



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2937

by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Central Management Services Law in a Section concerning business processing reengineering and efficient government planning to provide that specified cost savings may (rather than shall) be paid into the General Revenue Fund (rather than the Efficiency Initiative Revolving Fund). Amends the Department of Commerce and Economic Opportunity Law to repeal a Section concerning loans to qualified ex-offenders. Amends the Brownfields Redevelopment and Intermodal Promotion Act to correct references to the South Suburban Brownfields Redevelopment Fund. Amends the Department of Public Health Powers and Duties Law to repeal Sections concerning various Funds and grants. Amends the State Finance Act to repeal various Funds and make conforming changes. Repeals the Transportation Development Partnership Act. Amends the Illinois Income Tax Act to repeal Sections concerning Fund checkoffs. Amends the Counties Code, the Illinois Public Aid Code, and the Clerks of Courts Act to remove language concerning moneys to be deposited in specified Funds. Makes other changes in statutes concerning the use or repeal of specified Funds. Provides a State mandate exemption. Effective immediately.

LRB101 08946 RJF 54036 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Department of Central Management Services  
5 Law of the Civil Administrative Code of Illinois is amended by  
6 changing Section 405-292 as follows:

7 (20 ILCS 405/405-292)

8 Sec. 405-292. Business processing reengineering; planning  
9 for a more efficient government.

10 (a) The Department shall be responsible for recommending to  
11 the Governor efficiency initiatives to reorganize,  
12 restructure, and reengineer the business processes of the  
13 State. In performing this responsibility the Department shall  
14 have the power and duty to do the following:

15 (1) propose the transfer, consolidation,  
16 reorganization, restructuring, reengineering, or  
17 elimination of programs, processes, or functions in order  
18 to attain efficiency in operations and cost savings through  
19 the efficiency initiatives;

20 (2) control the procurement of contracted services in  
21 connection with the efficiency initiatives to assist in the  
22 analysis, design, planning, and implementation of  
23 proposals approved by the Governor to attain efficiency in

1 operations and cost savings; and

2 (3) establish the amount of cost savings to be realized  
3 by State agencies from implementing the efficiency  
4 initiatives, which ~~may shall~~ be paid at the direction of ~~to~~  
5 the Department ~~for deposit~~ into the General Revenue  
6 ~~Efficiency Initiatives Revolving~~ Fund, except that any  
7 cost savings realized by the Illinois Department of  
8 Transportation shall be deposited into the State  
9 Construction Account Fund.

10 (b) For the purposes of this Section, "State agencies"  
11 means all departments, boards, commissions, and agencies of the  
12 State of Illinois subject to the Governor.

13 (Source: P.A. 93-25, eff. 6-20-03; 94-139, eff. 7-7-05.)

14 (20 ILCS 605/605-416 rep.)

15 Section 10. The Department of Commerce and Economic  
16 Opportunity Law of the Civil Administrative Code of Illinois is  
17 amended by repealing Section 605-416.

18 Section 15. The Brownfields Redevelopment and Intermodal  
19 Promotion Act is amended by changing Sections 3-15 and 3-20 as  
20 follows:

21 (20 ILCS 607/3-15)

22 Sec. 3-15. South Suburban Brownfields Redevelopment ~~Zone~~  
23 Fund. The South Suburban Brownfields Redevelopment ~~Zone~~ Fund is

1 created as a special fund in the State treasury. Upon  
2 certification of the Department of Revenue following review of  
3 the amounts contained in the quarter-annual report required  
4 under paragraph 4 of Section 3-50 of this Act and subject to  
5 the limits set forth in Section 3-25 of this Act, the  
6 Comptroller shall order transferred and the Treasurer shall  
7 transfer from the General Revenue Fund to the South Suburban  
8 Brownfields Redevelopment Fund an amount equal to the  
9 incremental income tax for the previous month attributable to  
10 new employees at finished facilities on property that was  
11 redeveloped as part of the South Suburban Brownfields  
12 Redevelopment Zone. These revenues may be used to pay the  
13 Managing Partner for its administrative expenses pursuant to  
14 Section 3-45 of this Act or to reimburse Eligible Developers or  
15 Eligible Employers for the cost of the activities detailed  
16 under Section 3-45 of this Act for Projects being undertaken  
17 within the South Suburban Brownfields Redevelopment Zone.

18 (Source: P.A. 98-109, eff. 7-25-13.)

19 (20 ILCS 607/3-20)

20 Sec. 3-20. South Suburban Brownfields Redevelopment Fund;  
21 eligible projects. In State fiscal years 2015 through 2021, all  
22 moneys in the South Suburban Brownfields Redevelopment ~~Zone~~  
23 Fund shall be held solely to fund eligible projects undertaken  
24 pursuant to the provisions of Section 3-35 of this Act and  
25 performed either directly by Cook County through a development

1 agreement with the Department, by an entity designated by Cook  
2 County through a development agreement with the Department to  
3 perform specific tasks, or by an Eligible Developer or an  
4 Eligible Employer through a development agreement. All  
5 Eligible Projects are subject to review and approval by the  
6 Managing Partner and by the Department. The life span of the  
7 Fund may be extended past 2026 by law.

8 (Source: P.A. 98-109, eff. 7-25-13.)

9 (20 ILCS 720/35 rep.)

10 Section 20. The Illinois Main Street Act is amended by  
11 repealing Section 35.

12 (20 ILCS 2310/2310-352 rep.)

13 (20 ILCS 2310/2310-357 rep.)

14 (20 ILCS 2310/2310-359 rep.)

15 (20 ILCS 2310/2310-361 rep.)

16 (20 ILCS 2310/2310-399 rep.)

17 (20 ILCS 2310/2310-403 rep.)

18 (20 ILCS 2310/2310-612 rep.)

19 Section 25. The Department of Public Health Powers and  
20 Duties Law of the Civil Administrative Code of Illinois is  
21 amended by repealing Sections 2310-352, 2310-357, 2310-359,  
22 2310-361, 2310-399, 2310-403, and 2310-612.

23 (20 ILCS 3958/Act rep.)

1 Section 30. The I-FLY Act is repealed.

2 (25 ILCS 130/4-9 rep.)

3 Section 35. The Legislative Commission Reorganization Act  
4 of 1984 is amended by repealing Section 4-9.

5 Section 40. The State Finance Act is amended by changing  
6 Sections 13.2 and 25 as follows:

7 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

8 Sec. 13.2. Transfers among line item appropriations.

9 (a) Transfers among line item appropriations from the same  
10 treasury fund for the objects specified in this Section may be  
11 made in the manner provided in this Section when the balance  
12 remaining in one or more such line item appropriations is  
13 insufficient for the purpose for which the appropriation was  
14 made.

15 (a-1) No transfers may be made from one agency to another  
16 agency, nor may transfers be made from one institution of  
17 higher education to another institution of higher education  
18 except as provided by subsection (a-4).

19 (a-2) Except as otherwise provided in this Section,  
20 transfers may be made only among the objects of expenditure  
21 enumerated in this Section, except that no funds may be  
22 transferred from any appropriation for personal services, from  
23 any appropriation for State contributions to the State

1 Employees' Retirement System, from any separate appropriation  
2 for employee retirement contributions paid by the employer, nor  
3 from any appropriation for State contribution for employee  
4 group insurance. During State fiscal year 2005, an agency may  
5 transfer amounts among its appropriations within the same  
6 treasury fund for personal services, employee retirement  
7 contributions paid by employer, and State Contributions to  
8 retirement systems; notwithstanding and in addition to the  
9 transfers authorized in subsection (c) of this Section, the  
10 fiscal year 2005 transfers authorized in this sentence may be  
11 made in an amount not to exceed 2% of the aggregate amount  
12 appropriated to an agency within the same treasury fund. During  
13 State fiscal year 2007, the Departments of Children and Family  
14 Services, Corrections, Human Services, and Juvenile Justice  
15 may transfer amounts among their respective appropriations  
16 within the same treasury fund for personal services, employee  
17 retirement contributions paid by employer, and State  
18 contributions to retirement systems. During State fiscal year  
19 2010, the Department of Transportation may transfer amounts  
20 among their respective appropriations within the same treasury  
21 fund for personal services, employee retirement contributions  
22 paid by employer, and State contributions to retirement  
23 systems. During State fiscal years 2010 and 2014 only, an  
24 agency may transfer amounts among its respective  
25 appropriations within the same treasury fund for personal  
26 services, employee retirement contributions paid by employer,

1 and State contributions to retirement systems.  
2 Notwithstanding, and in addition to, the transfers authorized  
3 in subsection (c) of this Section, these transfers may be made  
4 in an amount not to exceed 2% of the aggregate amount  
5 appropriated to an agency within the same treasury fund.

