approved company under contract with the principal
7 administrator.

8 (d) Employee Direction. Employees who are participating in
9 the program must be allowed to direct the transfer of their
10 account balances among the various investment options offered,
11 subject to applicable contractual provisions. The participant
12 shall not be deemed a fiduciary by reason of providing such
13 investment direction. A person who is a fiduciary shall not be
14 liable for any loss resulting from such investment direction
15 and shall not be deemed to have breached any fiduciary duty by
16 acting in accordance with that direction. The self-managed plan
17 does not guarantee any of the investments in the employee's
18 account balances.

19 (e) Participation. An eligible employee must make a written
20 election in accordance with the provisions of Section 3-109.2
21 and the procedures established under the self-managed plan.
22 Participation in the self-managed plan by an eligible employee
23 who elects to participate in the self-managed plan shall begin
24 on the first day of the first pay period following the later of
25 the date the employee's election is filed with the fund or the
26 employer, but in no event sooner than the effective date of the
27 self-managed plan.

28 A police officer who has elected to participate in the
29 self-managed plan under this Section must continue
30 participation while employed in an eligible position, and may
31 not participate in any other retirement program administered by
32 the municipality while employed as a police officer by that
33 municipality. Participation in the self-managed plan under
34 this Section shall constitute membership in an Article 3
35 pension fund.

36 (f) No Duplication of Service Credit. Notwithstanding any

1 other provision of this Article, a police officer may not
2 purchase or receive service or service credit applicable to any
3 other retirement program administered by a fund under this
4 Article for any period during which the police officer was a
5 participant in the self-managed plan established under this
6 Section.

7 (g) Contributions. The self-managed plan shall be funded by
8 contributions from participants in the self-managed plan and
9 employer contributions as provided in this Section.

10 The contribution rate for a participant in the self-managed
11 plan under this Section shall be a minimum of 10% of his or her
12 salary. This required contribution shall be made as an
13 "employer pick-up" under Section 414(h) of the Internal Revenue
14 Code of 1986 or any successor Section thereof. An employee may
15 make additional contributions to the self-managed plan in
16 accordance with the terms of the plan.

17 The self-managed plan shall provide for employer
18 contributions to be credited to each self-managed plan
19 participant at a rate of 10% of the participating employee's
20 salary, less the amount of the employer contribution used to
21 provide disability benefits for the employee. The amounts so
22 credited shall be paid into the participant's self-managed plan
23 accounts in the manner prescribed by the plan.

24 An amount of employer contribution, not exceeding 1.5% of
25 the participating employee's salary, shall be used for the
26 purpose of providing disability benefits to the participating
27 employee. Prior to the beginning of each plan year under the
28 self-managed plan, the principal administrator shall
29 determine, as a percentage of salary, the amount of employer
30 contributions to be allocated during that plan year for
31 providing disability benefits for employees in the
32 self-managed plan.

33 (h) Vesting; Withdrawal; Return to Service. A participant
34 in the self-managed plan becomes fully vested in the employer
35 contributions credited to his or her account in the
36 self-managed plan on the earliest to occur of the following:

1 (1) completion of 6 years of service with the
2 municipality; or

3 (2) the death of the participating employee while
4 employed by the municipality, if the participant has
5 completed at least 1.5 years of service.

6 A participant in the self-managed plan who receives a
7 distribution of his or her vested amounts from the self-managed
8 plan upon or after termination of employment shall forfeit all
9 service credit and accrued rights in the fund of his or her
10 employer; if subsequently re-employed, the participant shall
11 be considered a new employee. If a former participant again
12 becomes a participating employee and continues as such for at
13 least 2 years, all such rights, service credit, and previous
14 status as a participant shall be restored upon repayment of the
15 amount of the distribution without interest.

16 (i) Benefit amounts. If a participating employee who is
17 fully vested in employer contributions terminates employment,
18 the participating employee shall be entitled to a benefit which
19 is based on the account values attributable to both employer
20 and employee contributions and any investment return thereon.

21 If a participating employee who is not fully vested in
22 employer contributions terminates employment, the employee
23 shall be entitled to a benefit based on the account values
24 attributable to the employee's contributions and any
25 investment return thereon, plus the following percentage of
26 employer contributions and any investment return thereon: 20%
27 after the second year; 40% after the third year; 60% after the
28 fourth year; 80% after the fifth year; and 100% after the sixth
29 year. The remainder of employer contributions and investment
30 return thereon shall be forfeited. Any employer contributions
31 that are forfeited shall be held in escrow by the company
32 investing those contributions and shall be used as directed by
33 the municipality for future allocations of employer
34 contributions or for the restoration of amounts previously
35 forfeited by former participants who again become
36 participating employees.

1 (Source: P.A. 93-632, eff. 2-1-04.)

2 (40 ILCS 5/14-108.3)

3 Sec. 14-108.3. Early retirement incentives.

4 (a) To be eligible for the benefits provided in this
5 Section, a person must:

6 (1) be a member of this System who, on any day during
7 June, 2002, is (i) in active payroll status in a position
8 of employment with a department and an active contributor
9 to this System with respect to that employment, and
10 terminates that employment before the retirement annuity
11 under this Article begins, or (ii) on layoff status from
12 such a position with a right of re-employment or recall to
13 service, or (iii) receiving benefits under Section 14-123,
14 14-123.1 or 14-124, but only if the member has not been
15 receiving those benefits for a continuous period of more
16 than 2 years as of the date of application;

17 (2) not have received any retirement annuity under this
18 Article beginning earlier than August 1, 2002;

19 (3) file with the Board on or before December 31, 2002
20 a written application requesting the benefits provided in
21 this Section;

22 (4) terminate employment under this Article no later
23 than December 31, 2002 (or the date established under
24 subsection (d), if applicable);

25 (5) by the date of termination of service, have at
26 least 8 years of creditable service under this Article,
27 without the use of any creditable service established under
28 this Section;

29 (6) by the date of termination of service, have at
30 least 5 years of membership service earned while an
31 employee under this Article, which may include military
32 service for which credit is established under Section
33 14-105(b), service during the qualifying period for which
34 credit is established under Section 14-104(a), and service
35 for which credit has been established by repaying a refund

1 under Section 14-130, but shall not include service for
2 which any other optional service credit has been
3 established; and

4 (7) not receive any early retirement benefit under
5 Section 16-133.3 of this Code.

6 (b) An eligible person may establish up to 5 years of
7 creditable service under this Article, in increments of one
8 month, by making the contributions specified in subsection (c).
9 In addition, for each month of creditable service established
10 under this Section, a person's age at retirement shall be
11 deemed to be one month older than it actually is.

12 The creditable service established under this Section may
13 be used for all purposes under this Article and the Retirement
14 Systems Reciprocal Act, except for the computation of final
15 average compensation under Section 14-103.12 or the
16 determination of compensation under this or any other Article
17 of this Code.

18 The age enhancement established under this Section may not
19 be used to enable any person to begin receiving a retirement
20 annuity calculated under Section 14-110 before actually
21 attaining age 50 (without any age enhancement under this
22 Section). The age enhancement established under this Section
23 may be used for all other purposes under this Article
24 (including calculation of a proportionate annuity payable by
25 this System under the Retirement Systems Reciprocal Act),
26 except for purposes of the level income option in Section
27 14-112, the reversionary annuity under Section 14-113, and the
28 required distributions under Section 14-121.1.

29 The age enhancement established under this Section may be
30 used in determining benefits payable under Article 16 of this
31 Code under the Retirement Systems Reciprocal Act, if the person
32 has at least 5 years of service credit in the Article 16 system
33 that was earned while participating in that system as a teacher
34 (as defined in Section 16-106) employed by a department (as
35 defined in Section 14-103.04). Age enhancement established
36 under this Section shall not otherwise be used in determining

1 benefits payable under other Articles of this Code under the
2 Retirement Systems Reciprocal Act.

