



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 3195

2 AMENDMENT NO. _____. Amend Senate Bill 3195 by replacing
3 everything after the enacting clause with the following:

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

1 established under Section 15-158.2), paragraphs (2), (3), or
2 (5) of Section 16-106, or Article 18 of the Illinois Pension
3 Code; (2) any person who was receiving group insurance coverage
4 under this Act as of March 31, 1978 by reason of his status as
5 an annuitant, even though the annuity in relation to which such
6 coverage was provided is a proportional annuity based on less
7 than the minimum period of service required for a retirement
8 annuity in the system involved; (3) any person not otherwise
9 covered by this Act who has retired as a participating member
10 under Article 2 of the Illinois Pension Code but is ineligible
11 for the retirement annuity under Section 2-119 of the Illinois
12 Pension Code; (4) the spouse of any person who is receiving a
13 retirement annuity under Article 18 of the Illinois Pension
14 Code and who is covered under a group health insurance program
15 sponsored by a governmental employer other than the State of
16 Illinois and who has irrevocably elected to waive his or her
17 coverage under this Act and to have his or her spouse
18 considered as the "annuitant" under this Act and not as a
19 "dependent"; or (5) an employee who retires, or has retired,
20 from a qualified position, as determined according to rules
21 promulgated by the Director, under a qualified local government
22 or a qualified rehabilitation facility or a qualified domestic
23 violence shelter or service. (For definition of "retired
24 employee", see (p) post).

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

34 (b-6) "New SURS annuitant" means a person who (1) on or

1 after January 1, 1998, becomes an annuitant, as defined in
2 subsection (b), by virtue of beginning to receive a retirement
3 annuity under Article 15 of the Illinois Pension Code, (2) has
4 not made the election authorized under Section 15-135.1 of the
5 Illinois Pension Code, and (3) is eligible to participate in
6 the basic program of group health benefits provided for
7 annuitants under this Act.

8 (b-7) "New TRS State annuitant" means a person who, on or
9 after July 1, 1998, becomes an annuitant, as defined in
10 subsection (b), by virtue of beginning to receive a retirement
11 annuity under Article 16 of the Illinois Pension Code based on
12 service as a teacher as defined in paragraph (2), (3), or (5)
13 of Section 16-106 of that Code, and is eligible to participate
14 in the basic program of group health benefits provided for
15 annuitants under this Act.

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

22 (d) "Compensation" means salary or wages payable on a
23 regular payroll by the State Treasurer on a warrant of the
24 State Comptroller out of any State, trust or federal fund, or
25 by the Governor of the State through a disbursing officer of
26 the State out of a trust or out of federal funds, or by any
27 Department out of State, trust, federal or other funds held by
28 the State Treasurer or the Department, to any person for
29 personal services currently performed, and ordinary or
30 accidental disability benefits under Articles 2, 14, 15
31 (including ordinary or accidental disability benefits under
32 the optional retirement program established under Section
33 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
34 Article 18 of the Illinois Pension Code, for disability

1 incurred after January 1, 1966, or benefits payable under the
2 Workers' Compensation or Occupational Diseases Act or benefits
3 payable under a sick pay plan established in accordance with
4 Section 36 of the State Finance Act. "Compensation" also means
5 salary or wages paid to an employee of any qualified local
6 government or qualified rehabilitation facility or a qualified
7 domestic violence shelter or service.

8 (e) "Commission" means the State Employees Group Insurance
9 Advisory Commission authorized by this Act. Commencing July 1,
10 1984, "Commission" as used in this Act means the ~~Illinois~~
11 ~~Economic and Fiscal~~ Commission on Government Forecasting and
12 Accountability as established by the Legislative Commission
13 Reorganization Act of 1984.

14 (f) "Contributory", when referred to as contributory
15 coverage, shall mean optional coverages or benefits elected by
16 the member toward the cost of which such member makes
17 contribution, or which are funded in whole or in part through
18 the acceptance of a reduction in earnings or the foregoing of
19 an increase in earnings by an employee, as distinguished from
20 noncontributory coverage or benefits which are paid entirely by
21 the State of Illinois without reduction of the member's salary.

22 (g) "Department" means any department, institution, board,
23 commission, officer, court or any agency of the State
24 government receiving appropriations and having power to
25 certify payrolls to the Comptroller authorizing payments of
26 salary and wages against such appropriations as are made by the
27 General Assembly from any State fund, or against trust funds
28 held by the State Treasurer and includes boards of trustees of
29 the retirement systems created by Articles 2, 14, 15, 16 and 18
30 of the Illinois Pension Code. "Department" also includes the
31 Illinois Comprehensive Health Insurance Board, the Board of
32 Examiners established under the Illinois Public Accounting
33 Act, and the Illinois Finance Authority.

34 (h) "Dependent", when the term is used in the context of

1 the health and life plan, means a member's spouse and any
2 unmarried child (1) from birth to age 19 including an adopted
3 child, a child who lives with the member from the time of the
4 filing of a petition for adoption until entry of an order of
5 adoption, a stepchild or recognized child who lives with the
6 member in a parent-child relationship, or a child who lives
7 with the member if such member is a court appointed guardian of
8 the child, or (2) age 19 to 23 enrolled as a full-time student
9 in any accredited school, financially dependent upon the
10 member, and eligible to be claimed as a dependent for income
11 tax purposes, or (3) age 19 or over who is mentally or
12 physically handicapped. For the health plan only, the term
13 "dependent" also includes any person enrolled prior to the
14 effective date of this Section who is dependent upon the member
15 to the extent that the member may claim such person as a
16 dependent for income tax deduction purposes; no other such
17 person may be enrolled. For the health plan only, the term
18 "dependent" also includes any person who has received after
19 June 30, 2000 an organ transplant and who is financially
20 dependent upon the member and eligible to be claimed as a
21 dependent for income tax purposes.

22 (i) "Director" means the Director of the Illinois
23 Department of Central Management Services.

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

27 (k) "Employee" means and includes each officer or employee
28 in the service of a department who (1) receives his
29 compensation for service rendered to the department on a
30 warrant issued pursuant to a payroll certified by a department
31 or on a warrant or check issued and drawn by a department upon
32 a trust, federal or other fund or on a warrant issued pursuant
33 to a payroll certified by an elected or duly appointed officer
34 of the State or who receives payment of the performance of

1 personal services on a warrant issued pursuant to a payroll
2 certified by a Department and drawn by the Comptroller upon the
3 State Treasurer against appropriations made by the General
4 Assembly from any fund or against trust funds held by the State
5 Treasurer, and (2) is employed full-time or part-time in a
6 position normally requiring actual performance of duty during
7 not less than 1/2 of a normal work period, as established by
8 the Director in cooperation with each department, except that
9 persons elected by popular vote will be considered employees
10 during the entire term for which they are elected regardless of
11 hours devoted to the service of the State, and (3) except that
12 "employee" does not include any person who is not eligible by
13 reason of such person's employment to participate in one of the
14 State retirement systems under Articles 2, 14, 15 (either the
15 regular Article 15 system or the optional retirement program
16 established under Section 15-158.2) or 18, or under paragraph
17 (2), (3), or (5) of Section 16-106, of the Illinois Pension
18 Code, but such term does include persons who are employed
19 during the 6 month qualifying period under Article 14 of the
20 Illinois Pension Code. Such term also includes any person who
21 (1) after January 1, 1966, is receiving ordinary or accidental
22 disability benefits under Articles 2, 14, 15 (including
23 ordinary or accidental disability benefits under the optional
24 retirement program established under Section 15-158.2),
25 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
26 the Illinois Pension Code, for disability incurred after
27 January 1, 1966, (2) receives total permanent or total
28 temporary disability under the Workers' Compensation Act or
29 Occupational Disease Act as a result of injuries sustained or
30 illness contracted in the course of employment with the State
31 of Illinois, or (3) is not otherwise covered under this Act and
32 has retired as a participating member under Article 2 of the
33 Illinois Pension Code but is ineligible for the retirement
34 annuity under Section 2-119 of the Illinois Pension Code.

1 However, a person who satisfies the criteria of the foregoing
2 definition of "employee" except that such person is made
3 ineligible to participate in the State Universities Retirement
4 System by clause (4) of subsection (a) of Section 15-107 of the
5 Illinois Pension Code is also an "employee" for the purposes of
6 this Act. "Employee" also includes any person receiving or
7 eligible for benefits under a sick pay plan established in
8 accordance with Section 36 of the State Finance Act. "Employee"
9 also includes each officer or employee in the service of a
10 qualified local government, including persons appointed as
11 trustees of sanitary districts regardless of hours devoted to
12 the service of the sanitary district, and each employee in the
13 service of a qualified rehabilitation facility and each
14 full-time employee in the service of a qualified domestic
15 violence shelter or service, as determined according to rules
16 promulgated by the Director.

17 (l) "Member" means an employee, annuitant, retired
18 employee or survivor.

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

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

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

27 (p) "Retired employee" means any person who would be an
28 annuitant as that term is defined herein but for the fact that
29 such person retired prior to January 1, 1966. Such term also
30 includes any person formerly employed by the University of
31 Illinois in the Cooperative Extension Service who would be an
32 annuitant but for the fact that such person was made ineligible
33 to participate in the State Universities Retirement System by
34 clause (4) of subsection (a) of Section 15-107 of the Illinois

1 Pension Code.

2 (q) "Survivor" means a person receiving an annuity as a
3 survivor of an employee or of an annuitant. "Survivor" also
4 includes: (1) the surviving dependent of a person who satisfies
5 the definition of "employee" except that such person is made
6 ineligible to participate in the State Universities Retirement
7 System by clause (4) of subsection (a) of Section 15-107 of the
8 Illinois Pension Code; (2) the surviving dependent of any
9 person formerly employed by the University of Illinois in the
10 Cooperative Extension Service who would be an annuitant except
11 for the fact that such person was made ineligible to
12 participate in the State Universities Retirement System by
13 clause (4) of subsection (a) of Section 15-107 of the Illinois
14 Pension Code; and (3) the surviving dependent of a person who
15 was an annuitant under this Act by virtue of receiving an
16 alternative retirement cancellation payment under Section
17 14-108.5 of the Illinois Pension Code.

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

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

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

26 (q-5) "New SERS survivor" means a survivor, as defined in
27 subsection (q), whose annuity is paid under Article 14 of the
28 Illinois Pension Code and is based on the death of (i) an
29 employee whose death occurs on or after January 1, 1998, or
30 (ii) a new SERS annuitant as defined in subsection (b-5). "New
31 SERS survivor" includes the surviving dependent of a person who
32 was an annuitant under this Act by virtue of receiving an
33 alternative retirement cancellation payment under Section
34 14-108.5 of the Illinois Pension Code.

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

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

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

16 (s) "Unit of local government" means any county,
17 municipality, township, school district (including a
18 combination of school districts under the Intergovernmental
19 Cooperation Act), special district or other unit, designated as
20 a unit of local government by law, which exercises limited
21 governmental powers or powers in respect to limited
22 governmental subjects, any not-for-profit association with a
23 membership that primarily includes townships and township
24 officials, that has duties that include provision of research
25 service, dissemination of information, and other acts for the
26 purpose of improving township government, and that is funded
27 wholly or partly in accordance with Section 85-15 of the
28 Township Code; any not-for-profit corporation or association,
29 with a membership consisting primarily of municipalities, that
30 operates its own utility system, and provides research,
31 training, dissemination of information, or other acts to
32 promote cooperation between and among municipalities that
33 provide utility services and for the advancement of the goals
34 and purposes of its membership; the Southern Illinois

1 Collegiate Common Market, which is a consortium of higher
2 education institutions in Southern Illinois; and the Illinois
3 Association of Park Districts. "Qualified local government"
4 means a unit of local government approved by the Director and
5 participating in a program created under subsection (i) of
6 Section 10 of this Act.

7 (t) "Qualified rehabilitation facility" means any
8 not-for-profit organization that is accredited by the
9 Commission on Accreditation of Rehabilitation Facilities or
10 certified by the Department of Human Services (as successor to
11 the Department of Mental Health and Developmental
12 Disabilities) to provide services to persons with disabilities
13 and which receives funds from the State of Illinois for
14 providing those services, approved by the Director and
15 participating in a program created under subsection (j) of
16 Section 10 of this Act.

