



Sen. John J. Cullerton

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LRB093 05799 RCE 50797 a

1 AMENDMENT TO HOUSE BILL 958

2 AMENDMENT NO. _____. Amend House Bill 958 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by
5 changing Section 917 as follows:

6 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

7 Sec. 917. Confidentiality and information sharing.

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

1 (b) Public information. Nothing contained in this Act shall
2 prevent the Director from publishing or making available to the
3 public the names and addresses of persons filing returns under
4 this Act, or from publishing or making available reasonable
5 statistics concerning the operation of the tax wherein the
6 contents of returns are grouped into aggregates in such a way
7 that the information contained in any individual return shall
8 not be disclosed.

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

33 The Director may make available to any State agency,
34 including the Illinois Supreme Court, which licenses persons to

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

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

34 The Director may also make available to the Secretary of

1 State information that a corporation which has been issued a
2 certificate of incorporation by the Secretary of State has
3 failed to file returns under this Act or pay the tax, penalty
4 and interest shown therein, or has failed to pay any final
5 assessment of tax, penalty or interest due under this Act. An
6 assessment is final when all proceedings in court for review of
7 such assessment have terminated or the time for the taking
8 thereof has expired without such proceedings being instituted.
9 For taxable years ending on or after December 31, 1987, the
10 Director may make available to the Director or principal
11 officer of any Department of the State of Illinois, information
12 that a person employed by such Department has failed to file
13 returns under this Act or pay the tax, penalty and interest
14 shown therein. For purposes of this paragraph, the word
15 "Department" shall have the same meaning as provided in Section
16 3 of the State Employees Group Insurance Act of 1971.

17 The Director shall make information available to the
18 Administrative Office of the Illinois Courts, county boards,
19 jury administrators, and jury commissions concerning persons
20 claiming an earned income tax credit in order to allow
21 compilation of jury lists under the Jury Act and the Jury
22 Commission Act.

23 (d) The Director shall make available for public inspection
24 in the Department's principal office and for publication, at
25 cost, administrative decisions issued on or after January 1,
26 1995. These decisions are to be made available in a manner so
27 that the following taxpayer information is not disclosed:

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

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

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

5 The Director shall make available for public inspection and
6 publication an administrative decision within 180 days after
7 the issuance of the administrative decision. The term
8 "administrative decision" has the same meaning as defined in
9 Section 3-101 of Article III of the Code of Civil Procedure.
10 Costs collected under this Section shall be paid into the Tax
11 Compliance and Administration Fund.

12 (e) Nothing contained in this Act shall prevent the
13 Director from divulging information to any person pursuant to a
14 request or authorization made by the taxpayer, by an authorized
15 representative of the taxpayer, or, in the case of information
16 related to a joint return, by the spouse filing the joint
17 return with the taxpayer.

18 (Source: P.A. 93-25, eff. 6-20-03.)

19 Section 10. The Jury Act is amended by changing Sections 1
20 and 1b as follows:

21 (705 ILCS 305/1) (from Ch. 78, par. 1)

22 Sec. 1. The county board of each county, except those
23 counties which have a jury administrator or jury commissioners
24 as provided in the Jury Commission Act, shall, at or before the
25 time of its meeting, in September, in each year, or at any time
26 thereafter, when necessary for the purpose of this Act, make a
27 list of the legal voters, the persons claiming an earned income
28 tax credit under the Illinois Income Tax Act, and the Illinois
29 driver's license, Illinois Identification Card, and Illinois
30 Disabled Person Identification Card holders of the county,
31 giving the place of residence of each name on the list, to be
32 known as a jury list. The list shall be made by choosing every

1 tenth name, or other whole number rate necessary to obtain the
2 number required, from the latest voter registration, ~~and~~
3 drivers license, Illinois Identification Card, and Illinois
4 Disabled Person Identification Card holders lists, and the list
5 of persons claiming an earned income tax credit under the
6 Illinois Income Tax Act of the county. In compiling the jury
7 list, duplication of names shall be avoided to the extent
8 practicable.