3 (c) For all creditable service established under this
4 Section, a person must pay to the System an employee
5 contribution to be determined by the System, based on the
6 member's rate of compensation on June 1, 2002 (or the last date
7 before June 1, 2002 for which a rate can be determined) and the
8 retirement contribution rate in effect on June 1, 2002 for the
9 member (or for members with the same social security and
10 alternative formula status as the member).

11 If the member receives a lump sum payment for accumulated
12 vacation, sick leave and personal leave upon withdrawal from
13 service, and the net amount of that lump sum payment is at
14 least as great as the amount of the contribution required under
15 this Section, the entire contribution must be paid by the
16 employee by payroll deduction. If there is no such lump sum
17 payment, or if it is less than the contribution required under
18 this Section, the member shall make an initial payment by
19 payroll deduction, equal to the net amount of the lump sum
20 payment for accumulated vacation, sick leave, and personal
21 leave, and have the remaining amount due treated as a reduction
22 from the retirement annuity in 24 equal monthly installments
23 beginning in the month in which the retirement annuity takes
24 effect. The required contribution may be paid as a pre-tax
25 deduction from earnings. For federal and Illinois tax purposes,
26 the monthly amount by which the annuitant's benefit is reduced
27 shall not be treated as a contribution by the annuitant, but
28 rather as a reduction of the annuitant's monthly benefit.

29 (c-5) The reduction in retirement annuity provided in
30 subsection (c) of Section 14-108 does not apply to the annuity
31 of a person who retires under this Section. A person who has
32 received any age enhancement or creditable service under this
33 Section may begin to receive an unreduced retirement annuity
34 upon attainment of age 55 with at least 25 years of creditable
35 service (including any age enhancement and creditable service
36 established under this Section).

1 (d) In order to ensure that the efficient operation of
2 State government is not jeopardized by the simultaneous
3 retirement of large numbers of key personnel, the director or
4 other head of a department may, for key employees of that
5 department, extend the December 31, 2002 deadline for
6 terminating employment under this Article established in
7 subdivision (a)(4) of this Section to a date not later than
8 April 30, 2003 by so notifying the System in writing by
9 December 31, 2002.

10 (e) Notwithstanding Section 14-111, a person who has
11 received any age enhancement or creditable service under this
12 Section and who reenters service under this Article (or as an
13 employee of a department under Article 16) other than as a
14 temporary employee thereby forfeits that age enhancement and
15 creditable service and is entitled to a refund of the
16 contributions made pursuant to this Section.

17 (f) The System shall determine the amount of the increase
18 in the present value of future benefits resulting from the
19 granting of early retirement incentives under this Section and
20 shall report that amount to the Governor and the ~~Economic and~~
21 ~~Fiscal~~ Commission on Government Forecasting and Accountability
22 on or after the effective date of this amendatory Act of the
23 93rd General Assembly and on or before November 15, 2004. The
24 increase reported under this subsection (f) shall not be
25 included in the calculation of the required State contribution
26 under Section 14-131.

27 (g) In addition to the contributions otherwise required
28 under this Article, the State shall appropriate and pay to the
29 System (1) an amount equal to \$70,000,000 in State fiscal years
30 2004 and 2005 and (2) in each of State fiscal years 2006
31 through 2015, a level dollar-payment based upon the increase in
32 the present value of future benefits provided by the early
33 retirement incentives provided under this Section amortized at
34 8.5% interest.

35 (h) The ~~Economic and Fiscal~~ Commission on Government
36 Forecasting and Accountability (i) shall hold one or more

1 hearings on or before the last session day during the fall veto
2 session of 2004 to review recommendations relating to funding
3 of early retirement incentives under this Section and (ii)
4 shall file its report with the General Assembly on or before
5 December 31, 2004 making its recommendations relating to
6 funding of early retirement incentives under this Section; the
7 Commission's report may contain both majority recommendations
8 and minority recommendations. The System shall recalculate and
9 recertify to the Governor by January 31, 2005 the amount of the
10 required State contribution to the System for State fiscal year
11 2005 with respect to those incentives. The Pension Laws
12 Commission (or its successor, the ~~Economic and Fiscal~~
13 Commission on Government Forecasting and Accountability) shall
14 determine and report to the General Assembly, on or before
15 January 1, 2004 and annually thereafter through the year 2013,
16 its estimate of (1) the annual amount of payroll savings likely
17 to be realized by the State as a result of the early retirement
18 of persons receiving early retirement incentives under this
19 Section and (2) the net annual savings or cost to the State
20 from the program of early retirement incentives created under
21 this Section.

22 The System, the Department of Central Management Services,
23 the Governor's Office of Management and Budget (formerly Bureau
24 of the Budget), and all other departments shall provide to the
25 Commission any assistance that the Commission may request with
26 respect to its reports under this Section. The Commission may
27 require departments to provide it with any information that it
28 deems necessary or useful with respect to its reports under
29 this Section, including without limitation information about
30 (1) the final earnings of former department employees who
31 elected to receive benefits under this Section, (2) the
32 earnings of current department employees holding the positions
33 vacated by persons who elected to receive benefits under this
34 Section, and (3) positions vacated by persons who elected to
35 receive benefits under this Section that have not yet been
36 refilled.

1 (i) The changes made to this Section by this amendatory Act
2 of the 92nd General Assembly do not apply to persons who
3 retired under this Section on or before May 1, 1992.

4 (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04;
5 93-839, eff. 7-30-04.)

6 (40 ILCS 5/14-108.5)

7 Sec. 14-108.5. Alternative retirement cancellation
8 payment.

9 (a) To be eligible for the alternative retirement
10 cancellation payment provided in this Section, a person must:

11 (1) be a member of this System who, on any day during
12 June 2004, was (i) in active payroll status as an employee
13 in a position listed in subsection (b) of this Section and
14 continuously employed in a position listed in subsection
15 (b) on and after January 1, 2004 and (ii) an active
16 contributor to this System with respect to that employment;

17 (2) have not previously received any retirement
18 annuity under this Article;

19 (3) not accept an incentive payment under Section 14a.5
20 of the State Finance Act;

21 (4) in the case of persons employed in a position title
22 listed under paragraph (1) of subsection (b), be among the
23 first 3,000 persons to file with the Board on or before
24 September 30, 2004 a written application requesting the
25 alternative retirement cancellation payment provided in
26 this Section;

27 (5) in the case of persons employed in a position title
28 listed under paragraph (2) of subsection (b), have received
29 written authorization from the director or other head of
30 his or her department and filed that authorization with the
31 system on or before September 1, 2004;

32 (6) if there is a QILDRO in effect against the person,
33 file with the Board the written consent of all alternate
34 payees under the QILDRO to the election of an alternative
35 retirement cancellation payment under this Section; and

1 (7) terminate employment under this Article within 2
2 weeks after approval of the person's application
3 requesting the alternative retirement cancellation
4 payment, but in no event later than October 31, 2004.