6 (a-2.5) During State fiscal year 2015 only, the State's  
7 Attorneys Appellate Prosecutor may transfer amounts among its  
8 respective appropriations contained in operational line items  
9 within the same treasury fund. Notwithstanding, and in addition  
10 to, the transfers authorized in subsection (c) of this Section,  
11 these transfers may be made in an amount not to exceed 4% of  
12 the aggregate amount appropriated to the State's Attorneys  
13 Appellate Prosecutor within the same treasury fund.

14 (a-3) Further, if an agency receives a separate  
15 appropriation for employee retirement contributions paid by  
16 the employer, any transfer by that agency into an appropriation  
17 for personal services must be accompanied by a corresponding  
18 transfer into the appropriation for employee retirement  
19 contributions paid by the employer, in an amount sufficient to  
20 meet the employer share of the employee contributions required  
21 to be remitted to the retirement system.

22 (a-4) Long-Term Care Rebalancing. The Governor may  
23 designate amounts set aside for institutional services  
24 appropriated from the General Revenue Fund or any other State  
25 fund that receives monies for long-term care services to be  
26 transferred to all State agencies responsible for the



1 administration of community-based long-term care programs,  
2 including, but not limited to, community-based long-term care  
3 programs administered by the Department of Healthcare and  
4 Family Services, the Department of Human Services, and the  
5 Department on Aging, provided that the Director of Healthcare  
6 and Family Services first certifies that the amounts being  
7 transferred are necessary for the purpose of assisting persons  
8 in or at risk of being in institutional care to transition to  
9 community-based settings, including the financial data needed  
10 to prove the need for the transfer of funds. The total amounts  
11 transferred shall not exceed 4% in total of the amounts  
12 appropriated from the General Revenue Fund or any other State  
13 fund that receives monies for long-term care services for each  
14 fiscal year. A notice of the fund transfer must be made to the  
15 General Assembly and posted at a minimum on the Department of  
16 Healthcare and Family Services website, the Governor's Office  
17 of Management and Budget website, and any other website the  
18 Governor sees fit. These postings shall serve as notice to the  
19 General Assembly of the amounts to be transferred. Notice shall  
20 be given at least 30 days prior to transfer.

21 (b) In addition to the general transfer authority provided  
22 under subsection (c), the following agencies have the specific  
23 transfer authority granted in this subsection:

24 The Department of Healthcare and Family Services is  
25 authorized to make transfers representing savings attributable  
26 to not increasing grants due to the births of additional

1 children from line items for payments of cash grants to line  
2 items for payments for employment and social services for the  
3 purposes outlined in subsection (f) of Section 4-2 of the  
4 Illinois Public Aid Code.

5 The Department of Children and Family Services is  
6 authorized to make transfers not exceeding 2% of the aggregate  
7 amount appropriated to it within the same treasury fund for the  
8 following line items among these same line items: Foster Home  
9 and Specialized Foster Care and Prevention, Institutions and  
10 Group Homes and Prevention, and Purchase of Adoption and  
11 Guardianship Services.

12 The Department on Aging is authorized to make transfers not  
13 exceeding 2% of the aggregate amount appropriated to it within  
14 the same treasury fund for the following Community Care Program  
15 line items among these same line items: purchase of services  
16 covered by the Community Care Program and Comprehensive Case  
17 Coordination.

18 ~~The State Treasurer is authorized to make transfers among~~  
19 ~~line item appropriations from the Capital Litigation Trust~~  
20 ~~Fund, with respect to costs incurred in fiscal years 2002 and~~  
21 ~~2003 only, when the balance remaining in one or more such line~~  
22 ~~item appropriations is insufficient for the purpose for which~~  
23 ~~the appropriation was made, provided that no such transfer may~~  
24 ~~be made unless the amount transferred is no longer required for~~  
25 ~~the purpose for which that appropriation was made.~~

26 The State Board of Education is authorized to make

1 transfers from line item appropriations within the same  
2 treasury fund for General State Aid, General State Aid - Hold  
3 Harmless, and Evidence-Based Funding, provided that no such  
4 transfer may be made unless the amount transferred is no longer  
5 required for the purpose for which that appropriation was made,  
6 to the line item appropriation for Transitional Assistance when  
7 the balance remaining in such line item appropriation is  
8 insufficient for the purpose for which the appropriation was  
9 made.

10 The State Board of Education is authorized to make  
11 transfers between the following line item appropriations  
12 within the same treasury fund: Disabled Student  
13 Services/Materials (Section 14-13.01 of the School Code),  
14 Disabled Student Transportation Reimbursement (Section  
15 14-13.01 of the School Code), Disabled Student Tuition -  
16 Private Tuition (Section 14-7.02 of the School Code),  
17 Extraordinary Special Education (Section 14-7.02b of the  
18 School Code), Reimbursement for Free Lunch/Breakfast Program,  
19 Summer School Payments (Section 18-4.3 of the School Code), and  
20 Transportation - Regular/Vocational Reimbursement (Section  
21 29-5 of the School Code). Such transfers shall be made only  
22 when the balance remaining in one or more such line item  
23 appropriations is insufficient for the purpose for which the  
24 appropriation was made and provided that no such transfer may  
25 be made unless the amount transferred is no longer required for  
26 the purpose for which that appropriation was made.

1           The Department of Healthcare and Family Services is  
2 authorized to make transfers not exceeding 4% of the aggregate  
3 amount appropriated to it, within the same treasury fund, among  
4 the various line items appropriated for Medical Assistance.

5           (c) The sum of such transfers for an agency in a fiscal  
6 year shall not exceed 2% of the aggregate amount appropriated  
7 to it within the same treasury fund for the following objects:  
8 Personal Services; Extra Help; Student and Inmate  
9 Compensation; State Contributions to Retirement Systems; State  
10 Contributions to Social Security; State Contribution for  
11 Employee Group Insurance; Contractual Services; Travel;  
12 Commodities; Printing; Equipment; Electronic Data Processing;  
13 Operation of Automotive Equipment; Telecommunications  
14 Services; Travel and Allowance for Committed, Paroled and  
15 Discharged Prisoners; Library Books; Federal Matching Grants  
16 for Student Loans; Refunds; Workers' Compensation,  
17 Occupational Disease, and Tort Claims; Late Interest Penalties  
18 under the State Prompt Payment Act and Sections 368a and 370a  
19 of the Illinois Insurance Code; and, in appropriations to  
20 institutions of higher education, Awards and Grants.  
21 Notwithstanding the above, any amounts appropriated for  
22 payment of workers' compensation claims to an agency to which  
23 the authority to evaluate, administer and pay such claims has  
24 been delegated by the Department of Central Management Services  
25 may be transferred to any other expenditure object where such  
26 amounts exceed the amount necessary for the payment of such

1 claims.

2 (c-1) Special provisions for State fiscal year 2003.  
3 Notwithstanding any other provision of this Section to the  
4 contrary, for State fiscal year 2003 only, transfers among line  
5 item appropriations to an agency from the same treasury fund  
6 may be made provided that the sum of such transfers for an  
7 agency in State fiscal year 2003 shall not exceed 3% of the  
8 aggregate amount appropriated to that State agency for State  
9 fiscal year 2003 for the following objects: personal services,  
10 except that no transfer may be approved which reduces the  
11 aggregate appropriations for personal services within an  
12 agency; extra help; student and inmate compensation; State  
13 contributions to retirement systems; State contributions to  
14 social security; State contributions for employee group  
15 insurance; contractual services; travel; commodities;  
16 printing; equipment; electronic data processing; operation of  
17 automotive equipment; telecommunications services; travel and  
18 allowance for committed, paroled, and discharged prisoners;  
19 library books; federal matching grants for student loans;  
20 refunds; workers' compensation, occupational disease, and tort  
21 claims; and, in appropriations to institutions of higher  
22 education, awards and grants.

23 (c-2) Special provisions for State fiscal year 2005.  
24 Notwithstanding subsections (a), (a-2), and (c), for State  
25 fiscal year 2005 only, transfers may be made among any line  
26 item appropriations from the same or any other treasury fund

1 for any objects or purposes, without limitation, when the  
2 balance remaining in one or more such line item appropriations  
3 is insufficient for the purpose for which the appropriation was  
4 made, provided that the sum of those transfers by a State  
5 agency shall not exceed 4% of the aggregate amount appropriated  
6 to that State agency for fiscal year 2005.