17 (u) "Qualified domestic violence shelter or service" means
18 any Illinois domestic violence shelter or service and its
19 administrative offices funded by the Department of Human
20 Services (as successor to the Illinois Department of Public
21 Aid), approved by the Director and participating in a program
22 created under subsection (k) of Section 10.

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

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

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

27 (3) either (i) has at least 8 years of creditable
28 service under Article 16 of the Illinois Pension Code, or
29 (ii) was enrolled in the health insurance program offered
30 under that Article on January 1, 1996, or (iii) is the
31 survivor of a benefit recipient who had at least 8 years of
32 creditable service under Article 16 of the Illinois Pension
33 Code or was enrolled in the health insurance program
34 offered under that Article on the effective date of this

1 amendatory Act of 1995, or (iv) is a recipient or survivor
2 of a recipient of a disability benefit under Article 16 of
3 the Illinois Pension Code.

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

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

7 (2) is a TRS benefit recipient's: (A) spouse, (B)
8 dependent parent who is receiving at least half of his or
9 her support from the TRS benefit recipient, or (C)
10 unmarried natural or adopted child who is (i) under age 19,
11 or (ii) enrolled as a full-time student in an accredited
12 school, financially dependent upon the TRS benefit
13 recipient, eligible to be claimed as a dependent for income
14 tax purposes, and either is under age 24 or was, on January
15 1, 1996, participating as a dependent beneficiary in the
16 health insurance program offered under Article 16 of the
17 Illinois Pension Code, or (iii) age 19 or over who is
18 mentally or physically handicapped.

19 (x) "Military leave with pay and benefits" refers to
20 individuals in basic training for reserves, special/advanced
21 training, annual training, emergency call up, or activation by
22 the President of the United States with approved pay and
23 benefits.

24 (y) "Military leave without pay and benefits" refers to
25 individuals who enlist for active duty in a regular component
26 of the U.S. Armed Forces or other duty not specified or
27 authorized under military leave with pay and benefits.

28 (z) "Community college benefit recipient" means a person
29 who:

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

31 (2) is receiving a monthly survivor's annuity or
32 retirement annuity under Article 15 of the Illinois Pension
33 Code; and

34 (3) either (i) was a full-time employee of a community

1 college district or an association of community college
2 boards created under the Public Community College Act
3 (other than an employee whose last employer under Article
4 15 of the Illinois Pension Code was a community college
5 district subject to Article VII of the Public Community
6 College Act) and was eligible to participate in a group
7 health benefit plan as an employee during the time of
8 employment with a community college district (other than a
9 community college district subject to Article VII of the
10 Public Community College Act) or an association of
11 community college boards, or (ii) is the survivor of a
12 person described in item (i).

13 (aa) "Community college dependent beneficiary" means a
14 person who:

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

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

27 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
28 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839,
29 eff. 7-30-04.)

30 Section 10. The State Budget Law of the Civil
31 Administrative Code of Illinois is amended by changing Section
32 50-5 as follows:

1 (15 ILCS 20/50-5) (was 15 ILCS 20/38)

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

25 The Governor shall not propose expenditures and the General
26 Assembly shall not enact appropriations that exceed the
27 resources estimated to be available, as provided in this
28 Section.

29 For the purposes of Article VIII, Section 2 of the 1970
30 Illinois Constitution, the State budget for the following funds
31 shall be prepared on the basis of revenue and expenditure
32 measurement concepts that are in concert with generally
33 accepted accounting principles for governments:

34 (1) General Revenue Fund.

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

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

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

30 Revenues and expenditures shall also include transfers
31 between funds that are based on revenues received or costs
32 incurred during the budget year.

33 By March 15 of each year, the ~~Economic and Fiscal~~
34 Commission on Government Forecasting and Accountability shall

1 prepare revenue and fund transfer estimates in accordance with
2 the requirements of this Section and report those estimates to
3 the General Assembly and the Governor.

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

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

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

13 (20 ILCS 405/405-410)

14 Sec. 405-410. Transfer of Information Technology
15 functions.

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

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

32 (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

1 agencies, offices, divisions, departments, bureaus, boards,
2 and commissions from which the functions were transferred, the
3 same shall be made, given, furnished or served in the same
4 manner to or upon the Department of Central Management
5 Services.

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

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

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

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

23 (20 ILCS 605/605-335) (was 20 ILCS 605/46.4a)

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

25 (a) For purposes of this Section:

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

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

1 (b) Whenever the Department offers incentives to a foreign
2 firm designed to result in the location or relocation of a
3 facility in this State that will result in the creation of more
4 than 25 new jobs, the Department shall prepare an economic
5 impact study prior to the consummation of an agreement with the
6 foreign firm. An economic impact study pursuant to this Section
7 shall, if practical, include but not be limited to the
8 following:

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

14 (2) The effect on local and regional competition within
15 the industry from the industry or business to be located or
16 relocated.

17 (3) The degree of economic benefits of awarding the
18 same incentives to similar and existing industries or
19 businesses located within the State.

20 (4) An examination of how the location or relocation of
21 the foreign firm complements existing industries or
22 businesses located within this State.

23 (5) The relationship of the fiscal costs to the State
24 or unit of local government resulting from the incentives
25 relative to the fiscal return to the State or units of
26 local government derived from the location or relocation of
27 the firm.

28 (c) A report of any economic impact studies prepared by the
29 Department in the previous 3 months pursuant to this Section
30 shall be transmitted to the Governor, members of the General
31 Assembly, and the ~~Illinois Economic and Fiscal~~ Commission on
32 Government Forecasting and Accountability quarterly. In
33 addition to the report, the Department shall include a
34 statement of incentives subject to the agreement with the

1 foreign firm, the name and type of foreign firm involved and a
2 description of its business or industrial activity, the
3 proposed location of the foreign firm, and a statement
4 describing the rationale for the location relative to other
5 locations within the State. The ~~Illinois Economic and Fiscal~~
6 Commission on Government Forecasting and Accountability shall
7 evaluate each report received from the Department and present
8 the evaluation and report to the Commission members and
9 legislative leaders within 30 days upon receipt of each report
10 from the Department.

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

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

14 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

15 Sec. 5.5. High Impact Business.

16 (a) In order to respond to unique opportunities to assist
17 in the encouragement, development, growth and expansion of the
18 private sector through large scale investment and development
19 projects, the Department is authorized to receive and approve
20 applications for the designation of "High Impact Businesses" in
21 Illinois subject to the following conditions:

22 (1) such applications may be submitted at any time
23 during the year;

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

27 (3) (A) the business intends to make a minimum
28 investment of \$12,000,000 which will be placed in
29 service in qualified property and intends to create 500
30 full-time equivalent jobs at a designated location in
31 Illinois or intends to make a minimum investment of
32 \$30,000,000 which will be placed in service in

1 qualified property and intends to retain 1,500
2 full-time jobs at a designated location in Illinois.
3 The business must certify in writing that the
4 investments would not be placed in service in qualified
5 property and the job creation or job retention would
6 not occur without the tax credits and exemptions set
7 forth in subsection (b) of this Section. The terms
8 "placed in service" and "qualified property" have the
9 same meanings as described in subsection (h) of Section
10 201 of the Illinois Income Tax Act; or

11 (B) the business intends to establish a new
12 electric generating facility at a designated location
13 in Illinois. "New electric generating facility" for
14 purposes of this Section means a newly-constructed
15 electric generation plant or a newly-constructed
16 generation capacity expansion at an existing electric
17 generation plant, including the transmission lines and
18 associated equipment that transfers electricity from
19 points of supply to points of delivery, and for which
20 such new foundation construction commenced not sooner
21 than July 1, 2001. Such facility shall be designed to
22 provide baseload electric generation and shall operate
23 on a continuous basis throughout the year; and shall
24 have an aggregate rated generating capacity of at least
25 1,000 megawatts for all new units at one site if it
26 uses natural gas as its primary fuel and foundation
27 construction of the facility is commenced on or before
28 December 31, 2004, or shall have an aggregate rated
29 generating capacity of at least 400 megawatts for all
30 new units at one site if it uses coal or gases derived
31 from coal as its primary fuel and shall support the
32 creation of at least 150 new Illinois coal mining jobs.
33 The business must certify in writing that the
34 investments necessary to establish a new electric

1 generating facility would not be placed in service and
2 the job creation in the case of a coal-fueled plant
3 would not occur without the tax credits and exemptions
4 set forth in subsection (b-5) of this Section. The term
5 "placed in service" has the same meaning as described
6 in subsection (h) of Section 201 of the Illinois Income
7 Tax Act; or

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

27 (D) the business intends to construct new
28 transmission facilities or upgrade existing
29 transmission facilities at designated locations in
30 Illinois, for which construction commenced not sooner
31 than July 1, 2001. For the purposes of this Section,
32 "transmission facilities" means transmission lines
33 with a voltage rating of 115 kilovolts or above,
34 including associated equipment, that transfer

1 electricity from points of supply to points of delivery
2 and that transmit a majority of the electricity
3 generated by a new electric generating facility
4 designated as a High Impact Business in accordance with
5 this Section. The business must certify in writing that
6 the investments necessary to construct new
7 transmission facilities or upgrade existing
8 transmission facilities would not be placed in service
9 without the tax credits and exemptions set forth in
10 subsection (b-5) of this Section. The term "placed in
11 service" has the same meaning as described in
12 subsection (h) of Section 201 of the Illinois Income
13 Tax Act; and

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

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

1 provided in subsection (h) of Section 201 of the Illinois
2 Income Tax Act shall be applicable to investments in qualified
3 property as set forth in subdivision (a)(3)(A) of this Section.

4 (b-5) Businesses designated as High Impact Businesses
5 pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D)
6 of this Section shall qualify for the credits and exemptions
7 described in the following Acts: Section 51 of the Retailers'
8 Occupation Tax Act, Section 9-222 and Section 9-222.1A of the
9 Public Utilities Act, and subsection (h) of Section 201 of the
10 Illinois Income Tax Act; however, the credits and exemptions
11 authorized under Section 9-222 and Section 9-222.1A of the
12 Public Utilities Act, and subsection (h) of Section 201 of the
13 Illinois Income Tax Act shall not be authorized until the new
14 electric generating facility, the new transmission facility,
15 or the new, expanded, or reopened coal mine is operational,
16 except that a new electric generating facility whose primary
17 fuel source is natural gas is eligible only for the exemption
18 under Section 51 of the Retailers' Occupation Tax Act.

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

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

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

1 (f) In the event that a business is designated a High
2 Impact Business and it is later determined after reasonable
3 notice and an opportunity for a hearing as provided under the
4 Illinois Administrative Procedure Act, that the business would
5 have placed in service in qualified property the investments
6 and created or retained the requisite number of jobs without
7 the benefits of the High Impact Business designation, the
8 Department shall be required to immediately revoke the
9 designation and notify the Director of the Department of
10 Revenue who shall begin proceedings to recover all wrongfully
11 exempted State taxes with interest. The business shall also be
12 ineligible for all State funded Department programs for a
13 period of 10 years.

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

17 (h) Prior to designating a business, the Department shall
18 provide the members of the General Assembly and ~~Illinois~~
19 ~~Economic and Fiscal~~ Commission on Government Forecasting and
20 Accountability with a report setting forth the terms and
21 conditions of the designation and guarantees that have been
22 received by the Department in relation to the proposed business
23 being designated.

24 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised
25 3-7-02.)

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

28 (20 ILCS 695/20-10)

29 Sec. 20-10. Strategic Planning. The Department of Commerce
30 and Economic Opportunity ~~Community Affairs~~ may prepare an
31 economic development strategy for Illinois. By no later than
32 February 1, 2001 and biennially thereafter, the Department may

1 make modifications in the economic development strategy as the
2 modifications are warranted by changes in economic conditions
3 or by other factors, including changes in policy. In preparing
4 the strategy and in making modifications to the strategy, the
5 Department may take cognizance of the special economic
6 attributes of the various component areas of the State.

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

12 (2) The strategy may recommend actions for promoting
13 sustained economic growth at or above national rates of
14 economic growth.

15 (3) The strategy may include an assessment of
16 historical patterns of economic activity for the State and
17 projections of future economic trends using national
18 economic trends and projections for comparative purposes.
19 All assumptions made in the formulation of the economic
20 projections shall be clearly and explicitly set forth in
21 the strategy.