5 (b) (1) Position titles eligible for the alternative
6 retirement cancellation payment provided in this Section
7 are:

8 911 Analyst III; Brickmason; Account Clerk I and II; Budget
9 Analyst I and II; Account Technician I and II; Budget
10 Operations Director; Accountant; Budget Principal;
11 Accountant Advanced; Building Services Worker; Accountant
12 Supervisor; Building/Grounds Laborer; Accounting Fiscal
13 Administrative Career Trainee; Building/Grounds Lead 1 and
14 2; Accounts Payable Processing Analyst; Building/Grounds
15 Maintenance Worker; Accounts Payable Specialist;
16 Building/Grounds Supervisor; Accounts Processing Analyst;
17 Bureau Chief; Actuarial Assistant; Business Administrative
18 Specialist; Administrative and Technology Director;
19 Business Analyst I through IV; Administrative Assistant I
20 through III; Business Manager; Administrative Clerk;
21 Buyer; Administrative Coordinator; Buyer Assistant;
22 Administrator; Capital Budget Analyst I and II;
23 Administrator of Capital Programs; Capital Budget
24 Director; Administrator of Construction Administration;
25 Capital Programs Analyst I and II; Administrator of
26 Contract Administration; Capital Programs Technician;
27 Administrator of Fair Employment Practices; Carpenter;
28 Administrator of Fiscal; Carpenter Foreman; Administrator
29 of Information Management; Cartographer I through III;
30 Administrator of Information Systems; Chief - Police;
31 Administrator of Personnel; Chief Veterans Technician;
32 Administrator of Professional Services; Circuit
33 Provisioning Specialist; Administrator of Public Affairs;
34 Civil Engineer I through IX; Administrator of
35 Quality-Based Selection; Civil Engineer Trainee;

1 Administrator of Strategic Planning and Training; Clerical
2 Trainee; Appeals & Orders Coordinator; Communications
3 Director; Appraisal Specialist 1 through 3; Community
4 Planner 3; Assignment Coordinator; Commander; Assistant
5 Art-in-Architecture Coordinator; Compliance Specialist;
6 Assistant Chief - Police; Conservation Education
7 Representative; Assistant Internal Auditor; Conservation
8 Grant Administrator 1 through 3; Assistant Manager;
9 Construction Supervisor I and II; Assistant Personnel
10 Officer; Consumer Policy Analyst; Assistant Professor
11 Scientist; Consumer Program Coordinator; Assistant
12 Reimbursement Officer; Contract Executive; Assistant
13 Steward; Coordinator of Administrative Services; Associate
14 Director for Administrative Services; Coordinator of
15 Art-in-Architecture; Associate Museum Director;
16 Corrections Clerk I through III; Associate Professor
17 Scientist; Corrections Maintenance Supervisor; Corrections
18 Caseworker Supervisor; Corrections Food Service
19 Supervisor; Auto Parts Warehouse Specialist; Corrections
20 Maintenance Worker; Auto Parts Warehouse; Curator I
21 through III; Automotive Attendant I and II; Data Processing
22 Administrative Specialist; Automotive Mechanic; Data
23 Processing Assistant; Automotive Shop Supervisor; Data
24 Processing Operator; Baker; Data Processing Specialist;
25 Barber; Data Processing Supervisor 1 through 3;
26 Beautician; Data Processing Technician; Brickmason; Deputy
27 Chief Counsel; Director of Licensing; Desktop Technician;
28 Director of Security; Human Resources Officer; Division
29 Chief; Human Resources Representative; Division Director;
30 Human Resources Specialist; Economic Analyst I through IV;
31 Human Resources Trainee; Electrical Engineer; Human
32 Services Casework Manager; Electrical Engineer I through
33 V; Human Services Grant Coordinator 2 and 3; Electrical
34 Equipment Installer/Repairer; Iconographer; Electrical
35 Equipment Installer/Repairer Lead Worker; Industry and
36 Commercial Development Representative 1 and 2;

1 Electrician; Industry Services Consultant 1 and 2;
2 Electronics Technician; Information Services Intern;
3 Elevator Operator; Information Services Specialist I and
4 II; Endangered Species Secretary; Information Systems
5 Analyst I through III; Engineering Aide; Information
6 Systems Manager; Engineering Analyst I through IV;
7 Information Systems Planner; Engineering Manager I and II;
8 Institutional Maintenance Worker; Engineering Technician I
9 through V; Instrument Designer; Environmental Scientist I
10 and II; Insurance Analyst I through IV; Executive I through
11 VI; Executive Assistant; Intermittent Clerk; Executive
12 Assistant I through IV; Intermittent Laborer Maintenance;
13 Executive Secretary 1 through 3; Intern; Federal Funding
14 and Public Safety Director; Internal Auditor 1; Financial &
15 Budget Assistant; Internal Communications Officer;
16 Financial & Budget Supervisor; International Marketing
17 Representative 1; Financial Management Director; IT
18 Manager; Fiscal Executive; Janitor I and II; Fiscal
19 Officer; Junior State Veterinarian; Gas Engineer I through
20 IV; Junior Supervisor Scientist; General Counsel and
21 Regulatory Director; Laboratory Manager II; General
22 Services Administrator I; Labor Maintenance Lead Worker;
23 General Services Technician; Laborer; Geographic
24 Information Specialist 1 and 2; Laborer (Building);
25 Geologist I through IV; Laborer (Maintenance); Graphic
26 Arts Design Supervisor; Landscape Architect; Graphic Arts
27 Designer; Landscape Architect I through IV; Graphic Arts
28 Technician; Landscape Planner; Grounds Supervisor; Laundry
29 Manager I; Highway Construction Supervisor I; Legislative
30 Liaison I and II; Historical Research Editor 2; Liability
31 Claims Adjuster 1 and 2; Historical Research Specialist;
32 Librarian 1 and 2; Horse Custodian; Library Aide I through
33 III; Horse Identifier; Library Associate; Hourly
34 Assistant; Library Technical Assistant; Human Resource
35 Coordinator; Licensing Assistant; Human Resources Analyst;
36 Line Technician I through II; Human Resources Assistant;

1 Local History Service Representative; Human Resources
2 Associate; Local Housing Advisor 2 and 3; Human Resources
3 Manager; Local Revenue and Fiscal Advisor 3; Machinist;
4 Locksmith; Maintenance Equipment Operator; Operations
5 Communications Specialist Trainee; Maintenance Worker;
6 Operations Technician; Maintenance Worker Power Plant;
7 Painter; Management Information Technician; Paralegal
8 Assistant; Management Operations Analyst 1 and 2;
9 Performance Management Analyst; Management Secretary I;
10 Personnel Manager; Management Systems Specialist;
11 Photogrammetrist I through IV; Management Technician I
12 through IV; Physician; Manager; Physician Specialist
13 Operations A through D; Manpower Planner 1 through 3;
14 Planning Director; Medical Administrator III and V; Plant
15 Maintenance Engineer 1 and 2; Methods & Processes Advisor
16 1, 2 and III; Plumber; Methods & Processes Career Associate
17 1 and 2; Policy Advisor; Microfilm Operator I through III;
18 Policy Analyst I through IV; Military Administrative
19 Assistant I; Power Shovel Operator (Maintenance); Military
20 Administrative Clerk; Principal Economist; Military
21 Administrative Officer-Legal; Principal Scientist;
22 Military Administrative Specialist; Private Secretary 1
23 and 2; Military Community Relations Specialist; Private
24 Secretary I and II; Military Cooperative Agreement
25 Specialist; Procurement Representative; Military Crash,
26 Fire, Rescue I through III; Professor & Scientist; Military
27 Energy Manager; Program Manager; Military Engineer
28 Technician; Program Specialist; Military Environmental
29 Specialist I through III; Project Coordinator; Military
30 Facilities Engineer; Project Designer; Military Facilities
31 Officer I; Project Manager I through III; Military
32 Maintenance Engineer; Project Manager; Military Museum
33 Director; Project Manager/Technical Specialist I thru III;
34 Military Program Supervisor; Project Specialist I through
35 IV; Military Property Custodian II; Projects Director;
36 Military Real Property Clerk; Property & Supply Clerk I