7 (c-3) Special provisions for State fiscal year 2015.  
8 Notwithstanding any other provision of this Section, for State  
9 fiscal year 2015, transfers among line item appropriations to a  
10 State agency from the same State treasury fund may be made for  
11 operational or lump sum expenses only, provided that the sum of  
12 such transfers for a State agency in State fiscal year 2015  
13 shall not exceed 4% of the aggregate amount appropriated to  
14 that State agency for operational or lump sum expenses for  
15 State fiscal year 2015. For the purpose of this subsection,  
16 "operational or lump sum expenses" includes the following  
17 objects: personal services; extra help; student and inmate  
18 compensation; State contributions to retirement systems; State  
19 contributions to social security; State contributions for  
20 employee group insurance; contractual services; travel;  
21 commodities; printing; equipment; electronic data processing;  
22 operation of automotive equipment; telecommunications  
23 services; travel and allowance for committed, paroled, and  
24 discharged prisoners; library books; federal matching grants  
25 for student loans; refunds; workers' compensation,  
26 occupational disease, and tort claims; lump sum and other

1 purposes; and lump sum operations. For the purpose of this  
2 subsection (c-3), "State agency" does not include the Attorney  
3 General, the Secretary of State, the Comptroller, the  
4 Treasurer, or the legislative or judicial branches.

5 (c-4) Special provisions for State fiscal year 2018.  
6 Notwithstanding any other provision of this Section, for State  
7 fiscal year 2018, transfers among line item appropriations to a  
8 State agency from the same State treasury fund may be made for  
9 operational or lump sum expenses only, provided that the sum of  
10 such transfers for a State agency in State fiscal year 2018  
11 shall not exceed 4% of the aggregate amount appropriated to  
12 that State agency for operational or lump sum expenses for  
13 State fiscal year 2018. For the purpose of this subsection  
14 (c-4), "operational or lump sum expenses" includes the  
15 following objects: personal services; extra help; student and  
16 inmate compensation; State contributions to retirement  
17 systems; State contributions to social security; State  
18 contributions for employee group insurance; contractual  
19 services; travel; commodities; printing; equipment; electronic  
20 data processing; operation of automotive equipment;  
21 telecommunications services; travel and allowance for  
22 committed, paroled, and discharged prisoners; library books;  
23 federal matching grants for student loans; refunds; workers'  
24 compensation, occupational disease, and tort claims; lump sum  
25 and other purposes; and lump sum operations. For the purpose of  
26 this subsection (c-4), "State agency" does not include the

1 Attorney General, the Secretary of State, the Comptroller, the  
2 Treasurer, or the legislative or judicial branches.

3 (c-5) Special provisions for State fiscal year 2019.  
4 Notwithstanding any other provision of this Section, for State  
5 fiscal year 2019, transfers among line item appropriations to a  
6 State agency from the same State treasury fund may be made for  
7 operational or lump sum expenses only, provided that the sum of  
8 such transfers for a State agency in State fiscal year 2019  
9 shall not exceed 4% of the aggregate amount appropriated to  
10 that State agency for operational or lump sum expenses for  
11 State fiscal year 2019. For the purpose of this subsection  
12 (c-5), "operational or lump sum expenses" includes the  
13 following objects: personal services; extra help; student and  
14 inmate compensation; State contributions to retirement  
15 systems; State contributions to social security; State  
16 contributions for employee group insurance; contractual  
17 services; travel; commodities; printing; equipment; electronic  
18 data processing; operation of automotive equipment;  
19 telecommunications services; travel and allowance for  
20 committed, paroled, and discharged prisoners; library books;  
21 federal matching grants for student loans; refunds; workers'  
22 compensation, occupational disease, and tort claims; lump sum  
23 and other purposes; and lump sum operations. For the purpose of  
24 this subsection (c-5), "State agency" does not include the  
25 Attorney General, the Secretary of State, the Comptroller, the  
26 Treasurer, or the legislative or judicial branches.



1           (d) Transfers among appropriations made to agencies of the  
2 Legislative and Judicial departments and to the  
3 constitutionally elected officers in the Executive branch  
4 require the approval of the officer authorized in Section 10 of  
5 this Act to approve and certify vouchers. Transfers among  
6 appropriations made to the University of Illinois, Southern  
7 Illinois University, Chicago State University, Eastern  
8 Illinois University, Governors State University, Illinois  
9 State University, Northeastern Illinois University, Northern  
10 Illinois University, Western Illinois University, the Illinois  
11 Mathematics and Science Academy and the Board of Higher  
12 Education require the approval of the Board of Higher Education  
13 and the Governor. Transfers among appropriations to all other  
14 agencies require the approval of the Governor.

15           The officer responsible for approval shall certify that the  
16 transfer is necessary to carry out the programs and purposes  
17 for which the appropriations were made by the General Assembly  
18 and shall transmit to the State Comptroller a certified copy of  
19 the approval which shall set forth the specific amounts  
20 transferred so that the Comptroller may change his records  
21 accordingly. The Comptroller shall furnish the Governor with  
22 information copies of all transfers approved for agencies of  
23 the Legislative and Judicial departments and transfers  
24 approved by the constitutionally elected officials of the  
25 Executive branch other than the Governor, showing the amounts  
26 transferred and indicating the dates such changes were entered

1 on the Comptroller's records.

2 (e) The State Board of Education, in consultation with the  
3 State Comptroller, may transfer line item appropriations for  
4 General State Aid or Evidence-Based Funding between the Common  
5 School Fund and the Education Assistance Fund. With the advice  
6 and consent of the Governor's Office of Management and Budget,  
7 the State Board of Education, in consultation with the State  
8 Comptroller, may transfer line item appropriations between the  
9 General Revenue Fund and the Education Assistance Fund for the  
10 following programs:

11 (1) Disabled Student Personnel Reimbursement (Section  
12 14-13.01 of the School Code);

13 (2) Disabled Student Transportation Reimbursement  
14 (subsection (b) of Section 14-13.01 of the School Code);

15 (3) Disabled Student Tuition - Private Tuition  
16 (Section 14-7.02 of the School Code);

17 (4) Extraordinary Special Education (Section 14-7.02b  
18 of the School Code);

19 (5) Reimbursement for Free Lunch/Breakfast Programs;

20 (6) Summer School Payments (Section 18-4.3 of the  
21 School Code);

22 (7) Transportation - Regular/Vocational Reimbursement  
23 (Section 29-5 of the School Code);

24 (8) Regular Education Reimbursement (Section 18-3 of  
25 the School Code); and

26 (9) Special Education Reimbursement (Section 14-7.03

1 of the School Code).

2 (Source: P.A. 99-2, eff. 3-26-15; 100-23, eff. 7-6-17; 100-465,  
3 eff. 8-31-17; 100-587, eff. 6-4-18; 100-863, eff. 8-14-18;  
4 100-1064, eff. 8-24-18; revised 10-9-18.)

5 (30 ILCS 105/25) (from Ch. 127, par. 161)

6 Sec. 25. Fiscal year limitations.

7 (a) All appropriations shall be available for expenditure  
8 for the fiscal year or for a lesser period if the Act making  
9 that appropriation so specifies. A deficiency or emergency  
10 appropriation shall be available for expenditure only through  
11 June 30 of the year when the Act making that appropriation is  
12 enacted unless that Act otherwise provides.

13 (b) Outstanding liabilities as of June 30, payable from  
14 appropriations which have otherwise expired, may be paid out of  
15 the expiring appropriations during the 2-month period ending at  
16 the close of business on August 31. Any service involving  
17 professional or artistic skills or any personal services by an  
18 employee whose compensation is subject to income tax  
19 withholding must be performed as of June 30 of the fiscal year  
20 in order to be considered an "outstanding liability as of June  
21 30" that is thereby eligible for payment out of the expiring  
22 appropriation.

23 (b-1) However, payment of tuition reimbursement claims  
24 under Section 14-7.03 or 18-3 of the School Code may be made by  
25 the State Board of Education from its appropriations for those

1     respective purposes for any fiscal year, even though the claims  
2     reimbursed by the payment may be claims attributable to a prior  
3     fiscal year, and payments may be made at the direction of the  
4     State Superintendent of Education from the fund from which the  
5     appropriation is made without regard to any fiscal year  
6     limitations, except as required by subsection (j) of this  
7     Section. Beginning on June 30, 2021, payment of tuition  
8     reimbursement claims under Section 14-7.03 or 18-3 of the  
9     School Code as of June 30, payable from appropriations that  
10    have otherwise expired, may be paid out of the expiring  
11    appropriation during the 4-month period ending at the close of  
12    business on October 31.