9 As used in this Act, "jury administrator" is defined as
10 under Section 0.05 of the Jury Commission Act.

11 (Source: P.A. 90-482, eff. 1-1-98.)

12 (705 ILCS 305/1b) (from Ch. 78, par. 1b)

13 Sec. 1b. The combination of the lists of registered voters, ~~and~~
14 persons claiming an earned income tax credit under the Illinois
15 Income Tax Act, and driver's license, Illinois Identification
16 Card, or Illinois Disabled Person Identification Card holders
17 and the preparation of jury lists under this Act shall, when
18 requested by the Chief Judge or his designee, be accomplished
19 through the services of the Administrative Office of the
20 Illinois Courts.

21 (Source: P.A. 88-27.)

22 Section 15. The Jury Commission Act is amended by changing
23 Sections 2 and 2a as follows:

24 (705 ILCS 310/2) (from Ch. 78, par. 25)

25 Sec. 2. In a county with a population of at least 3,000,000
26 in which a jury administrator or jury commissioners have been
27 appointed, the jury administrator or commissioners, upon
28 entering upon the duties of their office, and every year ~~4~~
29 ~~years~~ thereafter, shall prepare a list of all legal voters, all
30 persons claiming an earned income tax credit under the Illinois
31 Income Tax Act, and all Illinois driver's license, Illinois

1 Identification Card, and Illinois Disabled Person
2 Identification Card holders of each town or precinct of the
3 county possessing the necessary legal qualifications for jury
4 duty, to be known as the jury list. In a county with a
5 population of less than 3,000,000 in which a jury administrator
6 or jury commissioners have been appointed, the jury
7 administrator or jury commissioners upon entering upon the
8 duties of their office, and each year thereafter, shall prepare
9 a list of all Illinois driver's license, Illinois
10 Identification Card, and Illinois Disabled Person
11 Identification Card holders, ~~and~~ and all registered voters, and all
12 persons claiming an earned income tax credit under the Illinois
13 Income Tax Act of the county to be known as the jury list.

14 The jury list may be revised and amended annually in the
15 discretion of the commissioners or jury administrator. Any
16 record kept by the jury commissioners or jury administrator for
17 over 4 years may be destroyed at their discretion. The name of
18 each person on the list shall be entered in a book or books to
19 be kept for that purpose, and opposite the name shall be
20 entered his or her age and place of residence, giving street
21 and number, if any.

22 The jury administrator, jury commissioners, or the
23 Administrative Office of the Illinois Courts shall receive an
24 up-to-date list of Illinois driver's license, Illinois
25 Identification Card, and Illinois Disabled Person
26 Identification Card holders from the Secretary of State as
27 provided in Section 1a of the Jury Act. In compiling the jury
28 list, duplication of names shall be avoided to the extent
29 practicable.

30 Whenever the name of a registered voter, ~~or~~ or an Illinois
31 driver's license, Illinois Identification Card, or Illinois
32 Disabled Person Identification Card holder, or a person
33 claiming an earned income tax credit under the Illinois Income
34 Tax Act appearing upon this jury list is transferred to the

1 active jury list in the manner prescribed by Section 8 of this
2 Act, the following additional information shall be recorded
3 after the name of the voter: the age of the voter, his or her
4 occupation, if any, whether or not he or she is a resident
5 residing with his or her family and whether or not he or she is
6 an owner or life tenant of real estate in the county.

7 (Source: P.A. 90-482, eff. 1-1-98.)

8 (705 ILCS 310/2a) (from Ch. 78, par. 25a)

9 Sec. 2a. The combination of the lists of registered voters,
10 driver's license, Illinois Identification Card, and Illinois
11 Disabled Person Identification Card holders, and those persons
12 claiming an earned income tax credit under the Illinois Income
13 Tax Act and the preparation of jury lists under this Act shall,
14 when requested by the Chief Judge or his designee, be
15 accomplished through the services of the Administrative Office
16 of the Illinois Courts.

17 (Source: P.A. 88-27.)

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.28 as follows:

20 (30 ILCS 805/8.28 new)

21 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 93rd General Assembly."