1 through III; Motorist Assistance Specialist; Property
2 Control Officer; Museum Director; Public Administration
3 Intern; Museum Security Head I through III; Public
4 Information Coordinator; Museum Technician I through III;
5 Public Information Officer; Network Control Center
6 Specialist; Public Information Officer 2 through 4;
7 Network Control Center Technician 2; Public Service
8 Administrator; Network Engineer I through IV; Race Track
9 Maintenance 1 and 2; Office Administration Specialist;
10 Radio Technician Program Coordinator; Office Administrator
11 1 through 5; Realty Specialist I through V; Office Aide;
12 Receptionist; Office Assistant; Regional Manager; Office
13 Associate; Regulatory Accountant IV; Office Clerk;
14 Reimbursement Officer 1 and 2; Office Coordinator;
15 Representative I and II; Office Manager; Representative
16 Trainee; Office Occupations Trainee; School Construction
17 Manager; Office Specialist; Secretary I and IV; Operations
18 Communications Specialist I and II; Security Guard; Senior
19 Economic Analyst; Security Supervisor; Senior Editor;
20 Systems Developer I through IV; Senior Electrical
21 Engineer; Systems Developer Trainee; Senior Financial &
22 Budget Assistant; Systems Engineer I through IV; Senior Gas
23 Engineer; Systems Engineer Trainee; Senior Policy Analyst;
24 Tariff & Order Coordinator; Senior Programs Analyst;
25 Tariff Administrator III; Senior Project Consultant;
26 Tariff Analyst IV; Senior Project Manager; Teacher of
27 Barbering; Senior Public Information Officer; Teacher of
28 Beauty Culture; Senior Public Service Administrator;
29 Technical Advisor 2 and 3; Senior Rate Analyst; Technical
30 Advisor I through VII; Senior Technical Assistant;
31 Technical Analyst; Technical Manager I through IX; Senior
32 Technical Supervisor; Technical Assistant; Senior
33 Technology Specialist; Technical Manager 1; Senior
34 Transportation Industry Analyst; Technical Manager I
35 through X; Sewage Plant Operator; Technical Specialist;
36 Sign Hanger; Technical Support Specialist; Sign Hanger

1 Foreman; Technical Specialist I thru III; Sign Painter;
2 Technician Trainee; Sign Shop Foreman; Telecom Systems
3 Analyst; Silk Screen Operator; Telecom Systems Consultant;
4 Senior Administrative Assistant; Telecom Systems
5 Technician 1 and 2; Site Superintendent; Telecommunication
6 Supervisor; Software Architect; Tinsmith; Special
7 Assistant; Trades Tender; Special Assistant to the
8 Executive Director; Training Coordinator; Staff
9 Development Specialist I; Transportation Counsel; Staff
10 Development Technician II; Transportation Industry Analyst
11 III; State Police Captain; Transportation Industry
12 Customer Service; State Police Lieutenant; Transportation
13 Officer; State Police Major; Transportation Policy Analyst
14 III and IV; State Police Master Sergeant; Urban Planner I
15 through VI; Stationary Engineer; Utility Engineer I and II;
16 Stationary Engineer Assistant Chief; Veteran Secretary;
17 Stationary Engineer Chief; Veteran Technician; Stationary
18 Fireman; Water Engineer I through IV; Statistical Research
19 Specialist 1 through 3; Water Plant Operator; Statistical
20 Research Supervisor; Web and Publications Manager;
21 Statistical Research Technician; Steamfitter; Steward;
22 Steward Secretary; Storekeeper I through III; Stores
23 Clerk; Student Intern; Student Worker; Supervisor;
24 Supervisor & Assistant Scientist; Supervisor & Associate
25 Scientist; Switchboard Operator 1 through 3;
26 Administrative Assistant to the Superintendent; Assistant
27 Legal Advisor; Legal Assistant; Senior Human Resources
28 Specialist; Principal Internal Auditor; Division
29 Administrator; Division Supervisor; and Private Secretary
30 I through III.

31 (2) In addition, any position titles with the Speaker
32 of the House of Representatives, the Minority Leader of the
33 House of Representatives, the President of the Senate, the
34 Minority Leader of the Senate, the Attorney General, the
35 Secretary of State, the Comptroller, the Treasurer, the
36 Auditor General, the Supreme Court, the Court of Claims,

1 and each legislative agency are eligible for the
2 alternative retirement cancellation payment provided in
3 this Section.

4 (c) In lieu of any retirement annuity or other benefit
5 provided under this Article, a person who qualifies for and
6 elects to receive the alternative retirement cancellation
7 payment under this Section shall be entitled to receive a
8 one-time lump sum retirement cancellation payment equal to the
9 amount of his or her contributions to the System (including any
10 employee contributions for optional service credit and
11 including any employee contributions paid by the employer or
12 credited to the employee during disability) as of the date of
13 termination, with regular interest, multiplied by 2.

14 (d) Notwithstanding any other provision of this Article, a
15 person who receives an alternative retirement cancellation
16 payment under this Section thereby forfeits the right to any
17 other retirement or disability benefit or refund under this
18 Article, and no widow's, survivor's, or death benefit deriving
19 from that person shall be payable under this Article. Upon
20 accepting an alternative retirement cancellation payment under
21 this Section, the person's creditable service and all other
22 rights in the System are terminated for all purposes, except
23 for the purpose of determining State group life and health
24 benefits for the person and his or her survivors as provided
25 under the State Employees Group Insurance Act of 1971.

26 (e) To the extent permitted by federal law, a person who
27 receives an alternative retirement cancellation payment under
28 this Section may direct the System to pay all or a portion of
29 that payment as a rollover into another retirement plan or
30 account qualified under the Internal Revenue Code of 1986, as
31 amended.

32 (f) Notwithstanding Section 14-111, a person who has
33 received an alternative retirement cancellation payment under
34 this Section and who reenters service under this Article other
35 than as a temporary employee must repay to the System the
36 amount by which that alternative retirement cancellation

1 payment exceeded the amount of his or her refundable employee
2 contributions within 60 days of resuming employment under this
3 System. For the purposes of re-establishing creditable service
4 that was terminated upon election of the alternative retirement
5 cancellation payment, the portion of the alternative
6 retirement cancellation payment representing refundable
7 employee contributions shall be deemed a refund repayable in
8 accordance with Section 14-130.

9 (g) The ~~Economic and Fiscal~~ Commission on Government
10 Forecasting and Accountability shall determine and report to
11 the Governor and the General Assembly, on or before January 1,
12 2006, its estimate of (1) the annual amount of payroll savings
13 likely to be realized by the State as a result of the early
14 termination of persons receiving the alternative retirement
15 cancellation payment under this Section and (2) the net annual
16 savings or cost to the State from the program of alternative
17 retirement cancellation payments under this Section.

18 The System, the Department of Central Management Services,
19 the Governor's Office of Management and Budget, and all other
20 departments shall provide to the Commission any assistance that
21 the Commission may request with respect to its report under
22 this Section. The Commission may require departments to provide
23 it with any information that it deems necessary or useful with
24 respect to its reports under this Section, including without
25 limitation information about (1) the final earnings of former
26 department employees who elected to receive alternative
27 retirement cancellation payments under this Section, (2) the
28 earnings of current department employees holding the positions
29 vacated by persons who elected to receive alternative
30 retirement cancellation payments under this Section, and (3)
31 positions vacated by persons who elected to receive alternative
32 retirement cancellation payments under this Section that have
33 not yet been refilled.

34 (Source: P.A. 93-839, eff. 7-30-04.)

1 Sec. 15-158.3. Reports on cost reduction; effect on
2 retirement at any age with 30 years of service.

3 (a) On or before November 15, 2001 and on or before
4 November 15th of each year thereafter, the Board shall have the
5 System's actuary prepare a report showing, on a fiscal year by
6 fiscal year basis, the actual rate of participation in the
7 self-managed plan authorized by Section 15-158.2, (i) by
8 employees of the System's covered higher educational
9 institutions who were hired on or after the implementation date
10 of the self-managed plan and (ii) by other System participants.