13         (b-2) All outstanding liabilities as of June 30, 2010,  
14     payable from appropriations that would otherwise expire at the  
15     conclusion of the lapse period for fiscal year 2010, and  
16     interest penalties payable on those liabilities under the State  
17     Prompt Payment Act, may be paid out of the expiring  
18     appropriations until December 31, 2010, without regard to the  
19     fiscal year in which the payment is made, as long as vouchers  
20     for the liabilities are received by the Comptroller no later  
21     than August 31, 2010.

22         (b-2.5) All outstanding liabilities as of June 30, 2011,  
23     payable from appropriations that would otherwise expire at the  
24     conclusion of the lapse period for fiscal year 2011, and  
25     interest penalties payable on those liabilities under the State  
26     Prompt Payment Act, may be paid out of the expiring

1 appropriations until December 31, 2011, without regard to the  
2 fiscal year in which the payment is made, as long as vouchers  
3 for the liabilities are received by the Comptroller no later  
4 than August 31, 2011.

5 (b-2.6) All outstanding liabilities as of June 30, 2012,  
6 payable from appropriations that would otherwise expire at the  
7 conclusion of the lapse period for fiscal year 2012, and  
8 interest penalties payable on those liabilities under the State  
9 Prompt Payment Act, may be paid out of the expiring  
10 appropriations until December 31, 2012, without regard to the  
11 fiscal year in which the payment is made, as long as vouchers  
12 for the liabilities are received by the Comptroller no later  
13 than August 31, 2012.

14 (b-2.6a) All outstanding liabilities as of June 30, 2017,  
15 payable from appropriations that would otherwise expire at the  
16 conclusion of the lapse period for fiscal year 2017, and  
17 interest penalties payable on those liabilities under the State  
18 Prompt Payment Act, may be paid out of the expiring  
19 appropriations until December 31, 2017, without regard to the  
20 fiscal year in which the payment is made, as long as vouchers  
21 for the liabilities are received by the Comptroller no later  
22 than September 30, 2017.

23 (b-2.6b) All outstanding liabilities as of June 30, 2018,  
24 payable from appropriations that would otherwise expire at the  
25 conclusion of the lapse period for fiscal year 2018, and  
26 interest penalties payable on those liabilities under the State

1 Prompt Payment Act, may be paid out of the expiring  
2 appropriations until December 31, 2018, without regard to the  
3 fiscal year in which the payment is made, as long as vouchers  
4 for the liabilities are received by the Comptroller no later  
5 than October 31, 2018.

6 (b-2.7) For fiscal years 2012, 2013, and 2014, interest  
7 penalties payable under the State Prompt Payment Act associated  
8 with a voucher for which payment is issued after June 30 may be  
9 paid out of the next fiscal year's appropriation. The future  
10 year appropriation must be for the same purpose and from the  
11 same fund as the original payment. An interest penalty voucher  
12 submitted against a future year appropriation must be submitted  
13 within 60 days after the issuance of the associated voucher,  
14 and the Comptroller must issue the interest payment within 60  
15 days after acceptance of the interest voucher.

16 (b-3) Medical payments may be made by the Department of  
17 Veterans' Affairs from its appropriations for those purposes  
18 for any fiscal year, without regard to the fact that the  
19 medical services being compensated for by such payment may have  
20 been rendered in a prior fiscal year, except as required by  
21 subsection (j) of this Section. Beginning on June 30, 2021,  
22 medical payments payable from appropriations that have  
23 otherwise expired may be paid out of the expiring appropriation  
24 during the 4-month period ending at the close of business on  
25 October 31.

26 (b-4) Medical payments and child care payments may be made

1 by the Department of Human Services (as successor to the  
2 Department of Public Aid) from appropriations for those  
3 purposes for any fiscal year, without regard to the fact that  
4 the medical or child care services being compensated for by  
5 such payment may have been rendered in a prior fiscal year; and  
6 payments may be made at the direction of the Department of  
7 Healthcare and Family Services (or successor agency) from the  
8 Health Insurance Reserve Fund without regard to any fiscal year  
9 limitations, except as required by subsection (j) of this  
10 Section. Beginning on June 30, 2021, medical and child care  
11 payments made by the Department of Human Services and payments  
12 made at the discretion of the Department of Healthcare and  
13 Family Services (or successor agency) from the Health Insurance  
14 Reserve Fund and payable from appropriations that have  
15 otherwise expired may be paid out of the expiring appropriation  
16 during the 4-month period ending at the close of business on  
17 October 31.

18 (b-5) Medical payments may be made by the Department of  
19 Human Services from its appropriations relating to substance  
20 abuse treatment services for any fiscal year, without regard to  
21 the fact that the medical services being compensated for by  
22 such payment may have been rendered in a prior fiscal year,  
23 provided the payments are made on a fee-for-service basis  
24 consistent with requirements established for Medicaid  
25 reimbursement by the Department of Healthcare and Family  
26 Services, except as required by subsection (j) of this Section.

1 Beginning on June 30, 2021, medical payments made by the  
2 Department of Human Services relating to substance abuse  
3 treatment services payable from appropriations that have  
4 otherwise expired may be paid out of the expiring appropriation  
5 during the 4-month period ending at the close of business on  
6 October 31.

7 (b-6) (Blank). ~~Additionally, payments may be made by the~~  
8 ~~Department of Human Services from its appropriations, or any~~  
9 ~~other State agency from its appropriations with the approval of~~  
10 ~~the Department of Human Services, from the Immigration Reform~~  
11 ~~and Control Fund for purposes authorized pursuant to the~~  
12 ~~Immigration Reform and Control Act of 1986, without regard to~~  
13 ~~any fiscal year limitations, except as required by subsection~~  
14 ~~(j) of this Section. Beginning on June 30, 2021, payments made~~  
15 ~~by the Department of Human Services from the Immigration Reform~~  
16 ~~and Control Fund for purposes authorized pursuant to the~~  
17 ~~Immigration Reform and Control Act of 1986 payable from~~  
18 ~~appropriations that have otherwise expired may be paid out of~~  
19 ~~the expiring appropriation during the 4 month period ending at~~  
20 ~~the close of business on October 31.~~

21 (b-7) Payments may be made in accordance with a plan  
22 authorized by paragraph (11) or (12) of Section 405-105 of the  
23 Department of Central Management Services Law from  
24 appropriations for those payments without regard to fiscal year  
25 limitations.

26 (b-8) Reimbursements to eligible airport sponsors for the



1 construction or upgrading of Automated Weather Observation  
2 Systems may be made by the Department of Transportation from  
3 appropriations for those purposes for any fiscal year, without  
4 regard to the fact that the qualification or obligation may  
5 have occurred in a prior fiscal year, provided that at the time  
6 the expenditure was made the project had been approved by the  
7 Department of Transportation prior to June 1, 2012 and, as a  
8 result of recent changes in federal funding formulas, can no  
9 longer receive federal reimbursement.

10 (b-9) Medical payments not exceeding \$150,000,000 may be  
11 made by the Department on Aging from its appropriations  
12 relating to the Community Care Program for fiscal year 2014,  
13 without regard to the fact that the medical services being  
14 compensated for by such payment may have been rendered in a  
15 prior fiscal year, provided the payments are made on a  
16 fee-for-service basis consistent with requirements established  
17 for Medicaid reimbursement by the Department of Healthcare and  
18 Family Services, except as required by subsection (j) of this  
19 Section.

20 (c) Further, payments may be made by the Department of  
21 Public Health and the Department of Human Services (acting as  
22 successor to the Department of Public Health under the  
23 Department of Human Services Act) from their respective  
24 appropriations for grants for medical care to or on behalf of  
25 premature and high-mortality risk infants and their mothers and  
26 for grants for supplemental food supplies provided under the

1 United States Department of Agriculture Women, Infants and  
2 Children Nutrition Program, for any fiscal year without regard  
3 to the fact that the services being compensated for by such  
4 payment may have been rendered in a prior fiscal year, except  
5 as required by subsection (j) of this Section. Beginning on  
6 June 30, 2021, payments made by the Department of Public Health  
7 and the Department of Human Services from their respective  
8 appropriations for grants for medical care to or on behalf of  
9 premature and high-mortality risk infants and their mothers and  
10 for grants for supplemental food supplies provided under the  
11 United States Department of Agriculture Women, Infants and  
12 Children Nutrition Program payable from appropriations that  
13 have otherwise expired may be paid out of the expiring  
14 appropriations during the 4-month period ending at the close of  
15 business on October 31.

