



Rep. Gary Hannig

Filed: 5/30/2005

09400SB0661ham002

LRB094 04399 MKM 47424 a

1 AMENDMENT TO SENATE BILL 661

2 AMENDMENT NO. _____. Amend Senate Bill 661, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1

6 Section 1-1. Short title. This Act may be cited as the
7 FY2006 Budget Implementation (Finance) Act.

8 Section 1-5. Purpose. It is the purpose of this Act to
9 make changes in State programs that are necessary to implement
10 the Governor's FY2006 budget recommendations concerning
11 finance.

12 ARTICLE 10

13 Section 10-5. The Department of Central Management
14 Services Law of the Civil Administrative Code of Illinois is
15 amended by changing Sections 405-20, 405-270, 405-293, and
16 405-315 as follows:

17 (20 ILCS 405/405-20) (was 20 ILCS 405/35.7)

18 Sec. 405-20. Fiscal policy information to Governor;
19 statistical research planning.

20 (a) The Department shall be responsible for providing the

1 Governor with timely, comprehensive, and meaningful
2 information pertinent to the formulation and execution of
3 fiscal policy. In performing this responsibility the
4 Department shall have the power and duty to do the following:

5 (1) Control the procurement, retention, installation,
6 maintenance, and operation, as specified by the Director,
7 of electronic data processing equipment used by State
8 agencies in such a manner as to achieve maximum economy and
9 provide adequate assistance in the development of
10 information suitable for management analysis.

11 (2) Establish principles and standards of statistical
12 reporting by State agencies and priorities for completion
13 of research by those agencies in accordance with the
14 requirements for management analysis as specified by the
15 Director.

16 (3) Establish, through the Director, charges for
17 statistical services requested by State agencies and
18 rendered by the Department. ~~The State agencies so charged~~
19 ~~shall reimburse the Department by vouchers drawn against~~
20 ~~their respective appropriations for electronic data~~
21 ~~processing.~~ The Department is likewise empowered through
22 the Director to establish prices or charges for all
23 statistical reports purchased by agencies and individuals
24 not connected with State government.

25 (4) Instruct all State agencies as the Director may
26 require to report regularly to the Department, in the
27 manner the Director may prescribe, their usage of
28 electronic information devices, the cost incurred, the
29 information produced, and the procedures followed in
30 obtaining the information. All State agencies shall
31 request of the Director any statistical services requiring
32 the use of electronic devices and shall conform to the
33 priorities assigned by the Director in using those
34 electronic devices.

1 (5) Examine the accounts and statistical data of any
2 organization, body, or agency receiving appropriations
3 from the General Assembly.

4 (6) Install and operate a modern information system
5 utilizing equipment adequate to satisfy the requirements
6 for analysis and review as specified by the Director.
7 Expenditures for statistical services rendered shall be
8 reimbursed by the recipients. The reimbursement shall be
9 determined by the Director as amounts sufficient to
10 reimburse the Statistical Services Revolving Fund for
11 expenditures incurred in rendering the services.

12 (b) In addition to the other powers and duties listed in
13 this Section, the Department shall analyze the present and
14 future aims, needs, and requirements of statistical research
15 and planning in order to provide for the formulation of overall
16 policy relative to the use of electronic data processing
17 equipment by the State of Illinois. In making this analysis,
18 the Department under the Director shall formulate a master plan
19 for statistical research, utilizing electronic equipment most
20 advantageously, and advising whether electronic data
21 processing equipment should be leased or purchased by the
22 State. The Department under the Director shall prepare and
23 submit interim reports of meaningful developments and
24 proposals for legislation to the Governor on or before January
25 30 each year. The Department under the Director shall engage in
26 a continuing analysis and evaluation of the master plan so
27 developed, and it shall be the responsibility of the Department
28 to recommend from time to time any needed amendments and
29 modifications of any master plan enacted by the General
30 Assembly.

31 (c) For the purposes of this Section, Section 405-245, and
32 paragraph (4) of Section 405-10 only, "State agencies" means
33 all departments, boards, commissions, and agencies of the State
34 of Illinois subject to the Governor.

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

2 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

3 Sec. 405-270. Communications ~~Telecommunications~~ services.

4 To provide for and co-ordinate communications
5 ~~telecommunications~~ services for State agencies and, when
6 requested and when in the best interests of the State, for
7 units of federal or local governments and public and
8 not-for-profit institutions of primary, secondary, and higher
9 education. The Department may make use of its satellite uplink
10 available to interested parties not associated with State
11 government provided that State government usage shall have
12 first priority. For this purpose the Department shall have the
13 power and duty to do all of the following:

14 (1) Provide for and control the procurement,
15 retention, installation, and maintenance of communications
16 ~~telecommunications~~ equipment or services used by State
17 agencies in the interest of efficiency and economy.

18 (2) Establish standards by January 1, 1989 for
19 communications services for State agencies which shall
20 include a minimum of one telecommunication device for the
21 deaf installed and operational within each State agency, to
22 provide public access to agency information for those
23 persons who are hearing or speech impaired. The Department
24 shall consult the Department of Human Services to develop
25 standards and implementation for this equipment.

26 (3) Establish charges (i) for communication services
27 for State agencies and, when requested, for units of
28 federal or local government and public and not-for-profit
29 institutions of primary, secondary, or higher education
30 and (ii) for use of the Department's satellite uplink by
31 parties not associated with State government. Entities
32 charged for these services shall reimburse the Department
33 ~~by vouchers drawn against their respective appropriations~~

1 ~~for telecommunications services.~~

2 (4) Instruct all State agencies to report their usage
3 of communication ~~telecommunication~~ services regularly to
4 the Department in the manner the Director may prescribe.

5 (5) Analyze the present and future aims and needs of
6 all State agencies in the area of communications
7 ~~telecommunications~~ services and plan to serve those aims
8 and needs in the most effective and efficient manner.

9 (6) Provide services, including, but not limited to,
10 telecommunications, video recording, satellite uplink,
11 public information, and other communications services.

12 (7) ~~(6)~~ Establish the administrative organization
13 within the Department that is required to accomplish the
14 purpose of this Section.

15 The Department is authorized to conduct a study for the
16 purpose of determining technical, engineering, and management
17 specifications for the networking, compatible connection, or
18 shared use of existing and future public and private owned
19 television broadcast and reception facilities, including but
20 not limited to terrestrial microwave, fiber optic, and
21 satellite, for broadcast and reception of educational,
22 governmental, and business programs, and to implement those
23 specifications.

24 However, the Department may not control or interfere with
25 the input of content into the telecommunications systems by the
26 several State agencies or units of federal or local government,
27 or public or not-for-profit institutions of primary,
28 secondary, and higher education, or users of the Department's
29 satellite uplink.

30 As used in this Section, the term "State agencies" means
31 all departments, officers, commissions, boards, institutions,
32 and bodies politic and corporate of the State except the
33 General Assembly, legislative service agencies, and all
34 officers of the General Assembly.

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

2 (20 ILCS 405/405-293)

3 Sec. 405-293. Professional Services.

4 (a) The Department of Central Management Services (the
5 "Department") is responsible for providing professional
6 services for or on behalf of State agencies for all functions
7 transferred to the Department by Executive Order No. 2003-10
8 (as modified by Section 5.5 of the Executive Reorganization
9 Implementation Act) and may, with the approval of the Governor,
10 provide additional services to or on behalf of State agencies.
11 To the extent not compensated by direct fund transfers, the
12 Department shall be reimbursed from each State agency receiving
13 the benefit of these services. The reimbursement shall be
14 determined by the Director of Central Management Services as
15 the amount required to reimburse the Professional Services Fund
16 for the Department's costs of rendering the professional
17 services on behalf of that State agency.

18 (a-5) The Department of Central Management Services may
19 provide professional services and other services as authorized
20 by subsection (a) for or on behalf of other State entities with
21 the approval of both the Director of Central Management
22 Services and the appropriate official or governing body of the
23 other State entity.

24 (b) For the purposes of this Section, "State agency" means
25 each State agency, department, board, and commission directly
26 responsible to the Governor. "Professional services" means
27 legal services, internal audit services, and other services as
28 approved by the Governor. "Other State entity" means the
29 Illinois State Board of Education and the Illinois State Toll
30 Highway Authority.

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

32 (20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

1 Sec. 405-315. Management of State buildings; security
2 force; fees.

3 (a) To manage, operate, maintain, and preserve from waste
4 the State buildings, facilities, structures, grounds, or other
5 real property transferred to the Department under Section
6 405-415, including, without limitation, the State buildings
7 listed below. The Department may rent portions of these and
8 other State buildings when in the judgment of the Director
9 those leases or subleases will be in the best interests of the
10 State. The leases or subleases shall not exceed 5 years unless
11 a greater term is specifically authorized.

12 a. Peoria Regional Office Building

13 5415 North University

14 Peoria, Illinois 61614

15 b. Springfield Regional Office Building

16 4500 South 6th Street

17 Springfield, Illinois 62703

18 c. Champaign Regional Office Building

19 2125 South 1st Street

20 Champaign, Illinois 61820

21 d. Illinois State Armory Building

22 124 East Adams

23 Springfield, Illinois 62706

24 e. Marion Regional Office Building

25 2209 West Main Street

26 Marion, Illinois 62959

27 f. Kenneth Hall Regional State Office

28 Building

29 #10 Collinsville Avenue

30 East St. Louis, Illinois 62201

31 g. Rockford Regional Office Building

32 4402 North Main Street

33 P.O. Box 915

34 Rockford, Illinois 61105

- 1 h. State of Illinois Building
- 2 160 North LaSalle
- 3 Chicago, Illinois 60601
- 4 i. Office and Laboratory Building
- 5 2121 West Taylor Street
- 6 Chicago, Illinois 60602
- 7 j. Central Computer Facility
- 8 201 West Adams
- 9 Springfield, Illinois 62706
- 10 k. Elgin Office Building
- 11 595 South State Street
- 12 Elgin, Illinois 60120
- 13 l. James R. Thompson Center
- 14 Bounded by Lake, Clark, Randolph and
- 15 LaSalle Streets
- 16 Chicago, Illinois
- 17 m. The following buildings located within the Chicago
- 18 Medical Center District:
- 19 1. Lawndale Day Care Center
- 20 2929 West 19th Street
- 21 2. Edwards Center
- 22 2020 Roosevelt Road
- 23 3. Illinois Center for
- 24 Rehabilitation and Education
- 25 1950 West Roosevelt Road and 1151 South Wood Street
- 26 4. Department of Children and
- 27 Family Services District Office
- 28 1026 South Damen
- 29 5. The William Heally School
- 30 1731 West Taylor
- 31 6. Administrative Office Building
- 32 1100 South Paulina Street
- 33 7. Metro Children and Adolescents Center
- 34 1601 West Taylor Street

1 n. E.J. "Zeke" Giorgi Center

2 200 Wyman Street

3 Rockford, Illinois

4 o. Suburban North Facility

5 9511 Harrison

6 Des Plaines, Illinois

7 p. The following buildings located within the Revenue

8 Center in Springfield:

9 1. State Property Control Warehouse

10 11th & Ash

11 2. Illinois State Museum Research & Collections

12 Center

13 1011 East Ash Street

14 q. Effingham Regional Office Building

15 401 Industrial Drive

16 Effingham, Illinois

17 r. The Communications Center

18 120 West Jefferson

19 Springfield, Illinois

20 s. Portions or all of the basement and

21 ground floor of the

22 State of Illinois Building

23 160 North LaSalle

24 Chicago, Illinois 60601

25 may be leased or subleased to persons, firms, partnerships,

26 associations, or individuals for terms not to exceed 15 years

27 when in the judgment of the Director those leases or subleases

28 will be in the best interests of the State.

29 Portions or all of the commercial space, which includes the

30 sub-basement, storage mezzanine, concourse, and ground and

31 second floors of the

32 James R. Thompson Center

33 Bounded by Lake, Clark, Randolph and LaSalle Streets

34 Chicago, Illinois

1 may be leased or subleased to persons, firms, partnerships,
2 associations, or individuals for terms not to exceed 15 years
3 subject to renewals when in the judgment of the Director those
4 leases or subleases will be in the best interests of the State.

5 The Director is authorized to rent portions of the above
6 described facilities to persons, firms, partnerships,
7 associations, or individuals for terms not to exceed 30 days
8 when those leases or subleases will not interfere with State
9 usage of the facility. This authority is meant to supplement
10 and shall not in any way be interpreted to restrict the
11 Director's ability to make portions of the State of Illinois
12 Building and the James R. Thompson Center available for
13 long-term commercial leases or subleases.

14 ~~Provided however, that all rentals or fees charged to~~
15 ~~persons, firms, partnerships, associations, or individuals for~~
16 ~~any lease or use of space in the above described facilities~~
17 ~~made for terms not to exceed 30 days in length shall be~~
18 ~~deposited in a special fund in the State treasury to be known~~
19 ~~as the Special Events Revolving Fund.~~

20 Notwithstanding the provisions above, the Department of
21 Children and Family Services and the Department of Human
22 Services (as successor to the Department of Rehabilitation
23 Services and the Department of Mental Health and Developmental
24 Disabilities) shall determine the allocation of space for
25 direct recipient care in their respective facilities. The
26 Department of Central Management Services shall consult with
27 the affected agency in the allocation and lease of surplus
28 space in these facilities. Potential lease arrangements shall
29 not endanger the direct recipient care responsibilities in
30 these facilities.

31 (b) To appoint, subject to the Personnel Code, persons to
32 be members of a police and security force. Members of the
33 security force shall be peace officers when performing duties
34 pursuant to this Section and as such shall have all of the

1 powers possessed by policemen in cities and sheriffs, including
2 the power to make arrests on view or issue citations for
3 violations of State statutes or city or county ordinances,
4 except that in counties of more than 1,000,000 population, any
5 powers created by this subsection shall be exercised only (i)
6 when necessary to protect the property, personnel, or interests
7 of the Department or any State agency for whom the Department
8 manages, operates, or maintains property or (ii) when
9 specifically requested by appropriate State or local law
10 enforcement officials, and except that within counties of
11 1,000,000 or less population, these powers shall be exercised
12 only when necessary to protect the property, personnel, or
13 interests of the State of Illinois and only while on property
14 managed, operated, or maintained by the Department.

15 Nothing in this subsection shall be construed so as to make
16 it conflict with any provisions of, or rules promulgated under,
17 the Personnel Code.

18 (c) To charge reasonable fees for the lease, rental, use,
19 or occupancy of State facilities managed, operated, or
20 maintained by the Department. All ~~Except as provided in~~
21 ~~subsection (a) regarding amounts to be deposited into the~~
22 ~~Special Events Revolving Fund, all~~ moneys collected under this
23 Section ~~subsection~~ shall be deposited in a revolving fund in
24 the State treasury known as the Facilities Management Revolving
25 Fund.

26 (d) Provisions of this Section relating to the James R.
27 Thompson Center are subject to the provisions of Section 7.4 of
28 the State Property Control Act.

29 (Source: P.A. 92-302, eff. 8-9-01; 93-19, eff. 6-20-03; 93-839,
30 eff. 7-30-04.)

31 ARTICLE 13

32 Section 13-5. The Department of Professional Regulation

1 Law of the Civil Administrative Code of Illinois is amended by
2 changing Section 2105-300 as follows:

3 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

4 Sec. 2105-300. Professions Indirect Cost Fund;
5 allocations; analyses.

6 (a) Appropriations for the direct and allocable indirect
7 costs of licensing and regulating each regulated profession,
8 trade, ~~or~~ occupation, or industry are intended to be payable
9 from the fees and fines that are assessed and collected from
10 that profession, trade, ~~or~~ occupation, or industry, to the
11 extent that those fees and fines are sufficient. In any fiscal
12 year in which the fees and fines generated by a specific
13 profession, trade, ~~or~~ occupation, or industry are insufficient
14 to finance the necessary direct and allocable indirect costs of
15 licensing and regulating that profession, trade, ~~or~~
16 occupation, or industry, the remainder of those costs shall be
17 financed from appropriations payable from revenue sources
18 other than fees and fines. The direct and allocable indirect
19 costs of the Department identified in its cost allocation plans
20 that are not attributable to the licensing and regulation of a
21 specific profession, trade, or occupation, or industry or group
22 of professions, trades, ~~or~~ occupations, or industries shall be
23 financed from appropriations from revenue sources other than
24 fees and fines.

25 (b) The Professions Indirect Cost Fund is hereby created as
26 a special fund in the State Treasury. The Fund may receive
27 transfers of moneys authorized by the Department from the cash
28 balances in special funds that receive revenues from the fees
29 and fines associated with the licensing of regulated
30 professions, trades, ~~and~~ occupations, and industries by the
31 Department. Moneys in the Fund shall be invested and earnings
32 on the investments shall be retained in the Fund. Subject to
33 appropriation, the Department shall use moneys in the Fund to

1 pay the ordinary and necessary allocable indirect expenses
2 associated with each of the regulated professions, trades, ~~and~~
3 occupations, and industries.

4 (c) Before the beginning of each fiscal year, the
5 Department shall prepare a cost allocation analysis to be used
6 in establishing the necessary appropriation levels for each
7 cost purpose and revenue source. At the conclusion of each
8 fiscal year, the Department shall prepare a cost allocation
9 analysis reflecting the extent of the variation between how the
10 costs were actually financed in that year and the planned cost
11 allocation for that year. Variations between the planned and
12 actual cost allocations for the prior fiscal year shall be
13 adjusted into the Department's planned cost allocation for the
14 next fiscal year.

15 Each cost allocation analysis shall separately identify
16 the direct and allocable indirect costs of each regulated
17 profession, trade, ~~or~~ occupation, or industry and the costs of
18 the Department's general public health and safety purposes. The
19 analyses shall determine whether the direct and allocable
20 indirect costs of each regulated profession, trade, ~~or~~
21 occupation, or industry and the costs of the Department's
22 general public health and safety purposes are sufficiently
23 financed from their respective funding sources. The Department
24 shall prepare the cost allocation analyses in consultation with
25 the respective regulated professions, trades, ~~and~~ occupations, and industries
26 and shall make copies of the analyses available
27 to them in a timely fashion.

28 (d) The Department may direct the State Comptroller and
29 Treasurer to transfer moneys from the special funds that
30 receive fees and fines associated with regulated professions,
31 trades, ~~and~~ occupations, and industries into the Professions
32 Indirect Cost Fund in accordance with the Department's cost
33 allocation analysis plan for the applicable fiscal year. For a
34 given fiscal year, the Department shall not direct the transfer

1 of moneys under this subsection from a special fund associated
2 with a specific regulated profession, trade, ~~or~~ occupation, or
3 industry (or group of professions, trades, ~~or~~ occupations, or
4 industries) in an amount exceeding the allocable indirect costs
5 associated with that profession, trade, ~~or~~ occupation, or
6 industry (or group of professions, trades, ~~or~~ occupations, or
7 industries) as provided in the cost allocation analysis for
8 that fiscal year and adjusted for allocation variations from
9 the prior fiscal year. No direct costs identified in the cost
10 allocation plan shall be used as a basis for transfers into the
11 Professions Indirect Cost Fund or for expenditures from the
12 Fund.

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

14 Section 13-10. The State Finance Act is amended by changing
15 Sections 6z-26 and 8f as follows:

16 (30 ILCS 105/6z-26)

17 Sec. 6z-26. The Financial Institution Fund. All moneys
18 received by the Department of Financial and Professional
19 Regulation ~~Institutions~~ under the Safety Deposit License Act,
20 the Foreign Exchange License Act, the Pawnors Societies Act,
21 the Sale of Exchange Act, the Currency Exchange Act, the Sales
22 Finance Agency Act, the Debt Management Service Act, the
23 Consumer Installment Loan Act, the Illinois Development Credit
24 Corporation Act, the Title Insurance Act, and any other Act
25 administered by the Department of Financial and Professional
26 Regulation as the successor of the Department of Financial
27 Institutions now or in the future (unless an Act specifically
28 provides otherwise) shall be deposited in the Financial
29 Institution Fund (hereinafter "Fund"), a special fund that is
30 hereby created in the State Treasury.

31 Moneys in the Fund shall be used by the Department, subject
32 to appropriation, for expenses incurred in administering the

1 above named and referenced Acts.

2 The Comptroller and the State Treasurer shall transfer from
3 the General Revenue Fund to the Fund any monies received by the
4 Department after June 30, 1993, under any of the above named
5 and referenced Acts that have been deposited in the General
6 Revenue Fund.

7 As soon as possible after the end of each calendar year,
8 the Comptroller shall compare the balance in the Fund at the
9 end of the calendar year with the amount appropriated from the
10 Fund for the fiscal year beginning on July 1 of that calendar
11 year. If the balance in the Fund exceeds the amount
12 appropriated, the Comptroller and the State Treasurer shall
13 transfer from the Fund to the General Revenue Fund an amount
14 equal to the difference between the balance in the Fund and the
15 amount appropriated.

16 Nothing in this Section shall be construed to prohibit
17 appropriations from the General Revenue Fund for expenses
18 incurred in the administration of the above named and
19 referenced Acts.

20 Moneys in the Fund may be transferred to the Professions
21 Indirect Cost Fund, as authorized under Section 2105-300 of the
22 Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois.

24 (Source: P.A. 90-545, eff. 1-1-98.)

25 (30 ILCS 105/8f)

26 Sec. 8f. Public Pension Regulation Fund. The Public Pension
27 Regulation Fund is created in the State Treasury. Except as
28 otherwise provided in the Illinois Pension Code, all money
29 received by the Department of Financial and Professional
30 Regulation, as successor to the Illinois Department of
31 Insurance, under the Illinois Pension Code shall be paid into
32 the Fund. Moneys in the Fund may be transferred to the
33 Professions Indirect Cost Fund, as authorized under Section

1 2105-300 of the Department of Professional Regulation Law of
2 the Civil Administrative Code of Illinois. The State Treasurer
3 promptly shall invest the money in the Fund, and all earnings
4 that accrue on the money in the Fund shall be credited to the
5 Fund. No money may be transferred from this Fund to any other
6 fund. The General Assembly may make appropriations from this
7 Fund for the ordinary and contingent expenses of the Public
8 Pension Division of the Illinois Department of Insurance.
9 (Source: P.A. 90-507, eff. 8-22-97.)

10 Section 13-15. The Illinois Banking Act is amended by
11 changing Section 48 as follows:

12 (205 ILCS 5/48) (from Ch. 17, par. 359)

13 Sec. 48. Commissioner's powers; duties. The Commissioner
14 shall have the powers and authority, and is charged with the
15 duties and responsibilities designated in this Act, and a State
16 bank shall not be subject to any other visitorial power other
17 than as authorized by this Act, except those vested in the
18 courts, or upon prior consultation with the Commissioner, a
19 foreign bank regulator with an appropriate supervisory
20 interest in the parent or affiliate of a state bank. In the
21 performance of the Commissioner's duties:

22 (1) The Commissioner shall call for statements from all
23 State banks as provided in Section 47 at least one time during
24 each calendar quarter.

25 (2) (a) The Commissioner, as often as the Commissioner
26 shall deem necessary or proper, and no less frequently than 18
27 months following the preceding examination, shall appoint a
28 suitable person or persons to make an examination of the
29 affairs of every State bank, except that for every eligible
30 State bank, as defined by regulation, the Commissioner in lieu
31 of the examination may accept on an alternating basis the
32 examination made by the eligible State bank's appropriate

1 federal banking agency pursuant to Section 111 of the Federal
2 Deposit Insurance Corporation Improvement Act of 1991,
3 provided the appropriate federal banking agency has made such
4 an examination. A person so appointed shall not be a
5 stockholder or officer or employee of any bank which that
6 person may be directed to examine, and shall have powers to
7 make a thorough examination into all the affairs of the bank
8 and in so doing to examine any of the officers or agents or
9 employees thereof on oath and shall make a full and detailed
10 report of the condition of the bank to the Commissioner. In
11 making the examination the examiners shall include an
12 examination of the affairs of all the affiliates of the bank,
13 as defined in subsection (b) of Section 35.2 of this Act, or
14 subsidiaries of the bank as shall be necessary to disclose
15 fully the conditions of the subsidiaries or affiliates, the
16 relations between the bank and the subsidiaries or affiliates
17 and the effect of those relations upon the affairs of the bank,
18 and in connection therewith shall have power to examine any of
19 the officers, directors, agents, or employees of the
20 subsidiaries or affiliates on oath. After May 31, 1997, the
21 Commissioner may enter into cooperative agreements with state
22 regulatory authorities of other states to provide for
23 examination of State bank branches in those states, and the
24 Commissioner may accept reports of examinations of State bank
25 branches from those state regulatory authorities. These
26 cooperative agreements may set forth the manner in which the
27 other state regulatory authorities may be compensated for
28 examinations prepared for and submitted to the Commissioner.

29 (b) After May 31, 1997, the Commissioner is authorized to
30 examine, as often as the Commissioner shall deem necessary or
31 proper, branches of out-of-state banks. The Commissioner may
32 establish and may assess fees to be paid to the Commissioner
33 for examinations under this subsection (b). The fees shall be
34 borne by the out-of-state bank, unless the fees are borne by

1 the state regulatory authority that chartered the out-of-state
2 bank, as determined by a cooperative agreement between the
3 Commissioner and the state regulatory authority that chartered
4 the out-of-state bank.

5 (2.5) Whenever any State bank, any subsidiary or affiliate
6 of a State bank, or after May 31, 1997, any branch of an
7 out-of-state bank causes to be performed, by contract or
8 otherwise, any bank services for itself, whether on or off its
9 premises:

10 (a) that performance shall be subject to examination by
11 the Commissioner to the same extent as if services were
12 being performed by the bank or, after May 31, 1997, branch
13 of the out-of-state bank itself on its own premises; and

14 (b) the bank or, after May 31, 1997, branch of the
15 out-of-state bank shall notify the Commissioner of the
16 existence of a service relationship. The notification
17 shall be submitted with the first statement of condition
18 (as required by Section 47 of this Act) due after the
19 making of the service contract or the performance of the
20 service, whichever occurs first. The Commissioner shall be
21 notified of each subsequent contract in the same manner.

22 For purposes of this subsection (2.5), the term "bank
23 services" means services such as sorting and posting of checks
24 and deposits, computation and posting of interest and other
25 credits and charges, preparation and mailing of checks,
26 statements, notices, and similar items, or any other clerical,
27 bookkeeping, accounting, statistical, or similar functions
28 performed for a State bank, including but not limited to
29 electronic data processing related to those bank services.

30 (3) The expense of administering this Act, including the
31 expense of the examinations of State banks as provided in this
32 Act, shall to the extent of the amounts resulting from the fees
33 provided for in paragraphs (a), (a-2), and (b) of this
34 subsection (3) be assessed against and borne by the State

1 banks:

2 (a) Each bank shall pay to the Commissioner a Call
3 Report Fee which shall be paid in quarterly installments
4 equal to one-fourth of the sum of the annual fixed fee of
5 \$800, plus a variable fee based on the assets shown on the
6 quarterly statement of condition delivered to the
7 Commissioner in accordance with Section 47 for the
8 preceding quarter according to the following schedule: 16¢
9 per \$1,000 of the first \$5,000,000 of total assets, 15¢ per
10 \$1,000 of the next \$20,000,000 of total assets, 13¢ per
11 \$1,000 of the next \$75,000,000 of total assets, 9¢ per
12 \$1,000 of the next \$400,000,000 of total assets, 7¢ per
13 \$1,000 of the next \$500,000,000 of total assets, and 5¢ per
14 \$1,000 of all assets in excess of \$1,000,000,000, of the
15 State bank. The Call Report Fee shall be calculated by the
16 Commissioner and billed to the banks for remittance at the
17 time of the quarterly statements of condition provided for
18 in Section 47. The Commissioner may require payment of the
19 fees provided in this Section by an electronic transfer of
20 funds or an automatic debit of an account of each of the
21 State banks. In case more than one examination of any bank
22 is deemed by the Commissioner to be necessary in any
23 examination frequency cycle specified in subsection 2(a)
24 of this Section, and is performed at his direction, the
25 Commissioner may assess a reasonable additional fee to
26 recover the cost of the additional examination; provided,
27 however, that an examination conducted at the request of
28 the State Treasurer pursuant to the Uniform Disposition of
29 Unclaimed Property Act shall not be deemed to be an
30 additional examination under this Section. In lieu of the
31 method and amounts set forth in this paragraph (a) for the
32 calculation of the Call Report Fee, the Commissioner may
33 specify by rule that the Call Report Fees provided by this
34 Section may be assessed semiannually or some other period

1 and may provide in the rule the formula to be used for
2 calculating and assessing the periodic Call Report Fees to
3 be paid by State banks.

4 (a-1) If in the opinion of the Commissioner an
5 emergency exists or appears likely, the Commissioner may
6 assign an examiner or examiners to monitor the affairs of a
7 State bank with whatever frequency he deems appropriate,
8 including but not limited to a daily basis. The reasonable
9 and necessary expenses of the Commissioner during the
10 period of the monitoring shall be borne by the subject
11 bank. The Commissioner shall furnish the State bank a
12 statement of time and expenses if requested to do so within
13 30 days of the conclusion of the monitoring period.

14 (a-2) On and after January 1, 1990, the reasonable and
15 necessary expenses of the Commissioner during examination
16 of the performance of electronic data processing services
17 under subsection (2.5) shall be borne by the banks for
18 which the services are provided. An amount, based upon a
19 fee structure prescribed by the Commissioner, shall be paid
20 by the banks or, after May 31, 1997, branches of
21 out-of-state banks receiving the electronic data
22 processing services along with the Call Report Fee assessed
23 under paragraph (a) of this subsection (3).

24 (a-3) After May 31, 1997, the reasonable and necessary
25 expenses of the Commissioner during examination of the
26 performance of electronic data processing services under
27 subsection (2.5) at or on behalf of branches of
28 out-of-state banks shall be borne by the out-of-state
29 banks, unless those expenses are borne by the state
30 regulatory authorities that chartered the out-of-state
31 banks, as determined by cooperative agreements between the
32 Commissioner and the state regulatory authorities that
33 chartered the out-of-state banks.

34 (b) "Fiscal year" for purposes of this Section 48 is

1 defined as a period beginning July 1 of any year and ending
2 June 30 of the next year. The Commissioner shall receive
3 for each fiscal year, commencing with the fiscal year
4 ending June 30, 1987, a contingent fee equal to the lesser
5 of the aggregate of the fees paid by all State banks under
6 paragraph (a) of subsection (3) for that year, or the
7 amount, if any, whereby the aggregate of the administration
8 expenses, as defined in paragraph (c), for that fiscal year
9 exceeds the sum of the aggregate of the fees payable by all
10 State banks for that year under paragraph (a) of subsection
11 (3), plus any amounts transferred into the Bank and Trust
12 Company Fund from the State Pensions Fund for that year,
13 plus all other amounts collected by the Commissioner for
14 that year under any other provision of this Act, plus the
15 aggregate of all fees collected for that year by the
16 Commissioner under the Corporate Fiduciary Act, excluding
17 the receivership fees provided for in Section 5-10 of the
18 Corporate Fiduciary Act, and the Foreign Banking Office
19 Act. The aggregate amount of the contingent fee thus
20 arrived at for any fiscal year shall be apportioned
21 amongst, assessed upon, and paid by the State banks and
22 foreign banking corporations, respectively, in the same
23 proportion that the fee of each under paragraph (a) of
24 subsection (3), respectively, for that year bears to the
25 aggregate for that year of the fees collected under
26 paragraph (a) of subsection (3). The aggregate amount of
27 the contingent fee, and the portion thereof to be assessed
28 upon each State bank and foreign banking corporation,
29 respectively, shall be determined by the Commissioner and
30 shall be paid by each, respectively, within 120 days of the
31 close of the period for which the contingent fee is
32 computed and is payable, and the Commissioner shall give 20
33 days advance notice of the amount of the contingent fee
34 payable by the State bank and of the date fixed by the

1 Commissioner for payment of the fee.

2 (c) The "administration expenses" for any fiscal year
3 shall mean the ordinary and contingent expenses for that
4 year incident to making the examinations provided for by,
5 and for otherwise administering, this Act, the Corporate
6 Fiduciary Act, excluding the expenses paid from the
7 Corporate Fiduciary Receivership account in the Bank and
8 Trust Company Fund, the Foreign Banking Office Act, the
9 Electronic Fund Transfer Act, and the Illinois Bank
10 Examiners' Education Foundation Act, including all
11 salaries and other compensation paid for personal services
12 rendered for the State by officers or employees of the
13 State, including the Commissioner and the Deputy
14 Commissioners, all expenditures for telephone and
15 telegraph charges, postage and postal charges, office
16 stationery, supplies and services, and office furniture
17 and equipment, including typewriters and copying and
18 duplicating machines and filing equipment, surety bond
19 premiums, and travel expenses of those officers and
20 employees, employees, expenditures or charges for the
21 acquisition, enlargement or improvement of, or for the use
22 of, any office space, building, or structure, or
23 expenditures for the maintenance thereof or for furnishing
24 heat, light, or power with respect thereto, all to the
25 extent that those expenditures are directly incidental to
26 such examinations or administration. The Commissioner
27 shall not be required by paragraphs (c) or (d-1) of this
28 subsection (3) to maintain in any fiscal year's budget
29 appropriated reserves for accrued vacation and accrued
30 sick leave that is required to be paid to employees of the
31 Commissioner upon termination of their service with the
32 Commissioner in an amount that is more than is reasonably
33 anticipated to be necessary for any anticipated turnover in
34 employees, whether due to normal attrition or due to

1 layoffs, terminations, or resignations.

2 (d) The aggregate of all fees collected by the
3 Commissioner under this Act, the Corporate Fiduciary Act,
4 or the Foreign Banking Office Act on and after July 1,
5 1979, shall be paid promptly after receipt of the same,
6 accompanied by a detailed statement thereof, into the State
7 treasury and shall be set apart in a special fund to be
8 known as the "Bank and Trust Company Fund", except as
9 provided in paragraph (c) of subsection (11) of this
10 Section. All earnings received from investments of funds in
11 the Bank and Trust Company Fund shall be deposited in the
12 Bank and Trust Company Fund and may be used for the same
13 purposes as fees deposited in that Fund. The amount from
14 time to time deposited into the Bank and Trust Company Fund
15 shall be used to offset the ordinary administrative
16 expenses of the Commissioner of Banks and Real Estate as
17 defined in this Section. Nothing in this amendatory Act of
18 1979 shall prevent continuing the practice of paying
19 expenses involving salaries, retirement, social security,
20 and State-paid insurance premiums of State officers by
21 appropriations from the General Revenue Fund. However, the
22 General Revenue Fund shall be reimbursed for those payments
23 made on and after July 1, 1979, by an annual transfer of
24 funds from the Bank and Trust Company Fund. Moneys in the
25 Bank and Trust Company Fund may be transferred to the
26 Professions Indirect Cost Fund, as authorized under
27 Section 2105-300 of the Department of Professional
28 Regulation Law of the Civil Administrative Code of
29 Illinois.

30 (d-1) Adequate funds shall be available in the Bank and
31 Trust Company Fund to permit the timely payment of
32 administration expenses. In each fiscal year the total
33 administration expenses shall be deducted from the total
34 fees collected by the Commissioner and the remainder

1 transferred into the Cash Flow Reserve Account, unless the
2 balance of the Cash Flow Reserve Account prior to the
3 transfer equals or exceeds one-fourth of the total initial
4 appropriations from the Bank and Trust Company Fund for the
5 subsequent year, in which case the remainder shall be
6 credited to State banks and foreign banking corporations
7 and applied against their fees for the subsequent year. The
8 amount credited to each State bank and foreign banking
9 corporation shall be in the same proportion as the Call
10 Report Fees paid by each for the year bear to the total
11 Call Report Fees collected for the year. If, after a
12 transfer to the Cash Flow Reserve Account is made or if no
13 remainder is available for transfer, the balance of the
14 Cash Flow Reserve Account is less than one-fourth of the
15 total initial appropriations for the subsequent year and
16 the amount transferred is less than 5% of the total Call
17 Report Fees for the year, additional amounts needed to make
18 the transfer equal to 5% of the total Call Report Fees for
19 the year shall be apportioned amongst, assessed upon, and
20 paid by the State banks and foreign banking corporations in
21 the same proportion that the Call Report Fees of each,
22 respectively, for the year bear to the total Call Report
23 Fees collected for the year. The additional amounts
24 assessed shall be transferred into the Cash Flow Reserve
25 Account. For purposes of this paragraph (d-1), the
26 calculation of the fees collected by the Commissioner shall
27 exclude the receivership fees provided for in Section 5-10
28 of the Corporate Fiduciary Act.

29 (e) The Commissioner may upon request certify to any
30 public record in his keeping and shall have authority to
31 levy a reasonable charge for issuing certifications of any
32 public record in his keeping.

33 (f) In addition to fees authorized elsewhere in this
34 Act, the Commissioner may, in connection with a review,

1 approval, or provision of a service, levy a reasonable
2 charge to recover the cost of the review, approval, or
3 service.

4 (4) Nothing contained in this Act shall be construed to
5 limit the obligation relative to examinations and reports of
6 any State bank, deposits in which are to any extent insured by
7 the United States or any agency thereof, nor to limit in any
8 way the powers of the Commissioner with reference to
9 examinations and reports of that bank.

10 (5) The nature and condition of the assets in or investment
11 of any bonus, pension, or profit sharing plan for officers or
12 employees of every State bank or, after May 31, 1997, branch of
13 an out-of-state bank shall be deemed to be included in the
14 affairs of that State bank or branch of an out-of-state bank
15 subject to examination by the Commissioner under the provisions
16 of subsection (2) of this Section, and if the Commissioner
17 shall find from an examination that the condition of or
18 operation of the investments or assets of the plan is unlawful,
19 fraudulent, or unsafe, or that any trustee has abused his
20 trust, the Commissioner shall, if the situation so found by the
21 Commissioner shall not be corrected to his satisfaction within
22 60 days after the Commissioner has given notice to the board of
23 directors of the State bank or out-of-state bank of his
24 findings, report the facts to the Attorney General who shall
25 thereupon institute proceedings against the State bank or
26 out-of-state bank, the board of directors thereof, or the
27 trustees under such plan as the nature of the case may require.

28 (6) The Commissioner shall have the power:

29 (a) To promulgate reasonable rules for the purpose of
30 administering the provisions of this Act.

31 (a-5) To impose conditions on any approval issued by
32 the Commissioner if he determines that the conditions are
33 necessary or appropriate. These conditions shall be
34 imposed in writing and shall continue in effect for the

1 period prescribed by the Commissioner.

2 (b) To issue orders against any person, if the
3 Commissioner has reasonable cause to believe that an unsafe
4 or unsound banking practice has occurred, is occurring, or
5 is about to occur, if any person has violated, is
6 violating, or is about to violate any law, rule, or written
7 agreement with the Commissioner, or for the purpose of
8 administering the provisions of this Act and any rule
9 promulgated in accordance with this Act.

10 (b-1) To enter into agreements with a bank establishing
11 a program to correct the condition of the bank or its
12 practices.

13 (c) To appoint hearing officers to execute any of the
14 powers granted to the Commissioner under this Section for
15 the purpose of administering this Act and any rule
16 promulgated in accordance with this Act and otherwise to
17 authorize, in writing, an officer or employee of the Office
18 of Banks and Real Estate to exercise his powers under this
19 Act.

20 (d) To subpoena witnesses, to compel their attendance,
21 to administer an oath, to examine any person under oath,
22 and to require the production of any relevant books,
23 papers, accounts, and documents in the course of and
24 pursuant to any investigation being conducted, or any
25 action being taken, by the Commissioner in respect of any
26 matter relating to the duties imposed upon, or the powers
27 vested in, the Commissioner under the provisions of this
28 Act or any rule promulgated in accordance with this Act.

29 (e) To conduct hearings.

30 (7) Whenever, in the opinion of the Commissioner, any
31 director, officer, employee, or agent of a State bank or any
32 subsidiary or bank holding company of the bank or, after May
33 31, 1997, of any branch of an out-of-state bank or any
34 subsidiary or bank holding company of the bank shall have

1 violated any law, rule, or order relating to that bank or any
2 subsidiary or bank holding company of the bank, shall have
3 obstructed or impeded any examination or investigation by the
4 Commissioner, shall have engaged in an unsafe or unsound
5 practice in conducting the business of that bank or any
6 subsidiary or bank holding company of the bank, or shall have
7 violated any law or engaged or participated in any unsafe or
8 unsound practice in connection with any financial institution
9 or other business entity such that the character and fitness of
10 the director, officer, employee, or agent does not assure
11 reasonable promise of safe and sound operation of the State
12 bank, the Commissioner may issue an order of removal. If, in
13 the opinion of the Commissioner, any former director, officer,
14 employee, or agent of a State bank or any subsidiary or bank
15 holding company of the bank, prior to the termination of his or
16 her service with that bank or any subsidiary or bank holding
17 company of the bank, violated any law, rule, or order relating
18 to that State bank or any subsidiary or bank holding company of
19 the bank, obstructed or impeded any examination or
20 investigation by the Commissioner, engaged in an unsafe or
21 unsound practice in conducting the business of that bank or any
22 subsidiary or bank holding company of the bank, or violated any
23 law or engaged or participated in any unsafe or unsound
24 practice in connection with any financial institution or other
25 business entity such that the character and fitness of the
26 director, officer, employee, or agent would not have assured
27 reasonable promise of safe and sound operation of the State
28 bank, the Commissioner may issue an order prohibiting that
29 person from further service with a bank or any subsidiary or
30 bank holding company of the bank as a director, officer,
31 employee, or agent. An order issued pursuant to this subsection
32 shall be served upon the director, officer, employee, or agent.
33 A copy of the order shall be sent to each director of the bank
34 affected by registered mail. The person affected by the action

1 may request a hearing before the State Banking Board within 10
2 days after receipt of the order. The hearing shall be held by
3 the Board within 30 days after the request has been received by
4 the Board. The Board shall make a determination approving,
5 modifying, or disapproving the order of the Commissioner as its
6 final administrative decision. If a hearing is held by the
7 Board, the Board shall make its determination within 60 days
8 from the conclusion of the hearing. Any person affected by a
9 decision of the Board under this subsection (7) of Section 48
10 of this Act may have the decision reviewed only under and in
11 accordance with the Administrative Review Law and the rules
12 adopted pursuant thereto. A copy of the order shall also be
13 served upon the bank of which he is a director, officer,
14 employee, or agent, whereupon he shall cease to be a director,
15 officer, employee, or agent of that bank. The Commissioner may
16 institute a civil action against the director, officer, or
17 agent of the State bank or, after May 31, 1997, of the branch
18 of the out-of-state bank against whom any order provided for by
19 this subsection (7) of this Section 48 has been issued, and
20 against the State bank or, after May 31, 1997, out-of-state
21 bank, to enforce compliance with or to enjoin any violation of
22 the terms of the order. Any person who has been the subject of
23 an order of removal or an order of prohibition issued by the
24 Commissioner under this subsection or Section 5-6 of the
25 Corporate Fiduciary Act may not thereafter serve as director,
26 officer, employee, or agent of any State bank or of any branch
27 of any out-of-state bank, or of any corporate fiduciary, as
28 defined in Section 1-5.05 of the Corporate Fiduciary Act, or of
29 any other entity that is subject to licensure or regulation by
30 the Commissioner or the Office of Banks and Real Estate unless
31 the Commissioner has granted prior approval in writing.

32 For purposes of this paragraph (7), "bank holding company"
33 has the meaning prescribed in Section 2 of the Illinois Bank
34 Holding Company Act of 1957.

1 (8) The Commissioner may impose civil penalties of up to
2 \$10,000 against any person for each violation of any provision
3 of this Act, any rule promulgated in accordance with this Act,
4 any order of the Commissioner, or any other action which in the
5 Commissioner's discretion is an unsafe or unsound banking
6 practice.

7 (9) The Commissioner may impose civil penalties of up to
8 \$100 against any person for the first failure to comply with
9 reporting requirements set forth in the report of examination
10 of the bank and up to \$200 for the second and subsequent
11 failures to comply with those reporting requirements.

12 (10) All final administrative decisions of the
13 Commissioner hereunder shall be subject to judicial review
14 pursuant to the provisions of the Administrative Review Law.
15 For matters involving administrative review, venue shall be in
16 either Sangamon County or Cook County.

17 (11) The endowment fund for the Illinois Bank Examiners'
18 Education Foundation shall be administered as follows:

19 (a) (Blank).

20 (b) The Foundation is empowered to receive voluntary
21 contributions, gifts, grants, bequests, and donations on
22 behalf of the Illinois Bank Examiners' Education
23 Foundation from national banks and other persons for the
24 purpose of funding the endowment of the Illinois Bank
25 Examiners' Education Foundation.