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

25 (5) The strategy may recommend actions to foster and
26 promote economic growth, taking into account indigenous
27 resources and prevalent economic factors.

28 (A) The strategy may identify the critical
29 business development approaches being considered or to
30 be considered. The approaches may include, but are not
31 limited to: investment recruitment, such as industry
32 attraction, expansion and retention; trade development
33 efforts including international trade, support for
34 small businesses' efforts to export products and

1 services, tourism attraction and development including
2 cultural tourism; technology development efforts
3 including technology commercialization and
4 manufacturing modernization; and business development
5 efforts, including entrepreneurship and
6 entrepreneurial education, small business management
7 assistance, and business financing.

8 (B) The strategy may identify for the State and
9 each region the critical workforce training and
10 development approaches being considered or to be
11 considered. The approaches may include, but are not
12 limited to: customized job training, retraining and
13 skill upgrading, economic adjustment, job creation and
14 addressing labor shortages in areas of high demand; the
15 market for and quality of the local labor force; the
16 quality of the education and workforce infrastructure;
17 and related issues.

18 (C) The strategy may identify the critical
19 community development approaches being considered or
20 to be considered. The approaches may include, but are
21 not limited to: community growth management such as
22 regional planning and smart growth; area
23 revitalization including brownfields redevelopment and
24 facility reuse; and family self-sufficiency such as
25 through housing conservation and economic opportunity.

26 (D) The strategy may identify the critical public
27 facilities development approaches being considered or
28 to be considered. The approaches may include, but are
29 not limited to: local public services; the local,
30 regional, and State tax and regulatory climate; the
31 physical infrastructure, including communications and
32 transportation systems; the capacity of area
33 utilities; and the quality of public institutions such
34 as schools.

1 (E) The strategy may identify the other critical
2 marketplace systems, including: the financial
3 marketplace; the competitive advantages of the area in
4 terms of natural resources, capital resources or
5 technology resources; and other factors affecting area
6 development.

7 (6) In preparing the strategy or modifications to the
8 strategy, the Department may work with State agencies,
9 boards, and commissions whose programs and activities
10 significantly affect economic activity in the State as
11 appropriate. The Directors of the agencies, boards, and
12 commissions shall provide the assistance to the Department
13 as the Governor deems appropriate.

14 (7) In preparing the strategy or the modifications to
15 the strategy, the Department may consult with local and
16 regional economic development organizations, local elected
17 officials, community-based organizations, service delivery
18 providers, and other organizations whose programs and
19 activities significantly affect economic activity.

20 (8) In preparing the strategy or the modifications to
21 the strategy, the Department may take into consideration
22 any decisions or recommendations related to programs,
23 services, and government regulations that have been
24 rendered as a result of a Statewide Performance Review.

25 (9) The strategy shall be presented to the Governor,
26 the President and Minority Leader of the Senate, the
27 Speaker and Minority Leader of the House of
28 Representatives, the members of the Illinois Economic
29 Development Board, and the Chair of the ~~Economic and Fiscal~~
30 Commission on Government Forecasting and Accountability on
31 February 1, 2001 and biennially thereafter, as warranted by
32 changes in economic conditions or by other factors,
33 including changes in policy.

34 (10) The strategy shall be published and made available

1 to the public in both paper and electronic media.
2 (Source: P.A. 91-476, eff. 8-11-99; 92-490, eff. 8-23-01;
3 revised 12-6-03.)

4 Section 30. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2505-550 as follows:

7 (20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)
8 Sec. 2505-550. Jobs Impact Committee and report. With
9 respect to the credits provided for by Sections 209 and 210 of
10 the Illinois Income Tax Act, Section 3-50 of the Use Tax Act,
11 Section 2 of the Service Use Tax Act, Section 2 of the Service
12 Occupation Tax Act, and Section 2-45 of the Retailers'
13 Occupation Tax Act, there is hereby created a Jobs Impact
14 Committee, which shall consist of the Director or the person or
15 persons the Director may designate, and the representative or
16 representatives that shall be designated to serve on the
17 Committee by the Department of Commerce and Economic
18 Opportunity Community Affairs, the Governor's Office of
19 Management and Budget Bureau of the Budget, and the Economic
20 and Fiscal Commission on Government Forecasting and
21 Accountability. The Committee, so assembled, shall invite and
22 appoint 2 members of the businesses that are eligible for the
23 credits provided by those Sections. The Committee shall study
24 the use and effectiveness of these credits with regard to job
25 creation relative to the revenue loss to the State from the
26 provision of these credits. The Director shall, on behalf of
27 the Committee, submit the Committee's report to the General
28 Assembly on or before June 30, 1998.

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

31 Section 35. The Governor's Office of Management and Budget

1 Act is amended by changing Sections 2.5 and 2.6 as follows:

2 (20 ILCS 3005/2.5) (from Ch. 127, par. 412.5)

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

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

27 (20 ILCS 3005/2.6) (from Ch. 127, par. 412.6)

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

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

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

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

4 Sec. 3. Each capital improvement program shall include, but
5 not be limited to, roads, bridges, buildings, including
6 schools, prisons, recreational facilities and conservation
7 areas, and other infrastructure facilities that are owned by
8 the State of Illinois.

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

26 Each capital improvement program shall include an
27 identification and analysis of factors that affect estimated
28 capital investment needs, including but not limited to,
29 economic assumptions, engineering standards, estimates of
30 spending for operations and maintenance, federal and State
31 regulations, and estimation of demand for services.

32 Each capital improvement program shall include an

1 identification and analysis of the principal policy issues that
2 affect estimated capital investment needs, including but not
3 limited to, economic development policy, equity
4 considerations, policies regarding alternative technologies,
5 political jurisdiction over different infrastructure systems,
6 and the role of the private sector in planning for and
7 investing in infrastructure.

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

9 (20 ILCS 3010/6) (from Ch. 127, par. 3106)

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

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

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

22 (20 ILCS 3510/10) (from Ch. 111 1/2, par. 8110)

23 Sec. 10. Authority records and reports. The accounts and
24 books of the Authority in connection with this Act shall be set
25 up on and maintained in a manner approved by the Auditor
26 General, and the Authority shall file with the Auditor General
27 a certified annual report of its acts and doings under this Act
28 within 120 days after the close of its fiscal year. The
29 Authority shall also file with the Governor, the Secretary of
30 the Senate, the Clerk of the House of Representatives, and the
31 ~~Illinois Economic and Fiscal~~ Commission on Government

1 Forecasting and Accountability, by March 1 of each year,
2 commencing March 1, 1990, a written report covering its
3 activities under this Act for the previous fiscal year. After
4 such filing, such report shall be a public record and open for
5 inspection at the offices of the Authority during normal
6 business hours.

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

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

10 (20 ILCS 3515/7) (from Ch. 127, par. 727)

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

16 (1) to have perpetual succession as a body politic and
17 corporate;

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

20 (3) to sue and be sued and to prosecute and defend actions
21 in the courts;

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

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

26 (6) to determine the location, pursuant to the
27 Environmental Protection Act, and the manner of construction of
28 any environmental or hazardous waste treatment facility to be
29 financed under this Act and to acquire, construct, reconstruct,
30 repair, alter, improve, extend, own, finance, lease, sell and
31 otherwise dispose of the facility, to enter into contracts for
32 any and all of such purposes, to designate a person as its

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

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

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

33 (9) generally to fix and revise from time to time and
34 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

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

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

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

33 The Authority shall give priority to providing financing
34 for the establishment of hazardous waste treatment facilities

1 necessary to achieve the goals of Section 22.6 of the
2 Environmental Protection Act.

3 The Authority shall give special consideration to small
4 businesses in authorizing the issuance of bonds for the
5 financing of environmental facilities pursuant to subsection
6 (c) of Section 2.

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

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

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

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

4 (20 ILCS 3805/5) (from Ch. 67 1/2, par. 305)

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

1 all such financial assistance, (d) the dwelling unit
2 distribution and estimated rent structure for each development
3 financed by the Authority during such fiscal year, (e)
4 projected activities of the Authority for the next fiscal year,
5 including a projection of the total amount of mortgages and
6 other financial assistance anticipated and the amount of
7 revenue bonds or other evidences of indebtedness that will be
8 necessary to provide the projected level of assistance during
9 the next fiscal year, and (f) activities related to allocation
10 of low-income housing credits.

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

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

14 (25 ILCS 55/2) (from Ch. 63, par. 42.42)

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

28 Copies of each pension impact note shall be furnished by
29 the Commission to the presiding officer of each house, the
30 minority leader of each house, the Clerk of the House of
31 Representatives, the Secretary of the Senate, the sponsor of
32 the bill which is the subject of the note, the member, if any,

1 who initiated the request for the note, the Chairman of the
2 House Committee on Personnel and Pensions, and the Chairman of
3 the Senate Committee on Insurance, Pensions and Licensed
4 Activities.

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

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

9 (25 ILCS 65/Act title)

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

17 (25 ILCS 65/3) (from Ch. 63, par. 42.73)

18 Sec. 3. The ~~Illinois Economic and Fiscal~~ Commission on
19 Government Forecasting and Accountability shall prepare a
20 written State Debt Impact Note in relation to any bill
21 introduced in either house of the General Assembly which
22 proposes to increase or add new long term debt authorization or
23 would require, through appropriation, the use of bond financed
24 funds. Upon the assignment of any such bill to Committee, the
25 chairperson of the Committee on Assignments in the House of
26 Representatives or the chairperson of the Committee on
27 Assignment of Bills in the Senate shall forward the bill to the
28 ~~Illinois Economic and Fiscal~~ Commission on Government
29 Forecasting and Accountability which shall prepare such a note
30 within 7 calendar days after receiving the request and the bill
31 shall be held on second reading until the note has been

1 received, except that whenever, because of the complexity of
2 the measure, additional time is required for preparation of the
3 note, the Commission may so inform the sponsor of the bill, who
4 may approve an extension of the time within which the note is
5 to be furnished for an additional 7 calendar days. Copies of
6 each State Debt Impact Note shall be furnished by the
7 Commission to the presiding officer of each house, the minority
8 leader of each house, the Clerk of the House of
9 Representatives, the Secretary of the Senate, the sponsor of
10 the bill which is the subject of the note, the member, if any,
11 who initiated the request for the note, the Chairperson and
12 Minority Spokespersons of the House and Senate Appropriations
13 and Revenue Committees.

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

15 (25 ILCS 65/5) (from Ch. 63, par. 42.75)

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

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

22 (25 ILCS 65/7) (from Ch. 63, par. 42.77)

23 Sec. 7. Whenever any committee of either house reports any
24 bill which is required by this Act to have a long-term debt
25 note with an amendment or whenever any bill is amended on the
26 floor of either house in such manner as to substantially affect
27 the impact of the bill on the State's debt service capacity,
28 the ~~Illinois Economic and Fiscal~~ Commission on Government
29 Forecasting and Accountability shall upon request by any member
30 of the house by which the bill is being considered prepare a
31 new or revised State Debt Impact Note in relation to the
32 amended bill. Copies of each new or revised State Debt Impact

1 Note shall be furnished to the persons named in Section 2.

2 Whenever any member of either House is of the opinion that
3 a State Debt Impact Note should be prepared on any bill and
4 such note has not been requested, the member may at any time
5 before the bill is moved to third reading request that such a
6 note be obtained, in which case the bill shall be submitted to
7 the ~~Economic and Fiscal~~ Commission on Government Forecasting
8 and Accountability for preparation of the note. If the sponsor
9 is of the opinion that a long-term debt note is not required,
10 the matter shall be decided by majority vote of those present
11 and voting in the House of which he is a member.