16 (d) The Department of Public Health and the Department of  
17 Human Services (acting as successor to the Department of Public  
18 Health under the Department of Human Services Act) shall each  
19 annually submit to the State Comptroller, Senate President,  
20 Senate Minority Leader, Speaker of the House, House Minority  
21 Leader, and the respective Chairmen and Minority Spokesmen of  
22 the Appropriations Committees of the Senate and the House, on  
23 or before December 31, a report of fiscal year funds used to  
24 pay for services provided in any prior fiscal year. This report  
25 shall document by program or service category those  
26 expenditures from the most recently completed fiscal year used

1 to pay for services provided in prior fiscal years.

2 (e) The Department of Healthcare and Family Services, the  
3 Department of Human Services (acting as successor to the  
4 Department of Public Aid), and the Department of Human Services  
5 making fee-for-service payments relating to substance abuse  
6 treatment services provided during a previous fiscal year shall  
7 each annually submit to the State Comptroller, Senate  
8 President, Senate Minority Leader, Speaker of the House, House  
9 Minority Leader, the respective Chairmen and Minority  
10 Spokesmen of the Appropriations Committees of the Senate and  
11 the House, on or before November 30, a report that shall  
12 document by program or service category those expenditures from  
13 the most recently completed fiscal year used to pay for (i)  
14 services provided in prior fiscal years and (ii) services for  
15 which claims were received in prior fiscal years.

16 (f) The Department of Human Services (as successor to the  
17 Department of Public Aid) shall annually submit to the State  
18 Comptroller, Senate President, Senate Minority Leader, Speaker  
19 of the House, House Minority Leader, and the respective  
20 Chairmen and Minority Spokesmen of the Appropriations  
21 Committees of the Senate and the House, on or before December  
22 31, a report of fiscal year funds used to pay for services  
23 (other than medical care) provided in any prior fiscal year.  
24 This report shall document by program or service category those  
25 expenditures from the most recently completed fiscal year used  
26 to pay for services provided in prior fiscal years.

1 (g) In addition, each annual report required to be  
2 submitted by the Department of Healthcare and Family Services  
3 under subsection (e) shall include the following information  
4 with respect to the State's Medicaid program:

5 (1) Explanations of the exact causes of the variance  
6 between the previous year's estimated and actual  
7 liabilities.

8 (2) Factors affecting the Department of Healthcare and  
9 Family Services' liabilities, including but not limited to  
10 numbers of aid recipients, levels of medical service  
11 utilization by aid recipients, and inflation in the cost of  
12 medical services.

13 (3) The results of the Department's efforts to combat  
14 fraud and abuse.

15 (h) As provided in Section 4 of the General Assembly  
16 Compensation Act, any utility bill for service provided to a  
17 General Assembly member's district office for a period  
18 including portions of 2 consecutive fiscal years may be paid  
19 from funds appropriated for such expenditure in either fiscal  
20 year.

21 (i) An agency which administers a fund classified by the  
22 Comptroller as an internal service fund may issue rules for:

23 (1) billing user agencies in advance for payments or  
24 authorized inter-fund transfers based on estimated charges  
25 for goods or services;

26 (2) issuing credits, refunding through inter-fund

1 transfers, or reducing future inter-fund transfers during  
2 the subsequent fiscal year for all user agency payments or  
3 authorized inter-fund transfers received during the prior  
4 fiscal year which were in excess of the final amounts owed  
5 by the user agency for that period; and

6 (3) issuing catch-up billings to user agencies during  
7 the subsequent fiscal year for amounts remaining due when  
8 payments or authorized inter-fund transfers received from  
9 the user agency during the prior fiscal year were less than  
10 the total amount owed for that period.

11 User agencies are authorized to reimburse internal service  
12 funds for catch-up billings by vouchers drawn against their  
13 respective appropriations for the fiscal year in which the  
14 catch-up billing was issued or by increasing an authorized  
15 inter-fund transfer during the current fiscal year. For the  
16 purposes of this Act, "inter-fund transfers" means transfers  
17 without the use of the voucher-warrant process, as authorized  
18 by Section 9.01 of the State Comptroller Act.

19 (i-1) Beginning on July 1, 2021, all outstanding  
20 liabilities, not payable during the 4-month lapse period as  
21 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and  
22 (c) of this Section, that are made from appropriations for that  
23 purpose for any fiscal year, without regard to the fact that  
24 the services being compensated for by those payments may have  
25 been rendered in a prior fiscal year, are limited to only those  
26 claims that have been incurred but for which a proper bill or

1 invoice as defined by the State Prompt Payment Act has not been  
2 received by September 30th following the end of the fiscal year  
3 in which the service was rendered.

4 (j) Notwithstanding any other provision of this Act, the  
5 aggregate amount of payments to be made without regard for  
6 fiscal year limitations as contained in subsections (b-1),  
7 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and  
8 determined by using Generally Accepted Accounting Principles,  
9 shall not exceed the following amounts:

10 (1) \$6,000,000,000 for outstanding liabilities related  
11 to fiscal year 2012;

12 (2) \$5,300,000,000 for outstanding liabilities related  
13 to fiscal year 2013;

14 (3) \$4,600,000,000 for outstanding liabilities related  
15 to fiscal year 2014;

16 (4) \$4,000,000,000 for outstanding liabilities related  
17 to fiscal year 2015;

18 (5) \$3,300,000,000 for outstanding liabilities related  
19 to fiscal year 2016;

20 (6) \$2,600,000,000 for outstanding liabilities related  
21 to fiscal year 2017;

22 (7) \$2,000,000,000 for outstanding liabilities related  
23 to fiscal year 2018;

24 (8) \$1,300,000,000 for outstanding liabilities related  
25 to fiscal year 2019;

26 (9) \$600,000,000 for outstanding liabilities related

1 to fiscal year 2020; and

2 (10) \$0 for outstanding liabilities related to fiscal  
3 year 2021 and fiscal years thereafter.

4 (k) Department of Healthcare and Family Services Medical  
5 Assistance Payments.

6 (1) Definition of Medical Assistance.

7 For purposes of this subsection, the term "Medical  
8 Assistance" shall include, but not necessarily be  
9 limited to, medical programs and services authorized  
10 under Titles XIX and XXI of the Social Security Act,  
11 the Illinois Public Aid Code, the Children's Health  
12 Insurance Program Act, the Covering ALL KIDS Health  
13 Insurance Act, the Long Term Acute Care Hospital  
14 Quality Improvement Transfer Program Act, and medical  
15 care to or on behalf of persons suffering from chronic  
16 renal disease, persons suffering from hemophilia, and  
17 victims of sexual assault.

18 (2) Limitations on Medical Assistance payments that  
19 may be paid from future fiscal year appropriations.

20 (A) The maximum amounts of annual unpaid Medical  
21 Assistance bills received and recorded by the  
22 Department of Healthcare and Family Services on or  
23 before June 30th of a particular fiscal year  
24 attributable in aggregate to the General Revenue Fund,  
25 Healthcare Provider Relief Fund, Tobacco Settlement  
26 Recovery Fund, Long-Term Care Provider Fund, and the

1 Drug Rebate Fund that may be paid in total by the  
2 Department from future fiscal year Medical Assistance  
3 appropriations to those funds are: \$700,000,000 for  
4 fiscal year 2013 and \$100,000,000 for fiscal year 2014  
5 and each fiscal year thereafter.

6 (B) Bills for Medical Assistance services rendered  
7 in a particular fiscal year, but received and recorded  
8 by the Department of Healthcare and Family Services  
9 after June 30th of that fiscal year, may be paid from  
10 either appropriations for that fiscal year or future  
11 fiscal year appropriations for Medical Assistance.  
12 Such payments shall not be subject to the requirements  
13 of subparagraph (A).

14 (C) Medical Assistance bills received by the  
15 Department of Healthcare and Family Services in a  
16 particular fiscal year, but subject to payment amount  
17 adjustments in a future fiscal year may be paid from a  
18 future fiscal year's appropriation for Medical  
19 Assistance. Such payments shall not be subject to the  
20 requirements of subparagraph (A).