26 (c) The aggregate of all special educational fees
27 collected by the Commissioner and property received by the
28 Commissioner on behalf of the Illinois Bank Examiners'
29 Education Foundation under this subsection (11) on or after
30 June 30, 1986, shall be either (i) promptly paid after
31 receipt of the same, accompanied by a detailed statement
32 thereof, into the State Treasury and shall be set apart in
33 a special fund to be known as "The Illinois Bank Examiners'
34 Education Fund" to be invested by either the Treasurer of

1 the State of Illinois in the Public Treasurers' Investment
2 Pool or in any other investment he is authorized to make or
3 by the Illinois State Board of Investment as the board of
4 trustees of the Illinois Bank Examiners' Education
5 Foundation may direct or (ii) deposited into an account
6 maintained in a commercial bank or corporate fiduciary in
7 the name of the Illinois Bank Examiners' Education
8 Foundation pursuant to the order and direction of the Board
9 of Trustees of the Illinois Bank Examiners' Education
10 Foundation.

11 (12) (Blank).

12 (Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483,
13 eff. 8-23-01; 92-651, eff. 7-11-02.)

14 Section 13-20. The Illinois Savings and Loan Act of 1985 is
15 amended by changing Section 7-19.1 as follows:

16 (205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

17 Sec. 7-19.1. Savings and Residential Finance Regulatory
18 Fund.

19 (a) The aggregate of all fees collected by the Commissioner
20 under this Act shall be paid promptly after receipt of the
21 same, accompanied by a detailed statement thereof, into the
22 State treasury and shall be set apart in the Savings and
23 Residential Finance Regulatory Fund, a special fund hereby
24 created in the State treasury. The amounts deposited into the
25 Fund shall be used for the ordinary and contingent expenses of
26 the Office of Banks and Real Estate. Nothing in this Act shall
27 prevent continuing the practice of paying expenses involving
28 salaries, retirement, social security, and State-paid
29 insurance of State officers by appropriation from the General
30 Revenue Fund.

31 (b) Except as otherwise provided in subsection (b-5),
32 moneys ~~Moneys~~ in the Savings and Residential Finance Regulatory

1 Fund may not be appropriated, assigned, or transferred to
2 another State fund. The moneys in the Fund shall be for the
3 sole benefit of the institutions assessed.

4 (b-5) Moneys in the Savings and Residential Finance
5 Regulatory Fund may be transferred to the Professions Indirect
6 Cost Fund, as authorized under Section 2105-300 of the
7 Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois.

9 (c) All earnings received from investments of funds in the
10 Savings and Residential Finance Regulatory Fund shall be
11 deposited into the Savings and Residential Finance Regulatory
12 Fund and may be used for the same purposes as fees deposited
13 into that Fund.

14 (Source: P.A. 92-700, eff. 7-19-02.)

15 Section 13-25. The Illinois Credit Union Act is amended by
16 changing Section 12 as follows:

17 (205 ILCS 305/12) (from Ch. 17, par. 4413)

18 Sec. 12. Regulatory fees.

19 (1) A credit union regulated by the Department shall pay a
20 regulatory fee to the Department based upon its total assets as
21 shown by its Year-end Call Report at the following rates:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less	\$100
Over \$25,000 and not over	
\$100,000	\$100 plus \$4 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	
\$200,000	\$400 plus \$3 per
	\$1,000 of assets in excess of
	\$100,000
Over \$200,000 and not over	

1	\$500,000	\$700 plus \$2 per
2		\$1,000 of assets in excess of
3		\$200,000
4	Over \$500,000 and not over	
5	\$1,000,000	\$1,300 plus \$1.40
6		per \$1,000 of assets in excess
7		of \$500,000
8	Over \$1,000,000 and not	
9	over \$5,000,000	\$2,000 plus \$0.50
10		per \$1,000 of assets in
11		excess of \$1,000,000
12	Over \$5,000,000 and not	
13	over \$30,000,000	\$5,080 plus \$0.44
14		per \$1,000 assets
15		in excess of \$5,000,000
16	Over \$30,000,000 and not	
17	over \$100,000,000	\$16,192 plus \$0.38
18		per \$1,000 of assets in
19		excess of \$30,000,000
20	Over \$100,000,000 and not	
21	over \$500,000,000	\$42,862 plus \$0.19
22		per \$1,000 of assets in
23		excess of \$100,000,000
24	Over \$500,000,000	\$140,625 plus \$0.075
25		per \$1,000 of assets in
26		excess of \$500,000,000

27 (2) The Director shall review the regulatory fee schedule
28 in subsection (1) and the projected earnings on those fees on
29 an annual basis and adjust the fee schedule no more than 5%
30 annually if necessary to defray the estimated administrative
31 and operational expenses of the Department as defined in
32 subsection (5). The Director shall provide credit unions with
33 written notice of any adjustment made in the regulatory fee
34 schedule.

1 (3) Not later than March 1 of each calendar year, a credit
2 union shall pay to the Department a regulatory fee for that
3 calendar year in accordance with the regulatory fee schedule in
4 subsection (1), on the basis of assets as of the Year-end Call
5 Report of the preceding year. The regulatory fee shall not be
6 less than \$100 or more than \$187,500, provided that the
7 regulatory fee cap of \$187,500 shall be adjusted to incorporate
8 the same percentage increase as the Director makes in the
9 regulatory fee schedule from time to time under subsection (2).
10 No regulatory fee shall be collected from a credit union until
11 it has been in operation for one year.

12 (4) The aggregate of all fees collected by the Department
13 under this Act shall be paid promptly after they are received,
14 accompanied by a detailed statement thereof, into the State
15 Treasury and shall be set apart in the Credit Union Fund, a
16 special fund hereby created in the State treasury. The amount
17 from time to time deposited in the Credit Union Fund and shall
18 be used to offset the ordinary administrative and operational
19 expenses of the Department under this Act. All earnings
20 received from investments of funds in the Credit Union Fund
21 shall be deposited into the Credit Union Fund and may be used
22 for the same purposes as fees deposited into that Fund. Moneys
23 in the Credit Union Fund may be transferred to the Professions
24 Indirect Cost Fund, as authorized under Section 2105-300 of the
25 Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois.

27 (5) The administrative and operational expenses for any
28 calendar year shall mean the ordinary and contingent expenses
29 for that year incidental to making the examinations provided
30 for by, and for administering, this Act, including all salaries
31 and other compensation paid for personal services rendered for
32 the State by officers or employees of the State to enforce this
33 Act; all expenditures for telephone and telegraph charges,
34 postage and postal charges, office supplies and services,

1 furniture and equipment, office space and maintenance thereof,
2 travel expenses and other necessary expenses; all to the extent
3 that such expenditures are directly incidental to such
4 examination or administration.

5 (6) When the aggregate of all fees collected by the
6 Department under this Act and all earnings thereon for any
7 calendar year exceeds 150% of the total administrative and
8 operational expenses under this Act for that year, such excess
9 shall be credited to credit unions and applied against their
10 regulatory fees for the subsequent year. The amount credited to
11 a credit union shall be in the same proportion as the fee paid
12 by such credit union for the calendar year in which the excess
13 is produced bears to the aggregate of the fees collected by the
14 Department under this Act for the same year.

15 (7) Examination fees for the year 2000 statutory
16 examinations paid pursuant to the examination fee schedule in
17 effect at that time shall be credited toward the regulatory fee
18 to be assessed the credit union in calendar year 2001.

19 (8) Nothing in this Act shall prohibit the General Assembly
20 from appropriating funds to the Department from the General
21 Revenue Fund for the purpose of administering this Act.

22 (Source: P.A. 92-293, eff. 8-9-01; 93-32, eff. 7-1-03; 93-652,
23 eff. 1-8-04.)

24 Section 13-30. The Pawnbroker Regulation Act is amended by
25 changing Section 0.05 as follows:

26 (205 ILCS 510/0.05)

27 Sec. 0.05. Administration of Act.

28 (a) This Act shall be administered by the Commissioner of
29 Banks and Real Estate who shall have all of the following
30 powers and duties in administering this Act:

31 (1) To promulgate reasonable rules for the purpose of
32 administering the provisions of this Act.

1 (2) To issue orders for the purpose of administering
2 the provisions of this Act and any rule promulgated in
3 accordance with this Act.

4 (3) To appoint hearing officers and to hire employees
5 or to contract with appropriate persons to execute any of
6 the powers granted to the Commissioner under this Section
7 for the purpose of administering this Act and any rule
8 promulgated in accordance with this Act.

9 (4) To subpoena witnesses, to compel their attendance,
10 to administer an oath, to examine any person under oath,
11 and to require the production of any relevant books,
12 papers, accounts, and documents in the course of and
13 pursuant to any investigation being conducted, or any
14 action being taken, by the Commissioner in respect of any
15 matter relating to the duties imposed upon, or the powers
16 vested in, the Commissioner under the provisions of this
17 Act or any rule promulgated in accordance with this Act.

18 (5) To conduct hearings.

19 (6) To impose civil penalties graduated up to \$1,000
20 against any person for each violation of any provision of
21 this Act, any rule promulgated in accordance with this Act,
22 or any order of the Commissioner based upon the seriousness
23 of the violation.

24 (6.5) To initiate, through the Attorney General,
25 injunction proceedings whenever it appears to the
26 Commissioner that any person, whether licensed under this
27 Act or not, is engaged or about to engage in an act or
28 practice that constitutes or will constitute a violation of
29 this Act or any rule prescribed under the authority of this
30 Act. The Commissioner may, in his or her discretion,
31 through the Attorney General, apply for an injunction, and
32 upon a proper showing, any circuit court may enter a
33 permanent or preliminary injunction or a temporary
34 restraining order without bond to enforce this Act in

1 addition to the penalties and other remedies provided for
2 in this Act.

3 (7) To issue a cease and desist order and, for
4 violations of this Act, any order issued by the
5 Commissioner pursuant to this Act, any rule promulgated in
6 accordance with this Act, or any other applicable law in
7 connection with the operation of a pawnshop, to suspend a
8 license issued under this Act for up to 30 days.

9 (8) To determine compliance with applicable law and
10 rules related to the operation of pawnshops and to verify
11 the accuracy of reports filed with the Commissioner, the
12 Commissioner, not more than one time every 2 years, may,
13 but is not required to, conduct a routine examination of a
14 pawnshop, and in addition, the Commissioner may examine the
15 affairs of any pawnshop at any time if the Commissioner has
16 reasonable cause to believe that unlawful or fraudulent
17 activity is occurring, or has occurred, therein.

18 (9) In response to a complaint, to address any
19 inquiries to any pawnshop in relation to its affairs, and
20 it shall be the duty of the pawnshop to promptly reply in
21 writing to such inquiries. The Commissioner may also
22 require reports or information from any pawnshop at any
23 time the Commissioner may deem desirable.

24 (10) To revoke a license issued under this Act if the
25 Commissioner determines that (a) a licensee has been
26 convicted of a felony in connection with the operations of
27 a pawnshop; (b) a licensee knowingly, recklessly, or
28 continuously violated this Act, a rule promulgated in
29 accordance with this Act, or any order of the Commissioner;
30 (c) a fact or condition exists that, if it had existed or
31 had been known at the time of the original application,
32 would have justified license refusal; or (d) the licensee
33 knowingly submits materially false or misleading documents
34 with the intent to deceive the Commissioner or any other

1 party.

2 (11) Following license revocation, to take possession
3 and control of a pawnshop for the purpose of examination,
4 reorganization, or liquidation through receivership and to
5 appoint a receiver, which may be the Commissioner, a
6 pawnshop, or another suitable person.

7 (b) After consultation with local law enforcement
8 officers, the Attorney General, and the industry, the
9 Commissioner may by rule require that pawnbrokers operate video
10 camera surveillance systems to record photographic
11 representations of customers and retain the tapes produced for
12 up to 30 days.

13 (c) Pursuant to rule, the Commissioner shall issue licenses
14 on an annual or multi-year basis for operating a pawnshop. Any
15 person currently operating or who has operated a pawnshop in
16 this State during the 2 years preceding the effective date of
17 this amendatory Act of 1997 shall be issued a license upon
18 payment of the fee required under this Act. New applicants
19 shall meet standards for a license as established by the
20 Commissioner. Except with the prior written consent of the
21 Commissioner, no individual, either a new applicant or a person
22 currently operating a pawnshop, may be issued a license to
23 operate a pawnshop if the individual has been convicted of a
24 felony or of any criminal offense relating to dishonesty or
25 breach of trust in connection with the operations of a
26 pawnshop. The Commissioner shall establish license fees. The
27 fees shall not exceed the amount reasonably required for
28 administration of this Act. It shall be unlawful to operate a
29 pawnshop without a license issued by the Commissioner.

30 (d) In addition to license fees, the Commissioner may, by
31 rule, establish fees in connection with a review, approval, or
32 provision of a service, and levy a reasonable charge to recover
33 the cost of the review, approval, or service (such as a change
34 in control, change in location, or renewal of a license). The

1 Commissioner may also levy a reasonable charge to recover the
2 cost of an examination if the Commissioner determines that
3 unlawful or fraudulent activity has occurred. The Commissioner
4 may require payment of the fees and charges provided in this
5 Act by certified check, money order, an electronic transfer of
6 funds, or an automatic debit of an account.

7 (e) The Pawnbroker Regulation Fund is established as a
8 special fund in the State treasury. Moneys collected under this
9 Act shall be deposited into the Fund and used for the
10 administration of this Act. In the event that General Revenue
11 Funds are appropriated to the Office of the Commissioner of
12 Banks and Real Estate for the initial implementation of this
13 Act, the Governor may direct the repayment from the Pawnbroker
14 Regulation Fund to the General Revenue Fund of such advance in
15 an amount not to exceed \$30,000. The Governor may direct this
16 interfund transfer at such time as he deems appropriate by
17 giving appropriate written notice. Moneys in the Pawnbroker
18 Regulation Fund may be transferred to the Professions Indirect
19 Cost Fund, as authorized under Section 2105-300 of the
20 Department of Professional Regulation Law of the Civil
21 Administrative Code of Illinois.

22 (f) The Commissioner may, by rule, require all pawnshops to
23 provide for the expenses that would arise from the
24 administration of the receivership of a pawnshop under this Act
25 through the assessment of fees, the requirement to pledge
26 surety bonds, or such other methods as determined by the
27 Commissioner.

28 (g) All final administrative decisions of the Commissioner
29 under this Act shall be subject to judicial review pursuant to
30 the provisions of the Administrative Review Law. For matters
31 involving administrative review, venue shall be in either
32 Sangamon County or Cook County.

33 (Source: P.A. 92-215, eff. 8-2-01.)

1 Section 13-35. The Transmitters of Money Act is amended by
2 changing Section 93 as follows:

3 (205 ILCS 657/93)

4 Sec. 93. Consumer Protection Fund.

5 (a) A special income-earning fund is hereby created in the
6 State treasury, known as the TOMA Consumer Protection Fund.

7 (b) All moneys paid into the fund together with all
8 accumulated undistributed income thereon shall be held as a
9 special fund in the State treasury. The fund shall be used
10 solely for the purpose of providing restitution to consumers
11 who have suffered monetary loss arising out of a transaction
12 regulated by this Act.

13 (c) The fund shall be applied only to restitution when
14 restitution has been ordered by the Director. Restitution shall
15 not exceed the amount actually lost by the consumer. The fund
16 shall not be used for the payment of any attorney or other
17 fees.

18 (d) The fund shall be subrogated to the amount of the
19 restitution, and the Director shall request the Attorney
20 General to engage in all reasonable collection steps to collect
21 restitution from the party responsible for the loss and
22 reimburse the fund.

23 (e) Notwithstanding any other provisions of this Section,
24 the payment of restitution from the fund shall be a matter of
25 grace and not of right, and no consumer shall have any vested
26 rights in the fund as a beneficiary or otherwise. Before
27 seeking restitution from the fund, the consumer or beneficiary
28 seeking payment of restitution shall apply for restitution on a
29 form provided by the Director. The form shall include any
30 information the Director may reasonably require in order to
31 determine that restitution is appropriate.

32 (f) Notwithstanding any other provision of this Section,
33 moneys in the TOMA Consumer Protection Fund may be transferred

1 to the Professions Indirect Cost Fund, as authorized under
2 Section 2105-300 of the Department of Professional Regulation
3 Law of the Civil Administrative Code of Illinois.

4 (Source: P.A. 93-535, eff. 1-1-04.)

5 Section 13-40. The Illinois Insurance Code is amended by
6 changing Sections 408.3 and 511.111 as follows:

7 (215 ILCS 5/408.3) (from Ch. 73, par. 1020.3)

8 Sec. 408.3. Insurance Financial Regulation Fund; uses. The
9 monies deposited into the Insurance Financial Regulation Fund
10 shall be used only for (i) payment of the expenses of the
11 Department, including related administrative expenses,
12 incurred in analyzing, investigating and examining the
13 financial condition or control of insurance companies and other
14 entities licensed or seeking to be licensed by the Department,
15 including the collection, analysis and distribution of
16 information on insurance premiums, other income, costs and
17 expenses, and (ii) to pay internal costs and expenses of the
18 Interstate Insurance Receivership Commission allocated to this
19 State and authorized and admitted companies doing an insurance
20 business in this State under Article X of the Interstate
21 Receivership Compact. All distributions and payments from the
22 Insurance Financial Regulation Fund shall be subject to
23 appropriation as otherwise provided by law for payment of such
24 expenses.

25 Sums appropriated under clause (ii) of the preceding
26 paragraph shall be deemed to satisfy, pro tanto, the
27 obligations of insurers doing business in this State under
28 Article X of the Interstate Insurance Receivership Compact.

29 Nothing in this Code shall prohibit the General Assembly
30 from appropriating funds from the General Revenue Fund to the
31 Department for the purpose of administering this Code.

32 No fees collected pursuant to Section 408 of this Code

1 shall be used for the regulation of pension funds or activities
2 by the Department in the performance of its duties under
3 Article 22 of the Illinois Pension Code.

4 If at the end of a fiscal year the balance in the Insurance
5 Financial Regulation Fund which remains unexpended or
6 unobligated exceeds the amount of funds that the Director may
7 certify is needed for the purposes enumerated in this Section,
8 then the General Assembly may appropriate that excess amount
9 for purposes other than those enumerated in this Section.

10 Moneys in the Insurance Financial Regulation Fund may be
11 transferred to the Professions Indirect Cost Fund, as
12 authorized under Section 2105-300 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (Source: P.A. 89-247, eff. 1-1-96; 90-372, eff. 7-1-98.)

16 (215 ILCS 5/511.111) (from Ch. 73, par. 1065.58-111)

17 Sec. 511.111. Insurance Producer Administration Fund. All
18 fees and fines paid to and collected by the Director under this
19 Article shall be paid promptly after receipt thereof, together
20 with a detailed statement of such fees, into a special fund in
21 the State Treasury to be known as the Insurance Producer
22 Administration Fund. The monies deposited into the Insurance
23 Producer Administration Fund shall be used only for payment of
24 the expenses of the Department and shall be appropriated as
25 otherwise provided by law for the payment of such expenses.
26 Moneys in the Insurance Producers Administration Fund may be
27 transferred to the Professions Indirect Cost Fund, as
28 authorized under Section 2105-300 of the Department of
29 Professional Regulation Law of the Civil Administrative Code of
30 Illinois.

31 (Source: P.A. 84-887.)

32 Section 13-45. The Auction License Act is amended by

1 changing Section 30-15 as follows:

2 (225 ILCS 407/30-15)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 30-15. Auction Regulation Administration Fund. A
5 special fund to be known as the Auction Regulation
6 Administration Fund is created in the State Treasury. All fees
7 received by the OBRE under this Act shall be deposited into the
8 Auction Regulation Administration Fund. Subject to
9 appropriation, the moneys deposited into the Auction
10 Regulation Administration Fund shall be used by the OBRE for
11 the administration of this Act. Moneys in the Auction
12 Regulation Administration Fund may be invested and reinvested
13 in the same manner as authorized for pension funds in Article
14 14 of the Illinois Pension Code. All earnings, interest, and
15 dividends received from investment of funds in the Auction
16 Regulation Administration Fund shall be deposited into the
17 Auction Regulation Administration Fund and shall be used for
18 the same purposes as other moneys deposited in the Auction
19 Regulation Administration Fund.

20 This fund shall be created on July 1, 1999. The State
21 Treasurer shall cause a transfer of \$300,000 to the Auction
22 Regulation Administration Fund from the Real Estate License
23 Administration Fund on August 1, 1999. The State Treasurer
24 shall cause a transfer of \$200,000 on August 1, 2000 and a
25 transfer of \$100,000 on January 1, 2002 from the Auction
26 Regulation Administration Fund to the Real Estate License
27 Administration Fund, or if there is a sufficient fund balance
28 in the Auction Regulation Administration Fund to properly
29 administer this Act, the OBRE may recommend to the State
30 Treasurer to cause a transfer from the Auction Regulation
31 Administration Fund to the Real Estate License Administration
32 Fund on a date and in an amount which is accelerated, but not
33 less than set forth in this Section. In addition to the license

1 fees required under this Act, each initial applicant for
2 licensure under this Act shall pay to the OBRE an additional
3 \$100 for deposit into the Auction Regulation Administration
4 Fund for a period of 2 years or until such time the original
5 transfer amount to the Auction Regulation Administration Fund
6 from the Real Estate License Administration Fund is repaid.

7 Moneys in the Auction Regulation Administration Fund may be
8 transferred to the Professions Indirect Cost Fund, as
9 authorized under Section 2105-300 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois.

12 Upon completion of any audit of the OBRE as prescribed by
13 the Illinois State Auditing Act, which includes an audit of the
14 Auction Regulation Administration Fund, the OBRE shall make the
15 audit open to inspection by any interested party.

16 (Source: P.A. 91-603, eff. 8-16-99.)

17 Section 13-50. The Home Inspector License Act is amended by
18 changing Section 25-5 as follows:

19 (225 ILCS 441/25-5)

20 (Section scheduled to be repealed on January 1, 2012)

21 Sec. 25-5. Home Inspector Administration Fund; surcharge.

22 (a) The Home Inspector Administration Fund is created as a
23 special fund in the State Treasury. All fees, fines, and
24 penalties received by OBRE under this Act shall be deposited
25 into the Home Inspector Administration Fund. All earnings
26 attributable to investment of funds in the Home Inspector
27 Administration Fund shall be credited to the Home Inspector
28 Administration Fund. Subject to appropriation, the moneys in
29 the Home Inspector Administration Fund shall be appropriated to
30 OBRE for the expenses incurred by OBRE and the Board in the
31 administration of this Act.

32 (b) The State Comptroller and State Treasurer shall

1 transfer \$150,000 from the Real Estate License Administration
2 Fund to the Home Inspector Administration Fund on July 1, 2002.

3 The State Treasurer shall transfer \$50,000 from the Home
4 Inspector Administration Fund to the Real Estate License
5 Administration Fund on July 1, 2003, July 1, 2004, and July 1,
6 2005; except that if there is a sufficient fund balance in the
7 Home Inspector Administration Fund, the Commissioner may
8 recommend the acceleration of any of these repayment transfers
9 to the State Comptroller and State Treasurer, who may, in their
10 discretion, accelerate the transfers in accordance with the
11 Commissioner's recommendation.

12 (c) Until a total of \$150,000 has been transferred to the
13 Real Estate License Administration Fund from the Home Inspector
14 Administration Fund under subsection (b), each initial
15 applicant for a license under this Act shall pay to OBRE a
16 surcharge of \$150 in addition to the license fees otherwise
17 required under this Act.

18 (c-5) Moneys in the Home Inspection Administration Fund may
19 be transferred to the Professions Indirect Cost Fund, as
20 authorized under Section 2105-300 of the Department of
21 Professional Regulation Law of the Civil Administrative Code of
22 Illinois.

23 (d) Upon the completion of any audit of OBRE, as prescribed
24 by the Illinois State Auditing Act, that includes an audit of
25 the Home Inspector Administration Fund, OBRE shall make the
26 audit report open to inspection by any interested person.

27 (Source: P.A. 92-239, eff. 8-3-01.)

28 Section 13-55. The Real Estate License Act of 2000 is
29 amended by changing Sections 25-25, 25-30, and 25-37 as
30 follows:

31 (225 ILCS 454/25-25)

32 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 25-25. Real Estate Research and Education Fund. A
2 special fund to be known as the Real Estate Research and
3 Education Fund is created and shall be held in trust in the
4 State Treasury. Annually, on September 15th, the State
5 Treasurer shall cause a transfer of \$125,000 to the Real Estate
6 Research and Education Fund from the Real Estate License
7 Administration Fund. The Real Estate Research and Education
8 Fund shall be administered by OBRE. Money deposited in the Real
9 Estate Research and Education Fund may be used for research and
10 education at state institutions of higher education or other
11 organizations for research and the advancement of education in
12 the real estate industry. Of the \$125,000 annually transferred
13 into the Real Estate Research and Education Fund, \$15,000 shall
14 be used to fund a scholarship program for persons of minority
15 racial origin who wish to pursue a course of study in the field
16 of real estate. For the purposes of this Section, "course of
17 study" means a course or courses that are part of a program of
18 courses in the field of real estate designed to further an
19 individual's knowledge or expertise in the field of real
20 estate. These courses shall include without limitation courses
21 that a salesperson licensed under this Act must complete to
22 qualify for a real estate broker's license, courses required to
23 obtain the Graduate Realtors Institute designation, and any
24 other courses or programs offered by accredited colleges,
25 universities, or other institutions of higher education in
26 Illinois. The scholarship program shall be administered by OBRE
27 or its designee. Moneys in the Real Estate Research and
28 Education Fund may be invested and reinvested in the same
29 manner as funds in the Real Estate Recovery Fund and all
30 earnings, interest, and dividends received from such
31 investments shall be deposited in the Real Estate Research and
32 Education Fund and may be used for the same purposes as moneys
33 transferred to the Real Estate Research and Education Fund.
34 Moneys in the Real Estate Research and Education Fund may be

1 transferred to the Professions Indirect Cost Fund as authorized
2 under Section 2105-300 of the Department of Professional
3 Regulation Law of the Civil Administrative Code of Illinois.

4 (Source: P.A. 91-245, eff. 12-31-99.)

5 (225 ILCS 454/25-30)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 25-30. Real Estate License Administration Fund;
8 audit. A special fund to be known as the Real Estate License
9 Administration Fund is created in the State Treasury. All fees
10 received by OBRE under this Act shall be deposited in the Real
11 Estate License Administration Fund. The moneys deposited in the
12 Real Estate License Administration Fund shall be appropriated
13 to OBRE for expenses of OBRE and the Board in the
14 administration of this Act and for the administration of any
15 Act administered by OBRE providing revenue to this Fund. Moneys
16 in the Real Estate License Administration Fund may be invested
17 and reinvested in the same manner as funds in the Real Estate
18 Recovery Fund. All earnings received from such investment shall
19 be deposited in the Real Estate License Administration Fund and
20 may be used for the same purposes as fees deposited in the Real
21 Estate License Administration Fund. Moneys in the Real Estate
22 License Administration Fund may be transferred to the
23 Professions Indirect Cost Fund as authorized under Section
24 2105-300 of the Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois. Upon the completion
26 of any audit of OBRE, as prescribed by the Illinois State
27 Auditing Act, which includes an audit of the Real Estate
28 License Administration Fund, OBRE shall make the audit open to
29 inspection by any interested person.

30 (Source: P.A. 91-245, eff. 12-31-99.)

31 (225 ILCS 454/25-37)

32 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 25-37. Real Estate Audit Fund; audit of special
2 accounts; audit of fund.

3 (a) A special fund to be known as the Real Estate Audit
4 Fund is created in the State Treasury. The State Treasurer
5 shall cause a transfer of \$200,000 from the Real Estate License
6 Administration Fund to the Real Estate Audit Fund on January 1,
7 2002. If, at any time, the balance in the Real Estate Audit
8 Fund is less than \$25,000, the State Treasurer shall cause a
9 transfer of \$200,000 from the Real Estate License
10 Administration Fund to the Real Estate Audit Fund. The moneys
11 held in the Real Estate Audit Fund shall be used exclusively by
12 OBRE to conduct audits of special accounts of moneys belonging
13 to others held by a broker.

14 (b) Upon receipt of a complaint or evidence by OBRE
15 sufficient to cause OBRE to reasonably believe that funds
16 required to be maintained in a special account by a broker have
17 been misappropriated, the broker shall, within 30 days of
18 written notice, submit to an audit of all special accounts.
19 Such audit shall be performed by a licensed certified public
20 accountant, shall result in a written report by the accountant,
21 and shall specifically refer to the escrow and record-keeping
22 requirements of this Act and the rules adopted under this Act.
23 If it is found, pursuant to an order issued by the
24 Commissioner, that moneys required to be maintained in a
25 special account by a broker were misappropriated, as further
26 defined by rule, the broker shall reimburse OBRE, in addition
27 to any other discipline or civil penalty imposed, for the cost
28 of the audit performed pursuant to this Section. OBRE may file
29 in circuit court for a judgment to enforce the collection of
30 the reimbursement of the cost of such audit. Any reimbursement
31 collected by OBRE shall be deposited into the Real Estate Audit
32 Fund.

33 (c) Moneys in the Real Estate Audit Fund may be invested
34 and reinvested in the same manner as funds in the Real Estate

1 Recovery Fund. All earnings received from such investment shall
2 be deposited in the Real Estate Audit Fund and may be used for
3 the same purpose as other moneys deposited in the Real Estate
4 Audit Fund. Moneys in the Real Estate Audit Fund may be
5 transferred to the Professions Indirect Cost Fund as authorized
6 under Section 2105-300 of the Department of Professional
7 Regulation Law of the Civil Administrative Code of Illinois.

8 Upon completion of any audit of OBRE, prescribed by the
9 Illinois State Auditing Act, which includes an audit of the
10 Real Estate Audit Fund, OBRE shall make the audit open to
11 inspection by any interested person.

12 (Source: P.A. 92-217, eff. 8-2-01.)

13 Section 13-60. The Real Estate Appraiser Licensing Act of
14 2002 is amended by changing Section 25-5 as follows:

15 (225 ILCS 458/25-5)

16 (Section scheduled to be repealed on January 1, 2012)

17 Sec. 25-5. Appraisal Administration Fund; surcharge. The
18 Appraisal Administration Fund is created as a special fund in
19 the State Treasury. All fees, fines, and penalties received by
20 OBRE under this Act shall be deposited into the Appraisal
21 Administration Fund. All earnings attributable to investment
22 of funds in the Appraisal Administration Fund shall be credited
23 to the Appraisal Administration Fund. Subject to
24 appropriation, the moneys in the Appraisal Administration Fund
25 shall be paid to OBRE for the expenses incurred by OBRE and the
26 Board in the administration of this Act. Moneys in the
27 Appraisal Administration Fund may be transferred to the
28 Professions Indirect Cost Fund as authorized under Section
29 2105-300 of the Department of Professional Regulation Law of
30 the Civil Administrative Code of Illinois.

31 Upon the completion of any audit of OBRE, as prescribed by
32 the Illinois State Auditing Act, which shall include an audit

1 of the Appraisal Administration Fund, OBRE shall make the audit
2 report open to inspection by any interested person.

3 (Source: P.A. 92-180, eff. 7-1-02.)

4 ARTICLE 15

5 Section 15-5. The Department of Transportation Law of the
6 Civil Administrative Code of Illinois is amended by changing
7 Section 2705-200 as follows:

8 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

9 Sec. 2705-200. Master plan; reporting requirements.

10 (a) The Department has the power to develop and maintain a
11 continuing, comprehensive, and integrated planning process
12 that shall develop and periodically revise a statewide master
13 plan for transportation to guide program development and to
14 foster efficient and economical transportation services in
15 ground, air, water, and all other modes of transportation
16 throughout the State. The Department shall coordinate its
17 transportation planning activities with those of other State
18 agencies and authorities and shall supervise and review any
19 transportation planning performed by other Executive agencies
20 under the direction of the Governor. The Department shall
21 cooperate and participate with federal, regional, interstate,
22 State, and local agencies, in accordance with Sections 5-301
23 and 7-301 of the Illinois Highway Code, and with interested
24 private individuals and organizations in the coordination of
25 plans and policies for development of the state's
26 transportation system.

27 To meet the provisions of this Section, the Department
28 shall publish and deliver to the Governor and General Assembly
29 by January 1, 1982 and every 2 years thereafter, its master
30 plan for highway, waterway, aeronautic, mass transportation,
31 and railroad systems. The plan shall identify priority

1 subsystems or components of each system that are critical to
2 the economic and general welfare of this State regardless of
3 public jurisdictional responsibility or private ownership.

4 The master plan shall provide particular emphasis and
5 detail of at least the 5-year ~~5-year~~ period in the immediate
6 future.

7 Annual and 5-year, or longer, ~~5-year~~ project programs for
8 each State system in this Section shall be published and
9 furnished the General Assembly on the first Wednesday in April
10 of each year.

11 Identified needs included in the project programs shall be
12 listed and mapped in a distinctive fashion to clearly identify
13 the priority status of the projects: (1) projects to be
14 committed for execution; (2) tentative projects that are
15 dependent upon funding or other constraints; and (3) needed
16 projects that are not programmed due to lack of funding or
17 other constraints.

18 All projects shall be related to the priority systems of
19 the master plan, and the priority criteria identified. Cost and
20 estimated completion dates shall be included for work required
21 to complete a useable segment or component beyond the ~~5-year~~
22 period of the program.

23 (b) The Department shall publish and deliver to the
24 Governor and General Assembly on the first Wednesday in April
25 of each year a 5-year , or longer, Highway Improvement Program
26 reporting the number of fiscal years each project has been on
27 previous ~~5-year~~ plans submitted by the Department.

28 (c) The Department shall publish and deliver to the
29 Governor and the General Assembly by November 1 of each year a
30 For the Record report that shall include the following:

31 (1) All the projects accomplished in the previous
32 fiscal year listed by each Illinois Department of
33 Transportation District.

34 (2) The award cost and the beginning dates of each

1 listed project.

2 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
3 eff. 6-28-01.)

4 ARTICLE 20

5 Section 20-5. The State Finance Act is amended by changing
6 Sections 5.595 (as added by Public Act 93-18), 6z-14, 6z-32,
7 6z-40, 6z-63, 6z-64, 6z-65, 8.3, 8.33, 8g, and 15a as follows:

8 (30 ILCS 105/5.595, from P.A. 93-18)

9 Sec. 5.595. The Illinois ~~Senior Citizens and Disabled~~
10 ~~Persons~~ Prescription Drug Discount Program Fund.

11 (Source: P.A. 93-18, eff. 7-1-03.)

12 (30 ILCS 105/6z-14) (from Ch. 127, par. 142z-14)

13 Sec. 6z-14. The following items of income received by the
14 Department of Natural Resources from patents and copyrights of
15 the Illinois Scientific Surveys shall be deposited into the
16 General Revenue Fund ~~may be retained by the Department and~~
17 ~~covered in a special fund in the State Treasury to be known as~~
18 ~~the Patent and Copyright Fund~~: funds received in connection
19 with the retention, receipt, assignment, license, sale or
20 transfer of interests in, rights to or income from discoveries,
21 inventions, patents or copyrightable works. All interest
22 earned ~~on monies in this Fund~~ shall be deposited in the General
23 Revenue Fund. Pursuant to appropriation, ~~all monies in the~~
24 ~~Patent and Copyright Fund shall be used by~~ the Department may
25 use moneys appropriated for that purpose for patenting or
26 copyrighting discoveries, inventions or copyrightable works or
27 supporting other programs of the Illinois Scientific Surveys.

28 (Source: P.A. 89-445, eff. 2-7-96.)

29 (30 ILCS 105/6z-32)

1 Sec. 6z-32. Conservation 2000.

2 (a) The Conservation 2000 Fund and the Conservation 2000
3 Projects Fund are created as special funds in the State
4 Treasury. These funds shall be used to establish a
5 comprehensive program to protect Illinois' natural resources
6 through cooperative partnerships between State government and
7 public and private landowners. Moneys in these Funds may be
8 used, subject to appropriation, by the Environmental
9 Protection Agency and the Departments of Agriculture, Natural
10 Resources, and Transportation for purposes relating to natural
11 resource protection, recreation, tourism, and compatible
12 agricultural and economic development activities. Without
13 limiting these general purposes, moneys in these Funds may be
14 used, subject to appropriation, for the following specific
15 purposes:

16 (1) To foster sustainable agriculture practices and
17 control soil erosion and sedimentation, including grants
18 to Soil and Water Conservation Districts for conservation
19 practice cost-share grants and for personnel, educational,
20 and administrative expenses.

21 (2) To establish and protect a system of ecosystems in
22 public and private ownership through conservation
23 easements, incentives to public and private landowners,
24 including technical assistance and grants, and land
25 acquisition provided these mechanisms are all voluntary on
26 the part of the landowner and do not involve the use of
27 eminent domain.

28 (3) To develop a systematic and long-term program to
29 effectively measure and monitor natural resources and
30 ecological conditions through investments in technology
31 and involvement of scientific experts.

32 (4) To initiate strategies to enhance, use, and
33 maintain Illinois' inland lakes through education,
34 technical assistance, research, and financial incentives.

1 (5) To conduct an extensive review of existing Illinois
2 water laws.

3 (b) The State Comptroller and State Treasurer shall
4 automatically transfer on the last day of each month, beginning
5 on September 30, 1995 and ending on June 30, 2009, from the
6 General Revenue Fund to the Conservation 2000 Fund, an amount
7 equal to 1/10 of the amount set forth below in fiscal year 1996
8 and an amount equal to 1/12 of the amount set forth below in
9 each of the other specified fiscal years:

10 Fiscal Year	Amount
11 1996	\$ 3,500,000
12 1997	\$ 9,000,000
13 1998	\$10,000,000
14 1999	\$11,000,000
15 2000	\$12,500,000
16 2001 through 2004	\$14,000,000
17 2005	\$7,000,000
18 <u>2006</u>	<u>\$11,000,000</u>
19 <u>2007</u> 2006 through 2009	\$14,000,000

20 (c) There shall be deposited into the Conservation 2000
21 Projects Fund such bond proceeds and other moneys as may, from
22 time to time, be provided by law.

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

24 (30 ILCS 105/6z-40)

25 Sec. 6z-40. Provider Inquiry Trust Fund. The Provider
26 Inquiry Trust Fund is created as a special fund in the State
27 treasury. Payments into the fund shall consist of fees or other
28 moneys owed by providers of services or their agents, including
29 other State agencies, for access to and utilization of Illinois
30 Department of Public Aid eligibility files to verify
31 eligibility of clients, bills for services, or other similar,
32 related uses. Disbursements from the fund shall consist of
33 payments to the Department of Central Management Services for

1 communication telecommunication and statistical services and
2 for payments for administrative expenses incurred by the
3 Illinois Department of Public Aid in the operation of the fund.
4 (Source: P.A. 89-21, eff. 7-1-95.)

5 (30 ILCS 105/6z-63)

6 Sec. 6z-63. The Professional Services Fund.

7 (a) The Professional Services Fund is created as a
8 revolving fund in the State treasury. The following moneys
9 shall be deposited into the Fund:

10 (1) amounts authorized for transfer to the Fund from
11 the General Revenue Fund and other State funds (except for
12 funds classified by the Comptroller as federal trust funds
13 or State trust funds) pursuant to State law or Executive
14 Order;

15 (2) federal funds received by the Department of Central
16 Management Services (the "Department") as a result of
17 expenditures from the Fund;

18 (3) interest earned on moneys in the Fund; and

19 (4) receipts or inter-fund transfers resulting from
20 billings issued by the Department to State agencies for the
21 cost of professional services rendered by the Department
22 that are not compensated through the specific fund
23 transfers authorized by this Section.

24 (b) Moneys in the Fund may be used by the Department for
25 reimbursement or payment for:

26 (1) providing professional services to State agencies
27 or other State entities;

28 (2) rendering other services ~~at the Governor's~~
29 ~~direction~~ to State agencies at the Governor's direction or
30 to other State entities upon agreement between the Director
31 of Central Management Services and the appropriate
32 official or governing body of the other State entity; or

33 (3) providing for payment of administrative and other

1 expenses incurred by the Department in providing
2 professional services.

3 (c) State agencies or other State entities may direct the
4 Comptroller to process inter-fund transfers or make payment
5 through the voucher and warrant process to the Professional
6 Services Fund in satisfaction of billings issued under
7 subsection (a) of this Section.

8 (d) Reconciliation. For the fiscal year beginning on July
9 1, 2004 only, the ~~The~~ Director of Central Management Services
10 (the "Director") shall order that each State agency's payments
11 and transfers made to the Fund be reconciled with actual Fund
12 costs for professional services provided by the Department on
13 no less than an annual basis. The Director may require reports
14 from State agencies as deemed necessary to perform this
15 reconciliation.

16 (e) The following amounts are authorized for transfer into
17 the Professional Services Fund for the fiscal year beginning
18 July 1, 2004:

19	General Revenue Fund	\$5,440,431
20	Road Fund	\$814,468
21	Motor Fuel Tax Fund	\$263,500
22	Child Support Administrative Fund	\$234,013
23	Professions Indirect Cost Fund	\$276,800
24	Capital Development Board Revolving Fund	\$207,610
25	Bank & Trust Company Fund	\$200,214
26	State Lottery Fund	\$193,691
27	Insurance Producer Administration Fund	\$174,672
28	Insurance Financial Regulation Fund	\$168,327
29	Illinois Clean Water Fund	\$124,675
30	Clean Air Act (CAA) Permit Fund	\$91,803
31	Statistical Services Revolving Fund	\$90,959
32	Financial Institution Fund	\$109,428
33	Horse Racing Fund	\$71,127
34	Health Insurance Reserve Fund	\$66,577

1	Solid Waste Management Fund	\$61,081
2	Guardianship and Advocacy Fund	\$1,068
3	Agricultural Premium Fund	\$493
4	Wildlife and Fish Fund	\$247
5	Radiation Protection Fund	\$33,277
6	Nuclear Safety Emergency Preparedness Fund	\$25,652
7	Tourism Promotion Fund	\$6,814

8 All of these transfers shall be made on July 1, 2004, or as
9 soon thereafter as practical. These transfers shall be made
10 notwithstanding any other provision of State law to the
11 contrary.