11 The actuary's report must also quantify the extent to which
12 employee optional retirement plan participation has reduced
13 the State's required contributions to the System, expressed
14 both in dollars and as a percentage of covered payroll, in
15 relation to what the State's contributions to the System would
16 have been (1) if the self-managed plan had not been
17 implemented, and (2) if 45% of employees of the System's
18 covered higher educational institutions who were hired on or
19 after the implementation date of the self-managed plan had
20 elected to participate in the self-managed plan and 10% of
21 other System participants had transferred to the self-managed
22 plan following its implementation.

23 (b) On or before November 15th of 2001 and on or before
24 November 15th of each year thereafter, the Illinois Board of
25 Higher Education, in conjunction with the Bureau of the Budget
26 (now Governor's Office of Management and Budget) shall prepare
27 a report showing, on a fiscal year by fiscal year basis, the
28 amount by which the costs associated with compensable sick
29 leave have been reduced as a result of the termination of
30 compensable sick leave accrual on and after January 1, 1998 by
31 employees of higher education institutions who are
32 participants in the System.

33 (c) On or before November 15 of 2001 and on or before
34 November 15th of each year thereafter, the Department of
35 Central Management Services shall prepare a report showing, on
36 a fiscal year by fiscal year basis, the amount by which the

1 State's cost for health insurance coverage under the State
2 Employees Group Insurance Act of 1971 for retirees of the
3 State's universities and their survivors has declined as a
4 result of requiring some of those retirees and survivors to
5 contribute to the cost of their basic health insurance. These
6 year-by-year reductions in cost must be quantified both in
7 dollars and as a level percentage of payroll covered by the
8 System.

9 (d) The reports required under subsections (a), (b), and
10 (c) shall be disseminated to the Board, the Pension Laws
11 Commission (until it ceases to exist), the ~~Illinois Economic~~
12 ~~and Fiscal~~ Commission on Government Forecasting and
13 Accountability, the Illinois Board of Higher Education, and the
14 Governor.

15 (e) The reports required under subsections (a), (b), and
16 (c) shall be taken into account by the Pension Laws Commission
17 (or its successor, the ~~Economic and Fiscal~~ Commission on
18 Government Forecasting and Accountability) in making any
19 recommendation to extend by legislation beyond December 31,
20 2002 the provision that allows a System participant to retire
21 at any age with 30 or more years of service as authorized in
22 Section 15-135. If that provision is extended beyond December
23 31, 2002, and if the most recent report under subsection (a)
24 indicates that actual State contributions to the System for the
25 period during which the self-managed plan has been in operation
26 have exceeded the projected State contributions under the
27 assumptions in clause (2) of subsection (a), then any extension
28 of the provision beyond December 31, 2002 must require that the
29 System's higher educational institutions and agencies cover
30 any funding deficiency through an annual payment to the System
31 out of appropriate resources of their own.

32 (Source: P.A. 93-632, eff. 2-1-04.)

33 (40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

34 Sec. 16-133.3. Early retirement incentives for State
35 employees.

1 (a) To be eligible for the benefits provided in this
2 Section, a person must:

3 (1) be a member of this System who, on any day during
4 June, 2002, is (i) in active payroll status as a full-time
5 teacher employed by a department and an active contributor
6 to this System with respect to that employment, or (ii) on
7 layoff status from such a position with a right of
8 re-employment or recall to service, or (iii) receiving a
9 disability benefit under Section 16-149 or 16-149.1, but
10 only if the member has not been receiving that benefit for
11 a continuous period of more than 2 years as of the date of
12 application;

13 (2) not have received any retirement annuity under this
14 Article beginning earlier than August 1, 2002;

15 (3) file with the Board on or before December 31, 2002
16 a written application requesting the benefits provided in
17 this Section;

18 (4) terminate employment under this Article no later
19 than December 31, 2002 (or the date established under
20 subsection (d), if applicable);

21 (5) by the date of termination of service, have at
22 least 8 years of creditable service under this Article,
23 without the use of any creditable service established under
24 this Section;

25 (6) by the date of termination of service, have at
26 least 5 years of service credit earned while participating
27 in the System as a teacher employed by a department; and

28 (7) not receive any early retirement benefit under
29 Section 14-108.3 of this Code.

30 For the purposes of this Section, "department" means a
31 department as defined in Section 14-103.04 that employs a
32 teacher as defined in this Article.

33 (b) An eligible person may establish up to 5 years of
34 creditable service under this Article by making the
35 contributions specified in subsection (c). In addition, for
36 each period of creditable service established under this

1 Section, a person's age at retirement shall be deemed to be
2 enhanced by an equivalent period.

3 The creditable service established under this Section may
4 be used for all purposes under this Article and the Retirement
5 Systems Reciprocal Act, except for the computation of final
6 average salary, the determination of salary or compensation
7 under this Article or any other Article of this Code, or the
8 determination of eligibility for or the computation of benefits
9 under Section 16-133.2.

10 The age enhancement established under this Section may be
11 used for all purposes under this Article (including calculation
12 of a proportionate annuity payable by this System under the
13 Retirement Systems Reciprocal Act), except for purposes of a
14 retirement annuity under Section 16-133(a) (A), a reversionary
15 annuity under Section 16-136, the required distributions under
16 Section 16-142.3, and the determination of eligibility for or
17 the computation of benefits under Section 16-133.2. Age
18 enhancement established under this Section may be used in
19 determining benefits payable under Article 14 of this Code
20 under the Retirement Systems Reciprocal Act (subject to the
21 limitations on the use of age enhancement provided in Section
22 14-108.3); age enhancement established under this Section
23 shall not be used in determining benefits payable under other
24 Articles of this Code under the Retirement Systems Reciprocal
25 Act.

26 (c) For all creditable service established under this
27 Section, a person must pay to the System an employee
28 contribution to be determined by the System, equal to 9.0% of
29 the member's highest annual salary rate that would be used in
30 the determination of the average salary for retirement annuity
31 purposes if the member retired immediately after withdrawal,
32 for each year of creditable service established under this
33 Section.

34 If the member receives a lump sum payment for accumulated
35 vacation, sick leave, and personal leave upon withdrawal from
36 service, and the net amount of that lump sum payment is at

1 least as great as the amount of the contribution required under
2 this Section, the entire contribution must be paid by the
3 employee by payroll deduction. If there is no such lump sum
4 payment, or if it is less than the contribution required under
5 this Section, the member shall make an initial payment by
6 payroll deduction, equal to the net amount of the lump sum
7 payment for accumulated vacation, sick leave, and personal
8 leave, and have the remaining amount due treated as a reduction
9 from the retirement annuity in 24 equal monthly installments
10 beginning in the month in which the retirement annuity takes
11 effect. The required contribution may be paid as a pre-tax
12 deduction from earnings.

13 (d) In order to ensure that the efficient operation of
14 State government is not jeopardized by the simultaneous
15 retirement of large numbers of key personnel, the director or
16 other head of a department may, for key employees of that
17 department, extend the December 31, 2002 deadline for
18 terminating employment under this Article established in
19 subdivision (a)(4) of this Section to a date not later than
20 April 30, 2003 by so notifying the System in writing by
21 December 31, 2002.

22 (e) A person who has received any age enhancement or
23 creditable service under this Section and who reenters
24 contributing service under this Article or Article 14 shall
25 thereby forfeit that age enhancement and creditable service,
26 and become entitled to a refund of the contributions made
27 pursuant to this Section.

28 (f) The System shall determine the amount of the increase
29 in the present value of future benefits resulting from the
30 granting of early retirement incentives under this Section and
31 shall report that amount to the Governor and the ~~Economic and~~
32 ~~Fiscal~~ Commission on Government Forecasting and Accountability
33 on or after the effective date of this amendatory Act of the
34 93rd General Assembly and on or before November 15, 2004. The
35 increase in liability reported under this subsection (f) shall
36 not be included in the calculation of the required State

1 contribution under Section 16-158.