21 (D) Medical Assistance payments made by the  
22 Department of Healthcare and Family Services from  
23 funds other than those specifically referenced in  
24 subparagraph (A) may be made from appropriations for  
25 those purposes for any fiscal year without regard to  
26 the fact that the Medical Assistance services being



1            compensated for by such payment may have been rendered  
2            in a prior fiscal year. Such payments shall not be  
3            subject to the requirements of subparagraph (A).

4            (3) Extended lapse period for Department of Healthcare  
5            and Family Services Medical Assistance payments.  
6            Notwithstanding any other State law to the contrary,  
7            outstanding Department of Healthcare and Family Services  
8            Medical Assistance liabilities, as of June 30th, payable  
9            from appropriations which have otherwise expired, may be  
10           paid out of the expiring appropriations during the 6-month  
11           period ending at the close of business on December 31st.

12           (1) The changes to this Section made by Public Act 97-691  
13           shall be effective for payment of Medical Assistance bills  
14           incurred in fiscal year 2013 and future fiscal years. The  
15           changes to this Section made by Public Act 97-691 shall not be  
16           applied to Medical Assistance bills incurred in fiscal year  
17           2012 or prior fiscal years.

18           (m) The Comptroller must issue payments against  
19           outstanding liabilities that were received prior to the lapse  
20           period deadlines set forth in this Section as soon thereafter  
21           as practical, but no payment may be issued after the 4 months  
22           following the lapse period deadline without the signed  
23           authorization of the Comptroller and the Governor.

24           (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

25           (30 ILCS 105/5.95 rep.)

- 1 (30 ILCS 105/5.231 rep.)
- 2 (30 ILCS 105/5.290 rep.)
- 3 (30 ILCS 105/5.298 rep.)
- 4 (30 ILCS 105/5.460 rep.)
- 5 (30 ILCS 105/5.518 rep.)
- 6 (30 ILCS 105/5.606 rep.)
- 7 (30 ILCS 105/5.614 rep.)
- 8 (30 ILCS 105/5.615 rep.)
- 9 (30 ILCS 105/5.622 rep.)
- 10 (30 ILCS 105/5.633 rep.)
- 11 (30 ILCS 105/5.639 rep.)
- 12 (30 ILCS 105/5.641 rep.)
- 13 (30 ILCS 105/5.647 rep.)
- 14 (30 ILCS 105/5.649 rep.)
- 15 (30 ILCS 105/5.658 rep.)
- 16 (30 ILCS 105/5.660 rep.)
- 17 (30 ILCS 105/5.687 rep.)
- 18 (30 ILCS 105/5.701 rep.)
- 19 (30 ILCS 105/5.722 rep.)
- 20 (30 ILCS 105/5.738 rep.)
- 21 (30 ILCS 105/5.794 rep.)
- 22 (30 ILCS 105/5.803 rep.)
- 23 (30 ILCS 105/5.807 rep.)
- 24 (30 ILCS 105/6p-5 rep.)
- 25 (30 ILCS 105/6u rep.)
- 26 (30 ILCS 105/6z rep.)

- 1 (30 ILCS 105/6z-1 rep.)  
2 (30 ILCS 105/6z-8a rep.)  
3 (30 ILCS 105/6z-27.1 rep.)  
4 (30 ILCS 105/6z-33 rep.)  
5 (30 ILCS 105/6z-46 rep.)  
6 (30 ILCS 105/6z-69 rep.)  
7 (30 ILCS 105/6z-73 rep.)  
8 (30 ILCS 105/6z-91 rep.)  
9 (30 ILCS 105/8.16c rep.)  
10 (30 ILCS 105/8.32 rep.)

11 Section 45. The State Finance Act is amended by repealing  
12 Sections 5.95, 5.231, 5.290, 5.298, 5.460, 5.518, 5.606, 5.614,  
13 5.615, 5.622, 5.633, 5.639, 5.641, 5.647, 5.649, 5.658, 5.660,  
14 5.687, 5.701, 5.722, 5.738, 5.794, 5.803, 5.807, 6p-5, 6u, 6z,  
15 6z-1, 6z-8a, 6z-27.1, 6z-33, 6z-46, 6z-69, 6z-73, 6z-91, 8.16c,  
16 and 8.32.

17 (30 ILCS 177/Act rep.)

18 Section 50. The Transportation Development Partnership Act  
19 is repealed.

20 Section 55. The Short Term Borrowing Act is amended by  
21 changing Section 3 as follows:

22 (30 ILCS 340/3) (from Ch. 120, par. 408)

23 Sec. 3. There shall be prepared under the direction of the

1 officers named in this Act such form of bonds or certificates  
2 as they shall deem advisable, which, when issued, shall be  
3 signed by the Governor, Comptroller and Treasurer, and shall be  
4 recorded by the Comptroller in a book to be kept by him or her  
5 for that purpose. The interest and principal of such loan shall  
6 be paid by the treasurer out of the General Obligation Bond  
7 Retirement and Interest Fund.

8 There is hereby appropriated out of any money in the  
9 Treasury a sum sufficient for the payment of the interest and  
10 principal of any debts contracted under this Act.

11 The Governor, Comptroller, and Treasurer are authorized to  
12 order pursuant to the proceedings authorizing those debts the  
13 transfer of any moneys on deposit in the treasury into the  
14 General Obligation Bond Retirement and Interest Fund at times  
15 and in amounts they deem necessary to provide for the payment  
16 of that interest and principal.

17 The Comptroller is hereby authorized and directed to draw  
18 his warrant on the State Treasurer for the amount of all such  
19 payments.

20 The directive authorizing borrowing under Section 1 or 1.1  
21 of this Act shall set forth a pro forma cash flow statement  
22 that identifies estimated monthly receipts and expenditures  
23 with identification of sources for repaying the borrowed funds.

24 ~~All proceeds from any borrowing under this Act received by~~  
25 ~~the State on or after June 10, 2004 and before July 1, 2004~~  
26 ~~shall be deposited into the Medicaid Provider Relief Fund.~~

1 (Source: P.A. 88-669, eff. 11-29-94; 93-674, eff. 6-10-04;  
2 93-1046, eff. 10-15-04.)

3 (30 ILCS 780/5-55 rep.)

4 Section 60. The Eliminate the Digital Divide Law is amended  
5 by repealing Section 5-55.

6 (35 ILCS 5/507CC rep.)

7 (35 ILCS 5/507HH rep.)

8 (35 ILCS 5/507II rep.)

9 (35 ILCS 5/507KK rep.)

10 (35 ILCS 5/507LL rep.)

11 (35 ILCS 5/507PP rep.)

12 Section 65. The Illinois Income Tax Act is amended by  
13 repealing Sections 507CC, 507HH, 507II, 507KK, 507LL, and  
14 507PP.

15 Section 70. The Counties Code is amended by changing  
16 Sections 3-9005, 5-1006.5, and 5-1035.1 as follows:

17 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

18 Sec. 3-9005. Powers and duties of State's attorney.

19 (a) The duty of each State's attorney shall be:

20 (1) To commence and prosecute all actions, suits,  
21 indictments and prosecutions, civil and criminal, in the  
22 circuit court for his county, in which the people of the

1 State or county may be concerned.

2 (2) To prosecute all forfeited bonds and  
3 recognizances, and all actions and proceedings for the  
4 recovery of debts, revenues, moneys, fines, penalties and  
5 forfeitures accruing to the State or his county, or to any  
6 school district or road district in his county; also, to  
7 prosecute all suits in his county against railroad or  
8 transportation companies, which may be prosecuted in the  
9 name of the People of the State of Illinois.

10 (3) To commence and prosecute all actions and  
11 proceedings brought by any county officer in his official  
12 capacity.

13 (4) To defend all actions and proceedings brought  
14 against his county, or against any county or State officer,  
15 in his official capacity, within his county.

16 (5) To attend the examination of all persons brought  
17 before any judge on habeas corpus, when the prosecution is  
18 in his county.

19 (6) To attend before judges and prosecute charges of  
20 felony or misdemeanor, for which the offender is required  
21 to be recognized to appear before the circuit court, when  
22 in his power so to do.

23 (7) To give his opinion, without fee or reward, to any  
24 county officer in his county, upon any question or law  
25 relating to any criminal or other matter, in which the  
26 people or the county may be concerned.