12 (e-5) Notwithstanding any other provision of State law to
13 the contrary, on or after July 1, 2005 and through June 30,
14 2006, in addition to any other transfers that may be provided
15 for by law, at the direction of and upon notification from the
16 Director of Central Management Services, the State Comptroller
17 shall direct and the State Treasurer shall transfer amounts
18 into the Professional Services Fund from the designated funds
19 not exceeding the following totals:

20	<u>Food and Drug Safety Fund</u>	<u>\$3,249</u>
21	<u>Financial Institution Fund</u>	<u>\$12,942</u>
22	<u>General Professions Dedicated Fund</u>	<u>\$8,579</u>
23	<u>Illinois Department of Agriculture</u>	
24	<u>Laboratory Services Revolving Fund</u>	<u>\$1,963</u>
25	<u>Illinois Veterans' Rehabilitation Fund</u>	<u>\$11,275</u>
26	<u>State Boating Act Fund</u>	<u>\$27,000</u>
27	<u>State Parks Fund</u>	<u>\$22,007</u>
28	<u>Agricultural Premium Fund</u>	<u>\$59,483</u>
29	<u>Fire Prevention Fund</u>	<u>\$29,862</u>
30	<u>Mental Health Fund</u>	<u>\$78,213</u>
31	<u>Illinois State Pharmacy Disciplinary Fund</u>	<u>\$2,744</u>
32	<u>Radiation Protection Fund</u>	<u>\$16,034</u>
33	<u>Solid Waste Management Fund</u>	<u>\$37,669</u>
34	<u>Illinois Gaming Law Enforcement Fund</u>	<u>\$7,260</u>

1	<u>Subtitle D Management Fund</u>	<u>\$4,659</u>
2	<u>Illinois State Medical Disciplinary Fund</u>	<u>\$8,602</u>
3	<u>Department of Children and</u>	
4	<u>Family Services Training Fund</u>	<u>\$29,906</u>
5	<u>Facility Licensing Fund</u>	<u>\$1,083</u>
6	<u>Youth Alcoholism and Substance</u>	
7	<u>Abuse Prevention Fund</u>	<u>\$2,783</u>
8	<u>Plugging and Restoration Fund</u>	<u>\$1,105</u>
9	<u>State Crime Laboratory Fund</u>	<u>\$1,353</u>
10	<u>Motor Vehicle Theft Prevention Trust Fund</u>	<u>\$9,190</u>
11	<u>Weights and Measures Fund</u>	<u>\$4,932</u>
12	<u>Solid Waste Management Revolving</u>	
13	<u>Loan Fund</u>	<u>\$2,735</u>
14	<u>Illinois School Asbestos Abatement Fund</u>	<u>\$2,166</u>
15	<u>Violence Prevention Fund</u>	<u>\$5,176</u>
16	<u>Capital Development Board Revolving Fund</u>	<u>\$14,777</u>
17	<u>DCFS Children's Services Fund</u>	<u>\$1,256,594</u>
18	<u>State Police DUI Fund</u>	<u>\$1,434</u>
19	<u>Illinois Health Facilities Planning Fund</u>	<u>\$3,191</u>
20	<u>Emergency Public Health Fund</u>	<u>\$7,996</u>
21	<u>Fair and Exposition Fund</u>	<u>\$3,732</u>
22	<u>Nursing Dedicated and Professional Fund</u>	<u>\$5,792</u>
23	<u>Optometric Licensing and Disciplinary Board Fund</u> ..	<u>\$1,032</u>
24	<u>Underground Resources Conservation Enforcement Fund</u>	<u>\$1,221</u>
25	<u>State Rail Freight Loan Repayment Fund</u>	<u>\$6,434</u>
26	<u>Drunk and Drugged Driving Prevention Fund</u>	<u>\$5,473</u>
27	<u>Illinois Affordable Housing Trust Fund</u>	<u>\$118,222</u>
28	<u>Community Water Supply Laboratory Fund</u>	<u>\$10,021</u>
29	<u>Used Tire Management Fund</u>	<u>\$17,524</u>
30	<u>Natural Areas Acquisition Fund</u>	<u>\$15,501</u>
31	<u>Open Space Lands Acquisition</u>	
32	<u>and Development Fund</u>	<u>\$49,105</u>
33	<u>Working Capital Revolving Fund</u>	<u>\$126,344</u>
34	<u>State Garage Revolving Fund</u>	<u>\$92,513</u>

1	<u>Statistical Services Revolving Fund</u>	\$181,949
2	<u>Paper and Printing Revolving Fund</u>	\$3,632
3	<u>Air Transportation Revolving Fund</u>	\$1,969
4	<u>Communications Revolving Fund</u>	\$304,278
5	<u>Environmental Laboratory Certification Fund</u>	\$1,357
6	<u>Public Health Laboratory Services Revolving Fund</u> ..	\$5,892
7	<u>Provider Inquiry Trust Fund</u>	\$1,742
8	<u>Lead Poisoning Screening,</u>	
9	<u>Prevention, and Abatement Fund</u>	\$8,200
10	<u>Drug Treatment Fund</u>	\$14,028
11	<u>Feed Control Fund</u>	\$2,472
12	<u>Plumbing Licensure and Program Fund</u>	\$3,521
13	<u>Insurance Premium Tax Refund Fund</u>	\$7,872
14	<u>Tax Compliance and Administration Fund</u>	\$5,416
15	<u>Appraisal Administration Fund</u>	\$2,924
16	<u>Trauma Center Fund</u>	\$40,139
17	<u>Alternate Fuels Fund</u>	\$1,467
18	<u>Illinois State Fair Fund</u>	\$13,844
19	<u>State Asset Forfeiture Fund</u>	\$8,210
20	<u>Federal Asset Forfeiture Fund</u>	\$6,471
21	<u>Department of Corrections Reimbursement</u>	
22	<u>and Education Fund</u>	\$78,965
23	<u>Health Facility Plan Review Fund</u>	\$3,444
24	<u>LEADS Maintenance Fund</u>	\$6,075
25	<u>State Offender DNA Identification</u>	
26	<u>System Fund</u>	\$1,712
27	<u>Illinois Historic Sites Fund</u>	\$4,511
28	<u>Public Pension Regulation Fund</u>	\$2,313
29	<u>Workforce, Technology, and Economic</u>	
30	<u>Development Fund</u>	\$5,357
31	<u>Renewable Energy Resources Trust Fund</u>	\$29,920
32	<u>Energy Efficiency Trust Fund</u>	\$8,368
33	<u>Pesticide Control Fund</u>	\$6,687
34	<u>Conservation 2000 Fund</u>	\$30,764

1	<u>Wireless Carrier Reimbursement Fund</u>	\$91,024
2	<u>International Tourism Fund</u>	\$13,057
3	<u>Public Transportation Fund</u>	\$701,837
4	<u>Horse Racing Fund</u>	\$18,589
5	<u>Death Certificate Surcharge Fund</u>	\$1,901
6	<u>State Police Wireless Service</u>	
7	<u>Emergency Fund</u>	\$1,012
8	<u>Downstate Public Transportation Fund</u>	\$112,085
9	<u>Motor Carrier Safety Inspection Fund</u>	\$6,543
10	<u>State Police Whistleblower Reward</u>	
11	<u>and Protection Fund</u>	\$1,894
12	<u>Illinois Standardbred Breeders Fund</u>	\$4,412
13	<u>Illinois Thoroughbred Breeders Fund</u>	\$6,635
14	<u>Illinois Clean Water Fund</u>	\$17,579
15	<u>Independent Academic Medical Center Fund</u>	\$5,611
16	<u>Child Support Administrative Fund</u>	\$432,527
17	<u>Corporate Headquarters Relocation</u>	
18	<u>Assistance Fund</u>	\$4,047
19	<u>Local Initiative Fund</u>	\$58,762
20	<u>Tourism Promotion Fund</u>	\$88,072
21	<u>Digital Divide Elimination Fund</u>	\$11,593
22	<u>Presidential Library and Museum Operating Fund</u>	\$4,624
23	<u>Metro-East Public Transportation Fund</u>	\$47,787
24	<u>Medical Special Purposes Trust Fund</u>	\$11,779
25	<u>Dram Shop Fund</u>	\$11,317
26	<u>Illinois State Dental Disciplinary Fund</u>	\$1,986
27	<u>Hazardous Waste Research Fund</u>	\$1,333
28	<u>Real Estate License Administration Fund</u>	\$10,886
29	<u>Traffic and Criminal Conviction</u>	
30	<u>Surcharge Fund</u>	\$44,798
31	<u>Criminal Justice Information</u>	
32	<u>Systems Trust Fund</u>	\$5,693
33	<u>Design Professionals Administration</u>	
34	<u>and Investigation Fund</u>	\$2,036

1	<u>State Surplus Property Revolving Fund</u>	<u>\$6,829</u>
2	<u>Illinois Forestry Development Fund</u>	<u>\$7,012</u>
3	<u>State Police Services Fund</u>	<u>\$47,072</u>
4	<u>Youth Drug Abuse Prevention Fund</u>	<u>\$1,299</u>
5	<u>Metabolic Screening and Treatment Fund</u>	<u>\$15,947</u>
6	<u>Insurance Producer Administration Fund</u>	<u>\$30,870</u>
7	<u>Coal Technology Development Assistance Fund</u>	<u>\$43,692</u>
8	<u>Rail Freight Loan Repayment Fund</u>	<u>\$1,016</u>
9	<u>Low-Level Radioactive Waste</u>	
10	<u>Facility Development and Operation Fund</u>	<u>\$1,989</u>
11	<u>Environmental Protection Permit and Inspection Fund</u>	<u>\$32,125</u>
12	<u>Park and Conservation Fund</u>	<u>\$41,038</u>
13	<u>Local Tourism Fund</u>	<u>\$34,492</u>
14	<u>Illinois Capital Revolving Loan Fund</u>	<u>\$10,624</u>
15	<u>Illinois Equity Fund</u>	<u>\$1,929</u>
16	<u>Large Business Attraction Fund</u>	<u>\$5,554</u>
17	<u>Illinois Beach Marina Fund</u>	<u>\$5,053</u>
18	<u>International and Promotional Fund</u>	<u>\$1,466</u>
19	<u>Public Infrastructure Construction</u>	
20	<u>Loan Revolving Fund</u>	<u>\$3,111</u>
21	<u>Insurance Financial Regulation Fund</u>	<u>\$42,575</u>
22	<u>Total</u>	<u>\$4,975,487</u>

23 (e-10) Notwithstanding any other provision of State law to
24 the contrary and in addition to any other transfers that may be
25 provided for by law, on the first day of each calendar quarter
26 of the fiscal year beginning July 1, 2005, or as soon as may be
27 practical thereafter, the State Comptroller shall direct and
28 the State Treasurer shall transfer from each designated fund
29 into the Professional Services Fund amounts equal to one-fourth
30 of each of the following totals:

31	<u>General Revenue Fund</u>	<u>\$4,440,000</u>
32	<u>Road Fund</u>	<u>\$5,324,411</u>
33	<u>Total</u>	<u>\$9,764,411</u>

34 (f) The term "professional services" means services

1 rendered on behalf of State agencies and other State entities
2 pursuant to Section 405-293 of the Department of Central
3 Management Services Law of the Civil Administrative Code of
4 Illinois.

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

6 (30 ILCS 105/6z-64)

7 Sec. 6z-64. The Workers' Compensation Revolving Fund.

8 (a) The Workers' Compensation Revolving Fund is created as
9 a revolving fund in the State treasury. The following moneys
10 shall be deposited into the Fund:

11 (1) amounts authorized for transfer to the Fund from
12 the General Revenue Fund and other State funds (except for
13 funds classified by the Comptroller as federal trust funds
14 or State trust funds) pursuant to State law or Executive
15 Order;

16 (2) federal funds received by the Department of Central
17 Management Services (the "Department") as a result of
18 expenditures from the Fund;

19 (3) interest earned on moneys in the Fund;

20 (4) receipts or inter-fund transfers resulting from
21 billings issued by the Department to State agencies and
22 universities for the cost of workers' compensation
23 services rendered by the Department that are not
24 compensated through the specific fund transfers authorized
25 by this Section, if any;

26 (5) amounts received from a State agency or university
27 for workers' compensation payments for temporary total
28 disability, as provided in Section 405-105 of the
29 Department of Central Management Services Law of the Civil
30 Administrative Code of Illinois; and

31 (6) amounts recovered through subrogation in workers'
32 compensation and workers' occupational disease cases.

33 (b) Moneys in the Fund may be used by the Department for

1 reimbursement or payment for:

2 (1) providing workers' compensation services to State
3 agencies and State universities; or

4 (2) providing for payment of administrative and other
5 expenses incurred by the Department in providing workers'
6 compensation services.

7 (c) State agencies may direct the Comptroller to process
8 inter-fund transfers or make payment through the voucher and
9 warrant process to the Workers' Compensation Revolving Fund in
10 satisfaction of billings issued under subsection (a) of this
11 Section.

12 (d) Reconciliation. For the fiscal year beginning on July
13 1, 2004 only, the ~~The~~ Director of Central Management Services
14 (the "Director") shall order that each State agency's payments
15 and transfers made to the Fund be reconciled with actual Fund
16 costs for workers' compensation services provided by the
17 Department and attributable to the State agency and relevant
18 fund on no less than an annual basis. The Director may require
19 reports from State agencies as deemed necessary to perform this
20 reconciliation.

21 (d-5) Notwithstanding any other provision of State law to
22 the contrary, on or after July 1, 2005 and until June 30, 2006,
23 in addition to any other transfers that may be provided for by
24 law, at the direction of and upon notification of the Director
25 of Central Management Services, the State Comptroller shall
26 direct and the State Treasurer shall transfer amounts into the
27 Workers' Compensation Revolving Fund from the designated funds
28 not exceeding the following totals:

29	<u>Mental Health Fund</u>	<u>.....</u>	<u>\$17,694,000</u>
30	<u>Statistical Services Revolving Fund</u>	<u>.....</u>	<u>\$1,252,600</u>
31	<u>Department of Corrections Reimbursement</u>		
32	<u>and Education Fund</u>	<u>.....</u>	<u>\$1,198,600</u>
33	<u>Communications Revolving Fund</u>	<u>.....</u>	<u>\$535,400</u>
34	<u>Child Support Administrative Fund</u>	<u>.....</u>	<u>\$441,900</u>

1	<u>Health Insurance Reserve Fund</u>	\$238,900
2	<u>Fire Prevention Fund</u>	\$234,100
3	<u>Park and Conservation Fund</u>	\$142,000
4	<u>Motor Fuel Tax Fund</u>	\$132,800
5	<u>Illinois Workers' Compensation</u>	
6	<u>Commission Operations Fund</u>	\$123,900
7	<u>State Boating Act Fund</u>	\$112,300
8	<u>Public Utility Fund</u>	\$106,500
9	<u>State Lottery Fund</u>	\$101,300
10	<u>Traffic and Criminal Conviction</u>	
11	<u>Surcharge Fund</u>	\$88,500
12	<u>State Surplus Property Revolving Fund</u>	\$82,700
13	<u>Natural Areas Acquisition Fund</u>	\$65,600
14	<u>Securities Audit and Enforcement Fund</u>	\$65,200
15	<u>Agricultural Premium Fund</u>	\$63,400
16	<u>Capital Development Fund</u>	\$57,500
17	<u>State Gaming Fund</u>	\$54,300
18	<u>Underground Storage Tank Fund</u>	\$53,700
19	<u>Illinois State Medical Disciplinary Fund</u>	\$53,000
20	<u>Personal Property Tax Replacement Fund</u>	\$53,000
21	<u>General Professions Dedicated Fund</u>	\$51,900
22	<u>Total</u>	\$23,003,100

23 (d-10) Notwithstanding any other provision of State law to
24 the contrary and in addition to any other transfers that may be
25 provided for by law, on the first day of each calendar quarter
26 of the fiscal year beginning July 1, 2005, or as soon as may be
27 practical thereafter, the State Comptroller shall direct and
28 the State Treasurer shall transfer from each designated fund
29 into the Workers' Compensation Revolving Fund amounts equal to
30 one-fourth of each of the following totals:

31	<u>General Revenue Fund</u>	\$34,000,000
32	<u>Road Fund</u>	\$25,987,000
33	<u>Total</u>	\$59,987,000

34 (e) The term "workers' compensation services" means

1 services, claims expenses, and related administrative costs
2 incurred in performing the duties under ~~functions consolidated~~
3 ~~within the Department of Central Management Services under~~
4 Sections 405-105 and Section 405-411 of the Department of
5 Central Management Services Law of the Civil Administrative
6 Code of Illinois.

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

8 (30 ILCS 105/6z-65)

9 Sec. 6z-65. The Facilities Management Revolving Fund.

10 (a) The Facilities Management Revolving Fund is created as
11 a revolving fund in the State treasury. The following moneys
12 shall be deposited into the Fund:

13 (1) amounts authorized for transfer to the Fund from
14 the General Revenue Fund and other State funds (except for
15 funds classified by the Comptroller as federal trust funds
16 or State trust funds) pursuant to State law or Executive
17 Order;

18 (2) federal funds received by the Department of Central
19 Management Services (the "Department") as a result of
20 expenditures from the Fund;

21 (3) interest earned on moneys in the Fund;

22 (4) receipts or inter-fund transfers resulting from
23 billings issued by the Department to State agencies for the
24 cost of facilities management services rendered by the
25 Department ~~that are not compensated through the specific~~
26 ~~fund transfers authorized by this Section~~, if any; and

27 (5) fees from the lease, rental, use, or occupancy of
28 State facilities managed, operated, or maintained by the
29 Department.

30 (b) Moneys in the Fund may be used by the Department for
31 reimbursement or payment for:

32 (1) the acquisition and operation of State facilities,
33 including, without limitation, rental or installment

1 payments and interest, personal services, utilities,
2 maintenance, and remodeling; or

3 (2) providing for payment of administrative and other
4 expenses incurred by the Department in providing
5 facilities management services.

6 (c) State agencies may direct the Comptroller to process
7 inter-fund transfers or make payment through the voucher and
8 warrant process to the Facilities Management Revolving Fund in
9 satisfaction of billings issued under subsection (a) of this
10 Section.

11 (d) Reconciliation. For the fiscal year beginning July 1,
12 2004 only, the ~~The~~ Director of Central Management Services (the
13 "Director") shall order that each State agency's payments and
14 transfers made to the Fund be reconciled with actual Fund costs
15 for facilities management services provided by the Department
16 ~~and attributable to the State agency and relevant fund~~ on no
17 less than an annual basis. The Director may require reports
18 from State agencies as deemed necessary to perform this
19 reconciliation.

20 (e) The term "facilities management services" means
21 services performed by the Department in providing for the
22 acquisition, occupancy, management, and operation of State
23 owned and leased buildings, facilities, structures, grounds,
24 or the real property under management of the Department.

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

26 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

27 Sec. 8.3. Money in the Road Fund shall, if and when the
28 State of Illinois incurs any bonded indebtedness for the
29 construction of permanent highways, be set aside and used for
30 the purpose of paying and discharging annually the principal
31 and interest on that bonded indebtedness then due and payable,
32 and for no other purpose. The surplus, if any, in the Road Fund
33 after the payment of principal and interest on that bonded

1 indebtedness then annually due shall be used as follows:

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

6 secondly -- for expenses of the Department of
7 Transportation for construction, reconstruction,
8 improvement, repair, maintenance, operation, and
9 administration of highways in accordance with the
10 provisions of laws relating thereto, or for any purpose
11 related or incident to and connected therewith, including
12 the separation of grades of those highways with railroads
13 and with highways and including the payment of awards made
14 by the Illinois Workers' Compensation Commission under the
15 terms of the Workers' Compensation Act or Workers'
16 Occupational Diseases Act for injury or death of an
17 employee of the Division of Highways in the Department of
18 Transportation; or for the acquisition of land and the
19 erection of buildings for highway purposes, including the
20 acquisition of highway right-of-way or for investigations
21 to determine the reasonably anticipated future highway
22 needs; or for making of surveys, plans, specifications and
23 estimates for and in the construction and maintenance of
24 flight strips and of highways necessary to provide access
25 to military and naval reservations, to defense industries
26 and defense-industry sites, and to the sources of raw
27 materials and for replacing existing highways and highway
28 connections shut off from general public use at military
29 and naval reservations and defense-industry sites, or for
30 the purchase of right-of-way, except that the State shall
31 be reimbursed in full for any expense incurred in building
32 the flight strips; or for the operating and maintaining of
33 highway garages; or for patrolling and policing the public
34 highways and conserving the peace; or for the operating

1 expenses of the Department relating to the administration
2 of public transportation programs; or for any of those
3 purposes or any other purpose that may be provided by law.

4 Appropriations for any of those purposes are payable from
5 the Road Fund. Appropriations may also be made from the Road
6 Fund for the administrative expenses of any State agency that
7 are related to motor vehicles or arise from the use of motor
8 vehicles.

9 Beginning with fiscal year 1980 and thereafter, no Road
10 Fund monies shall be appropriated to the following Departments
11 or agencies of State government for administration, grants, or
12 operations; but this limitation is not a restriction upon
13 appropriating for those purposes any Road Fund monies that are
14 eligible for federal reimbursement;

15 1. Department of Public Health;

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

19 3. Department of Central Management Services, except
20 for expenditures incurred for group insurance premiums of
21 appropriate personnel;

22 4. Judicial Systems and Agencies.

23 Beginning with fiscal year 1981 and thereafter, no Road
24 Fund monies shall be appropriated to the following Departments
25 or agencies of State government for administration, grants, or
26 operations; but this limitation is not a restriction upon
27 appropriating for those purposes any Road Fund monies that are
28 eligible for federal reimbursement:

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

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

33 Beginning with fiscal year 1982 and thereafter, no Road
34 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or
2 operations; but this limitation is not a restriction upon
3 appropriating for those purposes any Road Fund monies that are
4 eligible for federal reimbursement: Department of Central
5 Management Services, except for awards made by the Illinois
6 Workers' Compensation Commission under the terms of the
7 Workers' Compensation Act or Workers' Occupational Diseases
8 Act for injury or death of an employee of the Division of
9 Highways in the Department of Transportation.

10 Beginning with fiscal year 1984 and thereafter, no Road
11 Fund monies shall be appropriated to the following Departments
12 or agencies of State government for administration, grants, or
13 operations; but this limitation is not a restriction upon
14 appropriating for those purposes any Road Fund monies that are
15 eligible for federal reimbursement:

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

18 2. State Officers.

19 Beginning with fiscal year 1984 and thereafter, no Road
20 Fund monies shall be appropriated to any Department or agency
21 of State government for administration, grants, or operations
22 except as provided hereafter; but this limitation is not a
23 restriction upon appropriating for those purposes any Road Fund
24 monies that are eligible for federal reimbursement. It shall
25 not be lawful to circumvent the above appropriation limitations
26 by governmental reorganization or other methods.
27 Appropriations shall be made from the Road Fund only in
28 accordance with the provisions of this Section.

29 Money in the Road Fund shall, if and when the State of
30 Illinois incurs any bonded indebtedness for the construction of
31 permanent highways, be set aside and used for the purpose of
32 paying and discharging during each fiscal year the principal
33 and interest on that bonded indebtedness as it becomes due and
34 payable as provided in the Transportation Bond Act, and for no

1 other purpose. The surplus, if any, in the Road Fund after the
2 payment of principal and interest on that bonded indebtedness
3 then annually due shall be used as follows:

4 first -- to pay the cost of administration of Chapters
5 2 through 10 of the Illinois Vehicle Code; and

6 secondly -- no Road Fund monies derived from fees,
7 excises, or license taxes relating to registration,
8 operation and use of vehicles on public highways or to
9 fuels used for the propulsion of those vehicles, shall be
10 appropriated or expended other than for costs of
11 administering the laws imposing those fees, excises, and
12 license taxes, statutory refunds and adjustments allowed
13 thereunder, administrative costs of the Department of
14 Transportation, including, but not limited to, the
15 operating expenses of the Department relating to the
16 administration of public transportation programs, payment
17 of debts and liabilities incurred in construction and
18 reconstruction of public highways and bridges, acquisition
19 of rights-of-way for and the cost of construction,
20 reconstruction, maintenance, repair, and operation of
21 public highways and bridges under the direction and
22 supervision of the State, political subdivision, or
23 municipality collecting those monies, and the costs for
24 patrolling and policing the public highways (by State,
25 political subdivision, or municipality collecting that
26 money) for enforcement of traffic laws. The separation of
27 grades of such highways with railroads and costs associated
28 with protection of at-grade highway and railroad crossing
29 shall also be permissible.

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

33 Except as provided in this paragraph, beginning with fiscal
34 year 1991 and thereafter, no Road Fund monies shall be

1 appropriated to the Department of State Police for the purposes
2 of this Section in excess of its total fiscal year 1990 Road
3 Fund appropriations for those purposes unless otherwise
4 provided in Section 5g of this Act. For fiscal years 2003,
5 2004, ~~and 2005,~~ and 2006 only, no Road Fund monies shall be
6 appropriated to the Department of State Police for the purposes
7 of this Section in excess of \$97,310,000. It shall not be
8 lawful to circumvent this limitation on appropriations by
9 governmental reorganization or other methods unless otherwise
10 provided in Section 5g of this Act.

11 In fiscal year 1994, no Road Fund monies shall be
12 appropriated to the Secretary of State for the purposes of this
13 Section in excess of the total fiscal year 1991 Road Fund
14 appropriations to the Secretary of State for those purposes,
15 plus \$9,800,000. It shall not be lawful to circumvent this
16 limitation on appropriations by governmental reorganization or
17 other method.

18 Beginning with fiscal year 1995 and thereafter, no Road
19 Fund monies shall be appropriated to the Secretary of State for
20 the purposes of this Section in excess of the total fiscal year
21 1994 Road Fund appropriations to the Secretary of State for
22 those purposes. It shall not be lawful to circumvent this
23 limitation on appropriations by governmental reorganization or
24 other methods.

25 Beginning with fiscal year 2000, total Road Fund
26 appropriations to the Secretary of State for the purposes of
27 this Section shall not exceed the amounts specified for the
28 following fiscal years:

29	Fiscal Year 2000	\$80,500,000;
30	Fiscal Year 2001	\$80,500,000;
31	Fiscal Year 2002	\$80,500,000;
32	Fiscal Year 2003	\$130,500,000;
33	Fiscal Year 2004	\$130,500,000;
34	Fiscal Year 2005	\$130,500,000;

1 (a) All expenses incident to the leasing or use of the
2 State facilities listed in Section 405-315 of the Department of
3 Central Management Services Law (20 ILCS 405/405-315) for lease
4 or use terms not exceeding 30 days in length shall be payable
5 from the Special Events Revolving Fund.

6 Expenses incident to the lease or use of the State
7 facilities listed in Section 405-315 of the Department of
8 Central Management Services Law (20 ILCS 405/405-315) shall
9 include expenditures for additional commodities, equipment,
10 furniture, improvements, personal services or other expenses
11 required by the Department of Central Management Services to
12 make such facilities available to the public and State
13 employees.

14 (b) The Special Events Revolving Fund shall cease to exist
15 on October 1, 2005. Any balance in the Fund as of that date
16 shall be transferred to the Facilities Management Revolving
17 Fund. Any moneys that otherwise would be paid into the Fund on
18 or after that date shall be deposited into the Facilities
19 Management Revolving Fund. Any disbursements on or after that
20 date that otherwise would be made from the Fund shall be made
21 from the Facilities Management Revolving Fund.

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

23 (30 ILCS 105/8g)

24 Sec. 8g. Fund transfers.

25 (a) In addition to any other transfers that may be provided
26 for by law, as soon as may be practical after the effective
27 date of this amendatory Act of the 91st General Assembly, the
28 State Comptroller shall direct and the State Treasurer shall
29 transfer the sum of \$10,000,000 from the General Revenue Fund
30 to the Motor Vehicle License Plate Fund created by Senate Bill
31 1028 of the 91st General Assembly.

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

1 date of this amendatory Act of the 91st General Assembly, the
2 State Comptroller shall direct and the State Treasurer shall
3 transfer the sum of \$25,000,000 from the General Revenue Fund
4 to the Fund for Illinois' Future created by Senate Bill 1066 of
5 the 91st General Assembly.

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

13 (d) The payments to programs required under subsection (d)
14 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
15 pursuant to appropriation, from the special funds referred to
16 in the statutes cited in that subsection, rather than directly
17 from the General Revenue Fund.

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

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

1 date of this amendatory Act of the 91st General Assembly, but
2 in no event later than June 30, 2000, the State Comptroller
3 shall direct and the State Treasurer shall transfer the sum of
4 \$15,000,000 from the General Revenue Fund to the Fund for
5 Illinois' Future.

6 (f) In addition to any other transfers that may be provided
7 for by law, as soon as may be practical after the effective
8 date of this amendatory Act of the 91st General Assembly, but
9 in no event later than June 30, 2000, the State Comptroller
10 shall direct and the State Treasurer shall transfer the sum of
11 \$70,000,000 from the General Revenue Fund to the Long-Term Care
12 Provider Fund.

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

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

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

29 (i) On or after July 1, 2001 and until May 1, 2002, in
30 addition to any other transfers that may be provided for by
31 law, at the direction of and upon notification from the
32 Governor, the State Comptroller shall direct and the State
33 Treasurer shall transfer amounts not exceeding a total of
34 \$80,000,000 from the General Revenue Fund to the Tobacco

1 Settlement Recovery Fund. Any amounts so transferred shall be
 2 re-transferred by the State Comptroller and the State Treasurer
 3 from the Tobacco Settlement Recovery Fund to the General
 4 Revenue Fund at the direction of and upon notification from the
 5 Governor, but in any event on or before June 30, 2002.

6 (i-1) On or after July 1, 2002 and until May 1, 2003, in
 7 addition to any other transfers that may be provided for by
 8 law, at the direction of and upon notification from the
 9 Governor, the State Comptroller shall direct and the State
 10 Treasurer shall transfer amounts not exceeding a total of
 11 \$80,000,000 from the General Revenue Fund to the Tobacco
 12 Settlement Recovery Fund. Any amounts so transferred shall be
 13 re-transferred by the State Comptroller and the State Treasurer
 14 from the Tobacco Settlement Recovery Fund to the General
 15 Revenue Fund at the direction of and upon notification from the
 16 Governor, but in any event on or before June 30, 2003.

17 (j) On or after July 1, 2001 and no later than June 30,
 18 2002, in addition to any other transfers that may be provided
 19 for by law, at the direction of and upon notification from the
 20 Governor, the State Comptroller shall direct and the State
 21 Treasurer shall transfer amounts not to exceed the following
 22 sums into the Statistical Services Revolving Fund:

23	From the General Revenue Fund	\$8,450,000
24	From the Public Utility Fund	1,700,000
25	From the Transportation Regulatory Fund	2,650,000
26	From the Title III Social Security and	
27	Employment Fund	3,700,000
28	From the Professions Indirect Cost Fund	4,050,000
29	From the Underground Storage Tank Fund	550,000
30	From the Agricultural Premium Fund	750,000
31	From the State Pensions Fund	200,000
32	From the Road Fund	2,000,000
33	From the Health Facilities	
34	Planning Fund	1,000,000

1	From the Savings and Residential Finance	
2	Regulatory Fund	130,800
3	From the Appraisal Administration Fund	28,600
4	From the Pawnbroker Regulation Fund	3,600
5	From the Auction Regulation	
6	Administration Fund	35,800
7	From the Bank and Trust Company Fund.....	634,800
8	From the Real Estate License	
9	Administration Fund	313,600

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

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

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

28 (k-3) On or after July 1, 2002 and no later than June 30,
 29 2003, in addition to any other transfers that may be provided
 30 for by law, at the direction of and upon notification from the
 31 Governor, the State Comptroller shall direct and the State
 32 Treasurer shall transfer amounts not to exceed the following
 33 sums into the Statistical Services Revolving Fund:

34	Appraisal Administration Fund	\$150,000
----	-------------------------------------	-----------

1	General Revenue Fund	10,440,000
2	Savings and Residential Finance	
3	Regulatory Fund	200,000
4	State Pensions Fund	100,000
5	Bank and Trust Company Fund	100,000
6	Professions Indirect Cost Fund	3,400,000
7	Public Utility Fund	2,081,200
8	Real Estate License Administration Fund	150,000
9	Title III Social Security and	
10	Employment Fund	1,000,000
11	Transportation Regulatory Fund	3,052,100
12	Underground Storage Tank Fund	50,000

13 (1) In addition to any other transfers that may be provided
14 for by law, on July 1, 2002, or as soon as may be practical
15 thereafter, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$3,000,000 from the General
17 Revenue Fund to the Presidential Library and Museum Operating
18 Fund.

19 (m) In addition to any other transfers that may be provided
20 for by law, on July 1, 2002 and on the effective date of this
21 amendatory Act of the 93rd General Assembly, or as soon
22 thereafter as may be practical, the State Comptroller shall
23 direct and the State Treasurer shall transfer the sum of
24 \$1,200,000 from the General Revenue Fund to the Violence
25 Prevention Fund.

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

31 (o) On or after July 1, 2003, and no later than June 30,
32 2004, in addition to any other transfers that may be provided
33 for by law, at the direction of and upon notification from the
34 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not to exceed the following
2 sums into the Vehicle Inspection Fund:

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

4 (p) On or after July 1, 2003 and until May 1, 2004, in
5 addition to any other transfers that may be provided for by
6 law, at the direction of and upon notification from the
7 Governor, the State Comptroller shall direct and the State
8 Treasurer shall transfer amounts not exceeding a total of
9 \$80,000,000 from the General Revenue Fund to the Tobacco
10 Settlement Recovery Fund. Any amounts so transferred shall be
11 re-transferred from the Tobacco Settlement Recovery Fund to the
12 General Revenue Fund at the direction of and upon notification
13 from the Governor, but in any event on or before June 30, 2004.

14 (q) In addition to any other transfers that may be provided
15 for by law, on July 1, 2003, or as soon as may be practical
16 thereafter, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$5,000,000 from the General
18 Revenue Fund to the Illinois Military Family Relief Fund.

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

25 (s) In addition to any other transfers that may be provided
26 for by law, on or after July 1, 2003, the State Comptroller
27 shall direct and the State Treasurer shall transfer the sum of
28 \$4,800,000 from the Statewide Economic Development Fund to the
29 General Revenue Fund.

30 (t) In addition to any other transfers that may be provided
31 for by law, on or after July 1, 2003, the State Comptroller
32 shall direct and the State Treasurer shall transfer the sum of
33 \$50,000,000 from the General Revenue Fund to the Budget
34 Stabilization Fund.

1 (u) On or after July 1, 2004 and until May 1, 2005, in
2 addition to any other transfers that may be provided for by
3 law, at the direction of and upon notification from the
4 Governor, the State Comptroller shall direct and the State
5 Treasurer shall transfer amounts not exceeding a total of
6 \$80,000,000 from the General Revenue Fund to the Tobacco
7 Settlement Recovery Fund. Any amounts so transferred shall be
8 retransferred by the State Comptroller and the State Treasurer
9 from the Tobacco Settlement Recovery Fund to the General
10 Revenue Fund at the direction of and upon notification from the
11 Governor, but in any event on or before June 30, 2005.

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

17 (w) In addition to any other transfers that may be provided
18 for by law, on July 1, 2004, or as soon thereafter as may be
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$6,445,000 from the General
21 Revenue Fund to the Presidential Library and Museum Operating
22 Fund.

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

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

29 From the State Police Wireless Service Emergency Fund,
30 \$200,000;

31 From the State Offender DNA Identification System
32 Fund, \$800,000; and

33 From the State Police Whistleblower Reward and
34 Protection Fund, \$500,000.

1 (y) Notwithstanding any other provision of law to the
2 contrary, in addition to any other transfers that may be
3 provided for by law on June 30, 2005, or as soon as may be
4 practical thereafter, the State Comptroller shall direct and
5 the State Treasurer shall transfer the remaining balance from
6 the designated funds into the General Revenue Fund and any
7 future deposits that would otherwise be made into these funds
8 must instead be made into the General Revenue Fund:

9 (1) the Keep Illinois Beautiful Fund;

10 (2) the Metropolitan Fair and Exposition Authority
11 Reconstruction Fund;

12 (3) the New Technology Recovery Fund;

13 (4) the Illinois Rural Bond Bank Trust Fund;

14 (5) the ISBE School Bus Driver Permit Fund;

15 (6) the Solid Waste Management Revolving Loan Fund;

16 (7) the State Postsecondary Review Program Fund;

17 (8) the Tourism Attraction Development Matching Grant
18 Fund;

19 (9) the Patent and Copyright Fund;

20 (10) the Credit Enhancement Development Fund;

21 (11) the Community Mental Health and Developmental
22 Disabilities Services Provider Participation Fee Trust
23 Fund;

24 (12) the Nursing Home Grant Assistance Fund;

25 (13) the By-product Material Safety Fund;

26 (14) the Illinois Student Assistance Commission Higher
27 EdNet Fund;

28 (15) the DORS State Project Fund;

29 (16) the School Technology Revolving Fund;

30 (17) the Energy Assistance Contribution Fund;

31 (18) the Illinois Building Commission Revolving Fund;

32 (19) the Illinois Aquaculture Development Fund;

33 (20) the Homelessness Prevention Fund;

34 (21) the DCFS Refugee Assistance Fund;

1 (22) the Illinois Century Network Special Purposes
2 Fund; and

3 (23) the Build Illinois Purposes Fund.

4 (z) In addition to any other transfers that may be provided
5 for by law, on July 1, 2005, or as soon as may be practical
6 thereafter, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$1,200,000 from the General
8 Revenue Fund to the Violence Prevention Fund.

9 (aa) In addition to any other transfers that may be
10 provided for by law, on July 1, 2005, or as soon as may be
11 practical thereafter, the State Comptroller shall direct and
12 the State Treasurer shall transfer the sum of \$9,000,000 from
13 the General Revenue Fund to the Presidential Library and Museum
14 Operating Fund.

15 (bb) In addition to any other transfers that may be
16 provided for by law, on July 1, 2005, or as soon as may be
17 practical thereafter, the State Comptroller shall direct and
18 the State Treasurer shall transfer the sum of \$6,803,600 from
19 the General Revenue Fund to the Securities Audit and
20 Enforcement Fund.

21 (cc) In addition to any other transfers that may be
22 provided for by law, on or after July 1, 2005 and until May 1,
23 2006, 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 by the State Comptroller and the State Treasurer
29 from the Tobacco Settlement Recovery Fund to the General
30 Revenue Fund at the direction of and upon notification from the
31 Governor, but in any event on or before June 30, 2006.

32 (dd) In addition to any other transfers that may be
33 provided for by law, on or after July 1, 2005 and no later than
34 June 30, 2006, at the direction of and upon notification from

1 the Governor, the State Comptroller shall direct and the State
2 Treasurer shall transfer an amount not to exceed \$17,000,000
3 from the General Revenue Fund to the Vehicle Inspection Fund.

4 (Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01;
5 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04;
6 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

7 (30 ILCS 105/15a) (from Ch. 127, par. 151a)

8 Sec. 15a. Contractual services. The item "contractual
9 services", when used in an appropriation act, means and
10 includes:

11 (a) Expenditures incident to the current conduct and
12 operation of an office, department, board, commission,
13 institution or agency for postage and postal charges,
14 surety bond premiums, publications, subscriptions, office
15 conveniences and services, exclusive of commodities as
16 herein defined;

17 (b) Expenditures for rental of property or equipment,
18 repair or maintenance of property or equipment including
19 related supplies, equipment, materials, services,
20 replacement fixtures and repair parts, utility services,
21 professional or technical services, moving expenses
22 incident to a new State employment, and transportation
23 charges exclusive of "travel" as herein defined;

24 (c) Expenditures for the rental of lodgings in
25 Springfield, Illinois and for the payment of utilities used
26 in connection with such lodgings for all elected State
27 officials, who are required by Section 1, Article V of the
28 Constitution of the State of Illinois to reside at the seat
29 of government during their term of office;

30 (d) Expenditures pursuant to multi-year lease,
31 lease-purchase or installment purchase contracts for
32 duplicating equipment authorized by Section 5.1 of the
33 Illinois Purchasing Act;

1 (e) Expenditures of \$5,000 or less per project for
2 improvements to real property which, except for the
3 operation of this Section, would be classified as
4 "permanent improvements" as defined in Section 21;

5 (f) Expenditures pursuant to multi-year lease,
6 lease-purchase or installment purchase contracts for land,
7 permanent improvements or fixtures.

8 (g) Expenditures for facilities management,
9 communication, information technology, and professional
10 services provided by the Department of Central Management
11 Services pursuant to the Department of Central Management
12 Services Law of the Civil Administrative Code of Illinois.

13 The item "contractual services" does not, however, include
14 any expenditures included in "operation of automotive
15 equipment" as defined in Section 24.2.

16 The item "contractual services" does not include any
17 expenditures for professional, technical, or other services
18 performed for a State agency under a contract executed after
19 July 1, 1992 by a person who was formerly employed by that
20 agency and has received any early retirement incentive under
21 Section 14-108.3 or 16-133.3 of the Illinois Pension Code based
22 on retirement before 1993, unless the official or employee
23 executing the contract on behalf of the agency has certified
24 that the person performing the services either (i) possesses
25 unique expertise, or (ii) is essential to the operation of the
26 agency. This certification must be filed with the Office of the
27 Auditor General prior to the execution of the contract, and
28 shall be made available by that Office for public inspection
29 and copying. The item "contractual services" does not include
30 any expenditures for professional, technical, or other
31 services performed for a State agency under a contract executed
32 after the effective date of this amendatory Act of the 92nd
33 General Assembly by a person who has received any early
34 retirement incentive under Section 14-108.3 or 16-133.3 of the

1 Illinois Pension Code based on retirement in 2002 or later. A
2 contract not payable from the contractual services item because
3 of this paragraph shall not be payable from any other item of
4 appropriation. For the purposes of this paragraph, the term
5 "agency" includes all offices, boards, commissions,
6 departments, agencies, and institutions of State government.
7 (Source: P.A. 91-357, eff. 7-29-99; 92-566, eff. 6-25-02.)

8 ARTICLE 26

9 Section 26-5. The Children and Family Services Act is
10 amended by changing Section 22.2 as follows:

11 (20 ILCS 505/22.2) (from Ch. 23, par. 5022.2)

12 Sec. 22.2. To provide training programs for the provision
13 of foster care and adoptive care services. Training provided to
14 foster parents shall include training and information on their
15 right to be heard, to bring a mandamus action, and to intervene
16 in juvenile court as set forth under subsection (2) of Section
17 1-5 of the Juvenile Court Act of 1987 and the availability of
18 the hotline established under Section 35.6 of this Act, that
19 foster parents may use to report incidents of misconduct or
20 violation of rules by Department employees, service providers,
21 or contractors. ~~Monies for such training programs shall be~~
22 ~~derived from the Department of Children and Family Services~~
23 ~~Training Fund, hereby created in the State Treasury. Deposits~~
24 ~~to this fund shall consist of federal financial participation~~
25 ~~in foster care and adoption care training programs, public and~~
26 ~~unsolicited private grants and fees for such training, and~~
27 ~~royalties earned from the publication of materials owned by or~~
28 ~~licensed to the Department. In addition, with the approval of~~
29 ~~the Governor, the Department may transfer amounts not exceeding~~
30 ~~\$2,000,000 in each fiscal year from the DCFS Children's~~
31 ~~Services Fund to the Department of Children and Family Services~~

1 ~~Training Fund. Disbursements from the Department of Children~~
2 ~~and Family Services Training Fund shall be made by the~~
3 ~~Department for foster care and adoptive care training services~~
4 ~~in accordance with federal standards.~~

5 (Source: P.A. 91-712, eff. 7-1-00; 92-321, eff. 1-1-02.)

6 Section 26-10. The State Finance Act is amended by changing
7 Section 8.27 as follows:

8 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

9 Sec. 8.27. All receipts from federal financial
10 participation in the Foster Care and Adoption Services program
11 under Title IV-E of the federal Social Security Act, including
12 receipts for related indirect costs, ~~but excluding receipts~~
13 ~~from federal financial participation in such Title IV E Foster~~
14 ~~Care and Adoption Training program,~~ shall be deposited in the
15 DCFS Children's Services Fund.

16 Eighty percent of the federal funds received by the
17 Illinois Department of Human Services under the Title IV-A
18 Emergency Assistance program as reimbursement for expenditures
19 made from the Illinois Department of Children and Family
20 Services appropriations for the costs of services in behalf of
21 Department of Children and Family Services clients shall be
22 deposited into the DCFS Children's Services Fund.

23 All receipts from federal financial participation in the
24 Child Welfare Services program under Title IV-B of the federal
25 Social Security Act, including receipts for related indirect
26 costs, shall be deposited into the DCFS Children's Services
27 Fund for those moneys received as reimbursement for services
28 provided on or after July 1, 1994.

29 In addition, as soon as may be practicable after the first
30 day of November, 1994, the Department of Children and Family
31 Services shall request the Comptroller to order transferred and
32 the Treasurer shall transfer the unexpended balance of the

1 Child Welfare Services Fund to the DCFS Children's Services
2 Fund. Upon completion of the transfer, the Child Welfare
3 Services Fund will be considered dissolved and any outstanding
4 obligations or liabilities of that fund will pass to the DCFS
5 Children's Services Fund.

6 Monies in the Fund may be used by the Department, pursuant
7 to appropriation by the General Assembly, for the ordinary and
8 contingent expenses of the Department.

9 In fiscal year 1988 and in each fiscal year thereafter
10 through fiscal year 2000, the Comptroller shall order
11 transferred and the Treasurer shall transfer an amount of
12 \$16,100,000 from the DCFS Children's Services Fund to the
13 General Revenue Fund in the following manner: As soon as may be
14 practicable after the 15th day of September, December, March
15 and June, the Comptroller shall order transferred and the
16 Treasurer shall transfer, to the extent that funds are
17 available, 1/4 of \$16,100,000, plus any cumulative
18 deficiencies in such transfers for prior transfer dates during
19 such fiscal year. In no event shall any such transfer reduce
20 the available balance in the DCFS Children's Services Fund
21 below \$350,000.

22 In accordance with subsection (q) of Section 5 of the
23 Children and Family Services Act, disbursements from
24 individual children's accounts shall be deposited into the DCFS
25 Children's Services Fund.

26 Receipts from public and unsolicited private grants, fees
27 for training, and royalties earned from the publication of
28 materials owned by or licensed to the Department of Children
29 and Family Services may be deposited into the DCFS Children's
30 Services Fund.

31 As soon as may be practical after September 1, 2005, upon
32 the request of the Department of Children and Family Services,
33 the Comptroller shall order transferred and the Treasurer shall
34 transfer the unexpended balance of the Department of Children

1 and Family Services Training Fund into the DCFS Children's
2 Services Fund. Upon completion of the transfer, the Department
3 of Children and Family Services Training Fund is dissolved and
4 any outstanding obligations or liabilities of that Fund pass to
5 the DCFS Children's Services Fund.

6 (Source: P.A. 91-712, eff. 7-1-00.)

