

1                                    AMENDMENT TO HOUSE BILL 3493

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3493 by replacing  
3 the title with the following:

4            "AN ACT relating to budget implementation."; and

5 by replacing everything after the enacting clause with the  
6 following:

7            "Section 1. Short title. This Act may be cited as the  
8 FY2002 Budget Implementation (State Finance) Act.

9            Section 3. Purpose. It is the purpose and subject of  
10 this Act to make the changes in State programs relating to  
11 State finance that are necessary to implement the State's  
12 FY2002 budget.

13            Section 5. The Department of Commerce and Community  
14 Affairs Law of the Civil Administrative Code of Illinois is  
15 amended by changing Section 605-710 as follows:

16            (20 ILCS 605/605-710)

17            Sec. 605-710. Regional tourism development  
18 organizations.

19            (a) The Department may, subject to appropriation,

1 provide contractual funding from the Tourism Promotion Fund  
 2 for the administrative costs of not-for-profit regional  
 3 tourism development organizations that assist the Department  
 4 in developing tourism throughout a multi-county geographical  
 5 area designated by the Department. Regional tourism  
 6 development organizations receiving funds under this Section  
 7 may be required by the Department to submit to audits of  
 8 contracts awarded by the Department to determine whether the  
 9 regional tourism development organization has performed all  
 10 contractual obligations under those contracts.

11 Every employee of a regional tourism development  
 12 organization receiving funds under this Section shall  
 13 disclose to the organization's governing board and to the  
 14 Department any economic interest that employee may have in  
 15 any entity with which the regional tourism development  
 16 organization has contracted or to which the regional tourism  
 17 development organization has granted funds.

18 (b) The Department, from moneys transferred from the  
 19 General Revenue Fund to the Tourism Promotion Fund and  
 20 appropriated from the Tourism Promotion Fund, shall first  
 21 provide funding of \$5,000,000 annually to a governmental  
 22 entity with at least 2,000,000 square feet of exhibition  
 23 space that has as part of its duties the promotion of  
 24 cultural, scientific and trade exhibits and events within a  
 25 county with a population of more than 3,000,000, to be used  
 26 for any of the governmental entity's general corporate  
 27 purposes.

28 (Source: P.A. 90-26, eff. 7-1-97; 90-655, eff. 7-30-98;  
 29 91-239, eff. 1-1-00.)

30 Section 7. The Legislative Materials Act is amended by  
 31 changing Section 1 as follows:

32 (25 ILCS 105/1) (from Ch. 63, par. 801)

1           Sec. 1. Fees.

2           (a) The Clerk of the House of Representatives may  
3 establish a schedule of reasonable fees to be charged for  
4 providing copies of daily and bound journals, committee  
5 documents, committee tape recordings, transcripts of  
6 committee proceedings, and committee notices, for providing  
7 copies of bills on a continuing or individual basis, and for  
8 providing tape recordings and transcripts of floor debates  
9 and other proceedings of the House.

10          (b) The Secretary of the Senate may establish a schedule  
11 of reasonable fees to be charged for providing copies of  
12 daily and bound journals, committee notices, for providing  
13 copies of bills on a continuing or individual basis, and for  
14 providing tape recordings and transcripts of floor debates  
15 and other proceedings of the Senate.

16          (c) The Clerk of the House of Representatives and the  
17 Secretary of the Senate may establish a schedule of  
18 reasonable fees to be charged for providing live audio of  
19 floor debates and other proceedings of the House of  
20 Representatives and the Senate. The Clerk and the Secretary  
21 shall have complete discretion over the distribution of live  
22 audio under this subsection (c), including discretion over  
23 the conditions under which live audio shall be distributed,  
24 except that live audio shall be distributed to the General  
25 Assembly and its staffs. Nothing in this subsection (c)  
26 shall be construed to create an obligation on the part of the  
27 Clerk or Secretary to provide live audio to any person or  
28 entity other than to the General Assembly and its staffs.

29          (c-5) The Clerk of the House of Representatives, to the  
30 extent authorized by the House Rules, may establish a  
31 schedule of reasonable fees to be charged to members for the  
32 preparation, filing, and reproduction of non-substantive  
33 resolutions.

34          (c-10) Through December 31, 2002, the Clerk of the House

1 of Representatives may sell to a member of the House of  
2 Representatives one or more of the chairs that comprise  
3 member seating in the House chamber. The Clerk must charge  
4 the original cost of the chairs.