2 (g) In addition to the contributions otherwise required
3 under this Article, the State shall appropriate and pay to the
4 System (1) an amount equal to \$1,000,000 in State fiscal year
5 2004 and (2) in each of State fiscal years 2006 through 2015, a
6 level dollar-payment based upon the increase in the present
7 value of future benefits provided by the early retirement
8 incentives provided under this Section amortized at 8.5%
9 interest.

10 (h) The Pension Laws Commission (or its successor, the
11 ~~Economic and Fiscal~~ Commission on Government Forecasting and
12 Accountability) shall determine and report to the General
13 Assembly, on or before January 1, 2004 and annually thereafter
14 through the year 2013, its estimate of (1) the annual amount of
15 payroll savings likely to be realized by the State as a result
16 of the early retirement of persons receiving early retirement
17 incentives under this Section and (2) the net annual savings or
18 cost to the State from the program of early retirement
19 incentives created under this Section.

20 The System, the Department of Central Management Services,
21 the Governor's Office of Management and Budget (formerly Bureau
22 of the Budget), and all other departments shall provide to the
23 Commission any assistance that the Commission may request with
24 respect to its reports under this Section. The Commission may
25 require departments to provide it with any information that it
26 deems necessary or useful with respect to its reports under
27 this Section, including without limitation information about
28 (1) the final earnings of former department employees who
29 elected to receive benefits under this Section, (2) the
30 earnings of current department employees holding the positions
31 vacated by persons who elected to receive benefits under this
32 Section, and (3) positions vacated by persons who elected to
33 receive benefits under this Section that have not yet been
34 refilled.

35 (i) The changes made to this Section by this amendatory Act
36 of the 92nd General Assembly do not apply to persons who

1 retired under this Section on or before May 1, 1992.

2 (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04;
3 93-839, eff. 7-30-04.)

4 (40 ILCS 5/22-803)

5 Sec. 22-803. ~~Economic and Fiscal~~ Commission on Government
6 Forecasting and Accountability. The Illinois State Board of
7 Investment and all pension funds and retirement systems subject
8 to this Code shall cooperate with the ~~Economic and Fiscal~~
9 Commission on Government Forecasting and Accountability and
10 shall upon request provide the Commission with such information
11 and other assistance as it may find necessary or useful for the
12 performance of its duties.

13 (Source: P.A. 93-632, eff. 2-1-04.)

14 (40 ILCS 5/22-1001) (from Ch. 108 1/2, par. 22-1001)

15 Sec. 22-1001. Submission of information. By March 1 of
16 each year, the retirement systems created under Articles 2, 14,
17 15, 16 and 18 of this Code shall each submit the following
18 information to the ~~Economic and Fiscal~~ Commission on Government
19 Forecasting and Accountability:

20 (1) the most recent actuarial valuation computed using
21 the projected unit credit actuarial cost method for
22 retirement and ancillary benefits.

23 (2) a full disclosure of the provisions of the plan;
24 economic, mortality, termination, and demographic
25 assumptions used for the valuation; methods used to
26 determine the actuarial values; the impact of significant
27 changes in the actuarial assumptions and methods; the most
28 recent experience review; and other information affecting
29 the plan's actuarial status.

30 (3) the State's share of the amount necessary to fund
31 the normal cost plus interest on the unfunded accrued
32 liability for the next fiscal year as determined by the
33 projected unit credit computations.

34 (4) a five-year history of the system's liabilities,

1 assets (valued at cost), and unfunded liabilities.

2 (5) the July 1 market value of system assets and a
3 five-year history of annual and annualized investment
4 returns of the system's total portfolio and each segment of
5 the portfolio; and

6 (6) measures of financial status, including ten-year
7 trends of: unfunded liabilities, funded ratios, quick
8 liability ratios, current reserves, and other solvency
9 tests requested by the Commission.

10 For plan years ending prior to December 31, 1984, the
11 historical data submitted by the retirement systems pursuant to
12 items (4) and (6) above may be based on a cost method other
13 than the projected unit credit actuarial cost method. In
14 submitting the data, the retirement systems shall specify the
15 method used.

16 (Source: P.A. 93-632, eff. 2-1-04.)

17 (40 ILCS 5/22-1002) (from Ch. 108 1/2, par. 22-1002)

18 Sec. 22-1002. Within 3 days of the Governor's submission of
19 the State Budget, the Director of the Governor's Office of
20 Management and Budget shall provide the ~~Illinois Economic and~~
21 ~~Fiscal~~ Commission on Government Forecasting and Accountability
22 with the recommendations for budgeted annual appropriations
23 for each system as specified in the Governor's budget
24 recommendations.

25 (Source: P.A. 93-632, eff. 2-1-04.)

26 (40 ILCS 5/22-1003) (from Ch. 108 1/2, par. 22-1003)

27 Sec. 22-1003. The ~~Economic and Fiscal~~ Commission on
28 Government Forecasting and Accountability shall receive the
29 information specified in Section 22-1001 and Section 22-1002 of
30 this Act. Commission staff shall examine the information and
31 submit a report of the analysis thereof to the General
32 Assembly. The report shall also include either an analysis of
33 the effect of the different economic assumptions used by the 5
34 systems, or supplemental valuations using the same economic

1 assumptions for all 5 systems. The Commission shall compare (1)
2 each system's required actuarial funding computed using the
3 projected unit credit actuarial cost method, and (2) the
4 required State contribution levels established by Public Act
5 88-593. The report shall also identify the amount of the
6 required funding for each system expected to come from (i)
7 budgeted annual appropriations and (ii) continuing
8 appropriations under the State Pension Funds Continuing
9 Appropriation Act.

10 The Commission shall also compute multiple year
11 projections showing the effect on system liabilities and the
12 State's annual cost (1) if the systems were to be funded
13 according to actuarial recommendations that the Commission
14 deems reasonable, (2) if each system were to be funded
15 according to recommendations made by the system's actuary, and
16 (3) if the systems were to be funded according to the required
17 State contribution levels established by Public Act 88-593;
18 including (i) comparisons of State costs with projected benefit
19 payments, payroll, and the general funds budget, and (ii)
20 comparisons of unfunded liabilities, funded ratios, solvency
21 tests, and projected reserves. The Commission may conduct
22 additional analyses and projections as it deems useful.

23 (Source: P.A. 93-632, eff. 2-1-04.)

24 Section 107. The State Pension Funds Continuing
25 Appropriation Act is amended by changing Sections 1 and 1.2 as
26 follows:

27 (40 ILCS 15/1)

28 Sec. 1. Appropriations from State Pensions Fund. For the
29 purpose of making up any deficiency in the appropriations to
30 the designated retirement systems that are required to be made
31 under Section 8.12 of the State Finance Act, there is hereby
32 appropriated, on a continuing annual basis in each fiscal year,
33 from the State Pensions Fund to each designated retirement
34 system, the amount, if any, by which the total appropriation to

1 that system from the State Pensions Fund for that fiscal year
2 is less than the amount required to be appropriated to that
3 retirement system under Section 8.12 of the State Finance Act.

4 The annual appropriation under this Section to each
5 designated retirement system shall take effect on July 1 for
6 the State fiscal year beginning on that date.

7 The amount of any continuing appropriation used by a
8 retirement system under this Section for a given fiscal year
9 shall be charged against the unexpended amount of any
10 appropriation to that retirement system for that fiscal year
11 under Section 8.12 of the State Finance Act that subsequently
12 becomes available, subject to Section 8.3 of the State Finance
13 Act.

14 "Designated retirement systems" means the State Employees'
15 Retirement System of Illinois, the Teachers' Retirement System
16 of the State of Illinois, the State Universities Retirement
17 System, the Judges Retirement System of Illinois, and the
18 General Assembly Retirement System.