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

13 Section 70. The Legislative Commission Reorganization Act
14 of 1984 is amended by changing Sections 1-3, 3-1, and 3A-1 as
15 follows:

16 (25 ILCS 130/1-3) (from Ch. 63, par. 1001-3)

17 Sec. 1-3. Legislative support services agencies. The Joint
18 Committee on Legislative Support Services is responsible for
19 establishing general policy and coordinating activities among
20 the legislative support services agencies. The legislative
21 support services agencies include the following:

22 (1) Joint Committee on Administrative Rules;

23 (2) ~~Illinois Economic and Fiscal~~ Commission on Government
24 Forecasting and Accountability;

25 (3) Legislative Information System;

26 (4) Legislative Reference Bureau;

27 (5) Legislative Audit Commission;

28 (6) Legislative Printing Unit;

29 (7) Legislative Research Unit; and

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

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

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

2 Sec. 3-1. The ~~Illinois Economic and Fiscal~~ Commission on
3 Government Forecasting and Accountability is hereby
4 established as a legislative support services agency. The
5 Commission is subject to the provisions of this Act and shall
6 perform the powers and duties delegated to it under "An Act
7 creating the ~~Illinois Economic and Fiscal~~ Commission on
8 Government Forecasting and Accountability, ~~defining its powers~~
9 ~~and duties, making an appropriation therefor, repealing an Act~~
10 ~~therein named, and providing for the transfer of appropriations~~
11 ~~in connection therewith",~~ approved July 13, 1972, as amended,
12 and such other functions as may be provided by law.

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

14 (25 ILCS 130/3A-1)

15 Sec. 3A-1. ~~Economic and Fiscal~~ Commission on Government
16 Forecasting and Accountability; pension laws.

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

20 (b) The Commission shall make a continuing study of the
21 laws and practices pertaining to pensions and related
22 retirement and disability benefits for persons in State or
23 local government service and their survivors and dependents,
24 shall evaluate existing laws and practices, and shall review
25 and make recommendations on proposed changes to those laws and
26 practices.

27 (c) The Commission shall be responsible for the preparation
28 of Pension Impact Notes as provided in the Pension Impact Note
29 Act.

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

33 (e) The Commission may request assistance from any other

1 entity as necessary or useful for the performance of its
2 duties.

3 (f) For purposes of the Successor Agency Act and Section 9b
4 of the State Finance Act, the ~~Economic and Fiscal~~ Commission on
5 Government Forecasting and Accountability is the successor to
6 the Pension Laws Commission. The ~~Economic and Fiscal~~ Commission
7 on Government Forecasting and Accountability succeeds to and
8 assumes all powers, duties, rights, responsibilities,
9 personnel, assets, liabilities, and indebtedness of the
10 Pension Laws Commission. Any reference in any law, rule, form,
11 or other document to the Pension Laws Commission is deemed to
12 be a reference to the ~~Economic and Fiscal~~ Commission on
13 Government Forecasting and Accountability.

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

15 Section 75. The Illinois Economic and Fiscal Commission Act
16 is amended by changing the title of the Act and Sections 2 and
17 6.2 as follows:

18 (25 ILCS 155/Act title)

19 An Act creating the ~~Illinois Economic and Fiscal~~ Commission
20 on Government Forecasting and Accountability, ~~defining its~~
21 ~~powers and duties, making an appropriation therefor, repealing~~
22 ~~an Act therein named, and providing for the transfer of~~
23 ~~appropriations in connection therewith.~~

24 (25 ILCS 155/2) (from Ch. 63, par. 342)

25 Sec. 2. The ~~Illinois Economic and Fiscal~~ Commission on
26 Government Forecasting and Accountability, hereafter in this
27 Act referred to as the Commission, is created and is
28 established as a legislative support services agency subject to
29 the Legislative Commission Reorganization Act of 1984.

30 On the effective date of this amendatory Act of the 93th
31 General Assembly, the name of the Illinois Economic and Fiscal

1 Commission is changed to the Commission on Government
2 Forecasting and Accountability. References in any law,
3 appropriation, rule, form, or other document to the Illinois
4 Economic and Fiscal Commission are deemed, in appropriate
5 contexts, to be references to the Commission on Government
6 Forecasting and Accountability for all purposes. References in
7 any law, appropriation, rule, form, or other document to the
8 Executive Director of the Illinois Economic and Fiscal
9 Commission are deemed, in appropriate contexts, to be
10 references to the Executive Director of the Commission on
11 Government Forecasting and Accountability for all purposes.
12 For purposes of Section 9b of the State Finance Act, the
13 Commission on Government Forecasting and Accountability is the
14 successor to the Illinois Economic and Fiscal Commission.

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

16 (25 ILCS 155/6.2) (from Ch. 63, par. 346.2)

17 Sec. 6.2. Short title. This Act may be cited as the
18 ~~Illinois Economic and Fiscal~~ Commission on Government
19 Forecasting and Accountability Act.

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

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

23 (30 ILCS 10/2004) (from Ch. 15, par. 2004)

24 Sec. 2004. Consultations by internal auditor. Each chief
25 internal auditor may consult with the Auditor General, the
26 Department of Central Management Services, the ~~Economic and~~
27 ~~Fiscal~~ Commission on Government Forecasting and
28 Accountability, the appropriations committees of the General
29 Assembly, the Governor's Office of Management and Budget Bureau
30 ~~of the Budget~~, or the Internal Audit Advisory Board on matters
31 affecting the duties or responsibilities of the chief internal

1 auditor under this Act.

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

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

5 (30 ILCS 105/8g)

6 Sec. 8g. Fund transfers.

7 (a) In addition to any other transfers that may be provided
8 for by law, as soon as may be practical after the effective
9 date of this amendatory Act of the 91st General Assembly, the
10 State Comptroller shall direct and the State Treasurer shall
11 transfer the sum of \$10,000,000 from the General Revenue Fund
12 to the Motor Vehicle License Plate Fund created by Senate Bill
13 1028 of the 91st General Assembly.

14 (b) In addition to any other transfers that may be provided
15 for by law, as soon as may be practical after the effective
16 date of this amendatory Act of the 91st General Assembly, the
17 State Comptroller shall direct and the State Treasurer shall
18 transfer the sum of \$25,000,000 from the General Revenue Fund
19 to the Fund for Illinois' Future created by Senate Bill 1066 of
20 the 91st General Assembly.

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

28 (d) The payments to programs required under subsection (d)
29 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
30 pursuant to appropriation, from the special funds referred to
31 in the statutes cited in that subsection, rather than directly
32 from the General Revenue Fund.

1 Beginning January 1, 2000, on the first day of each month,
2 or as soon as may be practical thereafter, the State
3 Comptroller shall direct and the State Treasurer shall transfer
4 from the General Revenue Fund to each of the special funds from
5 which payments are to be made under Section 28.1(d) of the
6 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
7 amount required for those payments from that special fund,
8 which annual amount shall not exceed the annual amount for
9 those payments from that special fund for the calendar year
10 1998. The special funds to which transfers shall be made under
11 this subsection (d) include, but are not necessarily limited
12 to, the Agricultural Premium Fund; the Metropolitan Exposition
13 Auditorium and Office Building Fund; the Fair and Exposition
14 Fund; the Standardbred Breeders Fund; the Thoroughbred
15 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

16 (e) In addition to any other transfers that may be provided
17 for by law, as soon as may be practical after the effective
18 date of this amendatory Act of the 91st General Assembly, but
19 in no event later than June 30, 2000, the State Comptroller
20 shall direct and the State Treasurer shall transfer the sum of
21 \$15,000,000 from the General Revenue Fund to the Fund for
22 Illinois' Future.

23 (f) In addition to any other transfers that may be provided
24 for by law, as soon as may be practical after the effective
25 date of this amendatory Act of the 91st General Assembly, but
26 in no event later than June 30, 2000, the State Comptroller
27 shall direct and the State Treasurer shall transfer the sum of
28 \$70,000,000 from the General Revenue Fund to the Long-Term Care
29 Provider Fund.

30 (f-1) In fiscal year 2002, in addition to any other
31 transfers that may be provided for by law, at the direction of
32 and upon notification from the Governor, the State Comptroller
33 shall direct and the State Treasurer shall transfer amounts not
34 exceeding a total of \$160,000,000 from the General Revenue Fund

1 to the Long-Term Care Provider Fund.

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

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

12 (i) On or after July 1, 2001 and until May 1, 2002, in
13 addition to any other transfers that may be provided for by
14 law, at the direction of and upon notification from the
15 Governor, the State Comptroller shall direct and the State
16 Treasurer shall transfer amounts not exceeding a total of
17 \$80,000,000 from the General Revenue Fund to the Tobacco
18 Settlement Recovery Fund. Any amounts so transferred shall be
19 re-transferred by the State Comptroller and the State Treasurer
20 from the Tobacco Settlement Recovery Fund to the General
21 Revenue Fund at the direction of and upon notification from the
22 Governor, but in any event on or before June 30, 2002.

23 (i-1) On or after July 1, 2002 and until May 1, 2003, in
24 addition to any other transfers that may be provided for by
25 law, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State
27 Treasurer shall transfer amounts not exceeding a total of
28 \$80,000,000 from the General Revenue Fund to the Tobacco
29 Settlement Recovery Fund. Any amounts so transferred shall be
30 re-transferred by the State Comptroller and the State Treasurer
31 from the Tobacco Settlement Recovery Fund to the General
32 Revenue Fund at the direction of and upon notification from the
33 Governor, but in any event on or before June 30, 2003.

34 (j) On or after July 1, 2001 and no later than June 30,

1 2002, in addition to any other transfers that may be provided
 2 for by law, at the direction of and upon notification from the
 3 Governor, the State Comptroller shall direct and the State
 4 Treasurer shall transfer amounts not to exceed the following
 5 sums into the Statistical Services Revolving Fund:

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

27 (k) In addition to any other transfers that may be provided
 28 for by law, as soon as may be practical after the effective
 29 date of this amendatory Act of the 92nd General Assembly, the
 30 State Comptroller shall direct and the State Treasurer shall
 31 transfer the sum of \$2,000,000 from the General Revenue Fund to
 32 the Teachers Health Insurance Security Fund.

33 (k-1) In addition to any other transfers that may be
 34 provided for by law, on July 1, 2002, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
 2 the State Treasurer shall transfer the sum of \$2,000,000 from
 3 the General Revenue Fund to the Teachers Health Insurance
 4 Security Fund.

5 (k-2) In addition to any other transfers that may be
 6 provided for by law, on July 1, 2003, 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-3) On or after July 1, 2002 and no later than June 30,
 12 2003, in addition to any other transfers that may be provided
 13 for by law, at the direction of and upon notification from the
 14 Governor, the State Comptroller shall direct and the State
 15 Treasurer shall transfer amounts not to exceed the following
 16 sums into the Statistical Services Revolving Fund:

17	Appraisal Administration Fund	\$150,000
18	General Revenue Fund	10,440,000
19	Savings and Residential Finance	
20	Regulatory Fund	200,000
21	State Pensions Fund	100,000
22	Bank and Trust Company Fund	100,000
23	Professions Indirect Cost Fund	3,400,000
24	Public Utility Fund	2,081,200
25	Real Estate License Administration Fund	150,000
26	Title III Social Security and	
27	Employment Fund	1,000,000
28	Transportation Regulatory Fund	3,052,100
29	Underground Storage Tank Fund	50,000

30 (l) In addition to any other transfers that may be provided
 31 for by law, on July 1, 2002, or as soon as may be practical
 32 thereafter, the State Comptroller shall direct and the State
 33 Treasurer shall transfer the sum of \$3,000,000 from the General
 34 Revenue Fund to the Presidential Library and Museum Operating

1 Fund.

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

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

14 (o) On or after July 1, 2003, and no later than June 30,
15 2004, in addition to any other transfers that may be provided
16 for by law, at the direction of and upon notification from the
17 Governor, the State Comptroller shall direct and the State
18 Treasurer shall transfer amounts not to exceed the following
19 sums into the Vehicle Inspection Fund:

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

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

31 (q) In addition to any other transfers that may be provided
32 for by law, on July 1, 2003, or as soon as may be practical
33 thereafter, the State Comptroller shall direct and the State
34 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Illinois Military Family Relief Fund.

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

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

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

18 (u) On or after July 1, 2004 and until May 1, 2005, in
19 addition to any other transfers that may be provided for by
20 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 exceeding a total of
23 \$80,000,000 from the General Revenue Fund to the Tobacco
24 Settlement Recovery Fund. Any amounts so transferred shall be
25 retransferred by the State Comptroller and the State Treasurer
26 from the Tobacco Settlement Recovery Fund to the General
27 Revenue Fund at the direction of and upon notification from the
28 Governor, but in any event on or before June 30, 2005.