5 (c-15) Through December 31, 2002, the Secretary of the  
6 Senate may sell to a member of the Senate one or more of the  
7 chairs that comprise member seating in the Senate chamber.  
8 The Secretary must charge the original cost of the chairs.

9 (d) Receipts from all fees and charges established under  
10 this Section subsections-(a)-,-(b)-,-(c)-and--(e-5) shall be  
11 deposited by the Clerk and the Secretary into the General  
12 Assembly Operations Revolving Fund, a special fund in the  
13 State treasury. Amounts in the Fund may be appropriated for  
14 the operations of the offices of the Clerk of the House of  
15 Representatives and the Secretary of the Senate, including  
16 the replacement of items sold under subsections (c-10) and  
17 (c-15).

18 (Source: P.A. 90-569, eff. 1-28-98.)

19 Section 10. The Space Needs Act is amended by changing  
20 Section 3.06 as follows:

21 (25 ILCS 125/3.06) (from Ch. 63, par. 223.06)

22 Sec. 3.06. (a) To review and approve or disapprove all  
23 contracts for the repair, rehabilitation, construction or  
24 alteration of all State buildings in the Capital complex of  
25 buildings in Springfield, Illinois, including all tunnels,  
26 power and heating plants and surrounding grounds.

27 (b) To enter into all necessary contracts for the  
28 repair, rehabilitation, construction, or alteration of any  
29 portion of a State building in the Capitol complex used or  
30 occupied by the legislative branch. The Commission may  
31 delegate its authority under this subsection, in whole or in  
32 part, to an appropriate construction agency, as defined in

1 the Illinois Procurement Code.

2 (Source: Laws 1967, p. 4139.)

3 Section 15. The State Finance Act is amended by changing  
4 Sections 6z-43, 6z-45, and 8g and adding Section 6z-51 as  
5 follows:

6 (30 ILCS 105/6z-43)

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

8 (a) There is created in the State Treasury a special  
9 fund to be known as the Tobacco Settlement Recovery Fund,  
10 into which shall be deposited all monies paid to the State  
11 pursuant to (1) the Master Settlement Agreement entered in  
12 the case of People of the State of Illinois v. Philip Morris,  
13 et al. (Circuit Court of Cook County, No. 96-L13146) and (2)  
14 any settlement with or judgment against any tobacco product  
15 manufacturer other than one participating in the Master  
16 Settlement Agreement in satisfaction of any released claim as  
17 defined in the Master Settlement Agreement, as well as any  
18 other monies as provided by law. All earnings on Fund  
19 investments shall be deposited into the Fund. Upon the  
20 creation of the Fund, the State Comptroller shall order the  
21 State Treasurer to transfer into the Fund any monies paid to  
22 the State as described in item (1) or (2) of this Section  
23 before the creation of the Fund plus any interest earned on  
24 the investment of those monies. The Treasurer may invest the  
25 moneys in the Fund in the same manner, in the same types of  
26 investments, and subject to the same limitations provided in  
27 the Illinois Pension Code for the investment of pension funds  
28 other than those established under Article 3 or 4 of the  
29 Code.

30 (b) As soon as may be practical after June 30, 2001,  
31 upon notification from and at the direction of the Governor,  
32 the State Comptroller shall direct and the State Treasurer

1 shall transfer the unencumbered balance in the Tobacco  
2 Settlement Recovery Fund as of June 30, 2001, as determined  
3 by the Governor, into the Budget Stabilization Fund. The  
4 Treasurer may invest the moneys in the Budget Stabilization  
5 Fund in the same manner, in the same types of investments,  
6 and subject to the same limitations provided in the Illinois  
7 Pension Code for the investment of pension funds other than  
8 those established under Article 3 or 4 of the Code.  
9 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;  
10 91-797, eff. 6-9-00; revised 6-28-00.)

11 (30 ILCS 105/6z-45)

12 Sec. 6z-45. The School Infrastructure Fund.

13 (a) The School Infrastructure Fund is created as a  
14 special fund in the State Treasury.

15 In addition to any other deposits authorized by law,  
16 beginning January 1, 2000, on the first day of each month, or  
17 as soon thereafter as may be practical, the State Treasurer  
18 and State Comptroller shall transfer the sum of \$5,000,000  
19 from the General Revenue Fund to the School Infrastructure  
20 Fund; provided, however, that no such transfers shall be made  
21 from July 1, 2001 through June 30, 2002.