19 The appropriations made in this Section are appropriated to
20 the designated retirement systems as a part of the annual State
21 contribution required by the laws providing for the funding of
22 those systems.

23 (Source: P.A. 87-923; 88-593, eff. 8-22-94.)

24 (40 ILCS 15/1.2)

25 Sec. 1.2. Appropriations for the State Employees'
26 Retirement System.

27 (a) From each fund from which an amount is appropriated for
28 personal services to a department or other employer under
29 Article 14 of the Illinois Pension Code, there is hereby
30 appropriated to that department or other employer, on a
31 continuing annual basis for each State fiscal year, an
32 additional amount equal to the amount, if any, by which (1) an
33 amount equal to the percentage of the personal services line
34 item for that department or employer from that fund for that
35 fiscal year that the Board of Trustees of the State Employees'

1 Retirement System of Illinois has certified under Section
2 14-135.08 of the Illinois Pension Code to be necessary to meet
3 the State's obligation under Section 14-131 of the Illinois
4 Pension Code for that fiscal year, exceeds (2) the amounts
5 otherwise appropriated to that department or employer from that
6 fund for State contributions to the State Employees' Retirement
7 System for that fiscal year. From the effective date of this
8 amendatory Act of the 93rd General Assembly through the final
9 payment from a department or employer's personal services line
10 item for fiscal year 2004, payments to the State Employees'
11 Retirement System that otherwise would have been made under
12 this subsection (a) shall be governed by the provisions in
13 subsection (a-1).

14 (a-1) If a Fiscal Year 2004 Shortfall is certified under
15 subsection (f) of Section 14-131 of the Illinois Pension Code,
16 there is hereby appropriated to the State Employees' Retirement
17 System of Illinois on a continuing basis from the General
18 Revenue Fund an additional aggregate amount equal to the Fiscal
19 Year 2004 Shortfall.

20 (b) The continuing appropriations provided for by this
21 Section shall first be available in State fiscal year 1996.

22 (c) Beginning in Fiscal Year 2005, any continuing
23 appropriation under this Section arising out of an
24 appropriation for personal services from the Road Fund to the
25 Department of State Police or the Secretary of State shall be
26 payable from the General Revenue Fund rather than the Road
27 Fund.

28 (Source: P.A. 93-665, eff. 3-5-04.)

29 Section 110. The Illinois Sports Facilities Authority Act
30 is amended by changing Section 18 as follows:

31 (70 ILCS 3205/18) (from Ch. 85, par. 6018)

32 Sec. 18. Records and Reports of the Authority. The
33 secretary shall keep a record of the proceedings of the
34 Authority. The treasurer of the Authority shall be custodian of

1 all Authority funds, and shall be bonded in such amount as the
2 other members of the Authority may designate. The accounts and
3 books of the Authority shall be set up and maintained in a
4 manner approved by the Auditor General, and the Authority shall
5 file with the Auditor General a certified annual report within
6 120 days after the close of its fiscal year. The Authority
7 shall also file with the Governor, the Secretary of the Senate,
8 the Clerk of the House of Representatives, the ~~Illinois~~
9 ~~Economic and Fiscal~~ Commission on Government Forecasting and
10 Accountability, by March 1 of each year, a written report
11 covering its activities for the previous fiscal year and so
12 filed, such report shall be a public record and open for
13 inspection at the offices of the Authority during normal
14 business hours.

15 (Source: P.A. 84-1470.)

16 Section 115. The Downstate Illinois Sports Facilities
17 Authority Act is amended by changing Section 75 as follows:

18 (70 ILCS 3210/75)

19 Sec. 75. Records and reports of the Authority. The
20 secretary shall keep a record of the proceedings of the
21 Authority. The treasurer of the Authority shall be custodian of
22 all Authority funds and shall be bonded in the amount the other
23 members of the Authority may designate. The accounts and books
24 of the Authority shall be set up and maintained in a manner
25 approved by the Auditor General, and the Authority shall file
26 with the Auditor General a certified annual report within 120
27 days after the close of its fiscal year. The Authority shall
28 also file with the Governor, the Secretary of the Senate, the
29 Clerk of the House of Representatives, and the ~~Illinois~~
30 ~~Economic and Fiscal~~ Commission on Government Forecasting and
31 Accountability, by March 1 of each year, a written report
32 covering its activities for the previous fiscal year. So filed,
33 the report shall be a public record and open for inspection at
34 the offices of the Authority during normal business hours.

1 (Source: P.A. 93-227, eff. 1-1-04.)

2 Section 120. The Board of Higher Education Act is amended
3 by changing Sections 9.11 and 9.18 as follows:

4 (110 ILCS 205/9.11) (from Ch. 144, par. 189.11)

5 Sec. 9.11. Effective January 1, 1980, to require the
6 preparation of an annual capital plan which details the
7 proposed budget year and 3 year capital needs of the Board of
8 Trustees of the University of Illinois, the Board of Trustees
9 of Southern Illinois University, the Board of Trustees of
10 Chicago State University, the Board of Trustees of Eastern
11 Illinois University, the Board of Trustees of Governors State
12 University, the Board of Trustees of Illinois State University,
13 the Board of Trustees of Northeastern Illinois University, the
14 Board of Trustees of Northern Illinois University, and the
15 Board of Trustees of Western Illinois University. Such plan
16 shall detail capital expenditures to finance revenue producing
17 facilities through the issuance of revenue bonds. This plan
18 shall detail each project and the project cost in current
19 dollar amounts. The plan shall contain the appropriate detail
20 for the proposed budget year and the 3 year plan which will
21 justify the projects ability to meet: the debt service
22 requirements by producing sufficient revenue, life expectancy
23 and maintenance requirements. Such annual capital plans shall
24 be submitted to the ~~Illinois Economic and Fiscal~~ Commission on
25 Government Forecasting and Accountability no later than March
26 15th of each year.

27 (Source: P.A. 89-4, eff. 1-1-96.)

28 (110 ILCS 205/9.18) (from Ch. 144, par. 189.18)

29 Sec. 9.18. To review the annual budget proposals of the
30 Illinois Mathematics and Science Academy and to submit to the
31 Governor, the General Assembly, the Governor's Office of
32 Management and Budget ~~Bureau of the Budget~~, and the ~~Illinois~~
33 ~~Economic and Fiscal~~ Commission on Government Forecasting and

1 Accountability its analysis and recommendations on such budget
2 proposals.

3 (Source: P.A. 85-1019; revised 8-23-03.)

4 Section 125. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 1.3 as follows:

6 (230 ILCS 5/1.3)

7 Sec. 1.3. Legislative findings.

8 (a) The General Assembly finds that the Illinois gaming
9 industry is a single industry consisting of horse racing and
10 riverboat gambling. Reports issued by the ~~legislative Economic~~
11 ~~and Fiscal~~ Commission on Government Forecasting and
12 Accountability in 1992, 1994, and 1998 have found that horse
13 racing and riverboat gambling:

14 (1) "share many of the same characteristics" and are
15 "more alike than different";

16 (2) are planned events;

17 (3) have similar odds of winning;

18 (4) occur in similar settings; and

19 (5) compete with each other for limited gaming dollars.

20 (b) The General Assembly declares it to be the public
21 policy of this State to ensure the viability of both horse
22 racing and riverboat aspects of the Illinois gaming industry.

23 (Source: P.A. 91-40, eff. 6-25-99.)