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

34 (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

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

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

33 The State Treasurer and Comptroller shall transfer the
34 amounts designated under this Section as soon as may be

1 practicable after receiving the direction to transfer from the
2 Governor.

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

5 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
6 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
7 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised
8 12-1-04.)

9 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

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

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

31 (a-1) Beginning on the effective date of this amendatory
32 Act of the 93rd General Assembly through the payment of the
33 final payroll from fiscal year 2004 appropriations,

1 appropriations for State contributions to the State Employees'
2 Retirement System of Illinois shall be expended in the manner
3 provided in this subsection (a-1). At the time of each payment
4 of salary to an employee under the personal services line item
5 from a fund other than the General Revenue Fund, payment shall
6 be made for deposit into the General Revenue Fund from the
7 amount appropriated for State contributions to the State
8 Employees' Retirement System of an amount calculated at the
9 rate certified for fiscal year 2004 by the Board of Trustees of
10 the State Employees' Retirement System under Section 14-135.08
11 of the Illinois Pension Code. This payment shall be made to the
12 extent that a line item appropriation to an employer for this
13 purpose is available or unexhausted. No payment from
14 appropriations for State contributions shall be made in
15 conjunction with payment of salary to an employee under the
16 personal services line item from the General Revenue Fund.

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

1 contribution to the State Employees' Retirement System, the
2 Comptroller shall promptly so notify the Retirement System.

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

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

6 (30 ILCS 330/8) (from Ch. 127, par. 658)

7 Sec. 8. Bond sale expenses.

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

1 least 30 days. In addition, the Governor's Office of Management
2 and Budget shall provide a written copy of each summary of
3 costs to the Speaker and Minority Leader of the House of
4 Representatives, the President and Minority Leader of the
5 Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
6 Government Forecasting and Accountability within 20 business
7 days after each issuance of the Bonds. In addition, the
8 Governor's Office of Management and Budget shall provide copies
9 of all contracts under which any costs of issuance are paid or
10 to be paid to the ~~Illinois Economic and Fiscal~~ Commission on
11 Government Forecasting and Accountability within 20 business
12 days after the issuance of Bonds for which those costs are paid
13 or to be paid. Instead of filing a second or subsequent copy of
14 the same contract, the Governor's Office of Management and
15 Budget may file a statement that specified costs are paid under
16 specified contracts filed earlier with the Commission.

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

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

2 (30 ILCS 330/21)

3 Sec. 21. Truth in borrowing disclosures.

4 (a) Within 20 business days after the issuance of any Bonds
5 under this Act, the Director of the Governor's Office of
6 Management and Budget shall publish a truth in borrowing
7 disclosure that discloses the total principal and interest
8 payments to be paid on the Bonds over the full stated term of
9 the Bonds. The disclosure also shall include principal and
10 interest payments to be made by each fiscal year over the full
11 stated term of the Bonds and total principal and interest
12 payments to be made by each fiscal year on all other
13 outstanding Bonds issued under this Act over the full stated
14 terms of those Bonds.

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

22 (c) The disclosures required in subsections (a) and (b)
23 shall be published by posting the disclosures for no less than
24 30 days on the web site of the Governor's Office of Management
25 and Budget and by providing the disclosures in written form to
26 the ~~Illinois Economic and Fiscal~~ Commission on Government
27 Forecasting and Accountability. These disclosures shall be
28 calculated assuming Bonds are not redeemed or refunded prior to
29 their stated maturities. Amounts included in these disclosures
30 as payment of interest on variable rate Bonds shall be computed
31 at an interest rate equal to the rate at which the variable
32 rate Bonds are first set upon issuance, plus 2.5%, after taking
33 into account any credits permitted in the related indenture or

1 other instrument against the amount of such interest for each
2 fiscal year. Amounts included in these disclosures as payment
3 of interest on variable rate Bonds shall include the amounts
4 certified by the Director of the Governor's Office of
5 Management and Budget under subsection (b) of Section 9 of this
6 Act.

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

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

10 (30 ILCS 355/6) (from Ch. 85, par. 1396)

11 Sec. 6. Annual statements of assets and expenses and annual
12 audit reports shall be submitted to the Department and to the
13 Legislative Audit Commission by each Authority receiving or
14 having received State financial support. Each Authority
15 receiving or having received State financial support shall
16 prepare an annual operating plan which details income and
17 expenditures for the proposed budget year of the Authority.
18 This plan shall contain the appropriate detail for the proposed
19 budget year and a 3 year plan which will justify the project's
20 ability to meet financial obligations by producing sufficient
21 revenue and detailing depreciation and maintenance
22 requirements. Such annual operating plan shall be submitted to
23 the Department and to the ~~Illinois Economic and Fiscal~~
24 Commission on Government Forecasting and Accountability no
25 later than January 15th of each year.

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

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

29 (30 ILCS 425/5) (from Ch. 127, par. 2805)

30 Sec. 5. Bond Sale Expenses.

1 (a) An amount not to exceed 0.5% of the principal amount of
2 the proceeds of the sale of each bond sale is authorized to be
3 used to pay reasonable costs of each issuance and sale of Bonds
4 authorized and sold pursuant to this Act, including, without
5 limitation, underwriter's discounts and fees, but excluding
6 bond insurance, advertising, printing, bond rating, travel of
7 outside vendors, security, delivery, legal and financial
8 advisory services, initial fees of trustees, registrars,
9 paying agents and other fiduciaries, initial costs of credit or
10 liquidity enhancement arrangements, initial fees of indexing
11 and remarketing agents, and initial costs of interest rate
12 swaps, guarantees or arrangements to limit interest rate risk,
13 as determined in the related Bond Sale Order, from the proceeds
14 of each Bond sale, provided that no salaries of State employees
15 or other State office operating expenses shall be paid out of
16 non-appropriated proceeds. The Governor's Office of Management
17 and Budget shall compile a summary of all costs of issuance on
18 each sale (including both costs paid out of proceeds and those
19 paid out of appropriated funds) and post that summary on its
20 web site within 20 business days after the issuance of the
21 bonds. That posting shall be maintained on the web site for a
22 period of at least 30 days. In addition, the Governor's Office
23 of Management and Budget shall provide a written copy of each
24 summary of costs to the Speaker and Minority Leader of the
25 House of Representatives, the President and Minority Leader of
26 the Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
27 Government Forecasting and Accountability within 20 business
28 days after each issuance of the bonds. This summary shall
29 include, as applicable, the respective percentage of
30 participation and compensation of each underwriter that is a
31 member of the underwriting syndicate, legal counsel, financial
32 advisors, and other professionals for the Bond issue, and an
33 identification of all costs of issuance paid to minority owned
34 businesses, female owned businesses, and businesses owned by

1 persons with disabilities. The terms "minority owned
2 businesses", "female owned businesses", and "business owned by
3 a person with a disability" have the meanings given to those
4 terms in the Business Enterprise for Minorities, Females, and
5 Persons with Disabilities Act. In addition, the Governor's
6 Office of Management and Budget shall provide copies of all
7 contracts under which any costs of issuance are paid or to be
8 paid to the ~~Illinois Economic and Fiscal~~ Commission on
9 Government Forecasting and Accountability within 20 business
10 days after the issuance of Bonds for which those costs are paid
11 or to be paid. Instead of filing a second or subsequent copy of
12 the same contract, the Governor's Office of Management and
13 Budget may file a statement that specified costs are paid under
14 specified contracts filed earlier with the Commission.

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

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

1 (30 ILCS 425/8.5)

2 Sec. 8.5. Truth in borrowing disclosures.

3 (a) Within 20 business days after the issuance of any Bonds
4 under this Act, the Director of the Governor's Office of
5 Management and Budget shall publish a truth in borrowing
6 disclosure that discloses the total principal and interest
7 payments to be paid on the Bonds over the full stated term of
8 the Bonds. The disclosure also shall include principal and
9 interest payments to be made by each fiscal year over the full
10 stated term of the Bonds and total principal and interest
11 payments to be made by each fiscal year on all other
12 outstanding Bonds issued under this Act over the full stated
13 terms of those Bonds.

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

21 (c) The disclosures required in subsections (a) and (b)
22 shall be published by posting the disclosures for no less than
23 30 days on the web site of the Governor's Office of Management
24 and Budget and by providing the disclosures in written form to
25 the ~~Illinois Economic and Fiscal~~ Commission on Government
26 Forecasting and Accountability. These disclosures shall be
27 calculated assuming Bonds are not redeemed or refunded prior to
28 their stated maturities. Amounts included in these disclosures
29 as payment of interest on variable rate Bonds shall be computed
30 at an interest rate equal to the rate at which the variable
31 rate Bonds are first set upon issuance, plus 2.5%, after taking
32 into account any credits permitted in the related indenture or
33 other instrument against the amount of such interest for each

1 fiscal year. Amounts included in these disclosures as payments
2 of interest shall include those amounts paid pursuant to
3 arrangements authorized pursuant to subsection (b) of Section 6
4 of this Act.

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

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

8 (30 ILCS 608/5-5)

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

10 "Commission" means the ~~Illinois Economic and Fiscal~~
11 Commission on Government Forecasting and Accountability.

12 "State facility" means any facility (i) that is owned and
13 operated by the State or leased and operated by the State and
14 (ii) that is the primary stationary work location for 25 or
15 more State employees. "State facility" does not include any
16 facility under the jurisdiction of the legislative branch,
17 including the Auditor General, or the judicial branch.

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

19 (30 ILCS 608/99-995)

20 Sec. 99-995. Closed meetings; vote requirement. This Act
21 authorizes the ~~Illinois Economic and Fiscal~~ Commission on
22 Government Forecasting and Accountability to hold closed
23 meetings in certain circumstances. In order to meet the
24 requirements of subsection (c) of Section 5 of Article IV of
25 the Illinois Constitution, the General Assembly determines
26 that closed meetings of the ~~Illinois Economic and Fiscal~~
27 Commission on Government Forecasting and Accountability are
28 required by the public interest. Thus, this Act is enacted by
29 the affirmative vote of two-thirds of the members elected to
30 each house of the General Assembly.

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

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

5 (40 ILCS 5/1-103.3)

6 Sec. 1-103.3. Application of 1994 amendment; funding
7 standard.

8 (a) The provisions of this amendatory Act of 1994 that
9 change the method of calculating, certifying, and paying the
10 required State contributions to the retirement systems
11 established under Articles 2, 14, 15, 16, and 18 shall first
12 apply to the State contributions required for State fiscal year
13 1996.

14 (b) The General Assembly declares that a funding ratio (the
15 ratio of a retirement system's total assets to its total
16 actuarial liabilities) of 90% is an appropriate goal for
17 State-funded retirement systems in Illinois, and it finds that
18 a funding ratio of 90% is now the generally-recognized norm
19 throughout the nation for public employee retirement systems
20 that are considered to be financially secure and funded in an
21 appropriate and responsible manner.

22 (c) Every 5 years, beginning in 1999, the ~~Illinois Economic~~
23 ~~and Fiscal~~ Commission on Government Forecasting and
24 Accountability, in consultation with the affected retirement
25 systems and the Governor's Office of Management and Budget
26 (formerly Bureau of the Budget), shall consider and determine
27 whether the 90% funding ratio adopted in subsection (b)
28 continues to represent an appropriate goal for State-funded
29 retirement systems in Illinois, and it shall report its
30 findings and recommendations on this subject to the Governor
31 and the General Assembly.

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

1 (40 ILCS 5/3-109.3)

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

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

18 (b) Study by Commission; Adoption of plan. The Illinois
19 Pension Laws Commission (or its successor, the ~~Economic and~~
20 ~~Fiscal~~ Commission on Government Forecasting and
21 Accountability) shall study and evaluate the creation of a
22 statewide self-managed plan for eligible employees under this
23 Article. The Commission shall report its findings and
24 recommendations to the General Assembly no later than January
25 1, 2002.

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

1 The self-managed plan shall include a plan document and
2 shall provide for the adoption of such rules and procedures as
3 are necessary or desirable for the administration of the
4 self-managed plan. Consistent with fiduciary duty to the
5 participants and beneficiaries of the self-managed plan, it may
6 provide for delegation of suitable aspects of plan
7 administration to companies authorized to do business in this
8 State.