22 (b) Subject to the transfer provisions set forth below,  
23 money in the School Infrastructure Fund shall, if and when  
24 the State of Illinois incurs any bonded indebtedness for the  
25 construction of school improvements under the School  
26 Construction Law, be set aside and used for the purpose of  
27 paying and discharging annually the principal and interest on  
28 that bonded indebtedness then due and payable, and for no  
29 other purpose.

30 In addition to other transfers to the General Obligation  
31 Bond Retirement and Interest Fund made pursuant to Section 15  
32 of the General Obligation Bond Act, upon each delivery of  
33 bonds issued for construction of school improvements under

1 the School Construction Law, the State Comptroller shall  
2 compute and certify to the State Treasurer the total amount  
3 of principal of, interest on, and premium, if any, on such  
4 bonds during the then current and each succeeding fiscal  
5 year.

6 On or before the last day of each month, the State  
7 Treasurer and State Comptroller shall transfer from the  
8 School Infrastructure Fund to the General Obligation Bond  
9 Retirement and Interest Fund an amount sufficient to pay the  
10 aggregate of the principal of, interest on, and premium, if  
11 any, on the bonds payable on their next payment date, divided  
12 by the number of monthly transfers occurring between the last  
13 previous payment date (or the delivery date if no payment  
14 date has yet occurred) and the next succeeding payment date.

15 (c) The surplus, if any, in the School Infrastructure  
16 Fund after the payment of principal and interest on that  
17 bonded indebtedness then annually due shall, subject to  
18 appropriation, be used as follows:

19 First - to make 3 payments to the School Technology  
20 Revolving Loan Fund as follows:

- 21 Transfer of \$30,000,000 in fiscal year 1999;
- 22 Transfer of \$20,000,000 in fiscal year 2000; and
- 23 Transfer of \$10,000,000 in fiscal year 2001.

24 Second - to pay the expenses of the State Board of  
25 Education and the Capital Development Board in administering  
26 programs under the School Construction Law, the total  
27 expenses not to exceed \$1,200,000 in any fiscal year.

28 Third - to pay any amounts due for grants for school  
29 construction projects and debt service under the School  
30 Construction Law.

31 Fourth - to pay any amounts due for grants for school  
32 maintenance projects under the School Construction Law.

33 (Source: P.A. 90-548, eff. 1-1-98; 90-587, eff. 7-1-98;  
34 91-38, eff. 6-15-99; 91-711, eff. 7-1-00.)

1 (30 ILCS 105/6z-51 new)

2 Sec. 6z-51. Budget Stabilization Fund.

3 (a) The Budget Stabilization Fund, a special fund in the  
4 State Treasury, shall consist of moneys appropriated or  
5 transferred to that Fund, as provided in Section 6z-43 and as  
6 otherwise provided by law.

7 (b) The State Comptroller may direct the State Treasurer  
8 to transfer moneys from the Budget Stabilization Fund to the  
9 General Revenue Fund in order to meet deficits resulting from  
10 timing variations between disbursements and the receipt of  
11 funds within a fiscal year. Any moneys so borrowed shall be  
12 repaid by June 30 of the fiscal year in which they were  
13 borrowed.

14 (30 ILCS 105/8g)

15 Sec. 8g. Transfers from General Revenue Fund.

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

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

30 (c) In addition to any other transfers that may be  
31 provided for by law, on August 30 of each fiscal year's  
32 license period, the Illinois Liquor Control Commission shall  
33 direct and the State Comptroller and State Treasurer shall



1 transfer from the General Revenue Fund to the Youth  
2 Alcoholism and Substance Abuse Prevention Fund an amount  
3 equal to the number of retail liquor licenses issued for that  
4 fiscal year multiplied by \$50.

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

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

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

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

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

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

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

17 (h) In each of fiscal years 2002 through 2007, but not  
18 thereafter, in addition to any other transfers that may be  
19 provided for by law, the State Comptroller shall direct and  
20 the State Treasurer shall transfer \$5,000,000 from the  
21 General Revenue Fund to the Tourism Promotion Fund.

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

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  
 3 the Governor, the State Comptroller shall direct and the  
 4 State Treasurer shall transfer amounts not to exceed the  
 5 following sums into the Statistical Services Revolving Fund:

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

27 (Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00.)

