

1 AN ACT concerning State government.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 12-2 as follows:

6 (30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

7 Sec. 12-2. (a) The chairmen of the travel control boards
8 established by Section 12-1, or their designees, shall together
9 comprise the Travel Regulation Council. The Travel Regulation
10 Council shall be chaired by the Director of Central Management
11 Services, who shall be a nonvoting member of the Council,
12 unless he is otherwise qualified to vote by virtue of being the
13 designee of a voting member. No later than March 1, 1986, and
14 at least biennially thereafter, the Council shall adopt State
15 Travel Regulations and Reimbursement Rates which shall be
16 applicable to all personnel subject to the jurisdiction of the
17 travel control boards established by Section 12-1. An
18 affirmative vote of a majority of the members of the Council
19 shall be required to adopt regulations and reimbursement rates.
20 If the Council fails to adopt regulations by March 1 of any
21 odd-numbered year, the Director of Central Management Services
22 shall adopt emergency regulations and reimbursement rates
23 pursuant to the Illinois Administrative Procedure Act.

1 (b) Mileage for automobile travel shall be reimbursed at
2 the allowance rate in effect under regulations promulgated
3 pursuant to 5 U.S.C. 5707(b)(2). ~~However, in the event the rate~~
4 ~~set under federal regulations increases during the course of~~
5 ~~the State's fiscal year, the effective date of the new rate~~
6 ~~shall be the July 1 immediately following the change in the~~
7 ~~federal rate.~~ In the event the rate set under federal
8 regulations increases or decreases during the course of the
9 State's fiscal year, the effective date of the new rate shall
10 be the effective date of the change in the federal rate.
11 Notwithstanding any other rulemaking authority that may exist,
12 neither the Governor nor any agency or agency head under the
13 jurisdiction of the Governor has any authority to make or
14 promulgate rules to implement or enforce the provisions of this
15 amendatory Act of the 95th General Assembly. If, however, the
16 Governor believes that rules are necessary to implement or
17 enforce the provisions of this amendatory Act of the 95th
18 General Assembly, the Governor may suggest rules to the General
19 Assembly by filing them with the Clerk of the House and the
20 Secretary of the Senate and by requesting that the General
21 Assembly authorize such rulemaking by law, enact those
22 suggested rules into law, or take any other appropriate action
23 in the General Assembly's discretion. Nothing contained in this
24 amendatory Act of the 95th General Assembly shall be
25 interpreted to grant rulemaking authority under any other
26 Illinois statute where such authority is not otherwise

1 explicitly given. For the purposes of this subsection, "rules"
2 is given the meaning contained in Section 1-70 of the Illinois
3 Administrative Procedure Act, and "agency" and "agency head"
4 are given the meanings contained in Sections 1-20 and 1-25 of
5 the Illinois Administrative Procedure Act to the extent that
6 such definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor.

8 (c) Rates for reimbursement of expenses other than mileage
9 shall not exceed the actual cost of travel as determined by the
10 United States Internal Revenue Service.

11 (d) Reimbursements to travelers shall be made pursuant to
12 the rates and regulations applicable to the respective State
13 agency as of the effective date of this amendatory Act, until
14 the State Travel Regulations and Reimbursement Rates
15 established by this Section are adopted and effective.

16 (e) Lodging in Cook County, Illinois and the District of
17 Columbia shall be reimbursed at the maximum lodging rate in
18 effect under regulations promulgated pursuant to 5 U.S.C.
19 5701-5709. For purposes of this subsection (e), the District of
20 Columbia shall include the cities and counties included in the
21 per diem locality of the District of Columbia, as defined by
22 the regulations in effect promulgated pursuant to 5 U.S.C.
23 5701-5709. Individual travel control boards may set a lodging
24 reimbursement rate more restrictive than the rate set forth in
25 the federal regulations.

26 (Source: P.A. 92-315, eff. 8-9-01; 93-154, eff. 7-10-03.)