24 Section 130. The Toll Highway Act is amended by changing
25 Section 23 as follows:

26 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

27 Sec. 23. The Authority shall file with the Governor, the
28 Clerk of the House of Representatives, the Secretary of the
29 Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
30 Government Forecasting and Accountability, on or prior to March
31 15th of each year, a written statement and report covering its
32 activities for the preceding calendar year. The Authority shall

1 present, to the committees of the House of Representatives
2 designated by the Speaker of the House and to the committees of
3 the Senate designated by the President of the Senate, an annual
4 report outlining its planned revenues and expenditures. The
5 Authority shall prepare an annual capital plan which identifies
6 capital projects by location and details the project costs in
7 correct dollar amounts. The Authority shall also prepare and
8 file a ten-year capital plan that includes a listing of all
9 capital improvement projects contemplated during the ensuing
10 ten-year period. The first ten-year capital plan shall be filed
11 in 1991 and thereafter on the anniversary of each ten-year
12 period.

13 It shall also be the duty of the Auditor General of the
14 State of Illinois, annually to audit or cause to be audited the
15 books and records of the Authority and to file a certified copy
16 of the report of such audit with the Governor and with the
17 Legislative Audit Commission, which audit reports, when so
18 filed, shall be open to the public for inspection.

19 (Source: P.A. 91-256, eff. 1-1-00.)

20 Section 135. The Illinois Vehicle Code is amended by
21 changing Sections 3-820 and 3-821 as follows:

22 (625 ILCS 5/3-820) (from Ch. 95 1/2, par. 3-820)

23 Sec. 3-820. Duplicate Number Plates. Upon filing in the
24 Office of the Secretary of State an affidavit to the effect
25 that an original number plate for a vehicle is lost, stolen or
26 destroyed, a duplicate number plate shall be furnished upon
27 payment of a fee of \$6 for each duplicate plate and a fee of \$9
28 for a pair of duplicate plates.

29 Upon filing in the Office of the Secretary of State an
30 affidavit to the effect that an original registration sticker
31 for a vehicle is lost, stolen or destroyed, a new registration
32 sticker shall be furnished upon payment of a fee of \$5 for
33 registration stickers issued on or before February 28, 2005 and
34 \$20 for registration stickers issued on or after March 1, 2005.

1 The Secretary of State may, in his discretion, assign a new
 2 number plate or plates in lieu of a duplicate of the plate or
 3 plates so lost, stolen or destroyed, but such assignment of a
 4 new plate or plates shall not affect the right of the owner to
 5 secure a reassignment of his original registration number in
 6 the manner provided in this Act. The fee for one new number
 7 plate shall be \$6, and for a pair of new number plates, \$9.

8 For the administration of this Section, the Secretary shall
 9 consider the loss of a registration plate or plates with
 10 properly affixed registration stickers as requiring the
 11 payment of:

12 (i) \$11 for each duplicate issued on or before February
 13 28, 2005 and \$26 for each duplicate issued on or after
 14 March 1, 2005; or

15 (ii) \$14 for a pair of duplicate plates issued on or
 16 before February 28, 2005 and \$29 for a pair of duplicate
 17 plates issued on or after March 1, 2005. ~~or~~

18 ~~(iii) \$39 for a pair of duplicate plates on or after~~
 19 ~~January 1, 2005, which includes a fee of \$20 for the~~
 20 ~~replacement sticker.~~

21 (Source: P.A. 93-840, eff. 7-30-04.)

22 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)
 23 Sec. 3-821. Miscellaneous Registration and Title Fees.

24 (a) The fee to be paid to the Secretary of State for the
 25 following certificates, registrations or evidences of proper
 26 registration, or for corrected or duplicate documents shall be
 27 in accordance with the following schedule:

| | |
|--|------|
| 28 Certificate of Title, except for an all-terrain | |
| 29 vehicle or off-highway motorcycle | \$65 |
| 30 Certificate of Title for an all-terrain vehicle | |
| 31 or off-highway motorcycle | \$30 |
| 32 Certificate of Title for an all-terrain vehicle | |
| 33 or off-highway motorcycle used for production | |
| 34 agriculture, or accepted by a dealer in trade | 13 |
| 35 Transfer of Registration or any evidence of | |

| | | |
|----|--|-----------|
| 1 | proper registration | 15 |
| 2 | Duplicate Registration Card for plates or other | |
| 3 | evidence of proper registration | 3 |
| 4 | Duplicate Registration Sticker or Stickers <u>issued</u> | |
| 5 | <u>on or before February 28, 2005, each</u> | <u>5</u> |
| 6 | <u>Duplicate Registration Sticker or Stickers issued</u> | |
| 7 | <u>on or after March 1, 2005, each</u> | <u>20</u> |
| 8 | Duplicate Certificate of Title | 65 |
| 9 | Corrected Registration Card or Card for other | |
| 10 | evidence of proper registration | 3 |
| 11 | Corrected Certificate of Title | 65 |
| 12 | Salvage Certificate | 4 |
| 13 | Fleet Reciprocity Permit | 15 |
| 14 | Prorate Decal | 1 |
| 15 | Prorate Backing Plate | 3 |

16 There shall be no fee paid for a Junking Certificate.

17 (b) The Secretary may prescribe the maximum service charge
18 to be imposed upon an applicant for renewal of a registration
19 by any person authorized by law to receive and remit or
20 transmit to the Secretary such renewal application and fees
21 therewith.

22 (c) If a check is delivered to the Office of the Secretary
23 of State as payment of any fee or tax under this Code, and such
24 check is not honored by the bank on which it is drawn for any
25 reason, the registrant or other person tendering the check
26 remains liable for the payment of such fee or tax. The
27 Secretary of State may assess a service charge of \$19 in
28 addition to the fee or tax due and owing for all dishonored
29 checks.

30 If the total amount then due and owing exceeds the sum of
31 \$50 and has not been paid in full within 60 days from the date
32 such fee or tax became due to the Secretary of State, the
33 Secretary of State shall assess a penalty of 25% of such amount
34 remaining unpaid.

35 All amounts payable under this Section shall be computed to
36 the nearest dollar.

1 (d) The minimum fee and tax to be paid by any applicant for
2 apportionment of a fleet of vehicles under this Code shall be
3 \$15 if the application was filed on or before the date
4 specified by the Secretary together with fees and taxes due. If
5 an application and the fees or taxes due are filed after the
6 date specified by the Secretary, the Secretary may prescribe
7 the payment of interest at the rate of 1/2 of 1% per month or
8 fraction thereof after such due date and a minimum of \$8.

9 (e) Trucks, truck tractors, truck tractors with loads, and
10 motor buses, any one of which having a combined total weight in
11 excess of 12,000 lbs. shall file an application for a Fleet
12 Reciprocity Permit issued by the Secretary of State. This
13 permit shall be in the possession of any driver operating a
14 vehicle on Illinois highways. Any foreign licensed vehicle of
15 the second division operating at any time in Illinois without a
16 Fleet Reciprocity Permit or other proper Illinois
17 registration, shall subject the operator to the penalties
18 provided in Section 3-834 of this Code. For the purposes of
19 this Code, "Fleet Reciprocity Permit" means any second division
20 motor vehicle with a foreign license and used only in
21 interstate transportation of goods. The fee for such permit
22 shall be \$15 per fleet which shall include all vehicles of the
23 fleet being registered.

24 (f) For purposes of this Section, "all-terrain vehicle or
25 off-highway motorcycle used for production agriculture" means
26 any all-terrain vehicle or off-highway motorcycle used in the
27 raising of or the propagation of livestock, crops for sale for
28 human consumption, crops for livestock consumption, and
29 production seed stock grown for the propagation of feed grains
30 and the husbandry of animals or for the purpose of providing a
31 food product, including the husbandry of blood stock as a main
32 source of providing a food product. "All-terrain vehicle or
33 off-highway motorcycle used in production agriculture" also
34 means any all-terrain vehicle or off-highway motorcycle used in
35 animal husbandry, floriculture, aquaculture, horticulture, and
36 viticulture.

1 (Source: P.A. 92-16, eff. 6-28-01; 93-840, eff. 7-30-04;
2 revised 10-6-04.)

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.