28 Section 20. The Illinois Procurement Code is amended by  
 29 adding Section 30-43 as follows:

30 (30 ILCS 500/30-43 new)

31 Sec. 30-43. Capitol complex construction.

32 (a) Any construction agency seeking to award or let a

1 contract for construction or construction-related services  
2 relating to a State building within the Capitol complex (as  
3 defined in the Space Needs Act) that is used or occupied by  
4 the legislative branch, other than for emergency procurement,  
5 must give written notice of that intent to the Space Needs  
6 Commission at least 30 days before beginning the competitive  
7 selection process.

8 (b) Before making a small purchase or a sole source or  
9 emergency procurement of construction or construction-related  
10 services relating to a State building within the Capitol  
11 complex (as defined in the Space Needs Act) that is used or  
12 occupied by the legislative branch, a construction agency  
13 must submit to the Procurement Policy Board in writing its  
14 reasonings for determination of the procurement as a small  
15 purchase or a sole source or emergency procurement. Within  
16 14 business days after receiving a written submission under  
17 this subsection, the Procurement Policy Board must review and  
18 approve or disapprove the procurement.

19 (c) This Section does not require any delay in the  
20 making of emergency repairs that require immediate action, to  
21 the extent necessary to undertake that immediate action.

22 Section 25. The State Property Control Act is amended by  
23 adding Section 15 as follows:

24 (30 ILCS 605/15 new)

25 Sec. 15. Items sold to General Assembly members. This  
26 Act does not apply to items sold to General Assembly members  
27 under subsections (c-10) and (c-15) of Section 1 of the  
28 Legislative Materials Act.

29 Section 30. The Illinois Income Tax Act is amended by  
30 changing Section 901 as follows:

1 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

2 Sec. 901. Collection Authority.

3 (a) In general.

4 The Department shall collect the taxes imposed by this  
5 Act. The Department shall collect certified past due child  
6 support amounts under Section 2505-650 of the Department of  
7 Revenue Law (20 ILCS 2505/2505-650). Except as provided in  
8 subsections (c) and (e) of this Section, money collected  
9 pursuant to subsections (a) and (b) of Section 201 of this  
10 Act shall be paid into the General Revenue Fund in the State  
11 treasury; money collected pursuant to subsections (c) and (d)  
12 of Section 201 of this Act shall be paid into the Personal  
13 Property Tax Replacement Fund, a special fund in the State  
14 Treasury; and money collected under Section 2505-650 of the  
15 Department of Revenue Law (20 ILCS 2505/2505-650) shall be  
16 paid into the Child Support Enforcement Trust Fund, a special  
17 fund outside the State Treasury, or to the State Disbursement  
18 Unit established under Section 10-26 of the Illinois Public  
19 Aid Code, as directed by the Department of Public Aid.

20 (b) Local Governmental Distributive Fund.

21 Beginning August 1, 1969, and continuing through June 30,  
22 1994, the Treasurer shall transfer each month from the  
23 General Revenue Fund to a special fund in the State treasury,  
24 to be known as the "Local Government Distributive Fund", an  
25 amount equal to 1/12 of the net revenue realized from the tax  
26 imposed by subsections (a) and (b) of Section 201 of this Act  
27 during the preceding month. Beginning July 1, 1994, and  
28 continuing through June 30, 1995, the Treasurer shall  
29 transfer each month from the General Revenue Fund to the  
30 Local Government Distributive Fund an amount equal to 1/11 of  
31 the net revenue realized from the tax imposed by subsections  
32 (a) and (b) of Section 201 of this Act during the preceding  
33 month. Beginning July 1, 1995, the Treasurer shall transfer  
34 each month from the General Revenue Fund to the Local

1 Government Distributive Fund an amount equal to 1/10 of the  
2 net revenue realized from the tax imposed by subsections (a)  
3 and (b) of Section 201 of the Illinois Income Tax Act during  
4 the preceding month. Net revenue realized for a month shall  
5 be defined as the revenue from the tax imposed by subsections  
6 (a) and (b) of Section 201 of this Act which is deposited in  
7 the General Revenue Fund, the Educational Assistance Fund and  
8 the Income Tax Surcharge Local Government Distributive Fund  
9 during the month minus the amount paid out of the General  
10 Revenue Fund in State warrants during that same month as  
11 refunds to taxpayers for overpayment of liability under the  
12 tax imposed by subsections (a) and (b) of Section 201 of this  
13 Act.

14 (c) Deposits Into Income Tax Refund Fund.