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

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

21 (2) the reasonableness of the benefits in relation to
22 the premium charged;

23 (3) the suitability of the benefits to the needs and
24 interests of the participating employees and the employer;

25 (4) the ability of the company to provide benefits
26 under the contract and the financial stability of the
27 company; and

28 (5) the efficacy of the contract in the recruitment and
29 retention of employees.

30 The principal administrator shall periodically review each
31 approved company. A company may continue to provide
32 administrative services and funding vehicles for the
33 self-managed plan only so long as it continues to be an
34 approved company under contract with the principal

1 administrator.

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

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

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

30 (f) No Duplication of Service Credit. Notwithstanding any
31 other provision of this Article, a police officer may not
32 purchase or receive service or service credit applicable to any
33 other retirement program administered by a fund under this
34 Article for any period during which the police officer was a

1 participant in the self-managed plan established under this
2 Section.

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

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

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

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

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

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

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

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

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

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

1 credit is established under Section 14-104(a), and service
2 for which credit has been established by repaying a refund
3 under Section 14-130, but shall not include service for
4 which any other optional service credit has been
5 established; and

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

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

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

20 The age enhancement established under this Section may not
21 be used to enable any person to begin receiving a retirement
22 annuity calculated under Section 14-110 before actually
23 attaining age 50 (without any age enhancement under this
24 Section). The age enhancement established under this Section
25 may be used for all other purposes under this Article
26 (including calculation of a proportionate annuity payable by
27 this System under the Retirement Systems Reciprocal Act),
28 except for purposes of the level income option in Section
29 14-112, the reversionary annuity under Section 14-113, and the
30 required distributions under Section 14-121.1.

31 The age enhancement established under this Section may be
32 used in determining benefits payable under Article 16 of this
33 Code under the Retirement Systems Reciprocal Act, if the person
34 has at least 5 years of service credit in the Article 16 system

1 that was earned while participating in that system as a teacher
2 (as defined in Section 16-106) employed by a department (as
3 defined in Section 14-103.04). Age enhancement established
4 under this Section shall not otherwise be used in determining
5 benefits payable under other Articles of this Code under the
6 Retirement Systems Reciprocal Act.

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

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

33 (c-5) The reduction in retirement annuity provided in
34 subsection (c) of Section 14-108 does not apply to the annuity

1 of a person who retires under this Section. A person who has
2 received any age enhancement or creditable service under this
3 Section may begin to receive an unreduced retirement annuity
4 upon attainment of age 55 with at least 25 years of creditable
5 service (including any age enhancement and creditable service
6 established under this Section).

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

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

23 (f) The System shall determine the amount of the increase
24 in the present value of future benefits resulting from the
25 granting of early retirement incentives under this Section and
26 shall report that amount to the Governor and the ~~Economic and~~
27 ~~Fiscal~~ Commission on Government Forecasting and Accountability
28 on or after the effective date of this amendatory Act of the
29 93rd General Assembly and on or before November 15, 2004. The
30 increase reported under this subsection (f) shall not be
31 included in the calculation of the required State contribution
32 under Section 14-131.

33 (g) In addition to the contributions otherwise required
34 under this Article, the State shall appropriate and pay to the

1 System (1) an amount equal to \$70,000,000 in State fiscal years
2 2004 and 2005 and (2) in each of State fiscal years 2006
3 through 2015, a level dollar-payment based upon the increase in
4 the present value of future benefits provided by the early
5 retirement incentives provided under this Section amortized at
6 8.5% interest.

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

30 The System, the Department of Central Management Services,
31 the Governor's Office of Management and Budget (formerly Bureau
32 of the Budget), and all other departments shall provide to the
33 Commission any assistance that the Commission may request with
34 respect to its reports under this Section. The Commission may

1 require departments to provide it with any information that it
2 deems necessary or useful with respect to its reports under
3 this Section, including without limitation information about
4 (1) the final earnings of former department employees who
5 elected to receive benefits under this Section, (2) the
6 earnings of current department employees holding the positions
7 vacated by persons who elected to receive benefits under this
8 Section, and (3) positions vacated by persons who elected to
9 receive benefits under this Section that have not yet been
10 refilled.

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

14 (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04;
15 93-839, eff. 7-30-04.)

16 (40 ILCS 5/14-108.5)

17 Sec. 14-108.5. Alternative retirement cancellation
18 payment.

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

21 (1) be a member of this System who, on any day during
22 June 2004, was (i) in active payroll status as an employee
23 in a position listed in subsection (b) of this Section and
24 continuously employed in a position listed in subsection
25 (b) on and after January 1, 2004 and (ii) an active
26 contributor to this System with respect to that employment;

27 (2) have not previously received any retirement
28 annuity under this Article;

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

31 (4) in the case of persons employed in a position title
32 listed under paragraph (1) of subsection (b), be among the
33 first 3,000 persons to file with the Board on or before

1 September 30, 2004 a written application requesting the
2 alternative retirement cancellation payment provided in
3 this Section;

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

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

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

17 (b) (1) Position titles eligible for the alternative
18 retirement cancellation payment provided in this Section
19 are:

20 911 Analyst III; Brickmason; Account Clerk I and II; Budget
21 Analyst I and II; Account Technician I and II; Budget
22 Operations Director; Accountant; Budget Principal;
23 Accountant Advanced; Building Services Worker; Accountant
24 Supervisor; Building/Grounds Laborer; Accounting Fiscal
25 Administrative Career Trainee; Building/Grounds Lead 1 and
26 2; Accounts Payable Processing Analyst; Building/Grounds
27 Maintenance Worker; Accounts Payable Specialist;
28 Building/Grounds Supervisor; Accounts Processing Analyst;
29 Bureau Chief; Actuarial Assistant; Business Administrative
30 Specialist; Administrative and Technology Director;
31 Business Analyst I through IV; Administrative Assistant I
32 through III; Business Manager; Administrative Clerk;
33 Buyer; Administrative Coordinator; Buyer Assistant;

1 Administrator; Capital Budget Analyst I and II;
2 Administrator of Capital Programs; Capital Budget
3 Director; Administrator of Construction Administration;
4 Capital Programs Analyst I and II; Administrator of
5 Contract Administration; Capital Programs Technician;
6 Administrator of Fair Employment Practices; Carpenter;
7 Administrator of Fiscal; Carpenter Foreman; Administrator
8 of Information Management; Cartographer I through III;
9 Administrator of Information Systems; Chief - Police;
10 Administrator of Personnel; Chief Veterans Technician;
11 Administrator of Professional Services; Circuit
12 Provisioning Specialist; Administrator of Public Affairs;
13 Civil Engineer I through IX; Administrator of
14 Quality-Based Selection; Civil Engineer Trainee;
15 Administrator of Strategic Planning and Training; Clerical
16 Trainee; Appeals & Orders Coordinator; Communications
17 Director; Appraisal Specialist 1 through 3; Community
18 Planner 3; Assignment Coordinator; Commander; Assistant
19 Art-in-Architecture Coordinator; Compliance Specialist;
20 Assistant Chief - Police; Conservation Education
21 Representative; Assistant Internal Auditor; Conservation
22 Grant Administrator 1 through 3; Assistant Manager;
23 Construction Supervisor I and II; Assistant Personnel
24 Officer; Consumer Policy Analyst; Assistant Professor
25 Scientist; Consumer Program Coordinator; Assistant
26 Reimbursement Officer; Contract Executive; Assistant
27 Steward; Coordinator of Administrative Services; Associate
28 Director for Administrative Services; Coordinator of
29 Art-in-Architecture; Associate Museum Director;
30 Corrections Clerk I through III; Associate Professor
31 Scientist; Corrections Maintenance Supervisor; Corrections
32 Caseworker Supervisor; Corrections Food Service
33 Supervisor; Auto Parts Warehouse Specialist; Corrections
34 Maintenance Worker; Auto Parts Warehouse; Curator I

1 through III; Automotive Attendant I and II; Data Processing
2 Administrative Specialist; Automotive Mechanic; Data
3 Processing Assistant; Automotive Shop Supervisor; Data
4 Processing Operator; Baker; Data Processing Specialist;
5 Barber; Data Processing Supervisor 1 through 3;
6 Beautician; Data Processing Technician; Brickmason; Deputy
7 Chief Counsel; Director of Licensing; Desktop Technician;
8 Director of Security; Human Resources Officer; Division
9 Chief; Human Resources Representative; Division Director;
10 Human Resources Specialist; Economic Analyst I through IV;
11 Human Resources Trainee; Electrical Engineer; Human
12 Services Casework Manager; Electrical Engineer I through
13 V; Human Services Grant Coordinator 2 and 3; Electrical
14 Equipment Installer/Repairer; Iconographer; Electrical
15 Equipment Installer/Repairer Lead Worker; Industry and
16 Commercial Development Representative 1 and 2;
17 Electrician; Industry Services Consultant 1 and 2;
18 Electronics Technician; Information Services Intern;
19 Elevator Operator; Information Services Specialist I and
20 II; Endangered Species Secretary; Information Systems
21 Analyst I through III; Engineering Aide; Information
22 Systems Manager; Engineering Analyst I through IV;
23 Information Systems Planner; Engineering Manager I and II;
24 Institutional Maintenance Worker; Engineering Technician I
25 through V; Instrument Designer; Environmental Scientist I
26 and II; Insurance Analyst I through IV; Executive I through
27 VI; Executive Assistant; Intermittent Clerk; Executive
28 Assistant I through IV; Intermittent Laborer Maintenance;
29 Executive Secretary 1 through 3; Intern; Federal Funding
30 and Public Safety Director; Internal Auditor 1; Financial &
31 Budget Assistant; Internal Communications Officer;
32 Financial & Budget Supervisor; International Marketing
33 Representative 1; Financial Management Director; IT
34 Manager; Fiscal Executive; Janitor I and II; Fiscal

1 Officer; Junior State Veterinarian; Gas Engineer I through
2 IV; Junior Supervisor Scientist; General Counsel and
3 Regulatory Director; Laboratory Manager II; General
4 Services Administrator I; Labor Maintenance Lead Worker;
5 General Services Technician; Laborer; Geographic
6 Information Specialist 1 and 2; Laborer (Building);
7 Geologist I through IV; Laborer (Maintenance); Graphic
8 Arts Design Supervisor; Landscape Architect; Graphic Arts
9 Designer; Landscape Architect I through IV; Graphic Arts
10 Technician; Landscape Planner; Grounds Supervisor; Laundry
11 Manager I; Highway Construction Supervisor I; Legislative
12 Liaison I and II; Historical Research Editor 2; Liability
13 Claims Adjuster 1 and 2; Historical Research Specialist;
14 Librarian 1 and 2; Horse Custodian; Library Aide I through
15 III; Horse Identifier; Library Associate; Hourly
16 Assistant; Library Technical Assistant; Human Resource
17 Coordinator; Licensing Assistant; Human Resources Analyst;
18 Line Technician I through II; Human Resources Assistant;
19 Local History Service Representative; Human Resources
20 Associate; Local Housing Advisor 2 and 3; Human Resources
21 Manager; Local Revenue and Fiscal Advisor 3; Machinist;
22 Locksmith; Maintenance Equipment Operator; Operations
23 Communications Specialist Trainee; Maintenance Worker;
24 Operations Technician; Maintenance Worker Power Plant;
25 Painter; Management Information Technician; Paralegal
26 Assistant; Management Operations Analyst 1 and 2;
27 Performance Management Analyst; Management Secretary I;
28 Personnel Manager; Management Systems Specialist;
29 Photogrammetrist I through IV; Management Technician I
30 through IV; Physician; Manager; Physician Specialist
31 Operations A through D; Manpower Planner 1 through 3;
32 Planning Director; Medical Administrator III and V; Plant
33 Maintenance Engineer 1 and 2; Methods & Processes Advisor
34 1, 2 and III; Plumber; Methods & Processes Career Associate