7 ARTICLE 27

8 Section 27-5. The Illinois Income Tax Act is amended by
9 changing Section 901 as follows:

10 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

11 Sec. 901. Collection Authority.

12 (a) In general.

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

29 (b) Local Governmental Distributive Fund.

30 Beginning August 1, 1969, and continuing through June 30,
31 1994, the Treasurer shall transfer each month from the General

1 Revenue Fund to a special fund in the State treasury, to be
2 known as the "Local Government Distributive Fund", an amount
3 equal to 1/12 of the net revenue realized from the tax imposed
4 by subsections (a) and (b) of Section 201 of this Act during
5 the preceding month. Beginning July 1, 1994, and continuing
6 through June 30, 1995, the Treasurer shall transfer each month
7 from the General Revenue Fund to the Local Government
8 Distributive Fund an amount equal to 1/11 of the net revenue
9 realized from the tax imposed by subsections (a) and (b) of
10 Section 201 of this Act during the preceding month. Beginning
11 July 1, 1995, the Treasurer shall transfer each month from the
12 General Revenue Fund to the Local Government Distributive Fund
13 an amount equal to the net of (i) 1/10 of the net revenue
14 realized from the tax imposed by subsections (a) and (b) of
15 Section 201 of the Illinois Income Tax Act during the preceding
16 month (ii) minus, beginning July 1, 2003 and ending June 30,
17 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue
18 realized for a month shall be defined as the revenue from the
19 tax imposed by subsections (a) and (b) of Section 201 of this
20 Act which is deposited in the General Revenue Fund, the
21 Educational Assistance Fund and the Income Tax Surcharge Local
22 Government Distributive Fund during the month minus the amount
23 paid out of the General Revenue Fund in State warrants during
24 that same month as refunds to taxpayers for overpayment of
25 liability under the tax imposed by subsections (a) and (b) of
26 Section 201 of this Act.

27 (c) Deposits Into Income Tax Refund Fund.

28 (1) Beginning on January 1, 1989 and thereafter, the
29 Department shall deposit a percentage of the amounts
30 collected pursuant to subsections (a) and (b)(1), (2), and
31 (3), of Section 201 of this Act into a fund in the State
32 treasury known as the Income Tax Refund Fund. The
33 Department shall deposit 6% of such amounts during the
34 period beginning January 1, 1989 and ending on June 30,

1 1989. Beginning with State fiscal year 1990 and for each
2 fiscal year thereafter, the percentage deposited into the
3 Income Tax Refund Fund during a fiscal year shall be the
4 Annual Percentage. For fiscal years 1999 through 2001, the
5 Annual Percentage shall be 7.1%. For fiscal year 2003, the
6 Annual Percentage shall be 8%. For fiscal year 2004, the
7 Annual Percentage shall be 11.7%. Upon the effective date
8 of this amendatory Act of the 93rd General Assembly, the
9 Annual Percentage shall be 10% for fiscal year 2005. For
10 fiscal year 2006, the Annual Percentage shall be 9.75%. For
11 all other fiscal years, the Annual Percentage shall be
12 calculated as a fraction, the numerator of which shall be
13 the amount of refunds approved for payment by the
14 Department during the preceding fiscal year as a result of
15 overpayment of tax liability under subsections (a) and
16 (b) (1), (2), and (3) of Section 201 of this Act plus the
17 amount of such refunds remaining approved but unpaid at the
18 end of the preceding fiscal year, minus the amounts
19 transferred into the Income Tax Refund Fund from the
20 Tobacco Settlement Recovery Fund, and the denominator of
21 which shall be the amounts which will be collected pursuant
22 to subsections (a) and (b) (1), (2), and (3) of Section 201
23 of this Act during the preceding fiscal year; except that
24 in State fiscal year 2002, the Annual Percentage shall in
25 no event exceed 7.6%. The Director of Revenue shall certify
26 the Annual Percentage to the Comptroller on the last
27 business day of the fiscal year immediately preceding the
28 fiscal year for which it is to be effective.

29 (2) Beginning on January 1, 1989 and thereafter, the
30 Department shall deposit a percentage of the amounts
31 collected pursuant to subsections (a) and (b) (6), (7), and
32 (8), (c) and (d) of Section 201 of this Act into a fund in
33 the State treasury known as the Income Tax Refund Fund. The
34 Department shall deposit 18% of such amounts during the

1 period beginning January 1, 1989 and ending on June 30,
2 1989. Beginning with State fiscal year 1990 and for each
3 fiscal year thereafter, the percentage deposited into the
4 Income Tax Refund Fund during a fiscal year shall be the
5 Annual Percentage. For fiscal years 1999, 2000, and 2001,
6 the Annual Percentage shall be 19%. For fiscal year 2003,
7 the Annual Percentage shall be 27%. For fiscal year 2004,
8 the Annual Percentage shall be 32%. Upon the effective date
9 of this amendatory Act of the 93rd General Assembly, the
10 Annual Percentage shall be 24% for fiscal year 2005. For
11 fiscal year 2006, the Annual Percentage shall be 20%. For
12 all other fiscal years, the Annual Percentage shall be
13 calculated as a fraction, the numerator of which shall be
14 the amount of refunds approved for payment by the
15 Department during the preceding fiscal year as a result of
16 overpayment of tax liability under subsections (a) and
17 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
18 Act plus the amount of such refunds remaining approved but
19 unpaid at the end of the preceding fiscal year, and the
20 denominator of which shall be the amounts which will be
21 collected pursuant to subsections (a) and (b) (6), (7), and
22 (8), (c) and (d) of Section 201 of this Act during the
23 preceding fiscal year; except that in State fiscal year
24 2002, the Annual Percentage shall in no event exceed 23%.
25 The Director of Revenue shall certify the Annual Percentage
26 to the Comptroller on the last business day of the fiscal
27 year immediately preceding the fiscal year for which it is
28 to be effective.

29 (3) The Comptroller shall order transferred and the
30 Treasurer shall transfer from the Tobacco Settlement
31 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
32 in January, 2001, (ii) \$35,000,000 in January, 2002, and
33 (iii) \$35,000,000 in January, 2003.

34 (d) Expenditures from Income Tax Refund Fund.

1 (1) Beginning January 1, 1989, money in the Income Tax
2 Refund Fund shall be expended exclusively for the purpose
3 of paying refunds resulting from overpayment of tax
4 liability under Section 201 of this Act, for paying rebates
5 under Section 208.1 in the event that the amounts in the
6 Homeowners' Tax Relief Fund are insufficient for that
7 purpose, and for making transfers pursuant to this
8 subsection (d).

9 (2) The Director shall order payment of refunds
10 resulting from overpayment of tax liability under Section
11 201 of this Act from the Income Tax Refund Fund only to the
12 extent that amounts collected pursuant to Section 201 of
13 this Act and transfers pursuant to this subsection (d) and
14 item (3) of subsection (c) have been deposited and retained
15 in the Fund.

16 (3) As soon as possible after the end of each fiscal
17 year, the Director shall order transferred and the State
18 Treasurer and State Comptroller shall transfer from the
19 Income Tax Refund Fund to the Personal Property Tax
20 Replacement Fund an amount, certified by the Director to
21 the Comptroller, equal to the excess of the amount
22 collected pursuant to subsections (c) and (d) of Section
23 201 of this Act deposited into the Income Tax Refund Fund
24 during the fiscal year over the amount of refunds resulting
25 from overpayment of tax liability under subsections (c) and
26 (d) of Section 201 of this Act paid from the Income Tax
27 Refund Fund during the fiscal year.

28 (4) As soon as possible after the end of each fiscal
29 year, the Director shall order transferred and the State
30 Treasurer and State Comptroller shall transfer from the
31 Personal Property Tax Replacement Fund to the Income Tax
32 Refund Fund an amount, certified by the Director to the
33 Comptroller, equal to the excess of the amount of refunds
34 resulting from overpayment of tax liability under

1 subsections (c) and (d) of Section 201 of this Act paid
2 from the Income Tax Refund Fund during the fiscal year over
3 the amount collected pursuant to subsections (c) and (d) of
4 Section 201 of this Act deposited into the Income Tax
5 Refund Fund during the fiscal year.

6 (4.5) As soon as possible after the end of fiscal year
7 1999 and of each fiscal year thereafter, the Director shall
8 order transferred and the State Treasurer and State
9 Comptroller shall transfer from the Income Tax Refund Fund
10 to the General Revenue Fund any surplus remaining in the
11 Income Tax Refund Fund as of the end of such fiscal year;
12 excluding for fiscal years 2000, 2001, and 2002 amounts
13 attributable to transfers under item (3) of subsection (c)
14 less refunds resulting from the earned income tax credit.

15 (5) This Act shall constitute an irrevocable and
16 continuing appropriation from the Income Tax Refund Fund
17 for the purpose of paying refunds upon the order of the
18 Director in accordance with the provisions of this Section.

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

21 On July 1, 1991, and thereafter, of the amounts collected
22 pursuant to subsections (a) and (b) of Section 201 of this Act,
23 minus deposits into the Income Tax Refund Fund, the Department
24 shall deposit 7.3% into the Education Assistance Fund in the
25 State Treasury. Beginning July 1, 1991, and continuing through
26 January 31, 1993, of the amounts collected pursuant to
27 subsections (a) and (b) of Section 201 of the Illinois Income
28 Tax Act, minus deposits into the Income Tax Refund Fund, the
29 Department shall deposit 3.0% into the Income Tax Surcharge
30 Local Government Distributive Fund in the State Treasury.
31 Beginning February 1, 1993 and continuing through June 30,
32 1993, of the amounts collected pursuant to subsections (a) and
33 (b) of Section 201 of the Illinois Income Tax Act, minus
34 deposits into the Income Tax Refund Fund, the Department shall

1 deposit 4.4% into the Income Tax Surcharge Local Government
2 Distributive Fund in the State Treasury. Beginning July 1,
3 1993, and continuing through June 30, 1994, of the amounts
4 collected under subsections (a) and (b) of Section 201 of this
5 Act, minus deposits into the Income Tax Refund Fund, the
6 Department shall deposit 1.475% into the Income Tax Surcharge
7 Local Government Distributive Fund in the State Treasury.

8 (Source: P.A. 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600,
9 eff. 6-28-02; 93-32, eff. 6-20-03; 93-839, eff. 7-30-04.)

10 ARTICLE 30

11 Section 30-5. The School Employee Benefit Act is amended by
12 changing Section 20 as follows:

13 (105 ILCS 55/20)

14 Sec. 20. Prescription drug benefits; program.

15 (a) Beginning July 1, 2005, the Department shall be
16 responsible for administering the prescription drug benefit
17 program established under this Act for employees, annuitants,
18 and dependents on a non-insured basis.

19 (b) For each program year, the Department shall set a date
20 by which school districts must notify the Department of their
21 election to participate in the prescription drug benefit
22 program. The Department shall provide notification of the
23 election date to school districts at least 45 days prior to the
24 election date.

25 (c) Any school district may apply to the Director to have
26 employees, annuitants, and dependents be provided a
27 prescription drug benefit program under this Act. To
28 participate, a school district must agree to enroll all of its
29 employees. A participating school district is not required to
30 enroll a full-time employee who has waived coverage under the
31 district's health plan.

1 (d) The Director shall determine the insurance rates and
2 premiums for those employees, annuitants, and dependents
3 participating in the prescription drug benefit program. Rates
4 and premiums may be based in part on age and eligibility for
5 federal Medicare coverage.

6 A school district must remit the entire cost of providing
7 prescription drug coverage under this Section.

8 (e) All revenues arising from the administration of the
9 prescription drug benefit program shall be deposited into the
10 Illinois Prescription Drug Discount Program Fund ~~general~~
11 ~~revenue funds~~.

12 (f) The prescription drug benefit program shall be
13 maintained on an ongoing, affordable basis, and the cost to
14 school districts shall not exceed the State's actual program
15 costs. The prescription drug benefit program may be changed by
16 the State and is not intended to be a pension or retirement
17 benefit subject to protection under Section 5 of Article XIII
18 of the Illinois Constitution.

19 (Source: P.A. 93-1036, eff. 9-14-04.)

20 ARTICLE 40

21 Section 40-5. The Senior Citizens and Disabled Persons
22 Prescription Drug Discount Program Act is amended by changing
23 Sections 30 and 35 as follows:

24 (320 ILCS 55/30)

25 Sec. 30. Manufacturer rebate agreements.

26 (a) Taking into consideration the extent to which the State
27 pays for prescription drugs under various State programs and
28 the provision of assistance to disabled persons or eligible
29 seniors under patient assistance programs, prescription drug
30 discount programs, or other offers for free or reduced price
31 medicine, clinical research projects, limited supply

1 distribution programs, compassionate use programs, or programs
2 of research conducted by or for a drug manufacturer, the
3 Department, its agent, or the program administrator shall
4 negotiate and enter into rebate agreements with drug
5 manufacturers, as defined in this Act, to effect prescription
6 drug price discounts. The Department or program administrator
7 may establish a preferred drug list as a basis for determining
8 the discounts, administrative fees, or other fees or rebates
9 under this Section.

10 (b) Rebate payment procedures. All rebates negotiated
11 under agreements described in this Section shall be paid in
12 accordance with procedures prescribed by the Department or the
13 program administrator.

14 (c) Receipts from rebates shall be used to provide
15 discounts for prescription drugs purchased by eligible seniors
16 and disabled persons and to cover the cost of administering the
17 program, including compensation to be paid to participating
18 pharmacies by the Department or program administrator under
19 subsection (e) of Section 25. Any receipts to be allocated to
20 the Department shall be deposited into the Illinois Senior
21 Citizens and Disabled Persons Prescription Drug Discount
22 Program Fund, a trust fund created outside the State Treasury
23 with the State Treasurer acting as ex officio custodian.
24 Disbursements from the Illinois Prescription Drug Discount
25 Program Fund shall be made upon the direction of the Director
26 of Central Management Services ~~a special fund hereby created in~~
27 ~~the State treasury.~~

28 (Source: P.A. 93-18, eff. 7-1-03.)

29 (320 ILCS 55/35)

30 Sec. 35. Program eligibility.

31 (a) Any person may apply to the Department or its program
32 administrator for participation in the program in the form and
33 manner required by the Department. The Department or its

1 program administrator shall determine the eligibility of each
2 applicant for the program within 30 days after the date of
3 application. To participate in the program an eligible senior
4 or disabled person whose application has been approved must pay
5 \$25 upon enrollment and annually thereafter and shall receive a
6 program identification card. The card may be presented to an
7 authorized pharmacy to assist the pharmacy in verifying
8 eligibility under the program. The Department shall deposit the
9 enrollment fees collected into the Illinois ~~Senior Citizens and~~
10 ~~Disabled Persons~~ Prescription Drug Discount Program Fund. The
11 moneys collected by the Department for enrollment fees and
12 deposited into the Illinois ~~Senior Citizens and Disabled~~
13 ~~Persons~~ Prescription Drug Discount Program Fund must be
14 separately accounted for by the Department. If 2 or more
15 persons are eligible for any benefit under this Act and are
16 members of the same household, each participating household
17 member shall apply to the Department and pay the fee required
18 for the purpose of obtaining an identification card.

19 (b) Proceeds from annual enrollment fees shall be used by
20 the Department to offset the administrative cost of this Act.
21 The Department may reduce the annual enrollment fee by rule if
22 the revenue from the enrollment fees is in excess of the costs
23 to carry out the program.

24 (c) Any person who is eligible for pharmaceutical
25 assistance under the Senior Citizens and Disabled Persons
26 Property Tax Relief and Pharmaceutical Assistance Act is
27 presumed to be eligible for this program. The enrollment fee
28 under this Act is not required for such persons. That person
29 may purchase prescription drugs under this program that are not
30 covered by the pharmaceutical assistance program under the
31 Senior Citizens and Disabled Persons Property Tax Relief and
32 Pharmaceutical Assistance Act by using the identification card
33 issued under the pharmaceutical assistance program.

34 (Source: P.A. 93-18, eff. 7-1-03.)

ARTICLE 55

Section 55-5. The Aquaculture Development Act is amended by changing Section 5.5 as follows:

(20 ILCS 215/5.5)

(Section scheduled to be repealed on June 30, 2009)

Sec. 5.5. Aquaculture Cooperative.

(a) The Department of Agriculture shall make grants to an Aquaculture Cooperative from the Illinois Aquaculture Development Fund, a special fund created in the State Treasury. On July 1, 1999 and on each July 1 thereafter through July 1, 2004 ~~2008~~, the Comptroller shall order transferred and the Treasurer shall transfer \$1,000,000 from the General Revenue Fund into the Illinois Aquaculture Development Fund. The Aquaculture Cooperative shall consist of any individual or entity of the aquaculture industry in this State that seeks membership pursuant to the Agricultural Co-Operative Act. The grants for the Cooperative shall be distributed from the Illinois Aquaculture Development Fund as provided by rule. At the beginning of each fiscal period, the Cooperative shall prepare a budget plan for the next fiscal period, including the probable cost of all programs, projects, and contracts. The Cooperative shall submit the proposed budget to the Director for review and comment. The Director may recommend programs and activities considered appropriate for the Cooperative. The Cooperative shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Cooperative and shall make this information public. The financial books and records of the Cooperative shall be audited by a certified public accountant at least once each fiscal year and at other times as designated by the Director. The expense of the audit shall be the responsibility of the Cooperative. Copies of the

1 audit shall be provided to all members of the Cooperative, to
2 the Department, and to other requesting members of the
3 aquaculture industry.

4 (b) The grants to an Aquaculture Cooperative and the
5 proceeds generated by the Cooperative may be used for the
6 following purposes:

7 (1) To buy aquatic organisms from members of the
8 Cooperative.

9 (2) To buy aquatic organism food in bulk quantities for
10 resale to the members of the Cooperative.

11 (3) For transportation, hauling, and delivery
12 equipment.

13 (4) For employee salaries, building leases, and other
14 administrative costs.

15 (5) To purchase equipment for use by the Cooperative
16 members.

17 (6) Any other related costs.

18 (c) The Illinois Aquaculture Development Fund is abolished
19 on July 1, 2005 ~~August 31, 2004~~. Any balance remaining in the
20 Fund on that date shall be transferred to the General Revenue
21 Fund.

22 (d) This Section is repealed on June 30, 2009.

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

24 Section 55-10. The Department of Commerce and Economic
25 Opportunity Law of the Civil Administrative Code of Illinois is
26 amended by changing Sections 605-55, 605-75, and 605-323 as
27 follows:

28 (20 ILCS 605/605-55) (was 20 ILCS 605/46.21)

29 Sec. 605-55. Contracts and other acts to accomplish
30 Department's duties. To make and enter into contracts,
31 including but not limited to making grants and loans to units
32 of local government, private agencies as defined in the

1 Illinois State Auditing Act, non-profit corporations,
2 educational institutions, and for-profit businesses as
3 authorized pursuant to appropriations by the General Assembly
4 from the Build Illinois Bond Fund, ~~the Build Illinois Purposes~~
5 ~~Fund~~, the Fund for Illinois' Future, the Capital Development
6 Fund, and the General Revenue Fund, and generally to do all
7 things that, in its judgment, may be necessary, proper, and
8 expedient in accomplishing its duties.

9 (Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; 92-16,
10 eff. 6-28-01.)

11 (20 ILCS 605/605-75)

12 Sec. 605-75. Keep Illinois Beautiful.

13 (a) There is created the Keep Illinois Beautiful Program
14 Advisory Board consisting of 7 members appointed by the
15 Director of Commerce and Economic Opportunity ~~Community~~
16 ~~Affairs~~. Of those 7, 4 shall be appointed from a list of at
17 least 10 names submitted by the boards of directors from the
18 various certified community programs. Each certified community
19 program may submit only one recommendation to be considered by
20 the Director. The Director of Commerce and Economic Opportunity
21 ~~Community Affairs~~ or his or her designee shall be a member and
22 serve as Chairman. The Board shall meet at least annually at
23 the discretion of the Chairman and at such other times as the
24 Chairman or any 4 members consider necessary. Four members
25 shall constitute a quorum.

26 (b) The purpose of the Board shall be to assist local
27 governments and community organizations in:

28 (1) Educating the public about the need for recycling
29 and reducing solid waste.

30 (2) Promoting the establishment of recycling and
31 programs that reduce litter and other solid waste through
32 re-use and diversion.

33 (3) Developing local markets for recycled products.

1 (4) Cooperating with other State agencies and with
2 local governments having environmental responsibilities.

3 (5) Seeking funding from governmental and
4 non-governmental sources.

5 (6) Beautification projects.

6 (c) The Department of Commerce and Economic Opportunity
7 ~~Community Affairs~~ shall assist local governments and community
8 organizations that plan to implement programs set forth in
9 subsection (b). The Department shall establish guidelines for
10 the certification of local governments and community
11 organizations.

12 The Department may encourage local governments and
13 community organizations to apply for certification of programs
14 by the Board. However, the Department shall give equal
15 consideration to newly certified programs and older certified
16 programs.

17 ~~(d) The Keep Illinois Beautiful Fund is created as a~~
18 ~~special fund in the State treasury. Moneys from any public or~~
19 ~~private source may be deposited into the Keep Illinois~~
20 ~~Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund~~
21 ~~shall be appropriated only for the purposes of this Section.~~
22 Pursuant to action by the Board, the Department of Commerce and
23 Economic Opportunity ~~Community Affairs~~ may authorize grants
24 from moneys appropriated ~~from the Keep Illinois Beautiful Fund~~
25 for certified community based programs for up to 50% of the
26 cash needs of the program; provided, that at least 50% of the
27 needs of the program shall be contributed to the program in
28 cash, and not in kind, by local sources.

29 Moneys appropriated for certified community based programs
30 in municipalities of more than 1,000,000 population shall be
31 itemized separately and may not be disbursed to any other
32 community.

33 (e) On the effective date of this amendatory Act of the
34 91st General Assembly, the Lieutenant Governor shall transfer

1 to the Department of Commerce and Community Affairs (now
2 Department of Commerce and Economic Opportunity), and the
3 Department shall receive, all assets and property possessed by
4 the Lieutenant Governor under this Section and all liabilities
5 and obligations for which the Lieutenant Governor was
6 responsible under this Section. Nothing in this subsection
7 affects the validity of certifications and grants issued under
8 this Section before the effective date of this amendatory Act
9 of the 91st General Assembly.

10 (Source: P.A. 91-239, eff. 1-1-00; 91-853, eff. 7-1-00; 92-490,
11 eff. 8-23-01; revised 12-6-03.)

12 (20 ILCS 605/605-323) (was 20 ILCS 605/46.76)

13 Sec. 605-323. Energy assistance ~~Assistance Contribution~~
14 ~~Fund~~.

15 (a) The Department may accept gifts, grants, awards,
16 matching contributions, interest income, appropriations, and
17 cost sharings from individuals, businesses, governments, and
18 other third-party sources, on terms that the Director deems
19 advisable, to assist eligible households, businesses,
20 industries, educational institutions, hospitals, health care
21 facilities, and not-for-profit entities to obtain and maintain
22 reliable and efficient energy related services, or to improve
23 the efficiency of such services.

24 (b) (Blank). ~~The Energy Assistance Contribution Fund is~~
25 ~~created as a special fund in the State Treasury, and all moneys~~
26 ~~received under this Section shall be deposited into that Fund.~~
27 ~~Moneys in the Energy Assistance Contribution Fund may be~~
28 ~~expended for purposes consistent with the conditions under~~
29 ~~which those moneys are received, subject to appropriations made~~
30 ~~by the General Assembly for those purposes.~~

31 (Source: P.A. 91-34, eff. 7-1-99; 92-16, eff. 6-28-01.)

32 Section 55-15. The Illinois Promotion Act is amended by

1 changing Section 8a as follows:

2 (20 ILCS 665/8a) (from Ch. 127, par. 200-28a)

3 Sec. 8a. Tourism grants and loans, ~~fund~~.

4 (1) The Department is authorized to make grants and loans,
5 subject to appropriations by the General Assembly for this
6 purpose from the Tourism Promotion Fund ~~or the Tourism~~
7 ~~Attraction Development Matching Grant Fund~~, to counties,
8 municipalities, local promotion groups, not-for-profit
9 organizations, or for-profit businesses for the development or
10 improvement of tourism attractions in Illinois. Individual
11 grants and loans shall not exceed \$1,000,000 and shall not
12 exceed 50% of the entire amount of the actual expenditures for
13 the development or improvement of a tourist attraction.
14 Agreements for loans made by the Department pursuant to this
15 subsection may contain provisions regarding term, interest
16 rate, security as may be required by the Department and any
17 other provisions the Department may require to protect the
18 State's interest.

19 (2) (Blank). ~~There is hereby created a special fund in the~~
20 ~~State Treasury to be known as the Tourism Attraction~~
21 ~~Development Matching Grant Fund. The deposit of monies into~~
22 ~~this fund shall be limited to the repayments of principal and~~
23 ~~interest from loans made pursuant to subsection (1).~~

24 (Source: P.A. 91-683, eff. 1-26-00; 92-38, eff. 6-28-01.)

25 Section 55-20. The Technology Advancement and Development
26 Act is amended by changing Section 1004 as follows:

27 (20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

28 Sec. 1004. Duties and powers. The Department of Commerce
29 and Economic Opportunity ~~Community Affairs~~ shall establish and
30 administer any of the programs authorized under this Act
31 subject to the availability of funds appropriated by the

1 General Assembly. The Department may make awards from general
2 revenue fund appropriations, federal reimbursement funds, and
3 the Technology Cooperation Fund, ~~and the New Technology~~
4 ~~Recovery Fund~~ as provided under the provisions of this Act. The
5 Department, in addition to those powers granted under the Civil
6 Administrative Code of Illinois, is granted the following
7 powers to help administer the provisions of this Act:

8 (a) To provide financial assistance as direct or
9 participation grants, loans or qualified security investments
10 to, or on behalf of, eligible applicants. Loans, grants and
11 investments shall be made for the purpose of increasing
12 research and development, commercializing technology, adopting
13 advanced production and processing techniques, and promoting
14 job creation and retention within Illinois;

15 (b) To enter into agreements, accept funds or grants, and
16 engage in cooperation with agencies of the federal government,
17 local units of government, universities, research foundations
18 or institutions, regional economic development corporations or
19 other organizations for the purposes of this Act;

20 (c) To enter into contracts, agreements, and memoranda of
21 understanding; and to provide funds for participation
22 agreements or to make any other agreements or contracts or to
23 invest, grant, or loan funds to any participating intermediary
24 organizations including, not-for-profit entities, for-profit
25 entities, State agencies or authorities, government owned and
26 contract operated facilities, institutions of higher
27 education, other public or private development corporations,
28 or other entities necessary or desirable to further the purpose
29 of this Act. Any such agreement or contract by an intermediary
30 organization to deliver programs authorized under this Act may
31 include terms and provisions including, but not limited to
32 organization and development of documentation, review and
33 approval of projects, servicing and disbursement of funds and
34 other related activities;

1 (d) To fix, determine, charge and collect any premiums,
2 fees, charges, costs and expenses, including without
3 limitation, any application fees, commitment fees, program
4 fees, financing charges, or publication fees in connection with
5 the Department's activities under this Act;

6 (e) To establish forms for applications, notifications,
7 contracts, or any other agreements, and to promulgate
8 procedures, rules or regulations deemed necessary and
9 appropriate;

10 (f) To establish and regulate the terms and conditions of
11 the Department's agreements and to consent, subject to the
12 provisions of any agreement with another party, to the
13 modification or restructuring of any agreement to which the
14 Department is a party;

15 (g) To require that recipients of financial assistance
16 shall at all times keep proper books of record and account in
17 accordance with generally accepted accounting principles
18 consistently applied, with such books open for reasonable
19 Department inspection and audits, including, without
20 limitation, the making of copies thereof;

21 (h) To require applicants or grantees receiving funds under
22 this Act to permit the Department to: (i) inspect and audit any
23 books, records or papers related to the project in the custody
24 or control of the applicant, including the making of copies or
25 extracts thereof, and (ii) inspect or appraise any of the
26 applicant's or grantee's business assets;

27 (i) To require applicants or grantees, upon written request
28 by the Department, to issue any necessary authorization to the
29 appropriate federal, State or local authority for the release
30 of information concerning a business or business project
31 financed under the provisions of this Act, with the information
32 requested to include, but not be limited to, financial reports,
33 returns, or records relating to that business or business
34 project;

1 (i-5) To provide staffing, administration, and related
2 support required to manage the programs authorized under this
3 Act and to pay for staffing and administration ~~from the New~~
4 ~~Technology Recovery Fund~~ as appropriated by the General
5 Assembly. Administrative responsibilities may include, but are
6 not limited to, research and identification of the needs of
7 commerce and industry in this State; design of comprehensive
8 statewide plans and programs; direction, management, and
9 control of specific projects; and communication and
10 cooperation with entities about technology commercialization
11 and business modernization;

12 (j) To take whatever actions are necessary or appropriate
13 to protect the State's interest in the event of bankruptcy,
14 default, foreclosure or noncompliance with the terms and
15 conditions of financial assistance or participation required
16 under this Act, including the power to sell, dispose, lease or
17 rent, upon terms and conditions determined by the Director to
18 be appropriate, real or personal property which the Department
19 may receive as a result thereof; and

20 (k) Exercise such other powers as are necessary to carry
21 out the purposes of this Act.

22 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

23 Section 55-25. The Energy Conservation and Coal
24 Development Act is amended by changing Section 9 as follows:

25 (20 ILCS 1105/9) (from Ch. 96 1/2, par. 7409)

26 Sec. 9. The Illinois Industrial Coal Utilization Program.
27 The Department shall administer the Illinois Industrial Coal
28 Utilization Program, referred to as the "program". The purpose
29 of the program is to increase the environmentally sound use of
30 Illinois coal by qualified applicants. To that end, the
31 Department shall operate a revolving loan program to partially
32 finance new coal burning facilities sited in Illinois or

1 conversion of existing boilers located in Illinois to coal use,
2 referred to as "industrial coal projects".

3 The Department, with the advice and recommendation of the
4 Illinois Coal Development Board, shall make below market rate
5 loans available to fund a portion of each qualifying industrial
6 coal project. The applicant must demonstrate that it is able to
7 obtain additional financing from other sources to fund the
8 remainder of the project and that the project would not occur
9 without the Department's participation. The Department may, in
10 part, rely on the financial evaluation completed by the
11 provider of the additional funding, as well as its own
12 evaluation.

13 The Department shall have the following powers:

14 (1) To accept grants, loans, or appropriations from the
15 federal government or the State, or any agency or
16 instrumentality of either, to be used for any purposes of the
17 program, including operating and administrative expenses
18 associated with the program and the making of direct loans of
19 those funds with respect to projects. The Department may enter
20 into any agreement with the federal government or the State, or
21 any agency or instrumentality of either, in connection with
22 those grants, loans, or appropriations.

23 (2) To make loans from appropriations from ~~the Build~~
24 ~~Illinois Purposes Fund or~~ the Build Illinois Bond Fund and to
25 accept guarantees from individuals, partnerships, joint
26 ventures, corporations, and governmental agencies. Any loan or
27 series of loans shall be limited to an amount not to exceed the
28 lesser of \$4,000,000 or 60% of the total project cost.

29 (3) To establish interest rates, terms of repayment, and
30 other terms and conditions regarding loans made under this Act
31 as the Department shall determine necessary or appropriate to
32 protect the public interest and carry out the purposes of this
33 Act.

34 (4) To receive, evaluate, and establish time schedules for

1 the determination of, and determine applications for financial
2 aid for the development, construction, acquisition, or
3 improvement of, an industrial coal project from any qualifying
4 applicant and negotiate terms and conditions on which the coal
5 project may be developed, constructed, improved, owned, or used
6 by or leased to the applicant or its successor in interest. The
7 Department shall prescribe the form of application. The form
8 shall contain, without being limited to, the following:

9 (i) a general description of the industrial coal
10 project and of the developer, user, or tenant for which the
11 industrial project is to be established;

12 (ii) plans, equipment lists, and other documents that
13 may be required to show the type, structure, and general
14 character of the project;

15 (iii) a general description of the expected use of
16 Illinois coal resulting from the project;

17 (iv) cost estimates of developing, constructing,
18 acquiring, or improving the industrial project;

19 (v) a general description of the financing plan for the
20 industrial coal project; and

21 (vi) a general description and statement of value of
22 any property and its improvements provided or to be
23 provided for the project by other sources.

24 Nothing in this Section shall be deemed to preclude the
25 Department, before the filing of any formal application, from
26 conducting preliminary discussions and investigations with
27 respect to the subject matter of any prospective applications.

28 (Source: P.A. 90-348, eff. 1-1-98.)

29 Section 55-30. The Disabled Persons Rehabilitation Act is
30 amended by changing Section 5 as follows:

31 (20 ILCS 2405/5) (from Ch. 23, par. 3436)

32 Sec. 5. The Department is authorized to receive such gifts

1 or donations, either from public or private sources, as may be
2 offered unconditionally or under such conditions related to the
3 comprehensive rehabilitation services, habilitation and
4 rehabilitation of persons with one or more disabilities, as in
5 the judgment of the Department are proper and consistent with
6 the provisions of this Act. ~~All moneys so received shall be~~
7 ~~deposited in the State treasury in a fund to be known as the~~
8 ~~"DORS State Project Fund".~~

9 (Source: P.A. 86-607.)

10 Section 55-35. The Department of Transportation Law of the
11 Civil Administrative Code of Illinois is amended by changing
12 Sections 2705-275 and 2705-305 as follows:

13 (20 ILCS 2705/2705-275) (was 20 ILCS 2705/49.25j)

14 Sec. 2705-275. Grants for airport facilities. The
15 Department may make grants to municipalities and airport
16 authorities for the renovation, construction, and development
17 of airport facilities. The grants may be made from funds
18 appropriated for that purpose from the Build Illinois Bond Fund
19 ~~or the Build Illinois Purposes Fund.~~

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

21 (20 ILCS 2705/2705-305)

22 Sec. 2705-305. Grants for mass transportation.

23 (a) For the purpose of mass transportation grants and
24 contracts, the following definitions apply:

25 "Carrier" means any corporation, authority, partnership,
26 association, person, or district authorized to provide mass
27 transportation within the State.

28 "District" means all of the following:

29 (i) Any district created pursuant to the Local Mass
30 Transit District Act.

31 (ii) The Authority created pursuant to the

1 Metropolitan Transit Authority Act.

2 (iii) Any authority, commission, or other entity that
3 by virtue of an interstate compact approved by Congress is
4 authorized to provide mass transportation.

5 (iv) The Authority created pursuant to the Regional
6 Transportation Authority Act.

7 "Facilities" comprise all real and personal property used
8 in or appurtenant to a mass transportation system, including
9 parking lots.

10 "Mass transportation" means transportation provided within
11 the State of Illinois by rail, bus, or other conveyance and
12 available to the general public on a regular and continuing
13 basis, including the transportation of handicapped or elderly
14 persons as provided more specifically in Section 2705-310.

15 "Unit of local government" means any city, village,
16 incorporated town, or county.

17 (b) Grants may be made to units of local government,
18 districts, and carriers for the acquisition, construction,
19 extension, reconstruction, and improvement of mass
20 transportation facilities. Grants shall be made upon the terms
21 and conditions that in the judgment of the Secretary are
22 necessary to ensure their proper and effective utilization.

23 (c) The Department shall make grants under this Law in a
24 manner designed, so far as is consistent with the maintenance
25 and development of a sound mass transportation system within
26 the State, to: (i) maximize federal funds for the assistance of
27 mass transportation in Illinois under the Federal Transit Act
28 and other federal Acts; (ii) facilitate the movement of persons
29 who because of age, economic circumstance, or physical
30 infirmity are unable to drive; (iii) contribute to an improved
31 environment through the reduction of air, water, and noise
32 pollution; and (iv) reduce traffic congestion.

33 (d) The Secretary shall establish procedures for making
34 application for mass transportation grants. The procedures

1 shall provide for public notice of all applications and give
2 reasonable opportunity for the submission of comments and
3 objections by interested parties. The procedures shall be
4 designed with a view to facilitating simultaneous application
5 for a grant to the Department and to the federal government.

6 (e) Grants may be made for mass transportation projects as
7 follows:

8 (1) In an amount not to exceed 100% of the nonfederal
9 share of projects for which a federal grant is made.

10 (2) In an amount not to exceed 100% of the net project
11 cost for projects for which a federal grant is not made.

12 (3) In an amount not to exceed five-sixths of the net
13 project cost for projects essential for the maintenance of
14 a sound transportation system and eligible for federal
15 assistance for which a federal grant application has been
16 made but a federal grant has been delayed. If and when a
17 federal grant is made, the amount in excess of the
18 nonfederal share shall be promptly returned to the
19 Department.

20 In no event shall the Department make a grant that,
21 together with any federal funds or funds from any other source,
22 is in excess of 100% of the net project cost.

23 (f) Regardless of whether any funds are available under a
24 federal grant, the Department shall not make a mass
25 transportation grant unless the Secretary finds that the
26 recipient has entered into an agreement with the Department in
27 which the recipient agrees not to engage in school bus
28 operations exclusively for the transportation of students and
29 school personnel in competition with private school bus
30 operators where those private school bus operators are able to
31 provide adequate transportation, at reasonable rates, in
32 conformance with applicable safety standards, provided that
33 this requirement shall not apply to a recipient that operates a
34 school system in the area to be served and operates a separate

1 and exclusive school bus program for the school system.

2 (g) Grants may be made for mass transportation purposes
3 with funds appropriated from the Build Illinois Bond Fund ~~or~~
4 ~~the Build Illinois Purposes Fund~~ consistent with the specific
5 purposes for which those funds are appropriated by the General
6 Assembly. Grants under this subsection (g) are not subject to
7 any limitations or conditions imposed upon grants by any other
8 provision of this Section, except that the Secretary may impose
9 the terms and conditions that in his or her judgment are
10 necessary to ensure the proper and effective utilization of the
11 grants under this subsection.

12 (h) The Department may let contracts for mass
13 transportation purposes and facilities for the purpose of
14 reducing urban congestion funded in whole or in part with bonds
15 described in subdivision (b)(1) of Section 4 of the General
16 Obligation Bond Act, not to exceed \$75,000,000 in bonds.

17 (i) The Department may make grants to carriers, districts,
18 and units of local government for the purpose of reimbursing
19 them for providing reduced fares for mass transportation
20 services for students, handicapped persons and the elderly.
21 Grants shall be made upon the terms and conditions that in the
22 judgment of the Secretary are necessary to ensure their proper
23 and effective utilization.

24 (j) The Department may make grants to carriers, districts,
25 and units of local government for costs of providing ADA
26 paratransit service.

27 (Source: P.A. 90-774, eff. 8-14-98; 91-239, eff. 1-1-00.)

28 Section 55-40. The Illinois Finance Authority Act is
29 amended by changing Sections 801-40 and 805-15 as follows:

30 (20 ILCS 3501/801-40)

31 Sec. 801-40. In addition to the powers otherwise authorized
32 by law and in addition to the foregoing general corporate

1 powers, the Authority shall also have the following additional
2 specific powers to be exercised in furtherance of the purposes
3 of this Act.

4 (a) The Authority shall have power (i) to accept grants,
5 loans or appropriations from the federal government or the
6 State, or any agency or instrumentality thereof, to be used for
7 the operating expenses of the Authority, or for any purposes of
8 the Authority, including the making of direct loans of such
9 funds with respect to projects, and (ii) to enter into any
10 agreement with the federal government or the State, or any
11 agency or instrumentality thereof, in relationship to such
12 grants, loans or appropriations.

13 (b) The Authority shall have power to procure and enter
14 into contracts for any type of insurance and indemnity
15 agreements covering loss or damage to property from any cause,
16 including loss of use and occupancy, or covering any other
17 insurable risk.

18 (c) The Authority shall have the continuing power to issue
19 bonds for its corporate purposes. Bonds may be issued by the
20 Authority in one or more series and may provide for the payment
21 of any interest deemed necessary on such bonds, of the costs of
22 issuance of such bonds, of any premium on any insurance, or of
23 the cost of any guarantees, letters of credit or other similar
24 documents, may provide for the funding of the reserves deemed
25 necessary in connection with such bonds, and may provide for
26 the refunding or advance refunding of any bonds or for accounts
27 deemed necessary in connection with any purpose of the
28 Authority. The bonds may bear interest payable at any time or
29 times and at any rate or rates, notwithstanding any other
30 provision of law to the contrary, and such rate or rates may be
31 established by an index or formula which may be implemented or
32 established by persons appointed or retained therefor by the
33 Authority, or may bear no interest or may bear interest payable
34 at maturity or upon redemption prior to maturity, may bear such

1 date or dates, may be payable at such time or times and at such
2 place or places, may mature at any time or times not later than
3 40 years from the date of issuance, may be sold at public or
4 private sale at such time or times and at such price or prices,
5 may be secured by such pledges, reserves, guarantees, letters
6 of credit, insurance contracts or other similar credit support
7 or liquidity instruments, may be executed in such manner, may
8 be subject to redemption prior to maturity, may provide for the
9 registration of the bonds, and may be subject to such other
10 terms and conditions all as may be provided by the resolution
11 or indenture authorizing the issuance of such bonds. The holder
12 or holders of any bonds issued by the Authority may bring suits
13 at law or proceedings in equity to compel the performance and
14 observance by any person or by the Authority or any of its
15 agents or employees of any contract or covenant made with the
16 holders of such bonds and to compel such person or the
17 Authority and any of its agents or employees to perform any
18 duties required to be performed for the benefit of the holders
19 of any such bonds by the provision of the resolution
20 authorizing their issuance, and to enjoin such person or the
21 Authority and any of its agents or employees from taking any
22 action in conflict with any such contract or covenant.
23 Notwithstanding the form and tenor of any such bonds and in the
24 absence of any express recital on the face thereof that it is
25 non-negotiable, all such bonds shall be negotiable
26 instruments. Pending the preparation and execution of any such
27 bonds, temporary bonds may be issued as provided by the
28 resolution. The bonds shall be sold by the Authority in such
29 manner as it shall determine. The bonds may be secured as
30 provided in the authorizing resolution by the receipts,
31 revenues, income and other available funds of the Authority and
32 by any amounts derived by the Authority from the loan agreement
33 or lease agreement with respect to the project or projects; and
34 bonds may be issued as general obligations of the Authority

1 payable from such revenues, funds and obligations of the
2 Authority as the bond resolution shall provide, or may be
3 issued as limited obligations with a claim for payment solely
4 from such revenues, funds and obligations as the bond
5 resolution shall provide. The Authority may grant a specific
6 pledge or assignment of and lien on or security interest in
7 such rights, revenues, income, or amounts and may grant a
8 specific pledge or assignment of and lien on or security
9 interest in any reserves, funds or accounts established in the
10 resolution authorizing the issuance of bonds. Any such pledge,
11 assignment, lien or security interest for the benefit of the
12 holders of the Authority's bonds shall be valid and binding
13 from the time the bonds are issued without any physical
14 delivery or further act, and shall be valid and binding as
15 against and prior to the claims of all other parties having
16 claims against the Authority or any other person irrespective
17 of whether the other parties have notice of the pledge,
18 assignment, lien or security interest. As evidence of such
19 pledge, assignment, lien and security interest, the Authority
20 may execute and deliver a mortgage, trust agreement, indenture
21 or security agreement or an assignment thereof. A remedy for
22 any breach or default of the terms of any such agreement by the
23 Authority may be by mandamus proceedings in any court of
24 competent jurisdiction to compel the performance and
25 compliance therewith, but the agreement may prescribe by whom
26 or on whose behalf such action may be instituted. It is
27 expressly understood that the Authority may, but need not,
28 acquire title to any project with respect to which it exercises
29 its authority.

30 (d) With respect to the powers granted by this Act, the
31 Authority may adopt rules and regulations prescribing the
32 procedures by which persons may apply for assistance under this
33 Act. Nothing herein shall be deemed to preclude the Authority,
34 prior to the filing of any formal application, from conducting

1 preliminary discussions and investigations with respect to the
2 subject matter of any prospective application.

3 (e) The Authority shall have power to acquire by purchase,
4 lease, gift or otherwise any property or rights therein from
5 any person useful for its purposes, whether improved for the
6 purposes of any prospective project, or unimproved. The
7 Authority may also accept any donation of funds for its
8 purposes from any such source. The Authority shall have no
9 independent power of condemnation but may acquire any property
10 or rights therein obtained upon condemnation by any other
11 authority, governmental entity or unit of local government with
12 such power.

13 (f) The Authority shall have power to develop, construct
14 and improve either under its own direction, or through
15 collaboration with any approved applicant, or to acquire
16 through purchase or otherwise, any project, using for such
17 purpose the proceeds derived from the sale of its bonds or from
18 governmental loans or grants, and to hold title in the name of
19 the Authority to such projects.