15 (1) Beginning on January 1, 1989 and thereafter,  
16 the Department shall deposit a percentage of the amounts  
17 collected pursuant to subsections (a) and (b)(1), (2),  
18 and (3), of Section 201 of this Act into a fund in the  
19 State treasury known as the Income Tax Refund Fund. The  
20 Department shall deposit 6% of such amounts during the  
21 period beginning January 1, 1989 and ending on June 30,  
22 1989. Beginning with State fiscal year 1990 and for each  
23 fiscal year thereafter, the percentage deposited into the  
24 Income Tax Refund Fund during a fiscal year shall be the  
25 Annual Percentage. For fiscal years 1999 through 2001,  
26 the Annual Percentage shall be 7.1%. For all other  
27 fiscal years, the Annual Percentage shall be calculated  
28 as a fraction, the numerator of which shall be the amount  
29 of refunds approved for payment by the Department during  
30 the preceding fiscal year as a result of overpayment of  
31 tax liability under subsections (a) and (b)(1), (2), and  
32 (3) of Section 201 of this Act plus the amount of such  
33 refunds remaining approved but unpaid at the end of the  
34 preceding fiscal year, minus the amounts transferred into

1 the Income Tax Refund Fund from the Tobacco Settlement  
2 Recovery Fund, and the denominator of which shall be the  
3 amounts which will be collected pursuant to subsections  
4 (a) and (b)(1), (2), and (3) of Section 201 of this Act  
5 during the preceding fiscal year; except that in State  
6 fiscal year 2002, the Annual Percentage shall in no event  
7 exceed 7.6%. The Director of Revenue shall certify the  
8 Annual Percentage to the Comptroller on the last business  
9 day of the fiscal year immediately preceding the fiscal  
10 year for which it is to be effective.

11 (2) Beginning on January 1, 1989 and thereafter,  
12 the Department shall deposit a percentage of the amounts  
13 collected pursuant to subsections (a) and (b)(6), (7),  
14 and (8), (c) and (d) of Section 201 of this Act into a  
15 fund in the State treasury known as the Income Tax Refund  
16 Fund. The Department shall deposit 18% of such amounts  
17 during the period beginning January 1, 1989 and ending on  
18 June 30, 1989. Beginning with State fiscal year 1990 and  
19 for each fiscal year thereafter, the percentage deposited  
20 into the Income Tax Refund Fund during a fiscal year  
21 shall be the Annual Percentage. For fiscal years 1999,  
22 2000, and 2001, the Annual Percentage shall be 19%. For  
23 all other fiscal years, the Annual Percentage shall be  
24 calculated as a fraction, the numerator of which shall be  
25 the amount of refunds approved for payment by the  
26 Department during the preceding fiscal year as a result  
27 of overpayment of tax liability under subsections (a) and  
28 (b)(6), (7), and (8), (c) and (d) of Section 201 of this  
29 Act plus the amount of such refunds remaining approved  
30 but unpaid at the end of the preceding fiscal year, and  
31 the denominator of which shall be the amounts which will  
32 be collected pursuant to subsections (a) and (b)(6), (7),  
33 and (8), (c) and (d) of Section 201 of this Act during  
34 the preceding fiscal year; except that in State fiscal

1 year 2002, the Annual Percentage shall in no event exceed  
2 23%. The Director of Revenue shall certify the Annual  
3 Percentage to the Comptroller on the last business day of  
4 the fiscal year immediately preceding the fiscal year for  
5 which it is to be effective.

6 (3) The Comptroller shall order transferred and the  
7 Treasurer shall transfer from the Tobacco Settlement  
8 Recovery Fund to the Income Tax Refund Fund (i)  
9 \$35,000,000 in January, 2001, (ii) \$35,000,000 in  
10 January, 2002, and (iii) \$35,000,000 in January, 2003.

11 (d) Expenditures from Income Tax Refund Fund.

12 (1) Beginning January 1, 1989, money in the Income  
13 Tax Refund Fund shall be expended exclusively for the  
14 purpose of paying refunds resulting from overpayment of  
15 tax liability under Section 201 of this Act, for paying  
16 rebates under Section 208.1 in the event that the amounts  
17 in the Homeowners' Tax Relief Fund are insufficient for  
18 that purpose, and for making transfers pursuant to this  
19 subsection (d).

20 (2) The Director shall order payment of refunds  
21 resulting from overpayment of tax liability under Section  
22 201 of this Act from the Income Tax Refund Fund only to  
23 the extent that amounts collected pursuant to Section 201  
24 of this Act and transfers pursuant to this subsection (d)  
25 and item (3) of subsection (c) have been deposited and  
26 retained in the Fund.