1           (8) To assist the attorney general whenever it may be  
2 necessary, and in cases of appeal from his county to the  
3 Supreme Court, to which it is the duty of the attorney  
4 general to attend, he shall furnish the attorney general at  
5 least 10 days before such is due to be filed, a manuscript  
6 of a proposed statement, brief and argument to be printed  
7 and filed on behalf of the people, prepared in accordance  
8 with the rules of the Supreme Court. However, if such  
9 brief, argument or other document is due to be filed by law  
10 or order of court within this 10-day period, then the  
11 State's attorney shall furnish such as soon as may be  
12 reasonable.

13           (9) To pay all moneys received by him in trust, without  
14 delay, to the officer who by law is entitled to the custody  
15 thereof.

16           (10) To notify, by first class mail, complaining  
17 witnesses of the ultimate disposition of the cases arising  
18 from an indictment or an information.

19           (11) To perform such other and further duties as may,  
20 from time to time, be enjoined on him by law.

21           (12) To appear in all proceedings by collectors of  
22 taxes against delinquent taxpayers for judgments to sell  
23 real estate, and see that all the necessary preliminary  
24 steps have been legally taken to make the judgment legal  
25 and binding.

26           (13) To notify, by first-class mail, the State

1 Superintendent of Education, the applicable regional  
2 superintendent of schools, and the superintendent of the  
3 employing school district or the chief school  
4 administrator of the employing nonpublic school, if any,  
5 upon the conviction of any individual known to possess a  
6 certificate or license issued pursuant to Article 21 or  
7 21B, respectively, of the School Code of any offense set  
8 forth in Section 21B-80 of the School Code or any other  
9 felony conviction, providing the name of the certificate  
10 holder, the fact of the conviction, and the name and  
11 location of the court where the conviction occurred. The  
12 certificate holder must also be contemporaneously sent a  
13 copy of the notice.

14 (b) The State's Attorney of each county shall have  
15 authority to appoint one or more special investigators to serve  
16 subpoenas and summonses, make return of process, and conduct  
17 investigations which assist the State's Attorney in the  
18 performance of his duties. In counties of the first and second  
19 class, the fees for service of subpoenas and summonses are  
20 allowed by this Section and shall be consistent with those set  
21 forth in Section 4-5001 of this Act, except when increased by  
22 county ordinance as provided for in Section 4-5001. In counties  
23 of the third class, the fees for service of subpoenas and  
24 summonses are allowed by this Section and shall be consistent  
25 with those set forth in Section 4-12001 of this Act. A special  
26 investigator shall not carry firearms except with permission of



1 the State's Attorney and only while carrying appropriate  
2 identification indicating his employment and in the  
3 performance of his assigned duties.

4 Subject to the qualifications set forth in this subsection,  
5 special investigators shall be peace officers and shall have  
6 all the powers possessed by investigators under the State's  
7 Attorneys Appellate Prosecutor's Act.

8 No special investigator employed by the State's Attorney  
9 shall have peace officer status or exercise police powers  
10 unless he or she successfully completes the basic police  
11 training course mandated and approved by the Illinois Law  
12 Enforcement Training Standards Board or such board waives the  
13 training requirement by reason of the special investigator's  
14 prior law enforcement experience or training or both. Any  
15 State's Attorney appointing a special investigator shall  
16 consult with all affected local police agencies, to the extent  
17 consistent with the public interest, if the special  
18 investigator is assigned to areas within that agency's  
19 jurisdiction.

20 Before a person is appointed as a special investigator, his  
21 fingerprints shall be taken and transmitted to the Department  
22 of State Police. The Department shall examine its records and  
23 submit to the State's Attorney of the county in which the  
24 investigator seeks appointment any conviction information  
25 concerning the person on file with the Department. No person  
26 shall be appointed as a special investigator if he has been

1 convicted of a felony or other offense involving moral  
2 turpitude. A special investigator shall be paid a salary and be  
3 reimbursed for actual expenses incurred in performing his  
4 assigned duties. The county board shall approve the salary and  
5 actual expenses and appropriate the salary and expenses in the  
6 manner prescribed by law or ordinance.

7 (c) The State's Attorney may request and receive from  
8 employers, labor unions, telephone companies, and utility  
9 companies location information concerning putative fathers and  
10 noncustodial parents for the purpose of establishing a child's  
11 paternity or establishing, enforcing, or modifying a child  
12 support obligation. In this subsection, "location information"  
13 means information about (i) the physical whereabouts of a  
14 putative father or noncustodial parent, (ii) the putative  
15 father or noncustodial parent's employer, or (iii) the salary,  
16 wages, and other compensation paid and the health insurance  
17 coverage provided to the putative father or noncustodial parent  
18 by the employer of the putative father or noncustodial parent  
19 or by a labor union of which the putative father or  
20 noncustodial parent is a member.

21 (d) (Blank). ~~For each State fiscal year, the State's~~  
22 ~~Attorney of Cook County shall appear before the General~~  
23 ~~Assembly and request appropriations to be made from the Capital~~  
24 ~~Litigation Trust Fund to the State Treasurer for the purpose of~~  
25 ~~providing assistance in the prosecution of capital cases in~~  
26 ~~Cook County and for the purpose of providing assistance to the~~

1 ~~State in post-conviction proceedings in capital cases under~~  
2 ~~Article 122 of the Code of Criminal Procedure of 1963 and in~~  
3 ~~relation to petitions filed under Section 2-1401 of the Code of~~  
4 ~~Civil Procedure in relation to capital cases. The State's~~  
5 ~~Attorney may appear before the General Assembly at other times~~  
6 ~~during the State's fiscal year to request supplemental~~  
7 ~~appropriations from the Trust Fund to the State Treasurer.~~

8 (e) The State's Attorney shall have the authority to enter  
9 into a written agreement with the Department of Revenue for  
10 pursuit of civil liability under subsection (E) of Section 17-1  
11 of the Criminal Code of 2012 against persons who have issued to  
12 the Department checks or other orders in violation of the  
13 provisions of paragraph (1) of subsection (B) of Section 17-1  
14 of the Criminal Code of 2012, with the Department to retain the  
15 amount owing upon the dishonored check or order along with the  
16 dishonored check fee imposed under the Uniform Penalty and  
17 Interest Act, with the balance of damages, fees, and costs  
18 collected under subsection (E) of Section 17-1 of the Criminal  
19 Code of 2012 or under Section 17-1a of that Code to be retained  
20 by the State's Attorney. The agreement shall not affect the  
21 allocation of fines and costs imposed in any criminal  
22 prosecution.

23 (Source: P.A. 99-169, eff. 7-28-15; 99-642, eff. 7-28-16.)

24 (55 ILCS 5/5-1006.5)

25 Sec. 5-1006.5. Special County Retailers' Occupation Tax

1 For Public Safety, Public Facilities, Mental Health, Substance  
2 Abuse, or Transportation.

3 (a) The county board of any county may impose a tax upon  
4 all persons engaged in the business of selling tangible  
5 personal property, other than personal property titled or  
6 registered with an agency of this State's government, at retail  
7 in the county on the gross receipts from the sales made in the  
8 course of business to provide revenue to be used exclusively  
9 for public safety, public facility, mental health, substance  
10 abuse, or transportation purposes in that county, if a  
11 proposition for the tax has been submitted to the electors of  
12 that county and approved by a majority of those voting on the  
13 question. If imposed, this tax shall be imposed only in  
14 one-quarter percent increments. By resolution, the county  
15 board may order the proposition to be submitted at any  
16 election. If the tax is imposed for transportation purposes for  
17 expenditures for public highways or as authorized under the  
18 Illinois Highway Code, the county board must publish notice of  
19 the existence of its long-range highway transportation plan as  
20 required or described in Section 5-301 of the Illinois Highway  
21 Code and must make the plan publicly available prior to  
22 approval of the ordinance or resolution imposing the tax. If  
23 the tax is imposed for transportation purposes for expenditures  
24 for passenger rail transportation, the county board must  
25 publish notice of the existence of its long-range passenger  
26 rail transportation plan and must make the plan publicly

1 available prior to approval of the ordinance or resolution  
2 imposing the tax.

3 If a tax is imposed for public facilities purposes, then  
4 the name of the project may be included in the proposition at  
5 the discretion of the county board as determined in the  
6 enabling resolution. For example, the "XXX Nursing Home" or the  
7 "YYY Museum".

8 The county clerk shall certify the question to the proper  
9 election authority, who shall submit the proposition at an  
10 election in accordance with the general election law.