20 (g) The Authority shall have power to lease pursuant to a
21 lease agreement any project so developed and constructed or
22 acquired to the approved tenant on such terms and conditions as
23 may be appropriate to further the purposes of this Act and to
24 maintain the credit of the Authority. Any such lease may
25 provide for either the Authority or the approved tenant to
26 assume initially, in whole or in part, the costs of
27 maintenance, repair and improvements during the leasehold
28 period. In no case, however, shall the total rentals from any
29 project during any initial leasehold period or the total loan
30 repayments to be made pursuant to any loan agreement, be less
31 than an amount necessary to return over such lease or loan
32 period (1) all costs incurred in connection with the
33 development, construction, acquisition or improvement of the
34 project and for repair, maintenance and improvements thereto

1 during the period of the lease or loan; provided, however, that
2 the rentals or loan repayments need not include costs met
3 through the use of funds other than those obtained by the
4 Authority through the issuance of its bonds or governmental
5 loans; (2) a reasonable percentage additive to be agreed upon
6 by the Authority and the borrower or tenant to cover a properly
7 allocable portion of the Authority's general expenses,
8 including, but not limited to, administrative expenses,
9 salaries and general insurance, and (3) an amount sufficient to
10 pay when due all principal of, interest and premium, if any on,
11 any bonds issued by the Authority with respect to the project.
12 The portion of total rentals payable under clause (3) of this
13 subsection (g) shall be deposited in such special accounts,
14 including all sinking funds, acquisition or construction
15 funds, debt service and other funds as provided by any
16 resolution, mortgage or trust agreement of the Authority
17 pursuant to which any bond is issued.

18 (h) The Authority has the power, upon the termination of
19 any leasehold period of any project, to sell or lease for a
20 further term or terms such project on such terms and conditions
21 as the Authority shall deem reasonable and consistent with the
22 purposes of the Act. The net proceeds from all such sales and
23 the revenues or income from such leases shall be used to
24 satisfy any indebtedness of the Authority with respect to such
25 project and any balance may be used to pay any expenses of the
26 Authority or be used for the further development, construction,
27 acquisition or improvement of projects. In the event any
28 project is vacated by a tenant prior to the termination of the
29 initial leasehold period, the Authority shall sell or lease the
30 facilities of the project on the most advantageous terms
31 available. The net proceeds of any such disposition shall be
32 treated in the same manner as the proceeds from sales or the
33 revenues or income from leases subsequent to the termination of
34 any initial leasehold period.

1 (i) The Authority shall have the power to make loans to
2 persons to finance a project, to enter into loan agreements
3 with respect thereto, and to accept guarantees from persons of
4 its loans or the resultant evidences of obligations of the
5 Authority.

6 (j) The Authority may fix, determine, charge and collect
7 any premiums, fees, charges, costs and expenses, including,
8 without limitation, any application fees, commitment fees,
9 program fees, financing charges or publication fees from any
10 person in connection with its activities under this Act.

11 (k) In addition to the funds established as provided
12 herein, the Authority shall have the power to create and
13 establish such reserve funds and accounts as may be necessary
14 or desirable to accomplish its purposes under this Act and to
15 deposit its available monies into the funds and accounts.

16 (l) At the request of the governing body of any unit of
17 local government, the Authority is authorized to market such
18 local government's revenue bond offerings by preparing bond
19 issues for sale, advertising for sealed bids, receiving bids at
20 its offices, making the award to the bidder that offers the
21 most favorable terms or arranging for negotiated placements or
22 underwritings of such securities. The Authority may, at its
23 discretion, offer for concurrent sale the revenue bonds of
24 several local governments. Sales by the Authority of revenue
25 bonds under this Section shall in no way imply State guarantee
26 of such debt issue. The Authority may require such financial
27 information from participating local governments as it deems
28 necessary in order to carry out the purposes of this subsection
29 (1).

30 (m) The Authority may make grants to any county to which
31 Division 5-37 of the Counties Code is applicable to assist in
32 the financing of capital development, construction and
33 renovation of new or existing facilities for hospitals and
34 health care facilities under that Act. Such grants may only be

1 made from funds appropriated for such purposes from the Build
2 Illinois Bond Fund ~~or the Build Illinois Purposes Fund.~~

3 (n) The Authority may establish an urban development action
4 grant program for the purpose of assisting municipalities in
5 Illinois which are experiencing severe economic distress to
6 help stimulate economic development activities needed to aid in
7 economic recovery. The Authority shall determine the types of
8 activities and projects for which the urban development action
9 grants may be used, provided that such projects and activities
10 are broadly defined to include all reasonable projects and
11 activities the primary objectives of which are the development
12 of viable urban communities, including decent housing and a
13 suitable living environment, and expansion of economic
14 opportunity, principally for persons of low and moderate
15 incomes. The Authority shall enter into grant agreements from
16 monies appropriated for such purposes from the Build Illinois
17 Bond Fund ~~or the Build Illinois Purposes Fund.~~ The Authority
18 shall monitor the use of the grants, and shall provide for
19 audits of the funds as well as recovery by the Authority of any
20 funds determined to have been spent in violation of this
21 subsection (n) or any rule or regulation promulgated hereunder.
22 The Authority shall provide technical assistance with regard to
23 the effective use of the urban development action grants. The
24 Authority shall file an annual report to the General Assembly
25 concerning the progress of the grant program.

26 (o) The Authority may establish a Housing Partnership
27 Program whereby the Authority provides zero-interest loans to
28 municipalities for the purpose of assisting in the financing of
29 projects for the rehabilitation of affordable multi-family
30 housing for low and moderate income residents. The Authority
31 may provide such loans only upon a municipality's providing
32 evidence that it has obtained private funding for the
33 rehabilitation project. The Authority shall provide 3 State
34 dollars for every 7 dollars obtained by the municipality from

1 sources other than the State of Illinois. The loans shall be
2 made from monies appropriated for such purpose from the Build
3 Illinois Bond Fund ~~or the Build Illinois Purposes Fund~~. The
4 total amount of loans available under the Housing Partnership
5 Program shall not exceed \$30,000,000. State loan monies under
6 this subsection shall be used only for the acquisition and
7 rehabilitation of existing buildings containing 4 or more
8 dwelling units. The terms of any loan made by the municipality
9 under this subsection shall require repayment of the loan to
10 the municipality upon any sale or other transfer of the
11 project.

12 (p) The Authority may award grants to universities and
13 research institutions, research consortiums and other
14 not-for-profit entities for the purposes of: remodeling or
15 otherwise physically altering existing laboratory or research
16 facilities, expansion or physical additions to existing
17 laboratory or research facilities, construction of new
18 laboratory or research facilities or acquisition of modern
19 equipment to support laboratory or research operations
20 provided that such grants (i) be used solely in support of
21 project and equipment acquisitions which enhance technology
22 transfer, and (ii) not constitute more than 60 percent of the
23 total project or acquisition cost.

24 (q) Grants may be awarded by the Authority to units of
25 local government for the purpose of developing the appropriate
26 infrastructure or defraying other costs to the local government
27 in support of laboratory or research facilities provided that
28 such grants may not exceed 40% of the cost to the unit of local
29 government.

30 (r) The Authority may establish a Direct Loan Program to
31 make loans to individuals, partnerships or corporations for the
32 purpose of an industrial project, as defined in Section 801-10
33 of this Act. For the purposes of such program and not by way of
34 limitation on any other program of the Authority, the Authority

1 shall have the power to issue bonds, notes, or other evidences
2 of indebtedness including commercial paper for purposes of
3 providing a fund of capital from which it may make such loans.
4 The Authority shall have the power to use any appropriations
5 from the State made especially for the Authority's Direct Loan
6 Program for additional capital to make such loans or for the
7 purposes of reserve funds or pledged funds which secure the
8 Authority's obligations of repayment of any bond, note or other
9 form of indebtedness established for the purpose of providing
10 capital for which it intends to make such loans under the
11 Direct Loan Program. For the purpose of obtaining such capital,
12 the Authority may also enter into agreements with financial
13 institutions and other persons for the purpose of selling loans
14 and developing a secondary market for such loans. Loans made
15 under the Direct Loan Program may be in an amount not to exceed
16 \$300,000 and shall be made for a portion of an industrial
17 project which does not exceed 50% of the total project. No loan
18 may be made by the Authority unless approved by the affirmative
19 vote of at least 8 members of the board. The Authority shall
20 establish procedures and publish rules which shall provide for
21 the submission, review, and analysis of each direct loan
22 application and which shall preserve the ability of each board
23 member to reach an individual business judgment regarding the
24 propriety of making each direct loan. The collective discretion
25 of the board to approve or disapprove each loan shall be
26 unencumbered. The Authority may establish and collect such fees
27 and charges, determine and enforce such terms and conditions,
28 and charge such interest rates as it determines to be necessary
29 and appropriate to the successful administration of the Direct
30 Loan Program. The Authority may require such interests in
31 collateral and such guarantees as it determines are necessary
32 to protect the Authority's interest in the repayment of the
33 principal and interest of each loan made under the Direct Loan
34 Program.

1 (s) The Authority may guarantee private loans to third
2 parties up to a specified dollar amount in order to promote
3 economic development in this State.

4 (t) The Authority may adopt rules and regulations as may be
5 necessary or advisable to implement the powers conferred by
6 this Act.

7 (u) The Authority shall have the power to issue bonds,
8 notes or other evidences of indebtedness, which may be used to
9 make loans to units of local government which are authorized to
10 enter into loan agreements and other documents and to issue
11 bonds, notes and other evidences of indebtedness for the
12 purpose of financing the protection of storm sewer outfalls,
13 the construction of adequate storm sewer outfalls, and the
14 provision for flood protection of sanitary sewage treatment
15 plans, in counties that have established a stormwater
16 management planning committee in accordance with Section
17 5-1062 of the Counties Code. Any such loan shall be made by the
18 Authority pursuant to the provisions of Section 820-5 to 820-60
19 of this Act. The unit of local government shall pay back to the
20 Authority the principal amount of the loan, plus annual
21 interest as determined by the Authority. The Authority shall
22 have the power, subject to appropriations by the General
23 Assembly, to subsidize or buy down a portion of the interest on
24 such loans, up to 4% per annum.

25 (v) The Authority may accept security interests as provided
26 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

27 (w) Moral Obligation. In the event that the Authority
28 determines that monies of the Authority will not be sufficient
29 for the payment of the principal of and interest on its bonds
30 during the next State fiscal year, the Chairperson, as soon as
31 practicable, shall certify to the Governor the amount required
32 by the Authority to enable it to pay such principal of and
33 interest on the bonds. The Governor shall submit the amount so
34 certified to the General Assembly as soon as practicable, but

1 no later than the end of the current State fiscal year. This
2 subsection shall apply only to any bonds or notes as to which
3 the Authority shall have determined, in the resolution
4 authorizing the issuance of the bonds or notes, that this
5 subsection shall apply. Whenever the Authority makes such a
6 determination, that fact shall be plainly stated on the face of
7 the bonds or notes and that fact shall also be reported to the
8 Governor. In the event of a withdrawal of moneys from a reserve
9 fund established with respect to any issue or issues of bonds
10 of the Authority to pay principal or interest on those bonds,
11 the Chairperson of the Authority, as soon as practicable, shall
12 certify to the Governor the amount required to restore the
13 reserve fund to the level required in the resolution or
14 indenture securing those bonds. The Governor shall submit the
15 amount so certified to the General Assembly as soon as
16 practicable, but no later than the end of the current State
17 fiscal year. The Authority shall obtain written approval from
18 the Governor for any bonds and notes to be issued under this
19 Section. In addition to any other bonds authorized to be issued
20 under Sections 825-60, 825-65(e), 830-25 and 845-5, the
21 principal amount of Authority bonds outstanding issued under
22 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS
23 360/2-6(c), which have been assumed by the Authority, shall not
24 exceed \$150,000,000.

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

26 (20 ILCS 3501/805-15)

27 Sec. 805-15. Industrial Project Insurance Fund. There is
28 created the Industrial Project Insurance Fund, hereafter
29 referred to in Sections 805-15 through 805-50 of this Act as
30 the "Fund". The Treasurer shall have custody of the Fund, which
31 shall be held outside of the State treasury, except that
32 custody may be transferred to and held by any bank, trust
33 company or other fiduciary with whom the Authority executes a

1 trust agreement as authorized by paragraph (h) of Section
2 805-20 of this Act. Any portion of the Fund against which a
3 charge has been made, shall be held for the benefit of the
4 holders of the loans or bonds insured under Section 805-20 of
5 this Act. There shall be deposited in the Fund such amounts,
6 including but not limited to:

7 (a) All receipts of bond and loan insurance premiums;

8 (b) All proceeds of assets of whatever nature received by
9 the Authority as a result of default or delinquency with
10 respect to insured loans or bonds with respect to which
11 payments from the Fund have been made, including proceeds from
12 the sale, disposal, lease or rental of real or personal
13 property which the Authority may receive under the provisions
14 of this Article but excluding the proceeds of insurance
15 hereunder;

16 (c) All receipts from any applicable contract or agreement
17 entered into by the Authority under paragraph (b) of Section
18 805-20 of this Act;

19 (d) Any State appropriations, transfers of appropriations,
20 or transfers of general obligation bond proceeds or other
21 monies made available to the Fund. Amounts in the Fund shall be
22 used in accordance with the provisions of this Article to
23 satisfy any valid insurance claim payable therefrom and may be
24 used for any other purpose determined by the Authority in
25 accordance with insurance contract or contracts with financial
26 institutions entered into pursuant to this Act, including
27 without limitation protecting the interest of the Authority in
28 industrial projects during periods of loan delinquency or upon
29 loan default through the purchase of industrial projects in
30 foreclosure proceedings or in lieu of foreclosure or through
31 any other means. Such amounts may also be used to pay
32 administrative costs and expenses reasonably allocable to the
33 activities in connection with the Fund and to pay taxes,
34 maintenance, insurance, security and any other costs and

1 expenses of bidding for, acquiring, owning, carrying and
2 disposing of industrial projects which were financed with the
3 proceeds of insured bonds or loans. In the case of a default in
4 payment with respect to any loan, mortgage or other agreement
5 so insured, the amount of the default shall immediately, and at
6 all times during the continuance of such default, and to the
7 extent provided in any applicable agreement, constitute a
8 charge on the Fund. Any amounts in the Fund not currently
9 needed to meet the obligations of the Fund may be invested as
10 provided by law in obligations designated by the Authority, and
11 all income from such investments shall become part of the Fund.
12 In making such investments, the Authority shall act with the
13 care, skill, diligence and prudence under the circumstances of
14 a prudent person acting in a like capacity in the conduct of an
15 enterprise of like character and with like aims. It shall
16 diversify such investments of the Authority so as to minimize
17 the risk of large losses, unless under the circumstances it is
18 clearly not prudent to do so. ~~Any amounts in the Fund not~~
19 ~~needed to meet the obligations of the Fund may be transferred~~
20 ~~to the Credit Enhancement Development Fund of the Authority~~
21 ~~pursuant to resolution of the members of the Authority.~~

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

23 Section 55-45. The Illinois Building Commission Act is
24 amended by changing Section 50 as follows:

25 (20 ILCS 3918/50)

26 Sec. 50. ~~The~~ Illinois Building Commission Fees Revolving
27 ~~Fund. The Illinois Building Commission Revolving Fund is~~
28 ~~created in the State treasury.~~ The Illinois Building Commission
29 may establish fees, each of which may not exceed \$250, for
30 services provided in fulfilling its mandate under this Act,
31 except that for dispute resolution between the Illinois
32 Department of Public Health and a health care provider, the

1 Commission may establish fees to be paid by the health care
2 provider, which may not exceed \$10,000. All fees collected by
3 the Commission shall be deposited into the General Revenue Fund
4 ~~Illinois Building Commission Revolving Fund~~. The Commission
5 may also accept donations or moneys from any other source ~~for~~
6 ~~deposit into this fund.~~ The Illinois Building Commission ~~All~~
7 ~~interest accrued on the fees, donations, and other deposits to~~
8 ~~the Illinois Building Commission Revolving Fund shall be~~
9 ~~deposited into the fund. All moneys in the Illinois Building~~
10 ~~Commission Revolving Fund may be used,~~ subject to appropriation
11 by the General Assembly, may expend moneys to carry out the
12 activities of the Act, including the expenses of the Illinois
13 Building Commission, a clearinghouse on State building
14 requirements, or other purposes consistent with this Act.

15 (Source: P.A. 91-581, eff. 8-14-99; 92-803, eff. 8-16-02.)

16 Section 55-50. The State Finance Act is amended by changing
17 Section 8c as follows:

18 (30 ILCS 105/8c) (from Ch. 127, par. 144c)

19 Sec. 8c. Appropriations for projects and activities
20 authorized by The Build Illinois Act ~~are payable from the Build~~
21 ~~Illinois Purposes Fund, but~~ may be obligated and expended only
22 with the written approval of the Governor in such amounts, at
23 such times, and for such purposes as contemplated in such
24 appropriations and in The Build Illinois Act.

25 (Source: P.A. 90-372, eff. 7-1-98.)

26 Section 55-55. The Natural Heritage Fund Act is amended by
27 changing Section 4 as follows:

28 (30 ILCS 150/4) (from Ch. 105, par. 734)

29 Sec. 4. The Natural Heritage Fund and the Natural Heritage
30 Endowment Trust Fund. There is established the Natural Heritage

1 Fund. The moneys in this fund shall be used, pursuant to
2 appropriation, exclusively by the Department for the
3 preservation and maintenance of natural heritage lands held in
4 the public trust. The Natural Heritage Fund shall be financed
5 through transfers of investment income earned by the Natural
6 Heritage Endowment Trust Fund created herebelow.

7 The Natural Heritage Endowment Trust Fund (Trust Fund) is
8 created as a trust fund in the State treasury. The Trust Fund
9 shall be established in the form of an irrevocable trust in a
10 depository bank with capital in surplus of at least \$50,000,000
11 and approved by the State Treasurer. The Trust Fund shall be
12 financed by a combination of private donations and by
13 appropriations by the General Assembly ~~from the Build Illinois~~
14 ~~Purposes Fund~~. The Department may accept from all sources,
15 contributions, grants, gifts, bequeaths, legacies of money and
16 securities to be deposited into the Trust Fund. All deposits
17 shall become part of the Trust Fund corpus. Moneys in the Trust
18 Fund, are not subject to appropriation and shall be used solely
19 to provide financing to the Natural Heritage Fund.

20 All gifts, grants, assets, funds, or moneys received by the
21 Department under this Act shall be deposited and held in the
22 Trust Fund by the State Treasurer as ex officio custodian
23 separate and apart from all public moneys or funds of this
24 State and shall be administered by the Director exclusively for
25 the purposes set forth in this Act. All moneys in the Trust
26 Fund shall be invested and reinvested by the State Treasurer.
27 All interest accruing from these investments shall be deposited
28 in the Trust Fund.

29 The Governor shall request and the General Assembly may
30 appropriate funds ~~from the Build Illinois Purposes Fund~~ to the
31 Trust Fund up to an amount not to exceed a total of \$2,500,000.
32 Subject to appropriation, the Department shall pay into the
33 Trust Fund at the end of each fiscal year the sum of \$500,000
34 and such sum equal to the amount by which private contributions

1 for the year exceed \$500,000. Once the corpus of the Trust Fund
2 has reached \$5,000,000, any obligation of the State to provide
3 State funds to the Trust Fund shall cease; however, additional
4 private funds donated specifically to the Trust Fund shall be
5 applied to the Trust Fund corpus.

6 (Source: P.A. 87-1197.)

7 Section 55-60. The Build Illinois Bond Act is amended by
8 changing Section 2 as follows:

9 (30 ILCS 425/2) (from Ch. 127, par. 2802)

10 Sec. 2. Authorization for Bonds. The State of Illinois is
11 authorized to issue, sell and provide for the retirement of
12 limited obligation bonds, notes and other evidences of
13 indebtedness of the State of Illinois in the total principal
14 amount of \$3,805,509,000 herein called "Bonds". Such
15 authorized amount of Bonds shall be reduced from time to time
16 by amounts, if any, which are equal to the moneys received by
17 the Department of Revenue in any fiscal year pursuant to
18 Section 3-1001 of the "Illinois Vehicle Code", as amended, in
19 excess of the Annual Specified Amount (as defined in Section 3
20 of the "Retailers' Occupation Tax Act", as amended) and
21 transferred at the end of such fiscal year from the General
22 Revenue Fund to the Build Illinois Purposes Fund (now
23 abolished) as provided in Section 3-1001 of said Code;
24 provided, however, that no such reduction shall affect the
25 validity or enforceability of any Bonds issued prior to such
26 reduction. Such amount of authorized Bonds shall be exclusive
27 of any refunding Bonds issued pursuant to Section 15 of this
28 Act and exclusive of any Bonds issued pursuant to this Section
29 which are redeemed, purchased, advance refunded, or defeased in
30 accordance with paragraph (f) of Section 4 of this Act. Bonds
31 shall be issued for the categories and specific purposes
32 expressed in Section 4 of this Act.

1 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709,
2 eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, 6-28-02.)

3 Section 55-65. The Build Illinois Act is amended by
4 changing Sections 8-3, 9-3, 9-4.2, 9-5.2, and 10-3 as follows:

5 (30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

6 Sec. 8-3. Powers of the Department. The Department has the
7 power to:

8 (a) provide business development public infrastructure
9 loans or grants from appropriations from the Build Illinois
10 Bond Fund, ~~the Build Illinois Purposes Fund,~~ the Fund for
11 Illinois' Future, and the Public Infrastructure Construction
12 Loan Fund to local governments to provide or improve a
13 community's public infrastructure so as to create or retain
14 private sector jobs pursuant to the provisions of this Article;

15 (b) provide affordable financing of public infrastructure
16 loans and grants to, or on behalf of, local governments, local
17 public entities, medical facilities, and public health clinics
18 from appropriations from the Public Infrastructure
19 Construction Loan Fund for the purpose of assisting with the
20 financing, or application and access to financing, of a
21 community's public infrastructure necessary to health, safety,
22 and economic development;

23 (c) enter into agreements, accept funds or grants, and
24 engage in cooperation with agencies of the federal government,
25 or state or local governments to carry out the purposes of this
26 Article, and to use funds appropriated pursuant to this Article
27 to participate in federal infrastructure loan and grant
28 programs upon such terms and conditions as may be established
29 by the federal government;

30 (d) establish application, notification, contract, and
31 other procedures, rules, or regulations deemed necessary and
32 appropriate to carry out the provisions of this Article;

1 (e) coordinate assistance under this program with
2 activities of the Illinois Finance Authority in order to
3 maximize the effectiveness and efficiency of State development
4 programs;

5 (f) coordinate assistance under the Affordable Financing
6 of Public Infrastructure Loan and Grant Program with the
7 activities of the Illinois Finance Authority, ~~Illinois Finance~~
8 ~~Authority, Illinois Finance Authority,~~ Illinois Housing
9 Development Authority, Illinois Environmental Protection
10 Agency, and other federal and State programs and entities
11 providing financing assistance to communities for public
12 health, safety, and economic development infrastructure;

13 (f-5) provide staff, administration, and related support
14 required to manage the programs authorized under this Article
15 and pay for the staffing, administration, and related support
16 from the Public Infrastructure Construction Loan Revolving
17 Fund;

18 (g) exercise such other powers as are necessary or
19 incidental to the foregoing.

20 (Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43),
21 eff. 1-1-04; revised 10-3-03.)

22 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

23 Sec. 9-3. Powers and duties. The Department has the power:

24 (a) To make loans or equity investments to small
25 businesses, and to make loans or grants or investments to or
26 through financial intermediaries. The loans and investments
27 shall be made from appropriations from the Build Illinois Bond
28 Fund, ~~Build Illinois Purposes Fund,~~ Illinois Capital Revolving
29 Loan Fund or Illinois Equity Revolving Fund for the purpose of
30 promoting the creation or retention of jobs within small
31 businesses or to modernize or maintain competitiveness of firms
32 in Illinois. The grants shall be made from appropriations from
33 the Build Illinois Bond Fund, ~~Build Illinois Purposes Fund,~~ or

1 Illinois Capital Revolving Loan Fund for the purpose of
2 technical assistance.

3 (b) To make loans to or investments in businesses that have
4 received federal Phase I Small Business Innovation Research
5 grants as a bridge while awaiting federal Phase II Small
6 Business Innovation Research grant funds.

7 (c) To enter into interagency agreements, accept funds or
8 grants, and engage in cooperation with agencies of the federal
9 government, local units of government, universities, research
10 foundations, political subdivisions of the State, financial
11 intermediaries, and regional economic development corporations
12 or organizations for the purposes of carrying out this Article.

13 (d) To enter into contracts, financial intermediary
14 agreements, or any other agreements or contracts with financial
15 intermediaries necessary or desirable to further the purposes
16 of this Article. Any such agreement or contract may include,
17 without limitation, terms and provisions including, but not
18 limited to loan documentation, review and approval procedures,
19 organization and servicing rights, and default conditions.

20 (e) To fix, determine, charge and collect any premiums,
21 fees, charges, costs and expenses, including without
22 limitation, any application fees, commitment fees, program
23 fees, financing charges, collection fees, training fees, or
24 publication fees in connection with its activities under this
25 Article and to accept from any source any gifts, donations, or
26 contributions of money, property, labor, or other things of
27 value to be held, used, and applied to carry out the purposes
28 of this Article. All fees, charges, collections, gifts,
29 donations, or other contributions shall be deposited into the
30 Illinois Capital Revolving Loan Fund.

31 (f) To establish application, notification, contract, and
32 other forms, procedures, rules or regulations deemed necessary
33 and appropriate.

34 (g) To consent, subject to the provisions of any contract

1 with another person, whenever it deems it necessary or
2 desirable in the fulfillment of the purposes of this Article,
3 to the modification or restructuring of any financial
4 intermediary agreement, loan agreement or any equity
5 investment agreement to which the Department is a party.

6 (h) To take whatever actions are necessary or appropriate
7 to protect the State's interest in the event of bankruptcy,
8 default, foreclosure, or noncompliance with the terms and
9 conditions of financial assistance or participation provided
10 hereunder or to otherwise protect or affect the State's
11 interest, including the power to sell, dispose, lease or rent,
12 upon terms and conditions determined by the Director to be
13 appropriate, real or personal property which the Department may
14 receive as a result thereof.

15 (i) To deposit any "Qualified Securities" which have been
16 received by the Department as the result of any financial
17 intermediary agreement, loan, or equity investment agreement
18 executed in the carrying out of this Act, with the Office of
19 the State Treasurer and held by that office until agreement to
20 transfer such qualified security shall be certified by the
21 Director of ~~the Department of~~ Commerce and Economic Opportunity
22 Community Affairs.

23 (j) To assist small businesses that seek to apply for
24 public or private capital in preparing the application and to
25 supply them with grant information, plans, reports,
26 assistance, or advice on development finance and to assist
27 financial intermediaries and participating lenders to build
28 capacity to make debt or equity investments through
29 conferences, workshops, seminars, publications, or any other
30 media.

31 (k) To provide for staff, administration, and related
32 support required to manage the programs authorized under this
33 Article and pay for staffing and administration from the
34 Illinois Capital Revolving Loan Fund, as appropriated by the

1 General Assembly. Administration responsibilities may include,
2 but are not limited to, research and identification of credit
3 disadvantaged groups; design of comprehensive statewide
4 capital access plans and programs addressing capital gap and
5 capital marketplace structure and information barriers;
6 direction, management, and control of specific projects; and
7 communicate and cooperation with public development finance
8 organizations and private debt and equity sources.

9 (l) To exercise such other powers as are necessary or
10 incidental to the foregoing.

11 (Source: P.A. 88-422; revised 12-6-03.)

12 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

13 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

14 (a) There is hereby created the Illinois Capital Revolving
15 Loan Fund, hereafter referred to in this Article as the
16 "Capital Fund" to be held as a separate fund within the State
17 Treasury.

18 The purpose of the Capital Fund is to finance intermediary
19 agreements, administration, technical assistance agreements,
20 loans, grants, or investments in Illinois. In addition, funds
21 may be used for a one time transfer in fiscal year 1994, not to
22 exceed the amounts appropriated, to the Public Infrastructure
23 Construction Loan Revolving Fund for grants and loans pursuant
24 to the Public Infrastructure Loan and Grant Program Act.
25 Investments, administration, grants, and financial aid shall
26 be used for the purposes set for in this Article. Loan
27 financing will be in the form of loan agreements pursuant to
28 the terms and conditions set forth in this Article. All loans
29 shall be conditioned on the project receiving financing from
30 participating lenders or other investors. Loan proceeds shall
31 be available for project costs, except for debt refinancing.

32 (b) There shall be deposited in the Capital Fund such
33 amounts, including but not limited to:

1 (i) All receipts, including dividends, principal and
2 interest payments and royalties, from any applicable loan,
3 intermediary, or technical assistance agreement made from
4 the Capital Fund or from direct appropriations from the
5 Build Illinois Bond Fund or the Build Illinois Purposes
6 Fund (now abolished) by the General Assembly entered into
7 by the Department;

8 (ii) All proceeds of assets of whatever nature received
9 by the Department as a result of default or delinquency
10 with respect to loan agreements made from the Capital Fund
11 or from direct appropriations by the General Assembly,
12 including proceeds from the sale, disposal, lease or rental
13 of real or personal property which the Department may
14 receive as a result thereof;

15 (iii) Any appropriations, grants or gifts made to the
16 Capital Fund;

17 (iv) Any income received from interest on investments
18 of moneys in the Capital Fund;

19 (v) All moneys resulting from the collection of
20 premiums, fees, charges, costs, and expenses described in
21 subsection (e) of Section 9-3.

22 (c) The Treasurer may invest moneys in the Capital Fund in
23 securities constituting obligations of the United States
24 Government, or in obligations the principal of and interest on
25 which are guaranteed by the United States Government, in
26 obligations the principal of and interest on which are
27 guaranteed by the United States Government, or in certificates
28 of deposit of any State or national bank which are fully
29 secured by obligations guaranteed as to principal and interest
30 by the United States Government.

31 (Source: P.A. 88-422.)

32 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

33 Sec. 9-5.2. Illinois Equity Investment Revolving Fund.

1 (a) There is created the Illinois Equity Investment
2 Revolving Fund, hereafter referred to in this Article as the
3 "Equity Fund" to be held as a separate fund within the State
4 Treasury. The purpose of the Equity Fund is to make equity
5 investments in Illinois. All financing will be done in
6 conjunction with participating lenders or other investors.
7 Investment proceeds may be directed to working capital expenses
8 associated with the introduction of new technical products or
9 services of individual business projects or may be used for
10 equity finance pools operated by intermediaries.

11 (b) There shall be deposited in the Equity Fund such
12 amounts, including but not limited to:

13 (i) All receipts including dividends, principal and
14 interest payments, royalties, or other return on
15 investment from any applicable loan made from the Equity
16 Fund, from direct appropriations by the General Assembly
17 from the Build Illinois Fund or the Build Illinois Purposes
18 Fund (now abolished), or from intermediary agreements made
19 from the Equity Fund entered into by the Department;

20 (ii) All proceeds of assets of whatever nature received
21 by the Department as a result of default or delinquency
22 with respect to loan agreements made from the Equity Fund,
23 or from direct appropriations by the General Assembly
24 including proceeds from the sale, disposal, lease or rental
25 of real or personal property which the Department may
26 receive as a result thereof;

27 (iii) any appropriations, grants or gifts made to the
28 Equity Fund;

29 (iv) any income received from interest on investments
30 of moneys in the Equity Fund.

31 (c) The Treasurer may invest moneys in the Equity Fund in
32 securities constituting direct obligations of the United
33 States Government, or in obligations the principal of and
34 interest on which are guaranteed by the United States

1 Government, or in certificates of deposit of any State or
2 national bank which are fully secured by obligations guaranteed
3 as to principal and interest by the United States Government.

4 (Source: P.A. 88-422.)

5 (30 ILCS 750/10-3) (from Ch. 127, par. 2710-3)

6 Sec. 10-3. Powers and Duties. The Department has the power
7 to:

8 (a) Provide loans from the Build Illinois Bond Fund, ~~the~~
9 ~~Build Illinois Purposes Fund,~~ the Fund for Illinois' Future, or
10 the Large Business Attraction Fund to a business undertaking a
11 project and accept mortgages or other evidences of indebtedness
12 or security of such business.

13 (b) Provide grants from the Build Illinois Bond Fund, ~~the~~
14 ~~Build Illinois Purposes Fund,~~ the Fund for Illinois' Future, or
15 the Large Business Attraction Fund to or for the direct benefit
16 of a business undertaking a project. Any such grant shall (i)
17 be made and used only for the purpose of assisting the
18 financing of the business for the project in order to reduce
19 the cost of financing to the business, (ii) be made only if a
20 participating lender, or other funding source including the
21 applicant, also provides a portion of the financing with
22 respect to the project, and only if the Department determines,
23 on the basis of all the information available to it, that the
24 project would not be undertaken in Illinois unless the grant is
25 provided, (iii) provide no more than 25% of the total dollar
26 amount of any single project cost and be approved for amounts
27 from the Fund not to exceed \$500,000 for any single project,
28 unless waived by the Director upon a finding that such waiver
29 is appropriate to accomplish the purpose of this Article, (iv)
30 be made only after the Department has determined that the grant
31 will cause a project to be undertaken which has the potential
32 to create substantial employment in relation to the amount of
33 the grant, and (v) be made with a business that has certified

1 the project is a new plant start-up or expansion and is not a
2 relocation of an existing business from another site in
3 Illinois unless that relocation results in substantial
4 employment growth.

5 (c) Enter into agreements, accept funds or grants and
6 cooperate with agencies of the federal government, local units
7 of government and local regional economic development
8 corporations or organizations for the purposes of carrying out
9 this Article.

10 (d) Enter into contracts, letters of credit or any other
11 agreements or contracts with financial institutions necessary
12 or desirable to carry out the purposes of this Article. Any
13 such agreement or contract may include, without limitation,
14 terms and provisions relating to a specific project such as
15 loan documentation, review and approval procedures,
16 organization and servicing rights, default conditions and
17 other program aspects.

18 (e) Fix, determine, charge and collect any premiums, fees,
19 charges, costs and expenses, including application fees,
20 commitment fees, program fees, financing charges or
21 publication fees in connection with its activities under this
22 Article.

23 (f) Establish application, notification, contract and
24 other procedures, rules or regulations deemed necessary and
25 appropriate.

26 (g) Subject to the provisions of any contract with another
27 person and consent to the modification or restructuring of any
28 loan agreement to which the Department is a party.

29 (h) Take any actions which are necessary or appropriate to
30 protect the State's interest in the event of bankruptcy,
31 default, foreclosure or noncompliance with the terms and
32 conditions of financial assistance or participation provided
33 under this Article, including the power to sell, dispose, lease
34 or rent, upon terms and conditions determined by the Director

1 to be appropriate, real or personal property which the
2 Department may receive as a result thereof.

3 (i) Acquire and accept by gift, grant, purchase or
4 otherwise, but not by condemnation, fee simple title, or such
5 lesser interest as may be desired, in land, and to improve or
6 arrange for the improvement of such land for industrial or
7 commercial site development purposes, and to lease or convey
8 such land, or interest in land, so acquired and so improved,
9 including sale and conveyance subject to a mortgage, for such
10 price, upon such terms and at such time as the Department may
11 determine, provided that prior to exercising its authority
12 under this subsection, the Director shall find that other means
13 of financing and developing any such project are not reasonably
14 available and that such action is consistent with the purposes
15 and policies of this Article.

16 (j) Provide grants from the Build Illinois Bond Fund ~~or~~
17 ~~Build Illinois Purposes Fund~~ to municipalities and counties to
18 demolish abandoned buildings pursuant to Section 11-31-1 of the
19 Illinois Municipal Code or Section 5-1080 of the Counties Code,
20 for the purpose of making unimproved land available for
21 purchase by businesses for economic development. Such grants
22 shall be provided only when: (1) the owner of property on which
23 the abandoned building is situated has entered into a contract
24 to sell such property; (2) the Department has determined that
25 the grant will be used to cause a project to be undertaken
26 which will result in the creation of employment; (3) the
27 business which has entered into a contract to purchase the
28 property has certified that it will use the property for a
29 project which is a new plant start-up or expansion or a new
30 venture opportunity and is not a relocation of an existing
31 business from another site within the State unless that
32 relocation results in substantial employment growth. If a
33 municipality or county receives grants under this paragraph, it
34 shall file a notice of lien against the owner or owners of such

1 demolished buildings to recover the costs and expenses incurred
2 in the demolition of such buildings pursuant to Section 11-31-1
3 of the Illinois Municipal Code or Section 5-1080 of the
4 Counties Code. All such costs and expenses recovered by the
5 county or municipality shall be paid to the Department for
6 deposit in the Build Illinois Purposes Account. Priority shall
7 be given to enterprise zones or those areas with high
8 unemployment whose tax base is adversely impacted by the
9 closing of existing factories.

10 (k) Exercise such other powers as are necessary or
11 incidental to the foregoing.

12 (Source: P.A. 91-34, eff. 7-1-99.)

13 Section 55-70. The Cigarette Tax Act is amended by changing
14 Sections 2 and 29 as follows:

15 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

16 Sec. 2. Tax imposed; rate; collection, payment, and
17 distribution; discount.

18 (a) A tax is imposed upon any person engaged in business as
19 a retailer of cigarettes in this State at the rate of 5 1/2
20 mills per cigarette sold, or otherwise disposed of in the
21 course of such business in this State. In addition to any other
22 tax imposed by this Act, a tax is imposed upon any person
23 engaged in business as a retailer of cigarettes in this State
24 at a rate of 1/2 mill per cigarette sold or otherwise disposed
25 of in the course of such business in this State on and after
26 January 1, 1947, and shall be paid into the Metropolitan Fair
27 and Exposition Authority Reconstruction Fund or as otherwise
28 provided in Section 29. On and after December 1, 1985, in
29 addition to any other tax imposed by this Act, a tax is imposed
30 upon any person engaged in business as a retailer of cigarettes
31 in this State at a rate of 4 mills per cigarette sold or
32 otherwise disposed of in the course of such business in this

1 State. Of the additional tax imposed by this amendatory Act of
2 1985, \$9,000,000 of the moneys received by the Department of
3 Revenue pursuant to this Act shall be paid each month into the
4 Common School Fund. On and after the effective date of this
5 amendatory Act of 1989, in addition to any other tax imposed by
6 this Act, a tax is imposed upon any person engaged in business
7 as a retailer of cigarettes at the rate of 5 mills per
8 cigarette sold or otherwise disposed of in the course of such
9 business in this State. On and after the effective date of this
10 amendatory Act of 1993, in addition to any other tax imposed by
11 this Act, a tax is imposed upon any person engaged in business
12 as a retailer of cigarettes at the rate of 7 mills per
13 cigarette sold or otherwise disposed of in the course of such
14 business in this State. On and after December 15, 1997, in
15 addition to any other tax imposed by this Act, a tax is imposed
16 upon any person engaged in business as a retailer of cigarettes
17 at the rate of 7 mills per cigarette sold or otherwise disposed
18 of in the course of such business of this State. All of the
19 moneys received by the Department of Revenue pursuant to this
20 Act and the Cigarette Use Tax Act from the additional taxes
21 imposed by this amendatory Act of 1997, shall be paid each
22 month into the Common School Fund. On and after July 1, 2002,
23 in addition to any other tax imposed by this Act, a tax is
24 imposed upon any person engaged in business as a retailer of
25 cigarettes at the rate of 20.0 mills per cigarette sold or
26 otherwise disposed of in the course of such business in this
27 State. The payment of such taxes shall be evidenced by a stamp
28 affixed to each original package of cigarettes, or an
29 authorized substitute for such stamp imprinted on each original
30 package of such cigarettes underneath the sealed transparent
31 outside wrapper of such original package, as hereinafter
32 provided. However, such taxes are not imposed upon any activity
33 in such business in interstate commerce or otherwise, which
34 activity may not under the Constitution and statutes of the

1 United States be made the subject of taxation by this State.

2 Beginning on the effective date of this amendatory Act of
3 the 92nd General Assembly, all of the moneys received by the
4 Department of Revenue pursuant to this Act and the Cigarette
5 Use Tax Act, other than the moneys that are dedicated to ~~the~~
6 ~~Metropolitan Fair and Exposition Authority Reconstruction Fund~~
7 ~~and~~ the Common School Fund, shall be distributed each month as
8 follows: first, there shall be paid into the General Revenue
9 Fund an amount which, when added to the amount paid into the
10 Common School Fund for that month, equals \$33,300,000, except
11 that in the month of August of 2004, this amount shall equal
12 \$83,300,000; then, from the moneys remaining, if any amounts
13 required to be paid into the General Revenue Fund in previous
14 months remain unpaid, those amounts shall be paid into the
15 General Revenue Fund; then, beginning on April 1, 2003, from
16 the moneys remaining, \$5,000,000 per month shall be paid into
17 the School Infrastructure Fund; then, if any amounts required
18 to be paid into the School Infrastructure Fund in previous
19 months remain unpaid, those amounts shall be paid into the
20 School Infrastructure Fund; then the moneys remaining, if any,
21 shall be paid into the Long-Term Care Provider Fund. To the
22 extent that more than \$25,000,000 has been paid into the
23 General Revenue Fund and Common School Fund per month for the
24 period of July 1, 1993 through the effective date of this
25 amendatory Act of 1994 from combined receipts of the Cigarette
26 Tax Act and the Cigarette Use Tax Act, notwithstanding the
27 distribution provided in this Section, the Department of
28 Revenue is hereby directed to adjust the distribution provided
29 in this Section to increase the next monthly payments to the
30 Long Term Care Provider Fund by the amount paid to the General
31 Revenue Fund and Common School Fund in excess of \$25,000,000
32 per month and to decrease the next monthly payments to the
33 General Revenue Fund and Common School Fund by that same excess
34 amount.

1 When any tax imposed herein terminates or has terminated,
2 distributors who have bought stamps while such tax was in
3 effect and who therefore paid such tax, but who can show, to
4 the Department's satisfaction, that they sold the cigarettes to
5 which they affixed such stamps after such tax had terminated
6 and did not recover the tax or its equivalent from purchasers,
7 shall be allowed by the Department to take credit for such
8 absorbed tax against subsequent tax stamp purchases from the
9 Department by such distributor.

10 The impact of the tax levied by this Act is imposed upon
11 the retailer and shall be prepaid or pre-collected by the
12 distributor for the purpose of convenience and facility only,
13 and the amount of the tax shall be added to the price of the
14 cigarettes sold by such distributor. Collection of the tax
15 shall be evidenced by a stamp or stamps affixed to each
16 original package of cigarettes, as hereinafter provided.

17 Each distributor shall collect the tax from the retailer at
18 or before the time of the sale, shall affix the stamps as
19 hereinafter required, and shall remit the tax collected from
20 retailers to the Department, as hereinafter provided. Any
21 distributor who fails to properly collect and pay the tax
22 imposed by this Act shall be liable for the tax. Any
23 distributor having cigarettes to which stamps have been affixed
24 in his possession for sale on the effective date of this
25 amendatory Act of 1989 shall not be required to pay the
26 additional tax imposed by this amendatory Act of 1989 on such
27 stamped cigarettes. Any distributor having cigarettes to which
28 stamps have been affixed in his or her possession for sale at
29 12:01 a.m. on the effective date of this amendatory Act of
30 1993, is required to pay the additional tax imposed by this
31 amendatory Act of 1993 on such stamped cigarettes. This
32 payment, less the discount provided in subsection (b), shall be
33 due when the distributor first makes a purchase of cigarette
34 tax stamps after the effective date of this amendatory Act of

1 1993, or on the first due date of a return under this Act after
2 the effective date of this amendatory Act of 1993, whichever
3 occurs first. Any distributor having cigarettes to which stamps
4 have been affixed in his possession for sale on December 15,
5 1997 shall not be required to pay the additional tax imposed by
6 this amendatory Act of 1997 on such stamped cigarettes.

7 Any distributor having cigarettes to which stamps have been
8 affixed in his or her possession for sale on July 1, 2002 shall
9 not be required to pay the additional tax imposed by this
10 amendatory Act of the 92nd General Assembly on those stamped
11 cigarettes.

12 The amount of the Cigarette Tax imposed by this Act shall
13 be separately stated, apart from the price of the goods, by
14 both distributors and retailers, in all advertisements, bills
15 and sales invoices.