27 (3) As soon as possible after the end of each  
28 fiscal year, the Director shall order transferred and the  
29 State Treasurer and State Comptroller shall transfer from  
30 the Income Tax Refund Fund to the Personal Property Tax  
31 Replacement Fund an amount, certified by the Director to  
32 the Comptroller, equal to the excess of the amount  
33 collected pursuant to subsections (c) and (d) of Section  
34 201 of this Act deposited into the Income Tax Refund Fund



1 during the fiscal year over the amount of refunds  
2 resulting from overpayment of tax liability under  
3 subsections (c) and (d) of Section 201 of this Act paid  
4 from the Income Tax Refund Fund during the fiscal year.

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

17 (4.5) As soon as possible after the end of fiscal  
18 year 1999 and of each fiscal year thereafter, the  
19 Director shall order transferred and the State Treasurer  
20 and State Comptroller shall transfer from the Income Tax  
21 Refund Fund to the General Revenue Fund any surplus  
22 remaining in the Income Tax Refund Fund as of the end of  
23 such fiscal year; excluding for fiscal years 2000, 2001,  
24 and 2002 amounts attributable to transfers under item (3)  
25 of subsection (c) less refunds resulting from the earned  
26 income tax credit.

27 (5) This Act shall constitute an irrevocable and  
28 continuing appropriation from the Income Tax Refund Fund  
29 for the purpose of paying refunds upon the order of the  
30 Director in accordance with the provisions of this  
31 Section.

32 (e) Deposits into the Education Assistance Fund and the  
33 Income Tax Surcharge Local Government Distributive Fund.

34 On July 1, 1991, and thereafter, of the amounts collected

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

22 (Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98;  
 23 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff.  
 24 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised  
 25 6-28-00.)

26 Section 35. The Public Utilities Act is amended by  
 27 changing Section 2-202 as follows:

28 (220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

29 Sec. 2-202. Policy; Public Utility Fund; tax.

30 (a) It is declared to be the public policy of this State  
 31 that in order to maintain and foster the effective regulation  
 32 of public utilities under this Act in the interests of the

1 People of the State of Illinois and the public utilities as  
2 well, the public utilities subject to regulation under this  
3 Act and which enjoy the privilege of operating as public  
4 utilities in this State, shall bear the expense of  
5 administering this Act by means of a tax on such privilege  
6 measured by the annual gross revenue of such public utilities  
7 in the manner provided in this Section. For purposes of this  
8 Section, "expense of administering this Act" includes any  
9 costs incident to studies, whether made by the Commission or  
10 under contract entered into by the Commission, concerning  
11 environmental pollution problems caused or contributed to by  
12 public utilities and the means for eliminating or abating  
13 those problems. Such proceeds shall be deposited in the  
14 Public Utility Fund in the State treasury.

15 (b) All of the ordinary and contingent expenses of the  
16 Commission incident to the administration of this Act shall  
17 be paid out of the Public Utility Fund except the  
18 compensation of the members of the Commission which shall be  
19 paid from the General Revenue Fund. Notwithstanding other  
20 provisions of this Act to the contrary, the ordinary and  
21 contingent expenses of the Commission incident to the  
22 administration of the Illinois Commercial Transportation Law  
23 may be paid from appropriations from the Public Utility Fund  
24 through the end of fiscal year 1986.

25 (c) A tax is imposed upon each public utility subject to  
26 the provisions of this Act equal to .08% of its gross revenue  
27 for each calendar year commencing with the calendar year  
28 beginning January 1, 1982, except that the Commission may, by  
29 rule, establish a different rate no greater than 0.1%. For  
30 purposes of this Section, "gross revenue" shall not include  
31 revenue from the production, transmission, distribution,  
32 sale, delivery, or furnishing of electricity. "Gross revenue"  
33 shall not include amounts paid by telecommunications  
34 retailers under the Telecommunications Municipal

1 Infrastructure Maintenance Fee Act.

2 (d) Annual gross revenue returns shall be filed in  
3 accordance with paragraph (1) or (2) of this subsection (d).