1 1 and 2; Policy Advisor; Microfilm Operator I through III;
2 Policy Analyst I through IV; Military Administrative
3 Assistant I; Power Shovel Operator (Maintenance); Military
4 Administrative Clerk; Principal Economist; Military
5 Administrative Officer-Legal; Principal Scientist;
6 Military Administrative Specialist; Private Secretary 1
7 and 2; Military Community Relations Specialist; Private
8 Secretary I and II; Military Cooperative Agreement
9 Specialist; Procurement Representative; Military Crash,
10 Fire, Rescue I through III; Professor & Scientist; Military
11 Energy Manager; Program Manager; Military Engineer
12 Technician; Program Specialist; Military Environmental
13 Specialist I through III; Project Coordinator; Military
14 Facilities Engineer; Project Designer; Military Facilities
15 Officer I; Project Manager I through III; Military
16 Maintenance Engineer; Project Manager; Military Museum
17 Director; Project Manager/Technical Specialist I thru III;
18 Military Program Supervisor; Project Specialist I through
19 IV; Military Property Custodian II; Projects Director;
20 Military Real Property Clerk; Property & Supply Clerk I
21 through III; Motorist Assistance Specialist; Property
22 Control Officer; Museum Director; Public Administration
23 Intern; Museum Security Head I through III; Public
24 Information Coordinator; Museum Technician I through III;
25 Public Information Officer; Network Control Center
26 Specialist; Public Information Officer 2 through 4;
27 Network Control Center Technician 2; Public Service
28 Administrator; Network Engineer I through IV; Race Track
29 Maintenance 1 and 2; Office Administration Specialist;
30 Radio Technician Program Coordinator; Office Administrator
31 1 through 5; Realty Specialist I through V; Office Aide;
32 Receptionist; Office Assistant; Regional Manager; Office
33 Associate; Regulatory Accountant IV; Office Clerk;
34 Reimbursement Officer 1 and 2; Office Coordinator;

1 Representative I and II; Office Manager; Representative
2 Trainee; Office Occupations Trainee; School Construction
3 Manager; Office Specialist; Secretary I and IV; Operations
4 Communications Specialist I and II; Security Guard; Senior
5 Economic Analyst; Security Supervisor; Senior Editor;
6 Systems Developer I through IV; Senior Electrical
7 Engineer; Systems Developer Trainee; Senior Financial &
8 Budget Assistant; Systems Engineer I through IV; Senior Gas
9 Engineer; Systems Engineer Trainee; Senior Policy Analyst;
10 Tariff & Order Coordinator; Senior Programs Analyst;
11 Tariff Administrator III; Senior Project Consultant;
12 Tariff Analyst IV; Senior Project Manager; Teacher of
13 Barbering; Senior Public Information Officer; Teacher of
14 Beauty Culture; Senior Public Service Administrator;
15 Technical Advisor 2 and 3; Senior Rate Analyst; Technical
16 Advisor I through VII; Senior Technical Assistant;
17 Technical Analyst; Technical Manager I through IX; Senior
18 Technical Supervisor; Technical Assistant; Senior
19 Technology Specialist; Technical Manager 1; Senior
20 Transportation Industry Analyst; Technical Manager I
21 through X; Sewage Plant Operator; Technical Specialist;
22 Sign Hanger; Technical Support Specialist; Sign Hanger
23 Foreman; Technical Specialist I thru III; Sign Painter;
24 Technician Trainee; Sign Shop Foreman; Telecom Systems
25 Analyst; Silk Screen Operator; Telecom Systems Consultant;
26 Senior Administrative Assistant; Telecom Systems
27 Technician 1 and 2; Site Superintendent; Telecommunication
28 Supervisor; Software Architect; Tinsmith; Special
29 Assistant; Trades Tender; Special Assistant to the
30 Executive Director; Training Coordinator; Staff
31 Development Specialist I; Transportation Counsel; Staff
32 Development Technician II; Transportation Industry Analyst
33 III; State Police Captain; Transportation Industry
34 Customer Service; State Police Lieutenant; Transportation

1 Officer; State Police Major; Transportation Policy Analyst
2 III and IV; State Police Master Sergeant; Urban Planner I
3 through VI; Stationary Engineer; Utility Engineer I and II;
4 Stationary Engineer Assistant Chief; Veteran Secretary;
5 Stationary Engineer Chief; Veteran Technician; Stationary
6 Fireman; Water Engineer I through IV; Statistical Research
7 Specialist 1 through 3; Water Plant Operator; Statistical
8 Research Supervisor; Web and Publications Manager;
9 Statistical Research Technician; Steamfitter; Steward;
10 Steward Secretary; Storekeeper I through III; Stores
11 Clerk; Student Intern; Student Worker; Supervisor;
12 Supervisor & Assistant Scientist; Supervisor & Associate
13 Scientist; Switchboard Operator 1 through 3;
14 Administrative Assistant to the Superintendent; Assistant
15 Legal Advisor; Legal Assistant; Senior Human Resources
16 Specialist; Principal Internal Auditor; Division
17 Administrator; Division Supervisor; and Private Secretary
18 I through III.

19 (2) In addition, any position titles with the Speaker
20 of the House of Representatives, the Minority Leader of the
21 House of Representatives, the President of the Senate, the
22 Minority Leader of the Senate, the Attorney General, the
23 Secretary of State, the Comptroller, the Treasurer, the
24 Auditor General, the Supreme Court, the Court of Claims,
25 and each legislative agency are eligible for the
26 alternative retirement cancellation payment provided in
27 this Section.

28 (c) In lieu of any retirement annuity or other benefit
29 provided under this Article, a person who qualifies for and
30 elects to receive the alternative retirement cancellation
31 payment under this Section shall be entitled to receive a
32 one-time lump sum retirement cancellation payment equal to the
33 amount of his or her contributions to the System (including any
34 employee contributions for optional service credit and

1 including any employee contributions paid by the employer or
2 credited to the employee during disability) as of the date of
3 termination, with regular interest, multiplied by 2.

4 (d) Notwithstanding any other provision of this Article, a
5 person who receives an alternative retirement cancellation
6 payment under this Section thereby forfeits the right to any
7 other retirement or disability benefit or refund under this
8 Article, and no widow's, survivor's, or death benefit deriving
9 from that person shall be payable under this Article. Upon
10 accepting an alternative retirement cancellation payment under
11 this Section, the person's creditable service and all other
12 rights in the System are terminated for all purposes, except
13 for the purpose of determining State group life and health
14 benefits for the person and his or her survivors as provided
15 under the State Employees Group Insurance Act of 1971.

16 (e) To the extent permitted by federal law, a person who
17 receives an alternative retirement cancellation payment under
18 this Section may direct the System to pay all or a portion of
19 that payment as a rollover into another retirement plan or
20 account qualified under the Internal Revenue Code of 1986, as
21 amended.

22 (f) Notwithstanding Section 14-111, a person who has
23 received an alternative retirement cancellation payment under
24 this Section and who reenters service under this Article other
25 than as a temporary employee must repay to the System the
26 amount by which that alternative retirement cancellation
27 payment exceeded the amount of his or her refundable employee
28 contributions within 60 days of resuming employment under this
29 System. For the purposes of re-establishing creditable service
30 that was terminated upon election of the alternative retirement
31 cancellation payment, the portion of the alternative
32 retirement cancellation payment representing refundable
33 employee contributions shall be deemed a refund repayable in
34 accordance with Section 14-130.

1 (g) The ~~Economic and Fiscal~~ Commission on Government
2 Forecasting and Accountability shall determine and report to
3 the Governor and the General Assembly, on or before January 1,
4 2006, its estimate of (1) the annual amount of payroll savings
5 likely to be realized by the State as a result of the early
6 termination of persons receiving the alternative retirement
7 cancellation payment under this Section and (2) the net annual
8 savings or cost to the State from the program of alternative
9 retirement cancellation payments under this Section.

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

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

27 (40 ILCS 5/15-158.3)

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

30 (a) On or before November 15, 2001 and on or before
31 November 15th of each year thereafter, the Board shall have the
32 System's actuary prepare a report showing, on a fiscal year by
33 fiscal year basis, the actual rate of participation in the

1 self-managed plan authorized by Section 15-158.2, (i) by
2 employees of the System's covered higher educational
3 institutions who were hired on or after the implementation date
4 of the self-managed plan and (ii) by other System participants.

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

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

27 (c) On or before November 15 of 2001 and on or before
28 November 15th of each year thereafter, the Department of
29 Central Management Services shall prepare a report showing, on
30 a fiscal year by fiscal year basis, the amount by which the
31 State's cost for health insurance coverage under the State
32 Employees Group Insurance Act of 1971 for retirees of the
33 State's universities and their survivors has declined as a
34 result of requiring some of those retirees and survivors to

1 contribute to the cost of their basic health insurance. These
2 year-by-year reductions in cost must be quantified both in
3 dollars and as a level percentage of payroll covered by the
4 System.

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

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

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

29 (40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

30 Sec. 16-133.3. Early retirement incentives for State
31 employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) The System shall determine the amount of the increase
31 in the present value of future benefits resulting from the
32 granting of early retirement incentives under this Section and
33 shall report that amount to the Governor and the ~~Economic and~~
34 ~~Fiscal~~ Commission on Government Forecasting and Accountability

1 on or after the effective date of this amendatory Act of the
2 93rd General Assembly and on or before November 15, 2004. The
3 increase in liability reported under this subsection (f) shall
4 not be included in the calculation of the required State
5 contribution under Section 16-158.

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

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

24 The System, the Department of Central Management Services,
25 the Governor's Office of Management and Budget (formerly Bureau
26 of the Budget), and all other departments shall provide to the
27 Commission any assistance that the Commission may request with
28 respect to its reports under this Section. The Commission may
29 require departments to provide it with any information that it
30 deems necessary or useful with respect to its reports under
31 this Section, including without limitation information about
32 (1) the final earnings of former department employees who
33 elected to receive benefits under this Section, (2) the
34 earnings of current department employees holding the positions

1 vacated by persons who elected to receive benefits under this
2 Section, and (3) positions vacated by persons who elected to
3 receive benefits under this Section that have not yet been
4 refilled.

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

8 (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04;
9 93-839, eff. 7-30-04.)

10 (40 ILCS 5/22-803)

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

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

20 (40 ILCS 5/22-1001) (from Ch. 108 1/2, par. 22-1001)

21 Sec. 22-1001. Submission of information. By March 1 of
22 each year, the retirement systems created under Articles 2, 14,
23 15, 16 and 18 of this Code shall each submit the following
24 information to the ~~Economic and Fiscal~~ Commission on Government
25 Forecasting and Accountability:

26 (1) the most recent actuarial valuation computed using
27 the projected unit credit actuarial cost method for
28 retirement and ancillary benefits.

29 (2) a full disclosure of the provisions of the plan;
30 economic, mortality, termination, and demographic
31 assumptions used for the valuation; methods used to
32 determine the actuarial values; the impact of significant

1 changes in the actuarial assumptions and methods; the most
2 recent experience review; and other information affecting
3 the plan's actuarial status.

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

8 (4) a five-year history of the system's liabilities,
9 assets (valued at cost), and unfunded liabilities.

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

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

18 For plan years ending prior to December 31, 1984, the
19 historical data submitted by the retirement systems pursuant to
20 items (4) and (6) above may be based on a cost method other
21 than the projected unit credit actuarial cost method. In
22 submitting the data, the retirement systems shall specify the
23 method used.

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

25 (40 ILCS 5/22-1002) (from Ch. 108 1/2, par. 22-1002)

26 Sec. 22-1002. Within 3 days of the Governor's submission of
27 the State Budget, the Director of the Governor's Office of
28 Management and Budget shall provide the ~~Illinois Economic and~~
29 ~~Fiscal~~ Commission on Government Forecasting and Accountability
30 with the recommendations for budgeted annual appropriations
31 for each system as specified in the Governor's budget
32 recommendations.

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

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

2 Sec. 22-1003. The ~~Economic and Fiscal~~ Commission on
3 Government Forecasting and Accountability shall receive the
4 information specified in Section 22-1001 and Section 22-1002 of
5 this Act. Commission staff shall examine the information and
6 submit a report of the analysis thereof to the General
7 Assembly. The report shall also include either an analysis of
8 the effect of the different economic assumptions used by the 5
9 systems, or supplemental valuations using the same economic
10 assumptions for all 5 systems. The Commission shall compare (1)
11 each system's required actuarial funding computed using the
12 projected unit credit actuarial cost method, and (2) the
13 required State contribution levels established by Public Act
14 88-593. The report shall also identify the amount of the
15 required funding for each system expected to come from (i)
16 budgeted annual appropriations and (ii) continuing
17 appropriations under the State Pension Funds Continuing
18 Appropriation Act.