16 (b) The distributor shall be required to collect the taxes
17 provided under paragraph (a) hereof, and, to cover the costs of
18 such collection, shall be allowed a discount during any year
19 commencing July 1st and ending the following June 30th in
20 accordance with the schedule set out hereinbelow, which
21 discount shall be allowed at the time of purchase of the stamps
22 when purchase is required by this Act, or at the time when the
23 tax is remitted to the Department without the purchase of
24 stamps from the Department when that method of paying the tax
25 is required or authorized by this Act. Prior to December 1,
26 1985, a discount equal to 1 2/3% of the amount of the tax up to
27 and including the first \$700,000 paid hereunder by such
28 distributor to the Department during any such year; 1 1/3% of
29 the next \$700,000 of tax or any part thereof, paid hereunder by
30 such distributor to the Department during any such year; 1% of
31 the next \$700,000 of tax, or any part thereof, paid hereunder
32 by such distributor to the Department during any such year, and
33 2/3 of 1% of the amount of any additional tax paid hereunder by
34 such distributor to the Department during any such year shall

1 apply. On and after December 1, 1985, a discount equal to 1.75%
2 of the amount of the tax payable under this Act up to and
3 including the first \$3,000,000 paid hereunder by such
4 distributor to the Department during any such year and 1.5% of
5 the amount of any additional tax paid hereunder by such
6 distributor to the Department during any such year shall apply.

7 Two or more distributors that use a common means of
8 affixing revenue tax stamps or that are owned or controlled by
9 the same interests shall be treated as a single distributor for
10 the purpose of computing the discount.

11 (c) The taxes herein imposed are in addition to all other
12 occupation or privilege taxes imposed by the State of Illinois,
13 or by any political subdivision thereof, or by any municipal
14 corporation.

15 (Source: P.A. 92-536, eff. 6-6-02; 93-839, eff. 7-30-04.)

16 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

17 Sec. 29. All moneys received by the Department from the
18 one-half mill tax imposed by the Sixty-fourth General Assembly
19 and all interest and penalties, received in connection
20 therewith under the provisions of this Act shall be paid into
21 the Metropolitan Fair and Exposition Authority Reconstruction
22 Fund. All other moneys received by the Department under this
23 Act shall be paid into the General Revenue Fund in the State
24 treasury. After there has been paid into the Metropolitan Fair
25 and Exposition Authority Reconstruction Fund sufficient money
26 to pay in full both principal and interest, all of the
27 outstanding bonds issued pursuant to the "Fair and Exposition
28 Authority Reconstruction Act", the State Treasurer and
29 Comptroller shall transfer to the General Revenue Fund the
30 balance of moneys remaining in the Metropolitan Fair and
31 Exposition Authority Reconstruction Fund except for \$2,500,000
32 which shall remain in the Metropolitan Fair and Exposition
33 Authority Reconstruction Fund and which may be appropriated by

1 the General Assembly for the corporate purposes of the
2 Metropolitan Pier and Exposition Authority. All monies
3 received by the Department in fiscal year 1978 and thereafter
4 from the one-half mill tax imposed by the Sixty-fourth General
5 Assembly, and all interest and penalties received in connection
6 therewith under the provisions of this Act, shall be paid into
7 the General Revenue Fund, except that the Department shall pay
8 the first \$4,800,000 received in fiscal years 1979 through 2001
9 from that one-half mill tax into the Metropolitan Fair and
10 Exposition Authority Reconstruction Fund which monies may be
11 appropriated by the General Assembly for the corporate purposes
12 of the Metropolitan Pier and Exposition Authority.

13 In fiscal year 2002 and fiscal year 2003, the first
14 \$4,800,000 from the one-half mill tax shall be paid into the
15 Statewide Economic Development Fund.

16 All moneys received by the Department in fiscal year 2006
17 and thereafter from the one-half mill tax imposed by the 64th
18 General Assembly and all interest and penalties received in
19 connection with that tax under the provisions of this Act shall
20 be paid into the General Revenue Fund.

21 (Source: P.A. 92-208, eff. 8-2-01; 93-22, eff. 6-20-03.)

22 Section 55-75. The Civic Center Code is amended by changing
23 Section 240-20 as follows:

24 (70 ILCS 200/240-20)

25 Sec. 240-20. State office building. The Authority may make
26 expenditures for the planning, acquisition, development and
27 construction of a State office building in Rockford, Illinois.
28 Such expenditures may be made from funds appropriated for such
29 purposes from the Build Illinois Bond Fund ~~or the Build~~
30 ~~Illinois Purposes Fund, created by the 84th General Assembly.~~

31 (Source: P.A. 90-328, eff. 1-1-98.)

1 Section 55-80. The Metropolitan Pier and Exposition
2 Authority Act is amended by changing Section 10 as follows:

3 (70 ILCS 210/10) (from Ch. 85, par. 1230)

4 Sec. 10. The Authority shall have the continuing power to
5 borrow money for the purpose of carrying out and performing its
6 duties and exercising its powers under this Act.

7 For the purpose of evidencing the obligation of the
8 Authority to repay any money borrowed as aforesaid, the
9 Authority may, pursuant to ordinance adopted by the Board, from
10 time to time issue and dispose of its revenue bonds and notes
11 (herein collectively referred to as bonds), and may also from
12 time to time issue and dispose of its revenue bonds to refund
13 any bonds at maturity or pursuant to redemption provisions or
14 at any time before maturity as provided for in Section 10.1.
15 All such bonds shall be payable solely from any one or more of
16 the following sources: the revenues or income to be derived
17 from the fairs, expositions, meetings, and conventions and
18 other authorized activities of the Authority; funds, if any,
19 received and to be received by the Authority from the Fair and
20 Exposition Fund, as allocated by the Department of Agriculture
21 of this State; ~~from the Metropolitan Fair and Exposition~~
22 ~~Authority Reconstruction Fund;~~ from the Metropolitan Fair and
23 Exposition Authority Improvement Bond Fund pursuant to
24 appropriation by the General Assembly; from the McCormick Place
25 Expansion Project Fund pursuant to appropriation by the General
26 Assembly; from any revenues or funds pledged or provided for
27 such purposes by any governmental agency; from any revenues of
28 the Authority from taxes it is authorized to impose; from the
29 proceeds of refunding bonds issued for that purpose; or from
30 any other lawful source derived. Such bonds may bear such date
31 or dates, may mature at such time or times not exceeding 40
32 years from their respective dates, may bear interest at such
33 rate or rates payable at such times, may be in such form, may

1 carry such registration privileges, may be executed in such
2 manner, may be payable at such place or places, may be made
3 subject to redemption in such manner and upon such terms, with
4 or without premium as is stated on the face thereof, may be
5 executed in such manner and may contain such terms and
6 covenants, all as may be provided in the ordinance adopted by
7 the Board providing for such bonds. In case any officer whose
8 signature appears on any bond ceases (after attaching his
9 signature) to hold office, his signature shall nevertheless be
10 valid and effective for all purposes. The holder or holders of
11 any bonds or interest coupons appertaining thereto issued by
12 the Authority or any trustee on behalf of the holders may bring
13 civil actions to compel the performance and observance by the
14 Authority or any of its officers, agents or employees of any
15 contract or covenant made by the Authority with the holders of
16 such bonds or interest coupons and to compel the Authority and
17 any of its officers, agents or employees to perform any duties
18 required to be performed for the benefit of the holders of any
19 such bonds or interest coupons by the provisions of the
20 ordinance authorizing their issuance and to enjoin the
21 Authority and any of its officers, agents or employees from
22 taking any action in conflict with any such contract or
23 covenant.

24 Notwithstanding the form and tenor of any such bonds and in
25 the absence of any express recital on the face thereof that it
26 is non-negotiable, all such bonds shall be negotiable
27 instruments under the Uniform Commercial Code.

28 The bonds shall be sold by the corporate authorities of the
29 Authority in such manner as the corporate authorities shall
30 determine.

31 From and after the issuance of any bonds as herein provided
32 it shall be the duty of the corporate authorities of the
33 Authority to fix and establish rates, charges, rents and fees
34 for the use of its grounds, buildings, and facilities that will

1 be sufficient at all times, together with other revenues of the
2 Authority available for that purpose, to pay:

3 (a) The cost of maintaining, repairing, regulating and
4 operating the grounds, buildings, and facilities; and

5 (b) The bonds and interest thereon as they shall become
6 due, and all sinking fund requirements and other
7 requirements provided by the ordinance authorizing the
8 issuance of the bonds or as provided by any trust agreement
9 executed to secure payment thereof.

10 The Authority may provide that bonds issued under this Act
11 shall be payable from and secured by an assignment and pledge
12 of and grant of a lien on and a security interest in unexpended
13 bond proceeds, the proceeds of any refunding bonds, reserves or
14 sinking funds and earnings thereon, or all or any part of the
15 moneys, funds, income and revenues of the Authority from any
16 source derived, including, without limitation, any revenues of
17 the Authority from taxes it is authorized to impose, the net
18 revenues of the Authority from its operations, payments from
19 the Metropolitan Fair and Exposition Authority Improvement
20 Bond Fund or from the McCormick Place Expansion Project Fund to
21 the Authority or upon its direction to any trustee or trustees
22 under any trust agreement securing such bonds, payments from
23 any governmental agency, or any combination of the foregoing.
24 In no event shall a lien or security interest upon the physical
25 facilities of the Authority be created by any such lien, pledge
26 or security interest. The Authority may execute and deliver a
27 trust agreement or agreements to secure the payment of such
28 bonds and for the purpose of setting forth covenants and
29 undertakings of the Authority in connection with issuance
30 thereof. Such pledge, assignment and grant of a lien and
31 security interest shall be effective immediately without any
32 further filing or action and shall be effective with respect to
33 all persons regardless of whether any such person shall have
34 notice of such pledge, assignment, lien or security interest.

1 In connection with the issuance of its bonds, the Authority
2 may enter into arrangements to provide additional security and
3 liquidity for the bonds. These may include, without limitation,
4 municipal bond insurance, letters of credit, lines of credit by
5 which the Authority may borrow funds to pay or redeem its bonds
6 and purchase or remarketing arrangements for assuring the
7 ability of owners of the Authority's bonds to sell or to have
8 redeemed their bonds. The Authority may enter into contracts
9 and may agree to pay fees to persons providing such
10 arrangements, including from bond proceeds. No such
11 arrangement or contract shall be considered a bond or note for
12 purposes of any limitation on the issuance of bonds or notes by
13 the Authority.

14 The ordinance of the Board authorizing the issuance of its
15 bonds may provide that interest rates may vary from time to
16 time depending upon criteria established by the Board, which
17 may include, without limitation, a variation in interest rates
18 as may be necessary to cause bonds to be remarketable from time
19 to time at a price equal to their principal amount, and may
20 provide for appointment of a national banking association,
21 bank, trust company, investment banker or other financial
22 institution to serve as a remarketing agent in that connection.
23 The ordinance of the board authorizing the issuance of its
24 bonds may provide that alternative interest rates or provisions
25 will apply during such times as the bonds are held by a person
26 providing a letter of credit or other credit enhancement
27 arrangement for those bonds.

28 To secure the payment of any or all of such bonds and for
29 the purpose of setting forth the covenants and undertakings of
30 the Authority in connection with the issuance thereof and the
31 issuance of any additional bonds payable from moneys, funds,
32 revenue and income of the Authority to be derived from any
33 source, the Authority may execute and deliver a trust agreement
34 or agreements; provided that no lien upon any real property of

1 the Authority shall be created thereby.

2 A remedy for any breach or default of the terms of any such
3 trust agreement by the Authority may be by mandamus proceedings
4 in the circuit court to compel performance and compliance
5 therewith, but the trust agreement may prescribe by whom or on
6 whose behalf such action may be instituted.

7 In connection with the issuance of its bonds under this
8 Act, the Authority may enter into contracts that it determines
9 necessary or appropriate to permit it to manage payment or
10 interest rate risk. These contracts may include, but are not
11 limited to, interest rate exchange agreements; contracts
12 providing for payment or receipt of funds based on levels of or
13 changes in interest rates; contracts to exchange cash flows or
14 series of payments; and contracts incorporating interest rate
15 caps, collars, floors, or locks.

16 (Source: P.A. 92-208, eff. 8-2-01.)

17 Section 55-85. The Fair and Exposition Authority
18 Reconstruction Act is amended by changing Sections 3 and 8 as
19 follows:

20 (70 ILCS 215/3) (from Ch. 85, par. 1250.3)

21 Sec. 3. The Metropolitan Pier and Exposition Authority is
22 authorized to borrow money and issue bonds in a total amount
23 not to exceed \$40,000,000 for the purpose of reconstructing the
24 convention hall and exposition building known as McCormick
25 Place. Such bonds shall be payable solely from funds received
26 by the Authority from appropriations, if any, to be made to
27 said Authority from time to time by future General Assemblies
28 of the State of Illinois ~~from the Metropolitan Fair and~~
29 ~~Exposition Authority Reconstruction Fund.~~

30 (Source: P.A 87-895.)

31 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

1 Sec. 8. Appropriations ~~From moneys required to be paid into~~
2 ~~the Metropolitan Fair and Exposition Authority Reconstruction~~
3 ~~Fund in the State Treasury pursuant to Sections 2 and 29 of the~~
4 ~~Cigarette Tax Act,~~ appropriations may be made from time to time
5 by the General Assembly to the Metropolitan Pier and Exposition
6 Authority for the payment of principal and interest of bonds of
7 the Authority issued under the provisions of this Act and for
8 any other lawful purpose of the Authority. Any and all of the
9 funds so received shall be kept separate and apart from any and
10 all other funds of the Authority. After there has been paid
11 into the Metropolitan Fair and Exposition Authority
12 Reconstruction Fund in the State Treasury sufficient money,
13 pursuant to this Section and Sections 2 and 29 of the Cigarette
14 Tax Act, to retire all bonds payable from that Fund, the taxes
15 derived from Section 28 of the Illinois Horse Racing Act of
16 1975 which were required to be paid into that Fund pursuant to
17 that Act shall thereafter be paid into the Metropolitan
18 Exposition, Auditorium and Office Building Fund in the State
19 Treasury.

20 (Source: P.A. 87-895.)

21 Section 55-90. The Soil and Water Conservation District Act
22 is amended by changing Section 6 as follows:

23 (70 ILCS 405/6) (from Ch. 5, par. 111)

24 Sec. 6. Powers and duties. In addition to the powers and
25 duties otherwise conferred upon the Department, it shall have
26 the following powers and duties:

27 (1) To offer such assistance as may be appropriate to the
28 directors of soil and water conservation districts, organized
29 as provided hereinafter, in the carrying out of any of the
30 powers and programs.

31 (2) To keep the directors of each of said several districts
32 informed of the activities and experience of other such

1 districts, and to facilitate an interchange of advice and
2 experience between such districts and cooperation between
3 them.

4 (3) To coordinate the programs of the several districts so
5 far as this may be done by advice and consultation.

6 (4) To seek the cooperation and assistance of the United
7 States and of agencies of this State, in the work of such
8 districts.

9 (5) To disseminate information throughout the State
10 concerning the formation of such districts, and to assist in
11 the formation of such districts in areas where their
12 organization is desirable.

13 (6) To consider, review, and express its opinion concerning
14 any rules, regulations, ordinances or other action of the board
15 of directors of any district and to advise such board of
16 directors accordingly.

17 (7) To prepare and submit to the Director of the Department
18 an annual budget.

19 (8) To develop and coordinate a comprehensive State erosion
20 and sediment control program, including guidelines to be used
21 by districts in implementing this program. In developing this
22 program, the Department may consult with and request technical
23 assistance from local, State and federal agencies, and may
24 consult and advise with technically qualified persons and with
25 the soil and water conservation districts. The guidelines
26 developed may be revised from time to time as necessary.

27 (9) To promote among its members the management of marginal
28 agricultural and other rural lands for forestry, consistent
29 with the goals and purposes of the "Illinois Forestry
30 Development Act".

31 Nothing in this Act shall authorize the Department or any
32 district to regulate or control point source discharges to
33 waters.

34 (10) To make grants subject to annual appropriation from

1 the ~~Build Illinois Purposes Fund~~, the Build Illinois Bond Fund
2 or any other sources, including the federal government, to Soil
3 and Water Conservation Districts and the Soil Conservation
4 Service.

5 (11) To provide payment for outstanding health care costs
6 of Soil and Water Conservation District employees incurred
7 between January 1, 1996 and December 31, 1996 that were
8 eligible for reimbursement from the District's insurance
9 carrier, Midcontinent Medical Benefit Trust, but have not been
10 paid to date by Midcontinent. All claims shall be filed with
11 the Department on or before January 30, 1998 to be considered
12 for payment under the provisions of this amendatory Act of
13 1997. The Department shall approve or reject claims based upon
14 documentation and in accordance with established procedures.
15 The authority granted under this item (11) expires on September
16 1, 1998.

17 Nothing in this Act shall authorize the Department in any
18 district to regulate or curtail point source discharges to
19 waters.

20 (Source: P.A. 90-565, eff. 1-2-98.)

21 Section 55-95. The School Code is amended by changing
22 Section 2-3.120 as follows:

23 (105 ILCS 5/2-3.120)

24 Sec. 2-3.120. Non-Public school students' access to
25 technology.

26 (a) The General Assembly finds and declares that the
27 Constitution of the State of Illinois provides that a
28 "fundamental goal of the People of the State is the educational
29 development of all persons to the limit of their capacities",
30 and that the educational development of every school student
31 serves the public purposes of the State. In order to enable
32 Illinois students to leave school with the basic skills and

1 knowledge that will enable them to find and hold jobs and
2 otherwise function as productive members of society in the 21st
3 Century, all students must have access to the vast educational
4 resources provided by computers. The provisions of this Section
5 are in the public interest, for the public benefit, and serve a
6 secular public purpose.

7 (b) The State Board of Education shall provide non-public
8 schools with ports to the Board's statewide educational
9 network, provided that this access does not diminish the
10 services available to public schools and students. The State
11 Board of Education shall charge for this access in an amount
12 necessary to offset its cost. Amounts received by the State
13 Board of Education under this Section shall be deposited in the
14 General Revenue Fund ~~School Technology Revolving Fund as~~
15 ~~described in Section 2-3.121.~~ The statewide network may be used
16 only for secular educational purposes.

17 (c) For purposes of this Section, a non-public school
18 means: (i) any non-profit, non-public college; or (ii) any
19 non-profit, non-home-based, non-public elementary or secondary
20 school that is in compliance with Title VI of the Civil Rights
21 Act of 1964 and attendance at which satisfies the requirements
22 of Section 26-1 of the School Code.

23 (Source: P.A. 90-463, eff. 8-17-97; 90-566, eff. 1-2-98;
24 90-655, eff. 7-30-98.)

25 Section 55-100. The Chicago State University Law is amended
26 by changing Section 5-75 as follows:

27 (110 ILCS 660/5-75)

28 Sec. 5-75. Engineering facilities. The Board is authorized
29 to construct engineering facilities with funds appropriated
30 for that purpose from the Build Illinois Bond Fund ~~or the Build~~
31 ~~Illinois Purposes Fund.~~

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

1 Section 55-105. The Eastern Illinois University Law is
2 amended by changing Section 10-75 as follows:

3 (110 ILCS 665/10-75)

4 Sec. 10-75. Engineering facilities. The Board is
5 authorized to construct engineering facilities with funds
6 appropriated for that purpose from the Build Illinois Bond Fund
7 ~~or the Build Illinois Purposes Fund.~~

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

9 Section 55-110. The Governors State University Law is
10 amended by changing Section 15-75 as follows:

11 (110 ILCS 670/15-75)

12 Sec. 15-75. Engineering facilities. The Board is
13 authorized to construct engineering facilities with funds
14 appropriated for that purpose from the Build Illinois Bond Fund
15 ~~or the Build Illinois Purposes Fund.~~

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

17 Section 55-115. The Illinois State University Law is
18 amended by changing Section 20-75 as follows:

19 (110 ILCS 675/20-75)

20 Sec. 20-75. Engineering facilities. The Board is
21 authorized to construct engineering facilities with funds
22 appropriated for that purpose from the Build Illinois Bond Fund
23 ~~or the Build Illinois Purposes Fund.~~

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

25 Section 55-120. The Northeastern Illinois University Law
26 is amended by changing Section 25-75 as follows:

1 (110 ILCS 680/25-75)

2 Sec. 25-75. Engineering facilities. The Board is
3 authorized to construct engineering facilities with funds
4 appropriated for that purpose from the Build Illinois Bond Fund
5 ~~or the Build Illinois Purposes Fund.~~

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

7 Section 55-125. The Northern Illinois University Law is
8 amended by changing Section 30-75 as follows:

9 (110 ILCS 685/30-75)

10 Sec. 30-75. Engineering facilities. The Board is
11 authorized to construct engineering facilities with funds
12 appropriated for that purpose from the Build Illinois Bond Fund
13 ~~or the Build Illinois Purposes Fund.~~

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

15 Section 55-130. The Western Illinois University Law is
16 amended by changing Section 35-75 as follows:

17 (110 ILCS 690/35-75)

18 Sec. 35-75. Engineering facilities. The Board is
19 authorized to construct engineering facilities with funds
20 appropriated for that purpose from the Build Illinois Bond Fund
21 ~~or the Build Illinois Purposes Fund.~~

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

23 Section 55-135. The Illinois Horse Racing Act of 1975 is
24 amended by changing Section 28 as follows:

25 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

26 Sec. 28. Except as provided in subsection (g) of Section 27
27 of this Act, moneys collected shall be distributed according to
28 the provisions of this Section 28.

1 (a) Thirty per cent of the total of all monies received by
2 the State as privilege taxes ~~shall be paid into the~~
3 ~~Metropolitan Fair and Exposition Authority Reconstruction Fund~~
4 ~~in the State treasury until such Fund contains sufficient money~~
5 ~~to pay in full, both principal and interest, all of the~~
6 ~~outstanding bonds issued pursuant to the Fair and Exposition~~
7 ~~Authority Reconstruction Act, approved July 31, 1967, as~~
8 ~~amended, and thereafter~~ shall be paid into the Metropolitan
9 Exposition Auditorium and Office Building Fund in the State
10 Treasury.

11 (b) In addition, 4.5% ~~Four and one-half per cent~~ of the
12 total of all monies received by the State as privilege taxes
13 shall be paid into the State treasury into a special Fund to be
14 known as the Metropolitan Exposition, Auditorium, and Office
15 Building Fund.

16 (c) Fifty per cent of the total of all monies received by
17 the State as privilege taxes under the provisions of this Act
18 shall be paid into the Agricultural Premium Fund.

19 (d) Seven per cent of the total of all monies received by
20 the State as privilege taxes shall be paid into the Fair and
21 Exposition Fund in the State treasury; provided, however, that
22 when all bonds issued prior to July 1, 1984 by the Metropolitan
23 Fair and Exposition Authority shall have been paid or payment
24 shall have been provided for upon a refunding of those bonds,
25 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
26 month into the Build Illinois Fund, and the remainder into the
27 Fair and Exposition Fund. All excess monies shall be allocated
28 to the Department of Agriculture for distribution to county
29 fairs for premiums and rehabilitation as set forth in the
30 Agricultural Fair Act.

31 (e) The monies provided for in Section 30 shall be paid
32 into the Illinois Thoroughbred Breeders Fund.

33 (f) The monies provided for in Section 31 shall be paid
34 into the Illinois Standardbred Breeders Fund.

1 (g) Until January 1, 2000, that part representing 1/2 of
2 the total breakage in Thoroughbred, Harness, Appaloosa,
3 Arabian, and Quarter Horse racing in the State shall be paid
4 into the Illinois Race Track Improvement Fund as established in
5 Section 32.

6 (h) All other monies received by the Board under this Act
7 shall be paid into the General Revenue Fund of the State.

8 (i) The salaries of the Board members, secretary, stewards,
9 directors of mutuels, veterinarians, representatives,
10 accountants, clerks, stenographers, inspectors and other
11 employees of the Board, and all expenses of the Board incident
12 to the administration of this Act, including, but not limited
13 to, all expenses and salaries incident to the taking of saliva
14 and urine samples in accordance with the rules and regulations
15 of the Board shall be paid out of the Agricultural Premium
16 Fund.

17 (j) The Agricultural Premium Fund shall also be used:

18 (1) for the expenses of operating the Illinois State
19 Fair and the DuQuoin State Fair, including the payment of
20 prize money or premiums;

21 (2) for the distribution to county fairs, vocational
22 agriculture section fairs, agricultural societies, and
23 agricultural extension clubs in accordance with the
24 Agricultural Fair Act, as amended;

25 (3) for payment of prize monies and premiums awarded
26 and for expenses incurred in connection with the
27 International Livestock Exposition and the Mid-Continent
28 Livestock Exposition held in Illinois, which premiums, and
29 awards must be approved, and paid by the Illinois
30 Department of Agriculture;

31 (4) for personal service of county agricultural
32 advisors and county home advisors;

33 (5) for distribution to agricultural home economic
34 extension councils in accordance with "An Act in relation

1 to additional support and finance for the Agricultural and
2 Home Economic Extension Councils in the several counties in
3 this State and making an appropriation therefor", approved
4 July 24, 1967, as amended;

5 (6) for research on equine disease, including a
6 development center therefor;

7 (7) for training scholarships for study on equine
8 diseases to students at the University of Illinois College
9 of Veterinary Medicine;

10 (8) for the rehabilitation, repair and maintenance of
11 the Illinois and DuQuoin State Fair Grounds and the
12 structures and facilities thereon and the construction of
13 permanent improvements on such Fair Grounds, including
14 such structures, facilities and property located on such
15 State Fair Grounds which are under the custody and control
16 of the Department of Agriculture;

17 (9) for the expenses of the Department of Agriculture
18 under Section 5-530 of the Departments of State Government
19 Law (20 ILCS 5/5-530);

20 (10) for the expenses of the Department of Commerce and
21 Economic Opportunity ~~Community Affairs~~ under Sections
22 605-620, 605-625, and 605-630 of the Department of Commerce
23 and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS
24 605/605-620, 605/605-625, and 605/605-630);

25 (11) for remodeling, expanding, and reconstructing
26 facilities destroyed by fire of any Fair and Exposition
27 Authority in counties with a population of 1,000,000 or
28 more inhabitants;

29 (12) for the purpose of assisting in the care and
30 general rehabilitation of disabled veterans of any war and
31 their surviving spouses and orphans;

32 (13) for expenses of the Department of State Police for
33 duties performed under this Act;

34 (14) for the Department of Agriculture for soil surveys

1 and soil and water conservation purposes;

2 (15) for the Department of Agriculture for grants to
3 the City of Chicago for conducting the Chicagofest.

4 (k) To the extent that monies paid by the Board to the
5 Agricultural Premium Fund are in the opinion of the Governor in
6 excess of the amount necessary for the purposes herein stated,
7 the Governor shall notify the Comptroller and the State
8 Treasurer of such fact, who, upon receipt of such notification,
9 shall transfer such excess monies from the Agricultural Premium
10 Fund to the General Revenue Fund.

11 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,
12 eff. 6-28-01; revised 12-6-03.)

13 Section 55-140. The Illinois Public Aid Code is amended by
14 changing Section 12-5 as follows:

15 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

16 Sec. 12-5. Appropriations; uses; federal grants; report to
17 General Assembly. From the sums appropriated by the General
18 Assembly, the Illinois Department shall order for payment by
19 warrant from the State Treasury grants for public aid under
20 Articles III, IV, and V, including grants for funeral and
21 burial expenses, and all costs of administration of the
22 Illinois Department and the County Departments relating
23 thereto. Moneys appropriated to the Illinois Department for
24 public aid under Article VI may be used, with the consent of
25 the Governor, to co-operate with federal, State, and local
26 agencies in the development of work projects designed to
27 provide suitable employment for persons receiving public aid
28 under Article VI. The Illinois Department, with the consent of
29 the Governor, may be the agent of the State for the receipt and
30 disbursement of federal funds or commodities for public aid
31 purposes under Article VI and for related purposes in which the
32 co-operation of the Illinois Department is sought by the

1 federal government, and, in connection therewith, may make
2 necessary expenditures from moneys appropriated for public aid
3 under any Article of this Code and for administration. The
4 Illinois Department, with the consent of the Governor, may be
5 the agent of the State for the receipt and disbursement of
6 federal funds pursuant to the Immigration Reform and Control
7 Act of 1986 and may make necessary expenditures from monies
8 appropriated to it for operations, administration, and grants,
9 including payment to the Health Insurance Reserve Fund for
10 group insurance costs at the rate certified by the Department
11 of Central Management Services. All amounts received by the
12 Illinois Department pursuant to the Immigration Reform and
13 Control Act of 1986 shall be deposited in the Immigration
14 Reform and Control Fund. All amounts received into the
15 Immigration Reform and Control Fund as reimbursement for
16 expenditures from the General Revenue Fund shall be transferred
17 to the General Revenue Fund.

18 All grants received by the Illinois Department for programs
19 funded by the Federal Social Services Block Grant shall be
20 deposited in the Social Services Block Grant Fund. All funds
21 received into the Social Services Block Grant Fund as
22 reimbursement for expenditures from the General Revenue Fund
23 shall be transferred to the General Revenue Fund. All funds
24 received into the Social Services Block Grant fund for
25 reimbursement for expenditure out of the Local Initiative Fund
26 shall be transferred into the Local Initiative Fund. Any other
27 federal funds received into the Social Services Block Grant
28 Fund shall be transferred to the Special Purposes Trust Fund.
29 All federal funds received by the Illinois Department as
30 reimbursement for Employment and Training Programs for
31 expenditures made by the Illinois Department from grants,
32 gifts, or legacies as provided in Section 12-4.18 or made by an
33 entity other than the Illinois Department shall be deposited
34 into the Employment and Training Fund, except that federal

1 funds received as reimbursement as a result of the
2 appropriation made for the costs of providing adult education
3 to public assistance recipients under the "Adult Education,
4 Public Assistance Fund" shall be deposited into the General
5 Revenue Fund; provided, however, that all funds, except those
6 that are specified in an interagency agreement between the
7 Illinois Community College Board and the Illinois Department,
8 that are received by the Illinois Department as reimbursement
9 under Title IV-A of the Social Security Act for expenditures
10 that are made by the Illinois Community College Board or any
11 public community college of this State shall be credited to a
12 special account that the State Treasurer shall establish and
13 maintain within the Employment and Training Fund for the
14 purpose of segregating the reimbursements received for
15 expenditures made by those entities. As reimbursements are
16 deposited into the Employment and Training Fund, the Illinois
17 Department shall certify to the State Comptroller and State
18 Treasurer the amount that is to be credited to the special
19 account established within that Fund as a reimbursement for
20 expenditures under Title IV-A of the Social Security Act made
21 by the Illinois Community College Board or any of the public
22 community colleges. All amounts credited to the special account
23 established and maintained within the Employment and Training
24 Fund as provided in this Section shall be held for transfer to
25 the TANF Opportunities Fund as provided in subsection (d) of
26 Section 12-10.3, and shall not be transferred to any other fund
27 or used for any other purpose.

28 ~~Any or all federal funds received as reimbursement for food~~
29 ~~and shelter assistance under the Emergency Food and Shelter~~
30 ~~Program authorized by Section 12-4.5 may be deposited, with the~~
31 ~~consent of the Governor, into the Homelessness Prevention Fund.~~

32 Eighty percent of the federal financial participation
33 funds received by the Illinois Department under the Title IV-A
34 Emergency Assistance program as reimbursement for expenditures

1 made from the Illinois Department of Children and Family
2 Services appropriations for the costs of providing services in
3 behalf of Department of Children and Family Services clients
4 shall be deposited into the DCFS Children's Services Fund.

5 All federal funds, except those covered by the foregoing 3
6 paragraphs, received as reimbursement for expenditures from
7 the General Revenue Fund shall be deposited in the General
8 Revenue Fund for administrative and distributive expenditures
9 properly chargeable by federal law or regulation to aid
10 programs established under Articles III through XII and Titles
11 IV, XVI, XIX and XX of the Federal Social Security Act. Any
12 other federal funds received by the Illinois Department under
13 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by
14 Section 12-10 of this Code to be paid into the Special Purposes
15 Trust Fund shall be deposited into the Special Purposes Trust
16 Fund. Any other federal funds received by the Illinois
17 Department pursuant to the Child Support Enforcement Program
18 established by Title IV-D of the Social Security Act shall be
19 deposited in the Child Support Enforcement Trust Fund as
20 required under Section 12-10.2 of this Code. Any other federal
21 funds received by the Illinois Department for medical
22 assistance program expenditures made under Title XIX of the
23 Social Security Act and Article V of this Code that are
24 required by Section 5-4.21 of this Code to be paid into the
25 Medicaid Developmentally Disabled Provider Participation Fee
26 Trust Fund shall be deposited into the Medicaid Developmentally
27 Disabled Provider Participation Fee Trust Fund. Any other
28 federal funds received by the Illinois Department for medical
29 assistance program expenditures made under Title XIX of the
30 Social Security Act and Article V of this Code that are
31 required by Section 5-4.31 of this Code to be paid into the
32 Medicaid Long Term Care Provider Participation Fee Trust Fund
33 shall be deposited into the Medicaid Long Term Care Provider
34 Participation Fee Trust Fund. Any other federal funds received

1 by the Illinois Department for hospital inpatient, hospital
2 ambulatory care, and disproportionate share hospital
3 expenditures made under Title XIX of the Social Security Act
4 and Article V of this Code that are required by Section 14-2 of
5 this Code to be paid into the Hospital Services Trust Fund
6 shall be deposited into the Hospital Services Trust Fund. Any
7 other federal funds received by the Illinois Department for
8 expenditures made under Title XIX of the Social Security Act
9 and Articles V and VI of this Code that are required by Section
10 15-2 of this Code to be paid into the County Provider Trust
11 Fund shall be deposited into the County Provider Trust Fund.
12 Any other federal funds received by the Illinois Department for
13 hospital inpatient, hospital ambulatory care, and
14 disproportionate share hospital expenditures made under Title
15 XIX of the Social Security Act and Article V of this Code that
16 are required by Section 5A-8 of this Code to be paid into the
17 Hospital Provider Fund shall be deposited into the Hospital
18 Provider Fund. Any other federal funds received by the Illinois
19 Department for medical assistance program expenditures made
20 under Title XIX of the Social Security Act and Article V of
21 this Code that are required by Section 5B-8 of this Code to be
22 paid into the Long-Term Care Provider Fund shall be deposited
23 into the Long-Term Care Provider Fund. Any other federal funds
24 received by the Illinois Department for medical assistance
25 program expenditures made under Title XIX of the Social
26 Security Act and Article V of this Code that are required by
27 Section 5C-7 of this Code to be paid into the Developmentally
28 Disabled Care Provider Fund shall be deposited into the
29 Developmentally Disabled Care Provider Fund. Any other federal
30 funds received by the Illinois Department for trauma center
31 adjustment payments that are required by Section 5-5.03 of this
32 Code and made under Title XIX of the Social Security Act and
33 Article V of this Code shall be deposited into the Trauma
34 Center Fund. Any other federal funds received by the Illinois

1 Department as reimbursement for expenses for early
2 intervention services paid from the Early Intervention
3 Services Revolving Fund shall be deposited into that Fund.

4 The Illinois Department shall report to the General
5 Assembly at the end of each fiscal quarter the amount of all
6 funds received and paid into the Social Service Block Grant
7 Fund and the Local Initiative Fund and the expenditures and
8 transfers of such funds for services, programs and other
9 purposes authorized by law. Such report shall be filed with the
10 Speaker, Minority Leader and Clerk of the House, with the
11 President, Minority Leader and Secretary of the Senate, with
12 the Chairmen of the House and Senate Appropriations Committees,
13 the House Human Resources Committee and the Senate Public
14 Health, Welfare and Corrections Committee, or the successor
15 standing Committees of each as provided by the rules of the
16 House and Senate, respectively, with the Legislative Research
17 Unit and with the State Government Report Distribution Center
18 for the General Assembly as is required under paragraph (t) of
19 Section 7 of the State Library Act shall be deemed sufficient
20 to comply with this Section.

21 (Source: P.A. 92-111, eff. 1-1-02; 93-632, eff. 2-1-04.)

22 Section 55-145. The Nursing Home Grant Assistance Act is
23 amended by changing Sections 20 and 55 as follows:

24 (305 ILCS 40/20) (from Ch. 23, par. 7100-20)

25 Sec. 20. Nursing Home Grant Assistance Program Fund.

26 (a) (Blank). ~~There is created in the State Treasury the~~
27 ~~Nursing Home Grant Assistance Fund. Interest earned on the Fund~~
28 ~~shall be credited to the Fund.~~

29 (b) ~~The Fund is created for the purpose of receiving moneys~~
30 ~~in accordance with Section 15, Section 30 and Section 35 of~~
31 ~~this Act, and disbursing monies for payment of:~~

32 (1) ~~grants to eligible individuals under this Act;~~

1 ~~(2) administrative expenses incurred by the Department~~
2 ~~in performing the activities authorized by this Act;~~

3 ~~(3) refunds to distribution agents as provided for~~
4 ~~under this Act; and~~

5 ~~(4) transfers to the General Revenue Fund of any~~
6 ~~amounts of Nursing Home Grant Assistance payments returned~~
7 ~~to the Department by distribution agents.~~

8 ~~The Department shall deposit all moneys received under this~~
9 ~~Act in the Nursing Home Grant Assistance Fund.~~

10 The Department, subject to appropriation, may use up to
11 2.5% of the moneys received under this Act for the costs of
12 administering and enforcing the program.

13 (c) Within 30 days after the end of the quarterly period in
14 which the distribution agent is required to file the
15 certification and make the payment required by this Act, and
16 after verification with the Illinois Department of Public Aid
17 of the licensing status of the distribution agent, the Director
18 shall order the payment to be made from appropriations made for
19 the purposes of this Act.

20 (d) Disbursements ~~from this Fund~~ shall be by warrants drawn
21 by the State Comptroller upon receipt of vouchers duly executed
22 and certified by the Department. The Department shall prepare
23 and certify to the State Comptroller the disbursement of the
24 grants to qualified distributing agents for payment to the
25 eligible individuals certified to the Department by the
26 qualified distributing agents.

27 The amount to be paid per calendar quarter to a qualified
28 distribution agent shall not exceed, for each eligible
29 individual, \$500 multiplied by a fraction equal to the number
30 of days that the eligible individual's nursing home care was
31 not paid for, in whole or in part, by a federal, State, or
32 combined federal-State medical care program, divided by the
33 number of calendar days in the quarter. Any amount the
34 qualified distribution agent owes to the Department under

1 Section 30 shall be deducted from the amount of the payment to
2 the qualified distribution agent.

3 If the amount appropriated or available ~~in the Fund~~ is
4 insufficient to meet all or part of any quarterly payment
5 certification, the payment certified to each qualified
6 distributing agent shall be uniformly reduced by an amount
7 which will permit a payment to be made to each qualified
8 distributing agent. Within 10 days after receipt by the State
9 Comptroller of the disbursement certification to the qualified
10 distributing agents, the State Comptroller shall cause the
11 warrants to be drawn for the respective amounts in accordance
12 with the directions contained in that certification.

13 (e) Notwithstanding any other provision of this Act, as
14 soon as is practicable after the effective date of this
15 amendatory Act of 1994, the Department shall order that
16 payments be made, subject to appropriation, to the appropriate
17 distribution agents for grants to persons who were eligible
18 individuals during the fourth quarter of fiscal year 1993 to
19 the extent that those individuals did not receive a grant for
20 that quarter or the fourth quarter of fiscal year 1992. An
21 eligible individual, or a person acting on behalf of an
22 eligible individual, must apply on or before December 31, 1994
23 for a grant under this subsection (e). The amount to be paid to
24 each distribution agent under this subsection shall be
25 calculated as provided in subsection (d). Distribution agents
26 shall distribute the grants to eligible individuals as required
27 in Section 30. For the purpose of determining grants under this
28 subsection (e), a nursing home that is a distribution agent
29 under this Act shall file with the Department, on or before
30 September 30, 1994, a certification disclosing the information
31 required under Section 15 with respect to the fourth quarter of
32 fiscal year 1993.

33 (Source: P.A. 91-357, eff. 7-29-99.)

1 (305 ILCS 40/55)

2 Sec. 55. Supplemental Grants. For each quarter for which an
3 eligible individual receives a Nursing Home Grant Assistance
4 payment under this Act such eligible individual shall qualify
5 to receive a Supplemental Nursing Home Grant Assistance
6 payment. For each quarter for which an eligible individual
7 qualifies to receive a Supplemental Nursing Home Grant
8 Assistance payment the amount of a Supplemental Nursing Home
9 Grant Assistance payment shall be equal to the difference
10 between the Supplemental Base Amount for that quarter minus the
11 Nursing Home Grant Assistance payment for that quarter. For
12 each such quarter, the Supplemental Base Amount is equal to
13 \$500 multiplied by a fraction equal to the amount of days that
14 the eligible individual's nursing home care was not paid for,
15 in whole or in part, by a federal, State, or combined
16 federal-State medical care program, divided by the number of
17 calendar days in the quarter. For each such quarter, the
18 Nursing Home Grant Assistance payment is the amount of the
19 grant paid and received by an eligible individual for that
20 quarter. ~~Subject to appropriation, Supplemental Nursing Home~~
21 ~~Grant Assistance payments shall be made from the Nursing Home~~
22 ~~Grant Assistance Fund.~~

23 (Source: P.A. 88-140.)

24 Section 55-150. The Homelessness Prevention Act is amended
25 by changing Section 4 as follows:

26 (310 ILCS 70/4) (from Ch. 67 1/2, par. 1304)

27 Sec. 4. Homelessness Prevention and Assistance Program.

28 (a) The Department shall establish a family homelessness
29 prevention and assistance program to stabilize families in
30 their existing homes, to shorten the amount of time that
31 families stay in emergency shelters, and to assist families
32 with securing affordable transitional or permanent housing.

1 The Department shall make grants, from funds appropriated to it
2 ~~from the Homelessness Prevention Fund~~, to develop and implement
3 homelessness prevention and assistance projects under this
4 Act.

5 (b) ~~To fund this program, there is created in the State~~
6 ~~Treasury a fund to be known as the Homelessness Prevention~~
7 ~~Fund. Moneys in the Fund, subject to appropriation, may be~~
8 ~~expended for the purposes of this Act.~~ Grants may be made from
9 funds appropriated for the purposes of this Act and from any
10 federal funds or funds from other sources which are made
11 available for the purposes of this Act. Grants shall be made
12 under this Act only to the extent that funds are available.

13 (Source: P.A. 91-388, eff. 1-1-00.)

14 Section 55-155. The Environmental Protection Act is
15 amended by changing Section 22.15 as follows:

16 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

17 Sec. 22.15. Solid Waste Management Fund; fees.

18 (a) There is hereby created within the State Treasury a
19 special fund to be known as the "Solid Waste Management Fund",
20 to be constituted from the fees collected by the State pursuant
21 to this Section and from repayments of loans made from the Fund
22 for solid waste projects. Moneys received by the Department of
23 Commerce and Economic Opportunity ~~Community Affairs~~ in
24 repayment of loans made pursuant to the Illinois Solid Waste
25 Management Act shall be deposited into the General Revenue Fund
26 ~~Solid Waste Management Revolving Loan Fund~~.

27 (b) The Agency shall assess and collect a fee in the amount
28 set forth herein from the owner or operator of each sanitary
29 landfill permitted or required to be permitted by the Agency to
30 dispose of solid waste if the sanitary landfill is located off
31 the site where such waste was produced and if such sanitary
32 landfill is owned, controlled, and operated by a person other

1 than the generator of such waste. The Agency shall deposit all
2 fees collected into the Solid Waste Management Fund. If a site
3 is contiguous to one or more landfills owned or operated by the
4 same person, the volumes permanently disposed of by each
5 landfill shall be combined for purposes of determining the fee
6 under this subsection.

7 (1) If more than 150,000 cubic yards of non-hazardous
8 solid waste is permanently disposed of at a site in a
9 calendar year, the owner or operator shall either pay a fee
10 of 95 cents per cubic yard or, alternatively, the owner or
11 operator may weigh the quantity of the solid waste
12 permanently disposed of with a device for which
13 certification has been obtained under the Weights and
14 Measures Act and pay a fee of \$2.00 per ton of solid waste
15 permanently disposed of. In no case shall the fee collected
16 or paid by the owner or operator under this paragraph
17 exceed \$1.55 per cubic yard or \$3.27 per ton.

18 (2) If more than 100,000 cubic yards but not more than
19 150,000 cubic yards of non-hazardous waste is permanently
20 disposed of at a site in a calendar year, the owner or
21 operator shall pay a fee of \$52,630.

22 (3) If more than 50,000 cubic yards but not more than
23 100,000 cubic yards of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$23,790.