4 (1) Except as provided in paragraph (2) of this  
5 subsection (d), on or before January 10 of each year each  
6 public utility subject to the provisions of this Act  
7 shall file with the Commission an estimated annual gross  
8 revenue return containing an estimate of the amount of  
9 its gross revenue for the calendar year commencing  
10 January 1 of said year and a statement of the amount of  
11 tax due for said calendar year on the basis of that  
12 estimate. Public utilities may also file revised returns  
13 containing updated estimates and updated amounts of tax  
14 due during the calendar year. These revised returns, if  
15 filed, shall form the basis for quarterly payments due  
16 during the remainder of the calendar year. In addition,  
17 on or before February 15 of each year, each public  
18 utility shall file an amended return showing the actual  
19 amount of gross revenues shown by the company's books and  
20 records as of December 31 of the previous year. Forms and  
21 instructions for such estimated, revised, and amended  
22 returns shall be devised and supplied by the Commission.

23 (2) Beginning January 1, 1993, the requirements of  
24 paragraph (1) of this subsection (d) shall not apply to  
25 any public utility in any calendar year for which the  
26 total tax the public utility owes under this Section is  
27 less than \$1,000. For such public utilities with respect  
28 to such years, the public utility shall file with the  
29 Commission, on or before January 31 of the following  
30 year, an annual gross revenue return for the year and a  
31 statement of the amount of tax due for that year on the  
32 basis of such a return. Forms and instructions for such  
33 returns and corrected returns shall be devised and  
34 supplied by the Commission.

1           (e) All returns submitted to the Commission by a public  
2 utility as provided in this subsection (e) or subsection (d)  
3 of this Section shall contain or be verified by a written  
4 declaration by an appropriate officer of the public utility  
5 that the return is made under the penalties of perjury. The  
6 Commission may audit each such return submitted and may,  
7 under the provisions of Section 5-101 of this Act, take such  
8 measures as are necessary to ascertain the correctness of the  
9 returns submitted. The Commission has the power to direct the  
10 filing of a corrected return by any utility which has filed  
11 an incorrect return and to direct the filing of a return by  
12 any utility which has failed to submit a return. A  
13 taxpayer's signing a fraudulent return under this Section is  
14 perjury, as defined in Section 32-2 of the Criminal Code of  
15 1961.

16           (f) (1) For all public utilities subject to paragraph  
17 (1) of subsection (d), at least one quarter of the annual  
18 amount of tax due under subsection (c) shall be paid to the  
19 Commission on or before the tenth day of January, April,  
20 July, and October of the calendar year subject to tax. In  
21 the event that an adjustment in the amount of tax due should  
22 be necessary as a result of the filing of an amended or  
23 corrected return under subsection (d) or subsection (e) of  
24 this Section, the amount of any deficiency shall be paid by  
25 the public utility together with the amended or corrected  
26 return and the amount of any excess shall, after the filing  
27 of a claim for credit by the public utility, be returned to  
28 the public utility in the form of a credit memorandum in the  
29 amount of such excess or be refunded to the public utility in  
30 accordance with the provisions of subsection (k) of this  
31 Section. However, if such deficiency or excess is less than  
32 \$1, then the public utility need not pay the deficiency and  
33 may not claim a credit.

34           (2) Any public utility subject to paragraph (2) of

1 subsection (d) shall pay the amount of tax due under  
2 subsection (c) on or before January 31 next following the end  
3 of the calendar year subject to tax. In the event that an  
4 adjustment in the amount of tax due should be necessary as a  
5 result of the filing of a corrected return under subsection  
6 (e), the amount of any deficiency shall be paid by the public  
7 utility at the time the corrected return is filed. Any excess  
8 tax payment by the public utility shall be returned to it  
9 after the filing of a claim for credit, in the form of a  
10 credit memorandum in the amount of the excess. However, if  
11 such deficiency or excess is less than \$1, the public utility  
12 need not pay the deficiency and may not claim a credit.

13 (g) Each installment or required payment of the tax  
14 imposed by subsection (c) becomes delinquent at midnight of  
15 the date that it is due. Failure to make a payment as  
16 required by this Section shall result in the imposition of a  
17 late payment penalty, an underestimation penalty, or both, as  
18 provided by this subsection. The late payment penalty shall  
19 be the greater of:

20 (1) \$25 for each month or portion of a month that  
21 the installment or required payment is unpaid or

22 (2) an amount equal to the difference between what  
23 should have been paid on the due date, based upon the  
24 most recently filed estimate, and what was actually paid,  
25 times 1%, for each month or portion of a month that the  
26 installment or required payment goes unpaid. This  
27 penalty may be assessed as soon as the installment or  
28 required payment becomes delinquent.