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

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

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

4 (40 ILCS 15/1)

5 Sec. 1. Appropriations from State Pensions Fund. For the
6 purpose of making up any deficiency in the appropriations to
7 the designated retirement systems that are required to be made
8 under Section 8.12 of the State Finance Act, there is hereby
9 appropriated, on a continuing annual basis in each fiscal year,
10 from the State Pensions Fund to each designated retirement
11 system, the amount, if any, by which the total appropriation to
12 that system from the State Pensions Fund for that fiscal year
13 is less than the amount required to be appropriated to that
14 retirement system under Section 8.12 of the State Finance Act.

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

18 The amount of any continuing appropriation used by a
19 retirement system under this Section for a given fiscal year
20 shall be charged against the unexpended amount of any
21 appropriation to that retirement system for that fiscal year
22 under Section 8.12 of the State Finance Act that subsequently
23 becomes available, subject to Section 8.3 of the State Finance
24 Act.

25 "Designated retirement systems" means the State Employees'
26 Retirement System of Illinois, the Teachers' Retirement System
27 of the State of Illinois, the State Universities Retirement
28 System, the Judges Retirement System of Illinois, and the
29 General Assembly Retirement System.

30 The appropriations made in this Section are appropriated to
31 the designated retirement systems as a part of the annual State
32 contribution required by the laws providing for the funding of
33 those systems.

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

2 (40 ILCS 15/1.2)

3 Sec. 1.2. Appropriations for the State Employees'
4 Retirement System.

5 (a) From each fund from which an amount is appropriated for
6 personal services to a department or other employer under
7 Article 14 of the Illinois Pension Code, there is hereby
8 appropriated to that department or other employer, on a
9 continuing annual basis for each State fiscal year, an
10 additional amount equal to the amount, if any, by which (1) an
11 amount equal to the percentage of the personal services line
12 item for that department or employer from that fund for that
13 fiscal year that the Board of Trustees of the State Employees'
14 Retirement System of Illinois has certified under Section
15 14-135.08 of the Illinois Pension Code to be necessary to meet
16 the State's obligation under Section 14-131 of the Illinois
17 Pension Code for that fiscal year, exceeds (2) the amounts
18 otherwise appropriated to that department or employer from that
19 fund for State contributions to the State Employees' Retirement
20 System for that fiscal year. From the effective date of this
21 amendatory Act of the 93rd General Assembly through the final
22 payment from a department or employer's personal services line
23 item for fiscal year 2004, payments to the State Employees'
24 Retirement System that otherwise would have been made under
25 this subsection (a) shall be governed by the provisions in
26 subsection (a-1).

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

33 (b) The continuing appropriations provided for by this

1 Section shall first be available in State fiscal year 1996.

2 (c) Beginning in Fiscal Year 2005, any continuing
3 appropriation under this Section arising out of an
4 appropriation for personal services from the Road Fund to the
5 Department of State Police or the Secretary of State shall be
6 payable from the General Revenue Fund rather than the Road
7 Fund.

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

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

11 (70 ILCS 3205/18) (from Ch. 85, par. 6018)

12 Sec. 18. Records and Reports of the Authority. The
13 secretary shall keep a record of the proceedings of the
14 Authority. The treasurer of the Authority shall be custodian of
15 all Authority funds, and shall be bonded in such amount as the
16 other members of the Authority may designate. The accounts and
17 books of the Authority shall be set up and maintained in a
18 manner approved by the Auditor General, and the Authority shall
19 file with the Auditor General a certified annual report within
20 120 days after the close of its fiscal year. The Authority
21 shall also file with the Governor, the Secretary of the Senate,
22 the Clerk of the House of Representatives, the ~~Illinois~~
23 ~~Economic and Fiscal~~ Commission on Government Forecasting and
24 Accountability, by March 1 of each year, a written report
25 covering its activities for the previous fiscal year and so
26 filed, such report shall be a public record and open for
27 inspection at the offices of the Authority during normal
28 business hours.

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

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

1 (70 ILCS 3210/75)

2 Sec. 75. Records and reports of the Authority. The
3 secretary shall keep a record of the proceedings of the
4 Authority. The treasurer of the Authority shall be custodian of
5 all Authority funds and shall be bonded in the amount the other
6 members of the Authority may designate. The accounts and books
7 of the Authority shall be set up and maintained in a manner
8 approved by the Auditor General, and the Authority shall file
9 with the Auditor General a certified annual report within 120
10 days after the close of its fiscal year. The Authority shall
11 also file with the Governor, the Secretary of the Senate, the
12 Clerk of the House of Representatives, and the ~~Illinois~~
13 ~~Economic and Fiscal~~ Commission on Government Forecasting and
14 Accountability, by March 1 of each year, a written report
15 covering its activities for the previous fiscal year. So filed,
16 the report shall be a public record and open for inspection at
17 the offices of the Authority during normal business hours.

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

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

21 (110 ILCS 205/9.11) (from Ch. 144, par. 189.11)

22 Sec. 9.11. Effective January 1, 1980, to require the
23 preparation of an annual capital plan which details the
24 proposed budget year and 3 year capital needs of the Board of
25 Trustees of the University of Illinois, the Board of Trustees
26 of Southern Illinois University, the Board of Trustees of
27 Chicago State University, the Board of Trustees of Eastern
28 Illinois University, the Board of Trustees of Governors State
29 University, the Board of Trustees of Illinois State University,
30 the Board of Trustees of Northeastern Illinois University, the
31 Board of Trustees of Northern Illinois University, and the

1 Board of Trustees of Western Illinois University. Such plan
2 shall detail capital expenditures to finance revenue producing
3 facilities through the issuance of revenue bonds. This plan
4 shall detail each project and the project cost in current
5 dollar amounts. The plan shall contain the appropriate detail
6 for the proposed budget year and the 3 year plan which will
7 justify the projects ability to meet: the debt service
8 requirements by producing sufficient revenue, life expectancy
9 and maintenance requirements. Such annual capital plans shall
10 be submitted to the ~~Illinois Economic and Fiscal~~ Commission on
11 Government Forecasting and Accountability no later than March
12 15th of each year.

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

14 (110 ILCS 205/9.18) (from Ch. 144, par. 189.18)

15 Sec. 9.18. To review the annual budget proposals of the
16 Illinois Mathematics and Science Academy and to submit to the
17 Governor, the General Assembly, the Governor's Office of
18 Management and Budget ~~Bureau of the Budget~~, and the ~~Illinois~~
19 ~~Economic and Fiscal~~ Commission on Government Forecasting and
20 Accountability its analysis and recommendations on such budget
21 proposals.

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

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

25 (230 ILCS 5/1.3)

26 Sec. 1.3. Legislative findings.

27 (a) The General Assembly finds that the Illinois gaming
28 industry is a single industry consisting of horse racing and
29 riverboat gambling. Reports issued by the ~~legislative Economic~~
30 and Fiscal Commission on Government Forecasting and
31 Accountability in 1992, 1994, and 1998 have found that horse

1 racing and riverboat gambling:

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

4 (2) are planned events;

5 (3) have similar odds of winning;

6 (4) occur in similar settings; and

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

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

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

12 Section 130. The Toll Highway Act is amended by changing
13 Section 23 as follows:

14 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

15 Sec. 23. The Authority shall file with the Governor, the
16 Clerk of the House of Representatives, the Secretary of the
17 Senate, and the ~~Illinois Economic and Fiscal~~ Commission on
18 Government Forecasting and Accountability, on or prior to March
19 15th of each year, a written statement and report covering its
20 activities for the preceding calendar year. The Authority shall
21 present, to the committees of the House of Representatives
22 designated by the Speaker of the House and to the committees of
23 the Senate designated by the President of the Senate, an annual
24 report outlining its planned revenues and expenditures. The
25 Authority shall prepare an annual capital plan which identifies
26 capital projects by location and details the project costs in
27 correct dollar amounts. The Authority shall also prepare and
28 file a ten-year capital plan that includes a listing of all
29 capital improvement projects contemplated during the ensuing
30 ten-year period. The first ten-year capital plan shall be filed
31 in 1991 and thereafter on the anniversary of each ten-year
32 period.

1 It shall also be the duty of the Auditor General of the
2 State of Illinois, annually to audit or cause to be audited the
3 books and records of the Authority and to file a certified copy
4 of the report of such audit with the Governor and with the
5 Legislative Audit Commission, which audit reports, when so
6 filed, shall be open to the public for inspection.

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

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

10 (625 ILCS 5/3-820) (from Ch. 95 1/2, par. 3-820)

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

17 Upon filing in the Office of the Secretary of State an
18 affidavit to the effect that an original registration sticker
19 for a vehicle is lost, stolen or destroyed, a new registration
20 sticker shall be furnished upon payment of a fee of \$5 for
21 registration stickers issued on or before February 28, 2005 and
22 \$20 for registration stickers issued on or after March 1, 2005.

23 The Secretary of State may, in his discretion, assign a new
24 number plate or plates in lieu of a duplicate of the plate or
25 plates so lost, stolen or destroyed, but such assignment of a
26 new plate or plates shall not affect the right of the owner to
27 secure a reassignment of his original registration number in
28 the manner provided in this Act. The fee for one new number
29 plate shall be \$6, and for a pair of new number plates, \$9.

30 For the administration of this Section, the Secretary shall
31 consider the loss of a registration plate or plates with
32 properly affixed registration stickers as requiring the

1 payment of:

2 (i) \$11 for each duplicate issued on or before February
 3 28, 2005 and \$26 for each duplicate issued on or after
 4 March 1, 2005; or

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

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

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

12 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

13 Sec. 3-821. Miscellaneous Registration and Title Fees.

14 (a) The fee to be paid to the Secretary of State for the
 15 following certificates, registrations or evidences of proper
 16 registration, or for corrected or duplicate documents shall be
 17 in accordance with the following schedule:

18 Certificate of Title, except for an all-terrain	
19 vehicle or off-highway motorcycle	\$65
20 Certificate of Title for an all-terrain vehicle	
21 or off-highway motorcycle	\$30
22 Certificate of Title for an all-terrain vehicle	
23 or off-highway motorcycle used for production	
24 agriculture, or accepted by a dealer in trade	13
25 Transfer of Registration or any evidence of	
26 proper registration	15
27 Duplicate Registration Card for plates or other	
28 evidence of proper registration	3
29 Duplicate Registration Sticker or Stickers <u>issued</u>	
30 <u>on or before February 28, 2005</u> , each	<u>5</u>
31 <u>Duplicate Registration Sticker or Stickers issued</u>	
32 <u>on or after March 1, 2005</u> , each	<u>20</u>
33 Duplicate Certificate of Title	65

1	Corrected Registration Card or Card for other	
2	evidence of proper registration	3
3	Corrected Certificate of Title	65
4	Salvage Certificate	4
5	Fleet Reciprocity Permit	15
6	Prorate Decal	1
7	Prorate Backing Plate	3

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

9 (b) The Secretary may prescribe the maximum service charge
10 to be imposed upon an applicant for renewal of a registration
11 by any person authorized by law to receive and remit or
12 transmit to the Secretary such renewal application and fees
13 therewith.

14 (c) If a check is delivered to the Office of the Secretary
15 of State as payment of any fee or tax under this Code, and such
16 check is not honored by the bank on which it is drawn for any
17 reason, the registrant or other person tendering the check
18 remains liable for the payment of such fee or tax. The
19 Secretary of State may assess a service charge of \$19 in
20 addition to the fee or tax due and owing for all dishonored
21 checks.

22 If the total amount then due and owing exceeds the sum of
23 \$50 and has not been paid in full within 60 days from the date
24 such fee or tax became due to the Secretary of State, the
25 Secretary of State shall assess a penalty of 25% of such amount
26 remaining unpaid.

27 All amounts payable under this Section shall be computed to
28 the nearest dollar.

29 (d) The minimum fee and tax to be paid by any applicant for
30 apportionment of a fleet of vehicles under this Code shall be
31 \$15 if the application was filed on or before the date
32 specified by the Secretary together with fees and taxes due. If
33 an application and the fees or taxes due are filed after the
34 date specified by the Secretary, the Secretary may prescribe

1 the payment of interest at the rate of 1/2 of 1% per month or
2 fraction thereof after such due date and a minimum of \$8.

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

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

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

33 Section 999. Effective date. This Act takes effect upon

1 becoming law.".