26 (4) If more than 10,000 cubic yards but not more than
27 50,000 cubic yards of non-hazardous solid waste is
28 permanently disposed of at a site in a calendar year, the
29 owner or operator shall pay a fee of \$7,260.

30 (5) If not more than 10,000 cubic yards of
31 non-hazardous solid waste is permanently disposed of at a
32 site in a calendar year, the owner or operator shall pay a
33 fee of \$1050.

34 (c) (Blank.)

1 (d) The Agency shall establish rules relating to the
2 collection of the fees authorized by this Section. Such rules
3 shall include, but not be limited to:

4 (1) necessary records identifying the quantities of
5 solid waste received or disposed;

6 (2) the form and submission of reports to accompany the
7 payment of fees to the Agency;

8 (3) the time and manner of payment of fees to the
9 Agency, which payments shall not be more often than
10 quarterly; and

11 (4) procedures setting forth criteria establishing
12 when an owner or operator may measure by weight or volume
13 during any given quarter or other fee payment period.

14 (e) Pursuant to appropriation, all monies in the Solid
15 Waste Management Fund shall be used by the Agency and the
16 Department of Commerce and Economic Opportunity ~~Community~~
17 ~~Affairs~~ for the purposes set forth in this Section and in the
18 Illinois Solid Waste Management Act, including for the costs of
19 fee collection and administration.

20 (f) The Agency is authorized to enter into such agreements
21 and to promulgate such rules as are necessary to carry out its
22 duties under this Section and the Illinois Solid Waste
23 Management Act.

24 (g) On the first day of January, April, July, and October
25 of each year, beginning on July 1, 1996, the State Comptroller
26 and Treasurer shall transfer \$500,000 from the Solid Waste
27 Management Fund to the Hazardous Waste Fund. Moneys transferred
28 under this subsection (g) shall be used only for the purposes
29 set forth in item (1) of subsection (d) of Section 22.2.

30 (h) The Agency is authorized to provide financial
31 assistance to units of local government for the performance of
32 inspecting, investigating and enforcement activities pursuant
33 to Section 4(r) at nonhazardous solid waste disposal sites.

34 (i) The Agency is authorized to support the operations of

1 an industrial materials exchange service, and to conduct
2 household waste collection and disposal programs.

3 (j) A unit of local government, as defined in the Local
4 Solid Waste Disposal Act, in which a solid waste disposal
5 facility is located may establish a fee, tax, or surcharge with
6 regard to the permanent disposal of solid waste. All fees,
7 taxes, and surcharges collected under this subsection shall be
8 utilized for solid waste management purposes, including
9 long-term monitoring and maintenance of landfills, planning,
10 implementation, inspection, enforcement and other activities
11 consistent with the Solid Waste Management Act and the Local
12 Solid Waste Disposal Act, or for any other environment-related
13 purpose, including but not limited to an environment-related
14 public works project, but not for the construction of a new
15 pollution control facility other than a household hazardous
16 waste facility. However, the total fee, tax or surcharge
17 imposed by all units of local government under this subsection
18 (j) upon the solid waste disposal facility shall not exceed:

19 (1) 60¢ per cubic yard if more than 150,000 cubic yards
20 of non-hazardous solid waste is permanently disposed of at
21 the site in a calendar year, unless the owner or operator
22 weighs the quantity of the solid waste received with a
23 device for which certification has been obtained under the
24 Weights and Measures Act, in which case the fee shall not
25 exceed \$1.27 per ton of solid waste permanently disposed
26 of.

27 (2) \$33,350 if more than 100,000 cubic yards, but not
28 more than 150,000 cubic yards, of non-hazardous waste is
29 permanently disposed of at the site in a calendar year.

30 (3) \$15,500 if more than 50,000 cubic yards, but not
31 more than 100,000 cubic yards, of non-hazardous solid waste
32 is permanently disposed of at the site in a calendar year.

33 (4) \$4,650 if more than 10,000 cubic yards, but not
34 more than 50,000 cubic yards, of non-hazardous solid waste

1 is permanently disposed of at the site in a calendar year.

2 (5) \$650 if not more than 10,000 cubic yards of
3 non-hazardous solid waste is permanently disposed of at the
4 site in a calendar year.

5 The corporate authorities of the unit of local government
6 may use proceeds from the fee, tax, or surcharge to reimburse a
7 highway commissioner whose road district lies wholly or
8 partially within the corporate limits of the unit of local
9 government for expenses incurred in the removal of
10 nonhazardous, nonfluid municipal waste that has been dumped on
11 public property in violation of a State law or local ordinance.

12 A county or Municipal Joint Action Agency that imposes a
13 fee, tax, or surcharge under this subsection may use the
14 proceeds thereof to reimburse a municipality that lies wholly
15 or partially within its boundaries for expenses incurred in the
16 removal of nonhazardous, nonfluid municipal waste that has been
17 dumped on public property in violation of a State law or local
18 ordinance.

19 If the fees are to be used to conduct a local sanitary
20 landfill inspection or enforcement program, the unit of local
21 government must enter into a written delegation agreement with
22 the Agency pursuant to subsection (r) of Section 4. The unit of
23 local government and the Agency shall enter into such a written
24 delegation agreement within 60 days after the establishment of
25 such fees. At least annually, the Agency shall conduct an audit
26 of the expenditures made by units of local government from the
27 funds granted by the Agency to the units of local government
28 for purposes of local sanitary landfill inspection and
29 enforcement programs, to ensure that the funds have been
30 expended for the prescribed purposes under the grant.

31 The fees, taxes or surcharges collected under this
32 subsection (j) shall be placed by the unit of local government
33 in a separate fund, and the interest received on the moneys in
34 the fund shall be credited to the fund. The monies in the fund

1 may be accumulated over a period of years to be expended in
2 accordance with this subsection.

3 A unit of local government, as defined in the Local Solid
4 Waste Disposal Act, shall prepare and distribute to the Agency,
5 in April of each year, a report that details spending plans for
6 monies collected in accordance with this subsection. The report
7 will at a minimum include the following:

8 (1) The total monies collected pursuant to this
9 subsection.

10 (2) The most current balance of monies collected
11 pursuant to this subsection.

12 (3) An itemized accounting of all monies expended for
13 the previous year pursuant to this subsection.

14 (4) An estimation of monies to be collected for the
15 following 3 years pursuant to this subsection.

16 (5) A narrative detailing the general direction and
17 scope of future expenditures for one, 2 and 3 years.

18 The exemptions granted under Sections 22.16 and 22.16a, and
19 under subsections (c) and (k) of this Section, shall be
20 applicable to any fee, tax or surcharge imposed under this
21 subsection (j); except that the fee, tax or surcharge
22 authorized to be imposed under this subsection (j) may be made
23 applicable by a unit of local government to the permanent
24 disposal of solid waste after December 31, 1986, under any
25 contract lawfully executed before June 1, 1986 under which more
26 than 150,000 cubic yards (or 50,000 tons) of solid waste is to
27 be permanently disposed of, even though the waste is exempt
28 from the fee imposed by the State under subsection (b) of this
29 Section pursuant to an exemption granted under Section 22.16.

30 (k) In accordance with the findings and purposes of the
31 Illinois Solid Waste Management Act, beginning January 1, 1989
32 the fee under subsection (b) and the fee, tax or surcharge
33 under subsection (j) shall not apply to:

34 (1) Waste which is hazardous waste; or

- 1 (2) Waste which is pollution control waste; or
- 2 (3) Waste from recycling, reclamation or reuse
3 processes which have been approved by the Agency as being
4 designed to remove any contaminant from wastes so as to
5 render such wastes reusable, provided that the process
6 renders at least 50% of the waste reusable; or
- 7 (4) Non-hazardous solid waste that is received at a
8 sanitary landfill and composted or recycled through a
9 process permitted by the Agency; or
- 10 (5) Any landfill which is permitted by the Agency to
11 receive only demolition or construction debris or
12 landscape waste.

13 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised
14 12-6-03.)

15 Section 55-160. The Illinois Solid Waste Management Act is
16 amended by changing Section 6 as follows:

17 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

18 Sec. 6. The Department of Commerce and Economic Opportunity
19 ~~Community Affairs~~ shall be the lead agency for implementation
20 of this Act and shall have the following powers:

21 (a) To provide technical and educational assistance for
22 applications of technologies and practices which will minimize
23 the land disposal of non-hazardous solid waste; economic
24 feasibility of implementation of solid waste management
25 alternatives; analysis of markets for recyclable materials and
26 energy products; application of the Geographic Information
27 System to provide analysis of natural resource, land use, and
28 environmental impacts; evaluation of financing and ownership
29 options; and evaluation of plans prepared by units of local
30 government pursuant to Section 22.15 of the Environmental
31 Protection Act.

32 (b) To provide technical assistance in siting pollution

1 control facilities, defined as any waste storage site, sanitary
2 landfill, waste disposal site, waste transfer station or waste
3 incinerator.

4 (c) To provide loans or recycling and composting grants to
5 businesses and not-for-profit and governmental organizations
6 for the purposes of increasing the quantity of materials
7 recycled or composted in Illinois; developing and implementing
8 innovative recycling methods and technologies; developing and
9 expanding markets for recyclable materials; and increasing the
10 self-sufficiency of the recycling industry in Illinois. The
11 Department shall work with and coordinate its activities with
12 existing for-profit and not-for-profit collection and
13 recycling systems to encourage orderly growth in the supply of
14 and markets for recycled materials and to assist existing
15 collection and recycling efforts.

16 The Department shall develop a public education program
17 concerning the importance of both composting and recycling in
18 order to preserve landfill space in Illinois.

19 (d) To establish guidelines and funding criteria for the
20 solicitation of projects under this Act, and to receive and
21 evaluate applications for loans or grants for solid waste
22 management projects based upon such guidelines and criteria.
23 Funds may be loaned with or without interest. ~~Loan repayments~~
24 ~~shall be deposited into the Solid Waste Management Revolving~~
25 ~~Loan Fund.~~

26 (e) To support and coordinate solid waste research in
27 Illinois, and to approve the annual solid waste research agenda
28 prepared by the University of Illinois.

29 (f) To provide loans or grants for research, development
30 and demonstration of innovative technologies and practices,
31 including but not limited to pilot programs for collection and
32 disposal of household wastes.

33 (g) To promulgate such rules and regulations as are
34 necessary to carry out the purposes of subsections (c), (d) and

1 (f) of this Section.

2 (h) To cooperate with the Environmental Protection Agency
3 for the purposes specified herein.

4 ~~There is hereby created the Solid Waste Management~~
5 ~~Revolving Loan Fund, a special fund in the State Treasury,~~
6 ~~hereinafter referred to as the "Fund".~~ The Department is
7 authorized to accept any and all grants, repayments of interest
8 and principal on loans, matching funds, reimbursements,
9 appropriations, income derived from investments, or other
10 things of value from the federal or state governments or from
11 any institution, person, partnership, joint venture,
12 corporation, public or private, ~~for deposit in the Fund. Any~~
13 ~~moneys collected as a result of foreclosures of loans or other~~
14 ~~financing agreements, or the violation of any terms thereof,~~
15 ~~shall also be deposited in the Fund.~~

16 The Department is authorized to use moneys available for
17 that purpose ~~deposited in the Fund~~, subject to appropriation,
18 expressly for the purpose of implementing a ~~revolving~~ loan
19 program according to procedures established pursuant to this
20 Act. Those moneys ~~Moneys in the Fund~~ shall be used by the
21 Department for the purpose of financing additional projects and
22 for the Department's administrative expenses related thereto.

23 (Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96;
24 revised 12-6-03.)

25 Section 55-165. The Uranium and Thorium Mill Tailings
26 Control Act is amended by changing Sections 15 and 40 as
27 follows:

28 (420 ILCS 42/15)

29 Sec. 15. Storage fees.

30 (a) Beginning January 1, 1994, an annual fee shall be
31 imposed on the owner or operator of any property that has been
32 used in whole or in part for the milling of source material and

1 is being used for the storage or disposal of by-product
2 material, equal to \$2 per cubic foot of by-product material
3 being stored or disposed of by the facility. After a facility
4 is cleaned up in accordance with the Department's radiological
5 soil clean-up criteria, no fee shall be due, imposed upon, or
6 collected from an owner. No fee shall be imposed upon any
7 by-product material moved to a facility in contemplation of the
8 subsequent removal of the by-product material pursuant to law
9 or upon any by-product material moved to a facility in
10 contemplation of processing the material through a physical
11 separation facility. No fees shall be collected from any State,
12 county, municipal, or local governmental agency. In connection
13 with settling litigation regarding the amount of the fee to be
14 imposed, the Director may enter into an agreement with the
15 owner or operator of any facility specifying that the fee to be
16 imposed shall not exceed \$26,000,000 in any calendar year. The
17 fees assessed under this Section are separate and distinct from
18 any license fees imposed under Section 11 of the Radiation
19 Protection Act of 1990.

20 The fee shall be due on June 1 of each year or at such other
21 times in such installments as the Director may provide by rule.
22 To facilitate the expeditious removal of by-product material,
23 rules establishing payment dates or schedules may be adopted as
24 emergency rules under Section 5-45 of the Administrative
25 Procedure Act. The fee shall be collected and administered by
26 the Department, and shall be deposited into the General Revenue
27 Fund ~~By product Material Safety Fund, which is created as an~~
28 ~~interest bearing special fund in the State Treasury. Amounts in~~
29 ~~the By-product Material Safety Fund not currently required to~~
30 ~~meet the obligations of the Fund shall be invested as provided~~
31 ~~by law and all interest earned from investments shall be~~
32 ~~retained in the Fund.~~

33 (b) Moneys ~~in the By-product Material Safety Fund~~ may be
34 expended by the Department, subject to appropriation, for ~~only~~

1 the following purposes but ~~and~~ only as the moneys relate to
2 by-product material attributable to the owner or operator who
3 pays the fees under subsection (a) ~~moneys into the Fund~~:

4 (1) the costs of monitoring, inspecting, and otherwise
5 regulating the storage and disposal of by-product
6 material, wherever located;

7 (2) the costs of undertaking any maintenance,
8 decommissioning activities, cleanup, responses to
9 radiation emergencies, or remedial action that would
10 otherwise be required of the owner or operator by law or
11 under a license amendment or condition in connection with
12 by-product materials;

13 (3) the costs that would otherwise be required of the
14 owner or operator, by law or under a license amendment or
15 condition, incurred by the State arising from the
16 transportation of the by-product material from a storage or
17 unlicensed disposal location to a licensed permanent
18 disposal facility; and

19 (4) reimbursement to the owner or operator of any
20 facility used for the storage or disposal of by-product
21 material for costs incurred by the owner or operator in
22 connection with the decontamination or decommissioning of
23 the storage or disposal facility or other properties
24 contaminated with by-product material. However, the amount
25 of the reimbursements paid to the owner or operator of a
26 by-product material storage or disposal facility shall not
27 be reduced for any amounts recovered by the owner or
28 operator pursuant to Title X of the federal Energy Policy
29 Act of 1992 and shall not exceed the amount of money paid
30 ~~into the Fund~~ by that owner or operator under subsection
31 (a) plus the interest ~~accrued in the Fund~~ attributable to
32 amounts paid by that owner or operator.

33 An owner or operator who incurs costs in connection with
34 the decontamination or decommissioning of the storage or

1 disposal facility or other properties contaminated with
2 by-product material is entitled to have those costs promptly
3 reimbursed ~~from the Fund~~ as provided in this Section. In the
4 event the owner or operator has incurred reimbursable costs for
5 which there are not adequate moneys ~~in the Fund~~ with which to
6 provide reimbursement, the Director shall reduce the amount of
7 any fee payable in the future imposed under this Act by the
8 amount of the reimbursable expenses incurred by the owner or
9 operator. An owner or operator of a facility shall submit
10 requests for reimbursement to the Director in a form reasonably
11 required by the Director. Upon receipt of a request, the
12 Director shall give written notice approving or disapproving
13 each of the owner's or operator's request for reimbursement
14 within 60 days. The Director shall approve requests for
15 reimbursement unless the Director finds that the amount is
16 excessive, erroneous, or otherwise inconsistent with paragraph
17 (4) of this subsection or with any license or license
18 amendments issued in connection with that owner's or operator's
19 decontamination or decommissioning plan. If the Director
20 disapproves a reimbursement request, the Director shall set
21 forth in writing to the owner or operator the reasons for
22 disapproval. The owner or operator may resubmit to the
23 Department a disapproved reimbursement request with additional
24 information as may be required. Disapproval of a reimbursement
25 request shall constitute final action for purposes of the
26 Administrative Review Law unless the owner or operator
27 resubmits the denied request within 35 days. To the extent
28 there are funds available ~~in the Fund~~, the Director shall
29 prepare and certify to the Comptroller the disbursement of the
30 approved sums ~~from the By-Product Material Safety Fund~~ to the
31 owners or operators or, if there are insufficient funds
32 available, the Director shall off-set future fees otherwise
33 payable by the owner or operator by the amount of the approved
34 reimbursable expenses.

1 (c) To the extent that costs identified in parts (1), (2),
2 and (3) of subsections (b) are recovered by the Department
3 under the Radiation Protection Act of 1990 or its rules, the
4 Department shall not use money under this Section ~~in the~~
5 ~~By product Material Safety Fund~~ to cover these costs.

6 (d) (Blank). ~~The provisions directing the expenditures~~
7 ~~from the By product Material Safety Fund provided for in this~~
8 ~~Section shall constitute an irrevocable and continuing~~
9 ~~appropriation to the Department of Nuclear Safety solely for~~
10 ~~the purposes as provided in this Section. The State Treasurer~~
11 ~~and State Comptroller are hereby authorized and directed to pay~~
12 ~~expenditures or record in their records any offset approved by~~
13 ~~the Director as provided in this Section.~~

14 (Source: P.A. 90-39, eff. 6-30-97.)

15 (420 ILCS 42/40)

16 Sec. 40. Violations and penalties.

17 (a) Any person who violates Section 20 shall be subject to
18 a civil penalty not to exceed \$10,000 per day of violation.

19 (b) Any person failing to pay the fees provided for in
20 Section 15 shall be subject to a civil penalty not to exceed 4
21 times the amount of the fees not paid.

22 (c) Violations of this Act shall be prosecuted by the
23 Attorney General at the request of the Department. Civil
24 penalties under this Act are recoverable in an action brought
25 by the Attorney General on behalf of the State in the circuit
26 court of the county in which the facility is located. All
27 amounts collected from fines under this Section shall be
28 deposited in the General Revenue Fund ~~By product Material~~
29 ~~Safety Fund~~. It shall also be the duty of the Attorney General
30 upon the request of the Department to bring an action for an
31 injunction against any person violating any of the provisions
32 of this Act. The Court may assess all or a portion of the cost
33 of actions brought under this subsection, including but not

1 limited to attorney, expert witness, and consultant fees, to
2 the owner or operator of the source material milling facility
3 or to any other person responsible for the violation or
4 contamination.

5 (Source: P.A. 87-1024.)

6 Section 55-170. The Open Space Lands Acquisition and
7 Development Act is amended by changing Section 3 as follows:

8 (525 ILCS 35/3) (from Ch. 85, par. 2103)

9 Sec. 3. From appropriations made from the Capital
10 Development Fund, ~~Build Illinois Purposes Fund,~~ Build Illinois
11 Bond Fund or other available or designated funds for such
12 purposes, the Department shall make grants to local governments
13 as financial assistance, on a reimbursement basis, for the
14 capital development and improvement of park, recreation or
15 conservation areas, marinas and shorelines, including planning
16 and engineering costs, and for the acquisition of open space
17 lands, including acquisition of easements and other property
18 interests less than fee simple ownership if the Department
19 determines that such property interests are sufficient to carry
20 out the purposes of this Act, subject to the conditions and
21 limitations set forth in this Act.

22 No more than 10% of the amount so appropriated for any
23 fiscal year may be committed or expended on any one project
24 described in an application under this Act.

25 Any grant under this Act to a local government shall be
26 conditioned upon the state providing assistance on a 50/50
27 matching basis for the acquisition of open space lands and for
28 capital development and improvement proposals.

29 (Source: P.A. 84-1308.)

30 Section 55-175. The Illinois Vehicle Code is amended by
31 changing Section 3-1001 as follows:

1 (625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

2 Sec. 3-1001. A tax is hereby imposed on the privilege of
3 using, in this State, any motor vehicle as defined in Section
4 1-146 of this Code acquired by gift, transfer, or purchase, and
5 having a year model designation preceding the year of
6 application for title by 5 or fewer years prior to October 1,
7 1985 and 10 or fewer years on and after October 1, 1985 and
8 prior to January 1, 1988. On and after January 1, 1988, the tax
9 shall apply to all motor vehicles without regard to model year.
10 Except that the tax shall not apply

11 (i) if the use of the motor vehicle is otherwise taxed
12 under the Use Tax Act;

13 (ii) if the motor vehicle is bought and used by a
14 governmental agency or a society, association, foundation
15 or institution organized and operated exclusively for
16 charitable, religious or educational purposes;

17 (iii) if the use of the motor vehicle is not subject to
18 the Use Tax Act by reason of subsection (a), (b), (c), (d),
19 (e) or (f) of Section 3-55 of that Act dealing with the
20 prevention of actual or likely multistate taxation;

21 (iv) to implements of husbandry;

22 (v) when a junking certificate is issued pursuant to
23 Section 3-117(a) of this Code;

24 (vi) when a vehicle is subject to the replacement
25 vehicle tax imposed by Section 3-2001 of this Act;

26 (vii) when the transfer is a gift to a beneficiary in
27 the administration of an estate and the beneficiary is a
28 surviving spouse.

29 Prior to January 1, 1988, the rate of tax shall be 5% of
30 the selling price for each purchase of a motor vehicle covered
31 by Section 3-1001 of this Code. Except as hereinafter provided,
32 beginning January 1, 1988, the rate of tax shall be as follows
33 for transactions in which the selling price of the motor

1 vehicle is less than \$15,000:

2	Number of Years Transpired After	Applicable Tax
3	Model Year of Motor Vehicle	
4	1 or less	\$390
5	2	290
6	3	215
7	4	165
8	5	115
9	6	90
10	7	80
11	8	65
12	9	50
13	10	40
14	over 10	25

15 Except as hereinafter provided, beginning January 1, 1988, the
 16 rate of tax shall be as follows for transactions in which the
 17 selling price of the motor vehicle is \$15,000 or more:

18	Selling Price	Applicable Tax
19	\$15,000 - \$19,999	\$ 750
20	\$20,000 - \$24,999	\$1,000
21	\$25,000 - \$29,999	\$1,250
22	\$30,000 and over	\$1,500

23 For the following transactions, the tax rate shall be \$15 for
 24 each motor vehicle acquired in such transaction:

25 (i) when the transferee or purchaser is the spouse,
 26 mother, father, brother, sister or child of the transferor;

27 (ii) when the transfer is a gift to a beneficiary in
 28 the administration of an estate and the beneficiary is not
 29 a surviving spouse;

30 (iii) when a motor vehicle which has once been
 31 subjected to the Illinois retailers' occupation tax or use
 32 tax is transferred in connection with the organization,
 33 reorganization, dissolution or partial liquidation of an
 34 incorporated or unincorporated business wherein the

1 beneficial ownership is not changed.

2 A claim that the transaction is taxable under subparagraph
3 (i) shall be supported by such proof of family relationship as
4 provided by rules of the Department.

5 For a transaction in which a motorcycle, motor driven cycle
6 or motorized pedalcycle is acquired the tax rate shall be \$25.

7 On and after October 1, 1985, 1/12 of \$5,000,000 of the
8 moneys received by the Department of Revenue pursuant to this
9 Section shall be paid each month into the Build Illinois Fund
10 and the remainder into the General Revenue Fund.

11 ~~At the end of any fiscal year in which the moneys received~~
12 ~~by the Department of Revenue pursuant to this Section exceeds~~
13 ~~the Annual Specified Amount, as defined in Section 3 of the~~
14 ~~Retailers' Occupation Tax Act, the State Comptroller shall~~
15 ~~direct the State Treasurer to transfer such excess amount from~~
16 ~~the General Revenue Fund to the Build Illinois Purposes Fund.~~

17 The tax imposed by this Section shall be abated and no
18 longer imposed when the amount deposited to secure the bonds
19 issued pursuant to the Build Illinois Bond Act is sufficient to
20 provide for the payment of the principal of, and interest and
21 premium, if any, on the bonds, as certified to the State
22 Comptroller and the Director of Revenue by the Director of the
23 Governor's Office of Management and Budget ~~Bureau of the~~
24 ~~Budget.~~

25 (Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

26 (20 ILCS 700/4005 rep.)

27 Section 55-180. The Technology Advancement and Development
28 Act is amended by repealing Section 4005.

29 (20 ILCS 1705/18.1 rep.)

30 Section 55-185. The Mental Health and Developmental
31 Disabilities Administrative Act is amended by repealing
32 Section 18.1.

1 (20 ILCS 3501/825-15 rep.)

2 Section 55-190. The Illinois Finance Authority Act is
3 amended by repealing Section 825-15.

4 (20 ILCS 3921/25 rep.)

5 Section 55-200. The Illinois Century Network Act is amended
6 by repealing Section 25.

7 (30 ILCS 105/5.33 rep.)

8 (30 ILCS 105/5.110 rep.)

9 (30 ILCS 105/5.161 rep.)

10 (30 ILCS 105/5.219 rep.)

11 (30 ILCS 105/5.222 rep.)

12 (30 ILCS 105/5.225 rep.)

13 (30 ILCS 105/5.265 rep.)

14 (30 ILCS 105/5.272 rep.)

15 (30 ILCS 105/5.303 rep.)

16 (30 ILCS 105/5.319 rep.)

17 (30 ILCS 105/5.341 rep.)

18 (30 ILCS 105/5.373 rep.)

19 (30 ILCS 105/5.444 rep.)

20 (30 ILCS 105/5.469 rep.)

21 (30 ILCS 105/5.494 rep.)

22 (30 ILCS 105/5.513 rep.)

23 (30 ILCS 105/5.517 rep.)

24 (30 ILCS 105/5.570 rep., from P.A. 92-691)

25 (30 ILCS 105/8.29 rep.)

26 Section 55-205. The State Finance Act is amended by
27 repealing Sections 5.33, 5.110, 5.161, 5.219, 5.222, 5.225,
28 5.265, 5.272, 5.303, 5.319, 5.341, 5.373, 5.444, 5.469, 5.494,
29 5.513, 5.517, 5.570 (as added by Public Act 92-691), and 8.29.

30 (105 ILCS 5/2-3.121 rep.)

1 Section 55-210. The School Code is amended by repealing
2 Section 2-3.121.

3 (110 ILCS 947/72 rep.)

4 Section 55-215. The Higher Education Student Assistance
5 Act is amended by repealing Section 72.

6 ARTICLE 65

7 Section 65-5. The State Finance Act is amended by changing
8 Section 8.12 as follows:

9 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

10 Sec. 8.12. State Pensions Fund.

11 (a) The moneys in the State Pensions Fund shall be used
12 exclusively for the administration of the Uniform Disposition
13 of Unclaimed Property Act and for the payment of or repayment
14 to the General Revenue Fund a portion of the required State
15 contributions to the designated retirement systems.

16 "Designated retirement systems" means:

17 (1) the State Employees' Retirement System of
18 Illinois;

19 (2) the Teachers' Retirement System of the State of
20 Illinois;

21 (3) the State Universities Retirement System;

22 (4) the Judges Retirement System of Illinois; and

23 (5) the General Assembly Retirement System.

24 (b) Each year the General Assembly may make appropriations
25 from the State Pensions Fund for the administration of the
26 Uniform Disposition of Unclaimed Property Act.

27 Each month, the Commissioner of the Office of Banks and
28 Real Estate shall certify to the State Treasurer the actual
29 expenditures that the Office of Banks and Real Estate incurred
30 conducting unclaimed property examinations under the Uniform

1 Disposition of Unclaimed Property Act during the immediately
2 preceding month. Within a reasonable time following the
3 acceptance of such certification by the State Treasurer, the
4 State Treasurer shall pay from its appropriation from the State
5 Pensions Fund to the Bank and Trust Company Fund and the
6 Savings and Residential Finance Regulatory Fund an amount equal
7 to the expenditures incurred by each Fund for that month.

8 Each month, the Director of Financial Institutions shall
9 certify to the State Treasurer the actual expenditures that the
10 Department of Financial Institutions incurred conducting
11 unclaimed property examinations under the Uniform Disposition
12 of Unclaimed Property Act during the immediately preceding
13 month. Within a reasonable time following the acceptance of
14 such certification by the State Treasurer, the State Treasurer
15 shall pay from its appropriation from the State Pensions Fund
16 to the Financial Institutions Fund and the Credit Union Fund an
17 amount equal to the expenditures incurred by each Fund for that
18 month.

19 (c) As soon as possible after the effective date of this
20 amendatory Act of the 93rd General Assembly, the General
21 Assembly shall appropriate from the State Pensions Fund (1) to
22 the State Universities Retirement System the amount certified
23 under Section 15-165 during the prior year, (2) to the Judges
24 Retirement System of Illinois the amount certified under
25 Section 18-140 during the prior year, and (3) to the General
26 Assembly Retirement System the amount certified under Section
27 2-134 during the prior year as part of the required State
28 contributions to each of those designated retirement systems;
29 except that amounts appropriated under this subsection (c) in
30 State fiscal year 2005 shall not reduce the amount in the State
31 Pensions Fund below \$5,000,000. If the amount in the State
32 Pensions Fund does not exceed the sum of the amounts certified
33 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
34 the amount paid to each designated retirement system under this

1 subsection shall be reduced in proportion to the amount
2 certified by each of those designated retirement systems. ~~For~~
3 ~~each State fiscal year beginning with State fiscal year 2006,~~
4 ~~the General Assembly shall appropriate a total amount equal to~~
5 ~~the balance in the State Pensions Fund at the close of business~~
6 ~~on June 30 of the preceding fiscal year, less \$5,000,000, as~~
7 ~~part of the required State contributions to the designated~~
8 ~~retirement systems. The amount of the appropriation to~~
9 ~~designated retirement systems shall constitute a portion of the~~
10 ~~total appropriation under this subsection for that fiscal year~~
11 ~~which is the same as that retirement system's portion of the~~
12 ~~total actuarial reserve deficiency of the systems, as most~~
13 ~~recently determined by the Governor's Office of Management and~~
14 ~~Budget.~~

15 (c-5) For fiscal year 2006 and thereafter, the General
16 Assembly shall appropriate from the State Pensions Fund to the
17 State Universities Retirement System the amount estimated to be
18 available during the fiscal year in the State Pensions Fund;
19 provided, however, that the amounts appropriated under this
20 subsection (c-5) shall not reduce the amount in the State
21 Pensions Fund below \$5,000,000.

22 (d) The Governor's Office of Management and Budget shall
23 determine the individual and total reserve deficiencies of the
24 designated retirement systems. For this purpose, the
25 Governor's Office of Management and Budget shall utilize the
26 latest available audit and actuarial reports of each of the
27 retirement systems and the relevant reports and statistics of
28 the Public Employee Pension Fund Division of the Department of
29 Insurance.

30 (d-1) As soon as practicable after the effective date of
31 this amendatory Act of the 93rd General Assembly, the
32 Comptroller shall direct and the Treasurer shall transfer from
33 the State Pensions Fund to the General Revenue Fund, as funds
34 become available, a sum equal to the amounts that would have

1 been paid from the State Pensions Fund to the Teachers'
2 Retirement System of the State of Illinois, the State
3 Universities Retirement System, the Judges Retirement System
4 of Illinois, the General Assembly Retirement System, and the
5 State Employees' Retirement System of Illinois after the
6 effective date of this amendatory Act during the remainder of
7 fiscal year 2004 to the designated retirement systems from the
8 appropriations provided for in this Section if the transfers
9 provided in Section 6z-61 had not occurred. The transfers
10 described in this subsection (d-1) are to partially repay the
11 General Revenue Fund for the costs associated with the bonds
12 used to fund the moneys transferred to the designated
13 retirement systems under Section 6z-61.

14 (e) The changes to this Section made by this amendatory Act
15 of 1994 shall first apply to distributions from the Fund for
16 State fiscal year 1996.

17 (Source: P.A. 93-665, eff. 3-5-04; 93-839, eff. 7-30-04.)

18 ARTICLE 70

19 Section 70-5. The Pretrial Services Act is amended by
20 changing Section 33 as follows:

21 (725 ILCS 185/33) (from Ch. 38, par. 333)

22 Sec. 33. The Supreme Court shall pay from funds
23 appropriated to it for this purpose 100% of all approved costs
24 for pretrial services, including pretrial services officers,
25 necessary support personnel, travel costs reasonably related
26 to the delivery of pretrial services, space costs, equipment,
27 telecommunications, postage, commodities, printing and
28 contractual services. Costs shall be reimbursed monthly, based
29 on a plan and budget approved by the Supreme Court. No
30 department may be reimbursed for costs which exceed or are not
31 provided for in the approved plan and budget. For State fiscal

1 years 2004, ~~and~~ 2005, and 2006 only, the Mandatory Arbitration
2 Fund may be used to reimburse approved costs for pretrial
3 services.

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

5 Section 70-10. The Probation and Probation Officers Act is
6 amended by changing Section 15.1 as follows:

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

8 Sec. 15. (1) The Supreme Court of Illinois may establish a
9 Division of Probation Services whose purpose shall be the
10 development, establishment, promulgation, and enforcement of
11 uniform standards for probation services in this State, and to
12 otherwise carry out the intent of this Act. The Division may:

13 (a) establish qualifications for chief probation
14 officers and other probation and court services personnel
15 as to hiring, promotion, and training.

16 (b) make available, on a timely basis, lists of those
17 applicants whose qualifications meet the regulations
18 referred to herein, including on said lists all candidates
19 found qualified.

20 (c) establish a means of verifying the conditions for
21 reimbursement under this Act and develop criteria for
22 approved costs for reimbursement.

23 (d) develop standards and approve employee
24 compensation schedules for probation and court services
25 departments.

26 (e) employ sufficient personnel in the Division to
27 carry out the functions of the Division.

28 (f) establish a system of training and establish
29 standards for personnel orientation and training.

30 (g) develop standards for a system of record keeping
31 for cases and programs, gather statistics, establish a
32 system of uniform forms, and develop research for planning

1 of Probation Services.

2 (h) develop standards to assure adequate support
3 personnel, office space, equipment and supplies, travel
4 expenses, and other essential items necessary for
5 Probation and Court Services Departments to carry out their
6 duties.

7 (i) review and approve annual plans submitted by
8 Probation and Court Services Departments.

9 (j) monitor and evaluate all programs operated by
10 Probation and Court Services Departments, and may include
11 in the program evaluation criteria such factors as the
12 percentage of Probation sentences for felons convicted of
13 Probationable offenses.

14 (k) seek the cooperation of local and State government
15 and private agencies to improve the quality of probation
16 and court services.

17 (l) where appropriate, establish programs and
18 corresponding standards designed to generally improve the
19 quality of probation and court services and reduce the rate
20 of adult or juvenile offenders committed to the Department
21 of Corrections.

22 (m) establish such other standards and regulations and
23 do all acts necessary to carry out the intent and purposes
24 of this Act.

25 The Division shall establish a model list of structured
26 intermediate sanctions that may be imposed by a probation
27 agency for violations of terms and conditions of a sentence of
28 probation, conditional discharge, or supervision.

29 The State of Illinois shall provide for the costs of
30 personnel, travel, equipment, telecommunications, postage,
31 commodities, printing, space, contractual services and other
32 related costs necessary to carry out the intent of this Act.

33 (2) (a) The chief judge of each circuit shall provide
34 full-time probation services for all counties within the

1 circuit, in a manner consistent with the annual probation plan,
2 the standards, policies, and regulations established by the
3 Supreme Court. A probation district of two or more counties
4 within a circuit may be created for the purposes of providing
5 full-time probation services. Every county or group of counties
6 within a circuit shall maintain a probation department which
7 shall be under the authority of the Chief Judge of the circuit
8 or some other judge designated by the Chief Judge. The Chief
9 Judge, through the Probation and Court Services Department
10 shall submit annual plans to the Division for probation and
11 related services.

12 (b) The Chief Judge of each circuit shall appoint the Chief
13 Probation Officer and all other probation officers for his or
14 her circuit from lists of qualified applicants supplied by the
15 Supreme Court. Candidates for chief managing officer and other
16 probation officer positions must apply with both the Chief
17 Judge of the circuit and the Supreme Court.

18 (3) A Probation and Court Service Department shall apply to
19 the Supreme Court for funds for basic services, and may apply
20 for funds for new and expanded programs or Individualized
21 Services and Programs. Costs shall be reimbursed monthly based
22 on a plan and budget approved by the Supreme Court. No
23 Department may be reimbursed for costs which exceed or are not
24 provided for in the approved annual plan and budget. After the
25 effective date of this amendatory Act of 1985, each county must
26 provide basic services in accordance with the annual plan and
27 standards created by the division. No department may receive
28 funds for new or expanded programs or individualized services
29 and programs unless they are in compliance with standards as
30 enumerated in paragraph (h) of subsection (1) of this Section,
31 the annual plan, and standards for basic services.

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

34 (a) 100% of the salary of all chief managing officers

1 designated as such by the Chief Judge and the division.

2 (b) 100% of the salary for all probation officer and
3 supervisor positions approved for reimbursement by the
4 division after April 1, 1984, to meet workload standards
5 and to implement intensive sanction and probation
6 supervision programs and other basic services as defined in
7 this Act.

8 (c) 100% of the salary for all secure detention
9 personnel and non-secure group home personnel approved for
10 reimbursement after December 1, 1990. For all such
11 positions approved for reimbursement before December 1,
12 1990, the counties shall be reimbursed \$1,250 per month
13 beginning July 1, 1995, and an additional \$250 per month
14 beginning each July 1st thereafter until the positions
15 receive 100% salary reimbursement. Allocation of such
16 positions will be based on comparative need considering
17 capacity, staff/resident ratio, physical plant and
18 program.

19 (d) \$1,000 per month for salaries for the remaining
20 probation officer positions engaged in basic services and
21 new or expanded services. All such positions shall be
22 approved by the division in accordance with this Act and
23 division standards.

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

27 (f) If the amount of funds reimbursed to the county
28 under paragraphs (a) through (e) of subsection 4 of this
29 Section on an annual basis is less than the amount the
30 county had received during the 12 month period immediately
31 prior to the effective date of this amendatory Act of 1985,
32 then the Division shall reimburse the amount of the
33 difference to the county. The effect of paragraph (b) of
34 subsection 7 of this Section shall be considered in

1 implementing this supplemental reimbursement provision.

2 (5) The Division shall provide funds beginning on April 1,
3 1987 for the counties to provide Individualized Services and
4 Programs as provided in Section 16 of this Act.

5 (6) A Probation and Court Services Department in order to
6 be eligible for the reimbursement must submit to the Supreme
7 Court an application containing such information and in such a
8 form and by such dates as the Supreme Court may require.
9 Departments to be eligible for funding must satisfy the
10 following conditions:

11 (a) The Department shall have on file with the Supreme
12 Court an annual Probation plan for continuing, improved,
13 and new Probation and Court Services Programs approved by
14 the Supreme Court or its designee. This plan shall indicate
15 the manner in which Probation and Court Services will be
16 delivered and improved, consistent with the minimum
17 standards and regulations for Probation and Court
18 Services, as established by the Supreme Court. In counties
19 with more than one Probation and Court Services Department
20 eligible to receive funds, all Departments within that
21 county must submit plans which are approved by the Supreme
22 Court.

23 (b) The annual probation plan shall seek to generally
24 improve the quality of probation services and to reduce the
25 commitment of adult and juvenile offenders to the
26 Department of Corrections and shall require, when
27 appropriate, coordination with the Department of
28 Corrections and the Department of Children and Family
29 Services in the development and use of community resources,
30 information systems, case review and permanency planning
31 systems to avoid the duplication of services.

32 (c) The Department shall be in compliance with
33 standards developed by the Supreme Court for basic, new and
34 expanded services, training, personnel hiring and

1 promotion.

2 (d) The Department shall in its annual plan indicate
3 the manner in which it will support the rights of crime
4 victims and in which manner it will implement Article I,
5 Section 8.1 of the Illinois Constitution and in what manner
6 it will coordinate crime victims' support services with
7 other criminal justice agencies within its jurisdiction,
8 including but not limited to, the State's Attorney, the
9 Sheriff and any municipal police department.

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

13 (a) The probation officer is a full-time employee
14 appointed by the Chief Judge to provide probation services.

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

18 (c) The probation officer is appointed or was
19 reappointed in accordance with minimum qualifications or
20 criteria established by the Supreme Court; however, all
21 probation officers appointed prior to January 1, 1978,
22 shall be exempted from the minimum requirements
23 established by the Supreme Court. Payments shall be made to
24 counties employing these exempted probation officers as
25 long as they are employed in the position held on the
26 effective date of this amendatory Act of 1985. Promotions
27 shall be governed by minimum qualifications established by
28 the Supreme Court.

29 (d) The Department has an established compensation
30 schedule approved by the Supreme Court. The compensation
31 schedule shall include salary ranges with necessary
32 increments to compensate each employee. The increments
33 shall, within the salary ranges, be based on such factors
34 as bona fide occupational qualifications, performance, and

1 length of service. Each position in the Department shall be
2 placed on the compensation schedule according to job duties
3 and responsibilities of such position. The policy and
4 procedures of the compensation schedule shall be made
5 available to each employee.

6 (8) In order to obtain full reimbursement of all approved
7 costs, each Department must continue to employ at least the
8 same number of probation officers and probation managers as
9 were authorized for employment for the fiscal year which
10 includes January 1, 1985. This number shall be designated as
11 the base amount of the Department. No positions approved by the
12 Division under paragraph (b) of subsection 4 will be included
13 in the base amount. In the event that the Department employs
14 fewer Probation officers and Probation managers than the base
15 amount for a period of 90 days, funding received by the
16 Department under subsection 4 of this Section may be reduced on
17 a monthly basis by the amount of the current salaries of any
18 positions below the base amount.

19 (9) Before the 15th day of each month, the treasurer of any
20 county which has a Probation and Court Services Department, or
21 the treasurer of the most populous county, in the case of a
22 Probation or Court Services Department funded by more than one
23 county, shall submit an itemized statement of all approved
24 costs incurred in the delivery of Basic Probation and Court
25 Services under this Act to the Supreme Court. The treasurer may
26 also submit an itemized statement of all approved costs
27 incurred in the delivery of new and expanded Probation and
28 Court Services as well as Individualized Services and Programs.
29 The Supreme Court or its designee shall verify compliance with
30 this Section and shall examine and audit the monthly statement
31 and, upon finding them to be correct, shall forward them to the
32 Comptroller for payment to the county treasurer. In the case of
33 payment to a treasurer of a county which is the most populous
34 of counties sharing the salary and expenses of a Probation and

1 Court Services Department, the treasurer shall divide the money
2 between the counties in a manner that reflects each county's
3 share of the cost incurred by the Department.

4 (10) The county treasurer must certify that funds received
5 under this Section shall be used solely to maintain and improve
6 Probation and Court Services. The county or circuit shall
7 remain in compliance with all standards, policies and
8 regulations established by the Supreme Court. If at any time
9 the Supreme Court determines that a county or circuit is not in
10 compliance, the Supreme Court shall immediately notify the
11 Chief Judge, county board chairman and the Director of Court
12 Services Chief Probation Officer. If after 90 days of written
13 notice the noncompliance still exists, the Supreme Court shall
14 be required to reduce the amount of monthly reimbursement by
15 10%. An additional 10% reduction of monthly reimbursement shall
16 occur for each consecutive month of noncompliance. Except as
17 provided in subsection 5 of Section 15, funding to counties
18 shall commence on April 1, 1986. Funds received under this Act
19 shall be used to provide for Probation Department expenses
20 including those required under Section 13 of this Act. For
21 State fiscal years 2004, ~~and 2005,~~ and 2006 only, the Mandatory
22 Arbitration Fund may be used to provide for Probation
23 Department expenses, including those required under Section 13
24 of this Act.

25 (11) The respective counties shall be responsible for
26 capital and space costs, fringe benefits, clerical costs,
27 equipment, telecommunications, postage, commodities and
28 printing.

29 (12) For purposes of this Act only, probation officers
30 shall be considered peace officers. In the exercise of their
31 official duties, probation officers, sheriffs, and police
32 officers may, anywhere within the State, arrest any probationer
33 who is in violation of any of the conditions of his or her
34 probation, conditional discharge, or supervision, and it shall

1 be the duty of the officer making the arrest to take the
2 probationer before the Court having jurisdiction over the
3 probationer for further order.

4 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
5 eff. 7-30-04.)