29 The underestimation penalty shall apply to those public  
30 utilities subject to paragraph (1) of subsection (d) and  
31 shall be calculated after the filing of the amended return.  
32 It shall be imposed if the amount actually paid on any of the  
33 dates specified in subsection (f) is not equal to at least  
34 one-fourth of the amount actually due for the year, and shall

1 equal the greater of:

2 (1) \$25 for each month or portion of a month that  
3 the amount due is unpaid or

4 (2) an amount equal to the difference between what  
5 should have been paid, based on the amended return, and  
6 what was actually paid as of the date specified in  
7 subsection (f), times a percentage equal to 1/12 of the  
8 sum of 10% and the percentage most recently established  
9 by the Commission for interest to be paid on customer  
10 deposits under 83 Ill. Adm. Code 280.70(e)(1), for each  
11 month or portion of a month that the amount due goes  
12 unpaid, except that no underestimation penalty shall be  
13 assessed if the amount actually paid on each of the dates  
14 specified in subsection (f) was based on an estimate of  
15 gross revenues at least equal to the actual gross  
16 revenues for the previous year. The Commission may  
17 enforce the collection of any delinquent installment or  
18 payment, or portion thereof by legal action or in any  
19 other manner by which the collection of debts due the  
20 State of Illinois may be enforced under the laws of this  
21 State. The executive director or his designee may excuse  
22 the payment of an assessed penalty if he determines that  
23 enforced collection of the penalty would be unjust.

24 (h) All sums collected by the Commission under the  
25 provisions of this Section shall be paid promptly after the  
26 receipt of the same, accompanied by a detailed statement  
27 thereof, into the Public Utility Fund in the State treasury.

28 (i) During the month of October of each odd-numbered  
29 year the Commission shall:

30 (1) determine the amount of all moneys deposited in  
31 the Public Utility Fund during the preceding fiscal  
32 biennium plus the balance, if any, in that fund at the  
33 beginning of that biennium;

34 (2) determine the sum total of the following items:

1 (A) all moneys expended or obligated against  
2 appropriations made from the Public Utility Fund during  
3 the preceding fiscal biennium, plus (B) the sum of the  
4 credit memoranda then outstanding against the Public  
5 Utility Fund, if any; and

6 (3) determine the amount, if any, by which the sum  
7 determined as provided in item (1) exceeds the amount  
8 determined as provided in item (2).

9 If the amount determined as provided in item (3) of this  
10 subsection exceeds \$5,000,000 ~~\$2,500,000~~, the Commission  
11 shall then compute the proportionate amount, if any, which  
12 (x) the tax paid hereunder by each utility during the  
13 preceding biennium, and (y) the amount paid into the Public  
14 Utility Fund during the preceding biennium by the Department  
15 of Revenue pursuant to Sections 2-9 and 2-11 of the  
16 Electricity Excise Tax Law, bears to the difference between  
17 the amount determined as provided in item (3) of this  
18 subsection (i) and \$5,000,000 ~~\$2,500,000~~. The Commission  
19 shall cause the proportionate amount determined with respect  
20 to payments made under the Electricity Excise Tax Law to be  
21 transferred into the General Revenue Fund in the State  
22 Treasury, and notify each public utility that it may file  
23 during the 3 month period after the date of notification a  
24 claim for credit for the proportionate amount determined with  
25 respect to payments made hereunder by the public utility. If  
26 the proportionate amount is less than \$10, no notification  
27 will be sent by the Commission, and no right to a claim  
28 exists as to that amount. Upon the filing of a claim for  
29 credit within the period provided, the Commission shall issue  
30 a credit memorandum in such amount to such public utility.  
31 Any claim for credit filed after the period provided for in  
32 this Section is void.

33 (j) Credit memoranda issued pursuant to subsection (f)  
34 and credit memoranda issued after notification and filing



1 pursuant to subsection (i) may be applied for the 2 year  
2 period from the date of issuance, against the payment of any  
3 amount due during that period under the tax imposed by  
4 subsection (c), or, subject to reasonable rule of the  
5 Commission including requirement of notification, may be  
6 assigned to any other public utility subject to regulation  
7 under this Act. Any application of credit memoranda after the  
8 period provided for in this Section is void.

9 (k) The chairman or executive director may make refund  
10 of fees, taxes or other charges whenever he shall determine  
11 that the person or public utility will not be liable for  
12 payment of such fees, taxes or charges during the next 24  
13 months and he determines that the issuance of a credit  
14 memorandum would be unjust.

15 (Source: P.A. 90-561, eff. 8-1-98; 90-562, 12-16-97; 90-655,  
16 eff. 7-30-98.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."