6 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

7 Sec. 15.1. Probation and Court Services Fund.

8 (a) The county treasurer in each county shall establish a
9 probation and court services fund consisting of fees collected
10 pursuant to subsection (i) of Section 5-6-3 and subsection (i)
11 of Section 5-6-3.1 of the Unified Code of Corrections,
12 subsection (10) of Section 5-615 and subsection (5) of Section
13 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of
14 subsection (b) of Section 110-10 of the Code of Criminal
15 Procedure of 1963. The county treasurer shall disburse monies
16 from the fund only at the direction of the chief judge of the
17 circuit court in such circuit where the county is located. The
18 county treasurer of each county shall, on or before January 10
19 of each year, submit an annual report to the Supreme Court.

20 (b) Monies in the probation and court services fund shall
21 be appropriated by the county board to be used within the
22 county or jurisdiction where collected in accordance with
23 policies and guidelines approved by the Supreme Court for the
24 costs of operating the probation and court services department
25 or departments; however, except as provided in subparagraph
26 (g), monies in the probation and court services fund shall not
27 be used for the payment of salaries of probation and court
28 services personnel.

29 (c) Monies expended from the probation and court services
30 fund shall be used to supplement, not supplant, county
31 appropriations for probation and court services.

32 (d) Interest earned on monies deposited in a probation and
33 court services fund may be used by the county for its ordinary

1 and contingent expenditures.

2 (e) The county board may appropriate moneys from the
3 probation and court services fund, upon the direction of the
4 chief judge, to support programs that are part of the continuum
5 of juvenile delinquency intervention programs which are or may
6 be developed within the county. The grants from the probation
7 and court services fund shall be for no more than one year and
8 may be used for any expenses attributable to the program
9 including administration and oversight of the program by the
10 probation department.

11 (f) The county board may appropriate moneys from the
12 probation and court services fund, upon the direction of the
13 chief judge, to support practices endorsed or required under
14 the Sex Offender Management Board Act, including but not
15 limited to sex offender evaluation, treatment, and monitoring
16 programs that are or may be developed within the county.

17 (g) For the State Fiscal Years ~~Year~~ 2005 and 2006 only, the
18 Administrative Office of the Illinois Courts may permit a
19 county or circuit to use its probation and court services fund
20 for the payment of salaries of probation officers and other
21 court services personnel whose salaries are reimbursed under
22 this Act if the State's FY2005 or FY2006 appropriation to the
23 Supreme Court for reimbursement to counties for probation
24 salaries and services is less than the amount appropriated to
25 the Supreme Court for these purposes for State Fiscal Year
26 2004. The Administrative Office of the Illinois Courts shall
27 take into account each county's or circuit's probation fee
28 collections and expenditures ~~any annual surplus or deficit that~~
29 ~~any county or circuit has in its probation and court services~~
30 ~~fund and any amounts already obligated from such fund~~ when
31 apportioning the total reimbursement for each county or
32 circuit.

33 (Source: P.A. 92-329, eff. 8-9-01; 93-616, eff. 1-1-04; 93-839,
34 eff. 7-30-04.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE 80

Section 80-5. The State Finance Act is amended by adding Section 8.44 as follows:

(30 ILCS 105/8.44 new)

Sec. 8.44. Special fund transfers.

(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:

<u>Aeronautics Fund</u>	<u>.....</u>	<u>\$2,186</u>
<u>Aggregate Operations Regulatory Fund</u>	<u>.....</u>	<u>\$32,750</u>
<u>Agrichemical Incident Response Trust Fund</u>	<u>.....</u>	<u>\$419,830</u>
<u>Agricultural Master Fund</u>	<u>.....</u>	<u>\$17,827</u>
<u>Air Transportation Revolving Fund</u>	<u>.....</u>	<u>\$181,478</u>
<u>Airport Land Loan Revolving Fund</u>	<u>.....</u>	<u>\$1,669,970</u>
<u>Alternate Fuels Fund</u>	<u>.....</u>	<u>\$1,056,833</u>
<u>Alternative Compliance Market Account Fund</u>	<u>.....</u>	<u>\$53,120</u>
<u>Appraisal Administration Fund</u>	<u>.....</u>	<u>\$250,000</u>
<u>Armory Rental Fund</u>	<u>.....</u>	<u>\$111,538</u>
<u>Assisted Living and Shared Housing Regulatory Fund</u>	<u>..</u>	<u>\$24,493</u>
<u>Bank and Trust Company Fund</u>	<u>.....</u>	<u>\$3,800,000</u>
<u>Capital Development Board Revolving Fund</u>	<u>.....</u>	<u>\$453,054</u>
<u>Capital Litigation Trust Fund</u>	<u>.....</u>	<u>\$2,247,624</u>
<u>Care Provider Fund for Persons</u>		
<u>with a Developmental Disability</u>	<u>.....</u>	<u>\$2,378,270</u>
<u>Charter Schools Revolving Loan Fund</u>	<u>.....</u>	<u>\$650,721</u>
<u>Child Support Administrative Fund</u>	<u>.....</u>	<u>\$1,117,266</u>
<u>Coal Mining Regulatory Fund</u>	<u>.....</u>	<u>\$127,583</u>
<u>Communications Revolving Fund</u>	<u>.....</u>	<u>\$12,999,839</u>
<u>Community Health Center Care Fund</u>	<u>.....</u>	<u>\$104,480</u>
<u>Community Water Supply Laboratory Fund</u>	<u>.....</u>	<u>\$716,232</u>

1	<u>Continuing Legal Education Trust Fund.....</u>	<u>\$23,419</u>
2	<u>Corporate Franchise Tax Refund Fund.....</u>	<u>\$500,000</u>
3	<u>Court of Claims Administration and Grant Fund.....</u>	<u>\$24,949</u>
4	<u>Criminal Justice Information Projects Fund</u>	<u>\$18,212</u>
5	<u>DCFS Special Purposes Trust Fund</u>	<u>\$77,835</u>
6	<u>Death Certificate Surcharge Fund</u>	<u>\$1,134,341</u>
7	<u>Department of Business Services</u>	
8	<u>Special Operations Fund.....</u>	<u>\$2,000,000</u>
9	<u>Department of Children and Family Services</u>	
10	<u>Training Fund.....</u>	<u>\$1,408,106</u>
11	<u>Department of Corrections</u>	
12	<u>Reimbursement and Education Fund</u>	<u>\$2,208,323</u>
13	<u>Department of Insurance State Trust Fund</u>	<u>\$18,009</u>
14	<u>Department of Labor Special State Trust Fund</u>	<u>\$359,895</u>
15	<u>Department on Aging State Projects Fund.....</u>	<u>\$10,059</u>
16	<u>Design Professionals Administration</u>	
17	<u>and Investigation Fund</u>	<u>\$51,701</u>
18	<u>DHS Recoveries Trust Fund.....</u>	<u>\$1,591,834</u>
19	<u>DHS State Projects Fund.....</u>	<u>\$89,917</u>
20	<u>Division of Corporations</u>	
21	<u>Registered Limited Liability Partnership Fund.....</u>	<u>\$150,000</u>
22	<u>DNR Special Projects Fund.....</u>	<u>\$301,649</u>
23	<u>Dram Shop Fund</u>	<u>\$110,554</u>
24	<u>Drivers Education Fund</u>	<u>\$30,152</u>
25	<u>Drug Rebate Fund</u>	<u>\$17,315,821</u>
26	<u>Drug Traffic Prevention Fund</u>	<u>\$22,123</u>
27	<u>Drug Treatment Fund.....</u>	<u>\$160,030</u>
28	<u>Drunk and Drugged Driving Prevention Fund.....</u>	<u>\$51,220</u>
29	<u>Drycleaner Environmental Response Trust Fund</u>	<u>\$1,137,971</u>
30	<u>DuQuoin State Fair Harness Racing Trust Fund</u>	<u>\$3,368</u>
31	<u>Early Intervention Services Revolving Fund</u>	<u>\$1,044,935</u>
32	<u>Economic Research and Information Fund</u>	<u>\$49,005</u>
33	<u>Educational Labor Relations Board</u>	
34	<u>Fair Share Trust Fund.....</u>	<u>\$40,933</u>

1	<u>Efficiency Initiatives Revolving Fund</u>	\$6,178,298
2	<u>Emergency Planning and Training Fund</u>	\$28,845
3	<u>Emergency Public Health Fund</u>	\$139,997
4	<u>Emergency Response Reimbursement Fund</u>	\$15,873
5	<u>EMS Assistance Fund</u>	\$40,923
6	<u>Energy Assistance Contribution Fund</u>	\$89,692
7	<u>Energy Efficiency Trust Fund</u>	\$1,300,938
8	<u>Environmental Laboratory Certification Fund</u>	\$62,039
9	<u>Environmental Protection Permit and Inspection Fund</u> ..	\$180,571
10	<u>Environmental Protection Trust Fund</u>	\$2,228,031
11	<u>EPA Court Trust Fund</u>	\$338,646
12	<u>EPA Special State Projects Trust Fund</u>	\$284,263
13	<u>Explosives Regulatory Fund</u>	\$23,125
14	<u>Facilities Management Revolving Fund</u>	\$4,803,971
15	<u>Facility Licensing Fund</u>	\$22,958
16	<u>Family Care Fund</u>	\$22,585
17	<u>Family Responsibility Fund</u>	\$4,747
18	<u>Federal Asset Forfeiture Fund</u>	\$1,871
19	<u>Feed Control Fund</u>	\$478,234
20	<u>Fertilizer Control Fund</u>	\$207,398
21	<u>Financial Institution Fund</u>	\$2,448,690
22	<u>Firearm Owner's Notification Fund</u>	\$3,960
23	<u>Food and Drug Safety Fund</u>	\$421,401
24	<u>General Professions Dedicated Fund</u>	\$3,975,808
25	<u>Good Samaritan Energy Trust Fund</u>	\$7,191
26	<u>Governor's Grant Fund</u>	\$1,592
27	<u>Group Workers' Compensation Pool Insolvency Fund</u>	\$136,547
28	<u>Guardianship and Advocacy Fund</u>	\$27,289
29	<u>Hazardous Waste Occupational Licensing Fund</u>	\$14,939
30	<u>Hazardous Waste Research Fund</u>	\$125,209
31	<u>Health Facility Plan Review Fund</u>	\$165,972
32	<u>Hearing Instrument Dispenser</u>	
33	<u>Examining and Disciplinary Fund</u>	\$102,842
34	<u>Home Inspector Administration Fund</u>	\$244,503

1	<u>IEMA State Projects Fund</u>	\$13
2	<u>Illinois and Michigan Canal Fund</u>	\$11,944
3	<u>Illinois Beach Marina Fund</u>	\$177,801
4	<u>Illinois Capital Revolving Loan Fund</u>	\$4,024,106
5	<u>Illinois Clean Water Fund</u>	\$1,835,796
6	<u>Illinois Community College Board</u>	
7	<u>Contracts and Grants Fund</u>	\$9
8	<u>Illinois Department of Agriculture</u>	
9	<u>Laboratory Services Revolving Fund</u>	\$174,795
10	<u>Illinois Equity Fund</u>	\$119,193
11	<u>Illinois Executive Mansion Trust Fund</u>	\$56,154
12	<u>Illinois Forestry Development Fund</u>	\$1,389,096
13	<u>Illinois Future Teacher Corps Scholarship Fund</u>	\$4,836
14	<u>Illinois Gaming Law Enforcement Fund</u>	\$650,646
15	<u>Illinois Habitat Endowment Trust Fund</u>	\$3,641,262
16	<u>Illinois Health Facilities Planning Fund</u>	\$23,066
17	<u>Illinois Historic Sites Fund</u>	\$134,366
18	<u>Illinois National Guard Armory Construction Fund</u>	\$31,469
19	<u>Illinois Rural Rehabilitation Fund</u>	\$8,190
20	<u>Illinois School Asbestos Abatement Fund</u>	\$183,191
21	<u>Illinois State Fair Fund</u>	\$50,176
22	<u>Illinois State Podiatric Disciplinary Fund</u>	\$317,239
23	<u>Illinois Student Assistance Commission</u>	
24	<u>Contracts and Grants Fund</u>	\$5,589
25	<u>Illinois Tourism Tax Fund</u>	\$647,749
26	<u>Illinois Underground Utility Facilities</u>	
27	<u>Damage Prevention Fund</u>	\$2,175
28	<u>Illinois Veterans' Rehabilitation Fund</u>	\$218,940
29	<u>Industrial Hygiene Regulatory and Enforcement Fund</u>	\$3,564
30	<u>Innovations in Long-Term Care</u>	
31	<u>Quality Demonstration Grants Fund</u>	\$565,494
32	<u>Insurance Financial Regulation Fund</u>	\$800,000
33	<u>ISAC Accounts Receivable Fund</u>	\$26,374
34	<u>ISBE GED Testing Fund</u>	\$146,196

1	<u>ISBE Teacher Certificate Institute Fund.....</u>	<u>\$122,117</u>
2	<u>J.J. Wolf Memorial for Conservation Investigation Fund</u>	<u>\$8,137</u>
3	<u>Kaskaskia Commons Permanent Fund</u>	<u>\$79,813</u>
4	<u>Land Reclamation Fund.....</u>	<u>\$30,582</u>
5	<u>Large Business Attraction Fund</u>	<u>\$340,777</u>
6	<u>Lawyers' Assistance Program Fund</u>	<u>\$198,207</u>
7	<u>LEADS Maintenance Fund</u>	<u>\$76,981</u>
8	<u>Lieutenant Governor's Grant Fund</u>	<u>\$188</u>
9	<u>Livestock Management Facilities Fund</u>	<u>\$47,800</u>
10	<u>Lobbyist Registration Administration Fund.....</u>	<u>\$86,552</u>
11	<u>Local Initiative Fund.....</u>	<u>\$1,940,646</u>
12	<u>Local Tourism Fund</u>	<u>\$132,876</u>
13	<u>Long Term Care Monitor/Receiver Fund</u>	<u>\$427,850</u>
14	<u>Low-Level Radioactive Waste Facility</u>	
15	<u>Development and Operation Fund</u>	<u>\$16,353</u>
16	<u>Mammogram Fund</u>	<u>\$14,229</u>
17	<u>Monetary Award Program Reserve Fund.....</u>	<u>\$879,700</u>
18	<u>Master Mason Fund.....</u>	<u>\$13,199</u>
19	<u>McCormick Place Expansion Project Fund</u>	<u>\$0</u>
20	<u>Medicaid Buy-In Program Revolving Fund</u>	<u>\$318,894</u>
21	<u>Medicaid Fraud and Abuse Prevention Fund</u>	<u>\$60,306</u>
22	<u>Medical Special Purposes Trust Fund.....</u>	<u>\$930,668</u>
23	<u>Military Affairs Trust Fund.....</u>	<u>\$68,468</u>
24	<u>Motor Carrier Safety Inspection Fund</u>	<u>\$147,477</u>
25	<u>Motor Fuel and Petroleum Standards Fund.....</u>	<u>\$19,673</u>
26	<u>Motor Vehicle Review Board Fund.....</u>	<u>\$250,000</u>
27	<u>Motor Vehicle Theft Prevention Trust Fund.....</u>	<u>\$1,415,361</u>
28	<u>Narcotics Profit Forfeiture Fund</u>	<u>\$39,379</u>
29	<u>Natural Heritage Endowment Trust Fund.....</u>	<u>\$557,264</u>
30	<u>Natural Heritage Fund.....</u>	<u>\$3,336</u>
31	<u>Natural Resources Information Fund</u>	<u>\$64,596</u>
32	<u>Natural Resources Restoration Trust Fund</u>	<u>\$63,002</u>
33	<u>Off-Highway Vehicle Trails Fund.....</u>	<u>\$244,815</u>
34	<u>Oil Spill Response Fund.....</u>	<u>\$167,547</u>

1	<u>Paper and Printing Revolving Fund</u>	\$48,476
2	<u>Park and Conservation Fund</u>	\$3,050,154
3	<u>Park District Youth Program Fund</u>	\$4,899
4	<u>Pawnbroker Regulation Fund</u>	\$94,131
5	<u>Pesticide Control Fund</u>	\$420,223
6	<u>Pet Overpopulation Control Fund</u>	\$37,114
7	<u>Petroleum Resources Revolving Fund</u>	\$85,540
8	<u>Police Memorial Committee Fund</u>	\$16,147
9	<u>Police Training Board Services Fund</u>	\$1,540
10	<u>Pollution Control Board Fund</u>	\$23,004
11	<u>Pollution Control Board Trust Fund</u>	\$410,651
12	<u>Post Transplant Maintenance and Retention Fund</u>	\$75,100
13	<u>Presidential Library and Museum Operating Fund</u>	\$727,250
14	<u>Professional Regulation Evidence Fund</u>	\$2,817
15	<u>Professional Services Fund</u>	\$46,222
16	<u>Provider Inquiry Trust Fund</u>	\$207,098
17	<u>Public Aid Recoveries Trust Fund</u>	\$7,610,631
18	<u>Public Health Laboratory Services Revolving Fund</u>	\$92,276
19	<u>Public Health Special State Projects Fund</u>	\$816,202
20	<u>Public Health Water Permit Fund</u>	\$17,624
21	<u>Public Infrastructure Construction</u>	
22	<u>Loan Revolving Fund</u>	\$63,802
23	<u>Public Pension Regulation Fund</u>	\$222,433
24	<u>Racing Board Fingerprint License Fund</u>	\$16,835
25	<u>Radiation Protection Fund</u>	\$212,010
26	<u>Real Estate License Administration Fund</u>	\$1,500,000
27	<u>Regulatory Evaluation and Basic Enforcement Fund</u>	\$64,221
28	<u>Regulatory Fund</u>	\$55,246
29	<u>Renewable Energy Resources Trust Fund</u>	\$14,033
30	<u>Response Contractors Indemnification Fund</u>	\$126
31	<u>Rural/Downstate Health Access Fund</u>	\$4,644
32	<u>Safety Responsibility Fund</u>	\$577,255
33	<u>Savings and Residential Finance Regulatory Fund</u>	\$5,200,000
34	<u>School District Emergency Financial Assistance Fund</u>	\$2,130,848

1	<u>School Technology Revolving Loan Fund</u>	\$19,158
2	<u>Second Injury Fund</u>	\$151,493
3	<u>Secretary of State Interagency Grant Fund</u>	\$40,900
4	<u>Secretary of State Special License Plate Fund</u>	\$520,200
5	<u>Secretary of State Special Services Fund</u>	\$2,500,000
6	<u>Securities Audit and Enforcement Fund</u>	\$3,400,000
7	<u>Securities Investors Education Fund</u>	\$100,000
8	<u>Self-Insurers Administration Fund</u>	\$286,964
9	<u>Sex Offender Registration Fund</u>	\$7,647
10	<u>Sexual Assault Services Fund</u>	\$12,210
11	<u>Small Business Environmental Assistance Fund</u>	\$13,686
12	<u>Snowmobile Trail Establishment Fund</u>	\$3,124
13	<u>Solid Waste Management Fund</u>	\$6,587,173
14	<u>Sports Facilities Tax Trust Fund</u>	\$1,112,590
15	<u>State Appellate Defender Special State Projects Fund</u>	\$23,820
16	<u>State Asset Forfeiture Fund</u>	\$71,988
17	<u>State Boating Act Fund</u>	\$401,824
18	<u>State College and University Trust Fund</u>	\$139,439
19	<u>State Crime Laboratory Fund</u>	\$44,965
20	<u>State Fair Promotional Activities Fund</u>	\$8,734
21	<u>State Garage Revolving Fund</u>	\$639,662
22	<u>State Offender DNA Identification System Fund</u>	\$81,740
23	<u>State Off-Set Claims Fund</u>	\$1,487,926
24	<u>State Parking Facility Maintenance Fund</u>	\$97,956
25	<u>State Parks Fund</u>	\$1,045,889
26	<u>State Police DUI Fund</u>	\$114,645
27	<u>State Police Motor Vehicle Theft Prevention Fund</u>	\$164,843
28	<u>State Police Services Fund</u>	\$792,235
29	<u>State Police Vehicle Fund</u>	\$22,899
30	<u>State Police Whistleblower Reward and Protection Fund</u>	\$199,699
31	<u>State Rail Freight Loan Repayment Fund</u>	\$1,147,727
32	<u>State Surplus Property Revolving Fund</u>	\$388,284
33	<u>State Whistleblower Reward and Protection Fund</u>	\$1,592
34	<u>State's Attorneys Appellate Prosecutor's County Fund</u>	\$70,101

1	<u>Statewide Grand Jury Prosecution Fund.....</u>	<u>\$7,645</u>
2	<u>Statistical Services Revolving Fund.....</u>	<u>\$4,847,783</u>
3	<u>Subtitle D Management Fund</u>	<u>\$169,744</u>
4	<u>Tanning Facility Permit Fund</u>	<u>\$64,571</u>
5	<u>Tax Compliance and Administration Fund</u>	<u>\$429,377</u>
6	<u>Tax Recovery Fund.....</u>	<u>\$113,591</u>
7	<u>Teacher Certificate Fee Revolving Fund</u>	<u>\$982,399</u>
8	<u>Toxic Pollution Prevention Fund.....</u>	<u>\$28,534</u>
9	<u>Traffic and Criminal Conviction Surcharge Fund</u>	<u>\$1,382,347</u>
10	<u>Transportation Safety Highway Hire-back Fund</u>	<u>\$22,650</u>
11	<u>Underground Resources Conservation Enforcement Fund..</u>	<u>\$294,251</u>
12	<u>University Grant Fund.....</u>	<u>\$23,881</u>
13	<u>Used Tire Management Fund.....</u>	<u>\$1,918,500</u>
14	<u>Violence Prevention Fund</u>	<u>\$146,576</u>
15	<u>Watershed Park Fund.....</u>	<u>\$19,786</u>
16	<u>Weights and Measures Fund.....</u>	<u>\$1,078,121</u>
17	<u>Workers' Compensation Benefit Trust Fund</u>	<u>\$266,574</u>
18	<u>Workers' Compensation Revolving Fund</u>	<u>\$520,285</u>
19	<u>Working Capital Revolving Fund</u>	<u>\$1,404,868</u>
20	<u>Youth Alcoholism and Substance Abuse Prevention Fund</u>	<u>\$29,995</u>
21	<u>Youth Drug Abuse Prevention Fund</u>	<u>\$4,091</u>

22 All of these transfers shall be made in equal quarterly
23 installments with the first made on the effective date of this
24 amendatory Act of the 94th General Assembly, or as soon
25 thereafter as practical, and with the remaining transfers to be
26 made on October 1, January 1, and April 1, or as soon
27 thereafter as practical. These transfers shall be made
28 notwithstanding any other provision of State law to the
29 contrary.

30 (b) On and after the effective date of this amendatory Act
31 of the 94th General Assembly through June 30, 2006, when any of
32 the funds listed in subsection (a) have insufficient cash from
33 which the State Comptroller may make expenditures properly
34 supported by appropriations from the fund, then the State

1 Treasurer and State Comptroller shall transfer from the General
2 Revenue Fund to the fund only such amount as is immediately
3 necessary to satisfy outstanding expenditure obligations on a
4 timely basis, subject to the provisions of the State Prompt
5 Payment Act. Any amounts transferred from the General Revenue
6 Fund to a fund pursuant to this subsection (b) from time to
7 time shall be re-transferred by the State Comptroller and the
8 State Treasurer from the receiving fund into the General
9 Revenue Fund as soon as and to the extent that deposits are
10 made into or receipts are collected by the receiving fund. In
11 all events, the full amounts of all transfers from the General
12 Revenue Fund to receiving funds shall be re-transferred to the
13 General Revenue Fund no later than June 30, 2006.

14 ARTICLE 85

15 Section 85-5. The State Finance Act is amended by changing
16 Section 8h as follows:

17 (30 ILCS 105/8h)

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

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

1 Treasurer with the Comptroller to transfer additional amounts
2 determined by applying the formula authorized in Public Act
3 93-839 to the funds balances on July 1, 2003. No transfer may
4 be made from a fund under this Section that would have the
5 effect of reducing the available balance in the fund to an
6 amount less than the amount remaining unexpended and unreserved
7 from the total appropriation from that fund estimated to be
8 expended for that fiscal year. This Section does not apply to
9 any funds that are restricted by federal law to a specific use,
10 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
11 Fund, the Medicaid Provider Relief Fund, ~~or~~ the Reviewing Court
12 Alternative Dispute Resolution Fund, the Foreign Language
13 Interpreter Fund, the Lawyers' Assistance Program Fund, the
14 Supreme Court Federal Projects Fund, the Supreme Court Special
15 State Projects Fund, or the Low-Level Radioactive Waste
16 Facility Development and Operation Fund, or to any funds to
17 which subsection (f) of Section 20-40 of the Nursing and
18 Advanced Practice Nursing Act applies. Notwithstanding any
19 other provision of this Section, for fiscal year 2004, the
20 total transfer under this Section from the Road Fund or the
21 State Construction Account Fund shall not exceed the lesser of
22 (i) 5% of the revenues to be deposited into the fund during
23 that fiscal year or (ii) 25% of the beginning balance in the
24 fund. For fiscal year 2005 through fiscal year 2007, no amounts
25 may be transferred under this Section from the Road Fund, the
26 State Construction Account Fund, the Criminal Justice
27 Information Systems Trust Fund, the Wireless Service Emergency
28 Fund, or the Mandatory 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; 93-1067, eff.
8 1-15-05.)

9 Section 85-10. The Low-Level Radioactive Waste Management
10 Act is amended by changing Section 13 as follows:

11 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

12 Sec. 13. Waste fees.

13 (a) The Department shall collect a fee from each generator
14 of low-level radioactive wastes in this State. Except as
15 provided in subsections (b), (c), and (d), the amount of the
16 fee shall be \$50.00 or the following amount, whichever is
17 greater:

18 (1) \$1 per cubic foot of waste shipped for storage,
19 treatment or disposal if storage of the waste for shipment
20 occurred prior to September 7, 1984;

21 (2) \$2 per cubic foot of waste stored for shipment if
22 storage of the waste occurs on or after September 7, 1984,
23 but prior to October 1, 1985;

24 (3) \$3 per cubic foot of waste stored for shipment if
25 storage of the waste occurs on or after October 1, 1985;

26 (4) \$2 per cubic foot of waste shipped for storage,
27 treatment or disposal if storage of the waste for shipment
28 occurs on or after September 7, 1984 but prior to October
29 1, 1985, provided that no fee has been collected previously
30 for storage of the waste;

31 (5) \$3 per cubic foot of waste shipped for storage,
32 treatment or disposal if storage of the waste for shipment

1 occurs on or after October 1, 1985, provided that no fees
2 have been collected previously for storage of the waste.

3 Such fees shall be collected annually or as determined by
4 the Department and shall be deposited in the low-level
5 radioactive waste funds as provided in Section 14 of this Act.
6 Notwithstanding any other provision of this Act, no fee under
7 this Section shall be collected from a generator for waste
8 generated incident to manufacturing before December 31, 1980,
9 and shipped for disposal outside of this State before December
10 31, 1992, as part of a site reclamation leading to license
11 termination.

12 (b) Each nuclear power reactor in this State for which an
13 operating license has been issued by the Nuclear Regulatory
14 Commission shall not be subject to the fee required by
15 subsection (a) with respect to (1) waste stored for shipment if
16 storage of the waste occurs on or after January 1, 1986; and
17 (2) waste shipped for storage, treatment or disposal if storage
18 of the waste for shipment occurs on or after January 1, 1986.
19 In lieu of the fee, each reactor shall be required to pay an
20 annual fee as provided in this subsection for the treatment,
21 storage and disposal of low-level radioactive waste. Beginning
22 with State fiscal year 1986 and through State fiscal year 1997,
23 fees shall be due and payable on January 1st of each year. For
24 State fiscal year 1998 and all subsequent State fiscal years,
25 fees shall be due and payable on July 1 of each fiscal year.
26 The fee due on July 1, 1997 shall be payable on that date, or
27 within 10 days after the effective date of this amendatory Act
28 of 1997, whichever is later.

29 The owner of any nuclear power reactor that has an
30 operating license issued by the Nuclear Regulatory Commission
31 for any portion of State fiscal year 1998 shall continue to pay
32 an annual fee of \$90,000 for the treatment, storage, and
33 disposal of low-level radioactive waste through State fiscal
34 year 2002. The fee shall be due and payable on July 1 of each

1 fiscal year. The fee due on July 1, 1998 shall be payable on
2 that date, or within 10 days after the effective date of this
3 amendatory Act of 1998, whichever is later. If the balance in
4 the Low-Level Radioactive Waste Facility Development and
5 Operation Fund falls below \$500,000, as of the end of any
6 fiscal year after fiscal year 2002, the Department is
7 authorized to assess by rule, after notice and a hearing, an
8 additional annual fee to be paid by the owners of nuclear power
9 reactors for which operating licenses have been issued by the
10 Nuclear Regulatory Commission, except that no additional
11 annual fee shall be assessed because of the fund balance at the
12 end of fiscal year 2005 or the end of fiscal year 2006. The
13 additional annual fee shall be payable on the date or dates
14 specified by rule and shall not exceed \$30,000 per operating
15 reactor per year.

16 (c) In each of State fiscal years 1988, 1989 and 1990, in
17 addition to the fee imposed in subsections (b) and (d), the
18 owner of each nuclear power reactor in this State for which an
19 operating license has been issued by the Nuclear Regulatory
20 Commission shall pay a fee of \$408,000. If an operating license
21 is issued during one of those 3 fiscal years, the owner shall
22 pay a prorated amount of the fee equal to \$1,117.80 multiplied
23 by the number of days in the fiscal year during which the
24 nuclear power reactor was licensed.

25 The fee shall be due and payable as follows: in fiscal year
26 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
27 shall be paid on each of January 1, 1988 and April 1, 1988; in
28 fiscal year 1989, \$102,000 shall be paid on each of July 1,
29 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
30 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
31 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
32 the operating license is issued during one of the 3 fiscal
33 years, the owner shall be subject to those payment dates, and
34 their corresponding amounts, on which the owner possesses an

1 operating license and, on June 30 of the fiscal year of
2 issuance of the license, whatever amount of the prorated fee
3 remains outstanding.

4 All of the amounts collected by the Department under this
5 subsection (c) shall be deposited into the Low-Level
6 Radioactive Waste Facility Development and Operation Fund
7 created under subsection (a) of Section 14 of this Act and
8 expended, subject to appropriation, for the purposes provided
9 in that subsection.

10 (d) In addition to the fees imposed in subsections (b) and
11 (c), the owners of nuclear power reactors in this State for
12 which operating licenses have been issued by the Nuclear
13 Regulatory Commission shall pay the following fees for each
14 such nuclear power reactor: for State fiscal year 1989,
15 \$325,000 payable on October 1, 1988, \$162,500 payable on
16 January 1, 1989, and \$162,500 payable on April 1, 1989; for
17 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
18 payable on October 1, \$300,000 payable on January 1 and
19 \$300,000 payable on April 1; for State fiscal year 1991, either
20 (1) \$150,000 payable on July 1, \$650,000 payable on September
21 1, \$675,000 payable on January 1, and \$275,000 payable on April
22 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
23 month from August through December, \$225,000 on the first day
24 of each month from January through March and \$92,000 on the
25 first day of each month from April through June; for State
26 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
27 on September 1, \$300,000 payable on October 1, \$150,000 payable
28 on January 1, and \$100,000 payable on April 1; for State fiscal
29 year 1993, \$100,000 payable on July 1, \$230,000 payable on
30 August 1 or within 10 days after July 31, 1992, whichever is
31 later, and \$355,000 payable on October 1; for State fiscal year
32 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
33 and \$75,000 payable on April 1; for State fiscal year 1995,
34 \$100,000 payable on July 1, \$75,000 payable on October 1, and

1 \$75,000 payable on April 1, for State fiscal year 1996,
2 \$100,000 payable on July 1, \$75,000 payable on October 1, and
3 \$75,000 payable on April 1. The owner of any nuclear power
4 reactor that has an operating license issued by the Nuclear
5 Regulatory Commission for any portion of State fiscal year 1998
6 shall pay an annual fee of \$30,000 through State fiscal year
7 2003. For State fiscal year 2004 and subsequent fiscal years,
8 the owner of any nuclear power reactor that has an operating
9 license issued by the Nuclear Regulatory Commission shall pay
10 an annual fee of \$30,000 per reactor, provided that the fee
11 shall not apply to a nuclear power reactor with regard to which
12 the owner notified the Nuclear Regulatory Commission during
13 State fiscal year 1998 that the nuclear power reactor
14 permanently ceased operations. The fee shall be due and payable
15 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
16 be payable on that date, or within 10 days after the effective
17 date of this amendatory Act of 1998, whichever is later. The
18 fee due on July 1, 1997 shall be payable on that date or within
19 10 days after the effective date of this amendatory Act of
20 1997, whichever is later. If the payments under this subsection
21 for fiscal year 1993 due on January 1, 1993, or on April 1,
22 1993, or both, were due before the effective date of this
23 amendatory Act of the 87th General Assembly, then those
24 payments are waived and need not be made.

25 All of the amounts collected by the Department under this
26 subsection (d) shall be deposited into the Low-Level
27 Radioactive Waste Facility Development and Operation Fund
28 created pursuant to subsection (a) of Section 14 of this Act
29 and expended, subject to appropriation, for the purposes
30 provided in that subsection.

31 All payments made by licensees under this subsection (d)
32 for fiscal year 1992 that are not appropriated and obligated by
33 the Department above \$1,750,000 per reactor in fiscal year
34 1992, shall be credited to the licensees making the payments to

1 reduce the per reactor fees required under this subsection (d)
2 for fiscal year 1993.

3 (e) The Department shall promulgate rules and regulations
4 establishing standards for the collection of the fees
5 authorized by this Section. The regulations shall include, but
6 need not be limited to:

7 (1) the records necessary to identify the amounts of
8 low-level radioactive wastes produced;

9 (2) the form and submission of reports to accompany the
10 payment of fees to the Department; and

11 (3) the time and manner of payment of fees to the
12 Department, which payments shall not be more frequent than
13 quarterly.

14 (f) Any operating agreement entered into under subsection
15 (b) of Section 5 of this Act between the Department and any
16 disposal facility contractor shall, subject to the provisions
17 of this Act, authorize the contractor to impose upon and
18 collect from persons using the disposal facility fees designed
19 and set at levels reasonably calculated to produce sufficient
20 revenues (1) to pay all costs and expenses properly incurred or
21 accrued in connection with, and properly allocated to,
22 performance of the contractor's obligations under the
23 operating agreement, and (2) to provide reasonable and
24 appropriate compensation or profit to the contractor under the
25 operating agreement. For purposes of this subsection (f), the
26 term "costs and expenses" may include, without limitation, (i)
27 direct and indirect costs and expenses for labor, services,
28 equipment, materials, insurance and other risk management
29 costs, interest and other financing charges, and taxes or fees
30 in lieu of taxes; (ii) payments to or required by the United
31 States, the State of Illinois or any agency or department
32 thereof, the Central Midwest Interstate Low-Level Radioactive
33 Waste Compact, and subject to the provisions of this Act, any
34 unit of local government; (iii) amortization of capitalized

1 costs with respect to the disposal facility and its
2 development, including any capitalized reserves; and (iv)
3 payments with respect to reserves, accounts, escrows or trust
4 funds required by law or otherwise provided for under the
5 operating agreement.

6 (g) (Blank).

7 (h) (Blank).

8 (i) (Blank).

9 (j) (Blank).

10 (j-5) Prior to commencement of facility operations, the
11 Department shall adopt rules providing for the establishment
12 and collection of fees and charges with respect to the use of
13 the disposal facility as provided in subsection (f) of this
14 Section.

15 (k) The regional disposal facility shall be subject to ad
16 valorem real estate taxes lawfully imposed by units of local
17 government and school districts with jurisdiction over the
18 facility. No other local government tax, surtax, fee or other
19 charge on activities at the regional disposal facility shall be
20 allowed except as authorized by the Department.

21 (l) The Department shall have the power, in the event that
22 acceptance of waste for disposal at the regional disposal
23 facility is suspended, delayed or interrupted, to impose
24 emergency fees on the generators of low-level radioactive
25 waste. Generators shall pay emergency fees within 30 days of
26 receipt of notice of the emergency fees. The Department shall
27 deposit all of the receipts of any fees collected under this
28 subsection into the Low-Level Radioactive Waste Facility
29 Development and Operation Fund created under subsection (b) of
30 Section 14. Emergency fees may be used to mitigate the impacts
31 of the suspension or interruption of acceptance of waste for
32 disposal. The requirements for rulemaking in the Illinois
33 Administrative Procedure Act shall not apply to the imposition
34 of emergency fees under this subsection.

1 (m) The Department shall promulgate any other rules and
2 regulations as may be necessary to implement this Section.

3 (Source: P.A. 92-276, eff. 8-7-01; 93-839, eff. 7-30-04.)

4 ARTICLE 90

5 Section 90-5. The Department of Commerce and Economic
6 Opportunity Law of the Civil Administrative Code of Illinois is
7 amended by changing Section 605-707 as follows:

8 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

9 Sec. 605-707. International Tourism Program.

10 (a) The Department of Commerce and Economic Opportunity
11 ~~Community Affairs~~ must establish a program for international
12 tourism. The Department shall develop and implement the program
13 on January 1, 2000 by rule. As part of the program, the
14 Department may work in cooperation with local convention and
15 tourism bureaus in Illinois in the coordination of
16 international tourism efforts at the State and local level. The
17 Department may (i) work in cooperation with local convention
18 and tourism bureaus for efficient use of their international
19 tourism marketing resources, (ii) promote Illinois in
20 international meetings and tourism markets, (iii) work with
21 convention and tourism bureaus throughout the State to increase
22 the number of international tourists to Illinois, (iv) provide
23 training, research, technical support, and grants to certified
24 convention and tourism bureaus, (v) provide staff,
25 administration, and related support required to manage the
26 programs under this Section, and (vi) provide grants for the
27 development of or the enhancement of international tourism
28 attractions.

29 (b) The Department shall make grants for expenses related
30 to international tourism and pay for the staffing,
31 administration, and related support from the International

1 Tourism Fund, a special fund created in the State Treasury. Of
2 the amounts deposited into the Fund in fiscal year 2000 after
3 January 1, 2000, 55% shall be used for grants to convention and
4 tourism bureaus in Chicago (other than the City of Chicago's
5 Office of Tourism) and 45% shall be used for development of
6 international tourism in areas outside of Chicago. Of the
7 amounts deposited into the Fund in fiscal year 2001 and
8 thereafter, 55% shall be used for grants to convention and
9 tourism bureaus in Chicago, and of that amount not less than
10 27.5% shall be used for grants to convention and tourism
11 bureaus in Chicago other than the City of Chicago's Office of
12 Tourism, and 45% shall be used for administrative expenses and
13 grants authorized under this Section and development of
14 international tourism in areas outside of Chicago, of which not
15 less than \$1,000,000 shall be used annually to make grants to
16 convention and tourism bureaus in cities other than Chicago
17 that demonstrate their international tourism appeal and
18 request to develop or expand their international tourism
19 marketing program, and may also be used to provide grants under
20 item (vi) of subsection (a) of this Section. Amounts
21 appropriated to the State Comptroller for administrative
22 expenses and grants authorized by the Illinois Global
23 Partnership Act are payable from the International Tourism
24 Fund.

25 (c) A convention and tourism bureau is eligible to receive
26 grant moneys under this Section if the bureau is certified to
27 receive funds under Title 14 of the Illinois Administrative
28 Code, Section 550.35. To be eligible for a grant, a convention
29 and tourism bureau must provide matching funds equal to the
30 grant amount. In certain circumstances as determined by the
31 Director of Commerce and Economic Opportunity ~~Community~~
32 ~~Affairs~~, however, the City of Chicago's Office of Tourism or
33 any other convention and tourism bureau may provide matching
34 funds equal to no less than 50% of the grant amount to be

1 eligible to receive the grant. One-half of this 50% may be
2 provided through in-kind contributions. Grants received by the
3 City of Chicago's Office of Tourism and by convention and
4 tourism bureaus in Chicago may be expended for the general
5 purposes of promoting conventions and tourism.

6 (Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00;
7 92-38, eff. 6-28-01; revised 12-6-03.)

8 Section 90-10. The Illinois Horse Racing Act of 1975 is
9 amended by changing Section 28 as follows:

10 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

11 Sec. 28. Except as provided in subsection (g) of Section 27
12 of this Act, moneys collected shall be distributed according to
13 the provisions of this Section 28.

14 (a) Thirty per cent of the total of all monies received by
15 the State as privilege taxes shall be paid into the
16 Metropolitan Fair and Exposition Authority Reconstruction Fund
17 in the State treasury until such Fund contains sufficient money
18 to pay in full, both principal and interest, all of the
19 outstanding bonds issued pursuant to the Fair and Exposition
20 Authority Reconstruction Act, approved July 31, 1967, as
21 amended, and thereafter shall be paid into the Metropolitan
22 Exposition Auditorium and Office Building Fund in the State
23 Treasury.

24 (b) Four and one-half per cent of the total of all monies
25 received by the State as privilege taxes shall be paid into the
26 State treasury into a special Fund to be known as the
27 Metropolitan Exposition, Auditorium, and Office Building Fund.

28 (c) Fifty per cent of the total of all monies received by
29 the State as privilege taxes under the provisions of this Act
30 shall be paid into the Agricultural Premium Fund.

31 (d) Seven per cent of the total of all monies received by
32 the State as privilege taxes shall be paid into the Fair and

1 Exposition Fund in the State treasury; provided, however, that
2 when all bonds issued prior to July 1, 1984 by the Metropolitan
3 Fair and Exposition Authority shall have been paid or payment
4 shall have been provided for upon a refunding of those bonds,
5 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
6 month into the Build Illinois Fund, and the remainder into the
7 Fair and Exposition Fund. All excess monies shall be allocated
8 to the Department of Agriculture for distribution to county
9 fairs for premiums and rehabilitation as set forth in the
10 Agricultural Fair Act.

11 (e) The monies provided for in Section 30 shall be paid
12 into the Illinois Thoroughbred Breeders Fund.

13 (f) The monies provided for in Section 31 shall be paid
14 into the Illinois Standardbred Breeders Fund.

15 (g) Until January 1, 2000, that part representing 1/2 of
16 the total breakage in Thoroughbred, Harness, Appaloosa,
17 Arabian, and Quarter Horse racing in the State shall be paid
18 into the Illinois Race Track Improvement Fund as established in
19 Section 32.

20 (h) All other monies received by the Board under this Act
21 shall be paid into the General Revenue Fund of the State.

22 (i) The salaries of the Board members, secretary, stewards,
23 directors of mutuels, veterinarians, representatives,
24 accountants, clerks, stenographers, inspectors and other
25 employees of the Board, and all expenses of the Board incident
26 to the administration of this Act, including, but not limited
27 to, all expenses and salaries incident to the taking of saliva
28 and urine samples in accordance with the rules and regulations
29 of the Board shall be paid out of the Agricultural Premium
30 Fund.

31 (j) The Agricultural Premium Fund shall also be used:

32 (1) for the expenses of operating the Illinois State
33 Fair and the DuQuoin State Fair, including the payment of
34 prize money or premiums;

1 (2) for the distribution to county fairs, vocational
2 agriculture section fairs, agricultural societies, and
3 agricultural extension clubs in accordance with the
4 Agricultural Fair Act, as amended;

5 (3) for payment of prize monies and premiums awarded
6 and for expenses incurred in connection with the
7 International Livestock Exposition and the Mid-Continent
8 Livestock Exposition held in Illinois, which premiums, and
9 awards must be approved, and paid by the Illinois
10 Department of Agriculture;

11 (4) for personal service of county agricultural
12 advisors and county home advisors;

13 (5) for distribution to agricultural home economic
14 extension councils in accordance with "An Act in relation
15 to additional support and finance for the Agricultural and
16 Home Economic Extension Councils in the several counties in
17 this State and making an appropriation therefor", approved
18 July 24, 1967, as amended;

19 (6) for research on equine disease, including a
20 development center therefor;

21 (7) for training scholarships for study on equine
22 diseases to students at the University of Illinois College
23 of Veterinary Medicine;

24 (8) for the rehabilitation, repair and maintenance of
25 the Illinois and DuQuoin State Fair Grounds and the
26 structures and facilities thereon and the construction of
27 permanent improvements on such Fair Grounds, including
28 such structures, facilities and property located on such
29 State Fair Grounds which are under the custody and control
30 of the Department of Agriculture;

31 (9) for the expenses of the Department of Agriculture
32 under Section 5-530 of the Departments of State Government
33 Law (20 ILCS 5/5-530);

34 (10) for the expenses of the Department of Commerce and

1 Section 999-999. Effective date. This Act takes effect July
2 1, 2005."