11 (1) The proposition for public safety purposes shall be  
12 in substantially the following form:

13 "To pay for public safety purposes, shall (name of  
14 county) be authorized to impose an increase on its share of  
15 local sales taxes by (insert rate)?"

16 As additional information on the ballot below the  
17 question shall appear the following:

18 "This would mean that a consumer would pay an  
19 additional (insert amount) in sales tax for every \$100 of  
20 tangible personal property bought at retail."

21 The county board may also opt to establish a sunset  
22 provision at which time the additional sales tax would  
23 cease being collected, if not terminated earlier by a vote  
24 of the county board. If the county board votes to include a  
25 sunset provision, the proposition for public safety  
26 purposes shall be in substantially the following form:

1            "To pay for public safety purposes, shall (name of  
2 county) be authorized to impose an increase on its share of  
3 local sales taxes by (insert rate) for a period not to  
4 exceed (insert number of years)?"

5            As additional information on the ballot below the  
6 question shall appear the following:

7            "This would mean that a consumer would pay an  
8 additional (insert amount) in sales tax for every \$100 of  
9 tangible personal property bought at retail. If imposed,  
10 the additional tax would cease being collected at the end  
11 of (insert number of years), if not terminated earlier by a  
12 vote of the county board."

13            For the purposes of the paragraph, "public safety  
14 purposes" means crime prevention, detention, fire  
15 fighting, police, medical, ambulance, or other emergency  
16 services.

17            Votes shall be recorded as "Yes" or "No".

18            Beginning on the January 1 or July 1, whichever is  
19 first, that occurs not less than 30 days after May 31, 2015  
20 (the effective date of Public Act 99-4), Adams County may  
21 impose a public safety retailers' occupation tax and  
22 service occupation tax at the rate of 0.25%, as provided in  
23 the referendum approved by the voters on April 7, 2015,  
24 notwithstanding the omission of the additional information  
25 that is otherwise required to be printed on the ballot  
26 below the question pursuant to this item (1).

1           (2) The proposition for transportation purposes shall  
2 be in substantially the following form:

3           "To pay for improvements to roads and other  
4 transportation purposes, shall (name of county) be  
5 authorized to impose an increase on its share of local  
6 sales taxes by (insert rate)?"

7           As additional information on the ballot below the  
8 question shall appear the following:

9           "This would mean that a consumer would pay an  
10 additional (insert amount) in sales tax for every \$100 of  
11 tangible personal property bought at retail."

12           The county board may also opt to establish a sunset  
13 provision at which time the additional sales tax would  
14 cease being collected, if not terminated earlier by a vote  
15 of the county board. If the county board votes to include a  
16 sunset provision, the proposition for transportation  
17 purposes shall be in substantially the following form:

18           "To pay for road improvements and other transportation  
19 purposes, shall (name of county) be authorized to impose an  
20 increase on its share of local sales taxes by (insert rate)  
21 for a period not to exceed (insert number of years)?"

22           As additional information on the ballot below the  
23 question shall appear the following:

24           "This would mean that a consumer would pay an  
25 additional (insert amount) in sales tax for every \$100 of  
26 tangible personal property bought at retail. If imposed,

1 the additional tax would cease being collected at the end  
2 of (insert number of years), if not terminated earlier by a  
3 vote of the county board."

4 For the purposes of this paragraph, transportation  
5 purposes means construction, maintenance, operation, and  
6 improvement of public highways, any other purpose for which  
7 a county may expend funds under the Illinois Highway Code,  
8 and passenger rail transportation.

9 The votes shall be recorded as "Yes" or "No".

10 (3) The proposition for public facilities purposes  
11 shall be in substantially the following form:

12 "To pay for public facilities purposes, shall (name of  
13 county) be authorized to impose an increase on its share of  
14 local sales taxes by (insert rate)?"

15 As additional information on the ballot below the  
16 question shall appear the following:

17 "This would mean that a consumer would pay an  
18 additional (insert amount) in sales tax for every \$100 of  
19 tangible personal property bought at retail."

20 The county board may also opt to establish a sunset  
21 provision at which time the additional sales tax would  
22 cease being collected, if not terminated earlier by a vote  
23 of the county board. If the county board votes to include a  
24 sunset provision, the proposition for public facilities  
25 purposes shall be in substantially the following form:

26 "To pay for public facilities purposes, shall (name of



1 county) be authorized to impose an increase on its share of  
2 local sales taxes by (insert rate) for a period not to  
3 exceed (insert number of years)?"

4 As additional information on the ballot below the  
5 question shall appear the following:

6 "This would mean that a consumer would pay an  
7 additional (insert amount) in sales tax for every \$100 of  
8 tangible personal property bought at retail. If imposed,  
9 the additional tax would cease being collected at the end  
10 of (insert number of years), if not terminated earlier by a  
11 vote of the county board."

12 For purposes of this Section, "public facilities  
13 purposes" means the acquisition, development,  
14 construction, reconstruction, rehabilitation, improvement,  
15 financing, architectural planning, and installation of  
16 capital facilities consisting of buildings, structures,  
17 and durable equipment and for the acquisition and  
18 improvement of real property and interest in real property  
19 required, or expected to be required, in connection with  
20 the public facilities, for use by the county for the  
21 furnishing of governmental services to its citizens,  
22 including but not limited to museums and nursing homes.

23 The votes shall be recorded as "Yes" or "No".

24 (4) The proposition for mental health purposes shall be  
25 in substantially the following form:

26 "To pay for mental health purposes, shall (name of

1 county) be authorized to impose an increase on its share of  
2 local sales taxes by (insert rate)?"

3 As additional information on the ballot below the  
4 question shall appear the following:

5 "This would mean that a consumer would pay an  
6 additional (insert amount) in sales tax for every \$100 of  
7 tangible personal property bought at retail."

8 The county board may also opt to establish a sunset  
9 provision at which time the additional sales tax would  
10 cease being collected, if not terminated earlier by a vote  
11 of the county board. If the county board votes to include a  
12 sunset provision, the proposition for public facilities  
13 purposes shall be in substantially the following form:

14 "To pay for mental health purposes, shall (name of  
15 county) be authorized to impose an increase on its share of  
16 local sales taxes by (insert rate) for a period not to  
17 exceed (insert number of years)?"

18 As additional information on the ballot below the  
19 question shall appear the following:

20 "This would mean that a consumer would pay an  
21 additional (insert amount) in sales tax for every \$100 of  
22 tangible personal property bought at retail. If imposed,  
23 the additional tax would cease being collected at the end  
24 of (insert number of years), if not terminated earlier by a  
25 vote of the county board."

26 The votes shall be recorded as "Yes" or "No".

1           (5) The proposition for substance abuse purposes shall  
2 be in substantially the following form:

3           "To pay for substance abuse purposes, shall (name of  
4 county) be authorized to impose an increase on its share of  
5 local sales taxes by (insert rate)?"

6           As additional information on the ballot below the  
7 question shall appear the following:

8           "This would mean that a consumer would pay an  
9 additional (insert amount) in sales tax for every \$100 of  
10 tangible personal property bought at retail."

11           The county board may also opt to establish a sunset  
12 provision at which time the additional sales tax would  
13 cease being collected, if not terminated earlier by a vote  
14 of the county board. If the county board votes to include a  
15 sunset provision, the proposition for public facilities  
16 purposes shall be in substantially the following form:

17           "To pay for substance abuse purposes, shall (name of  
18 county) be authorized to impose an increase on its share of  
19 local sales taxes by (insert rate) for a period not to  
20 exceed (insert number of years)?"

21           As additional information on the ballot below the  
22 question shall appear the following:

23           "This would mean that a consumer would pay an  
24 additional (insert amount) in sales tax for every \$100 of  
25 tangible personal property bought at retail. If imposed,  
26 the additional tax would cease being collected at the end

1 of (insert number of years), if not terminated earlier by a  
2 vote of the county board."

3 The votes shall be recorded as "Yes" or "No".

4 If a majority of the electors voting on the proposition  
5 vote in favor of it, the county may impose the tax. A county  
6 may not submit more than one proposition authorized by this  
7 Section to the electors at any one time.

8 This additional tax may not be imposed on tangible personal  
9 property taxed at the 1% rate under the Retailers' Occupation  
10 Tax Act. The tax imposed by a county under this Section and all  
11 civil penalties that may be assessed as an incident of the tax  
12 shall be collected and enforced by the Illinois Department of  
13 Revenue and deposited into a special fund created for that  
14 purpose. The certificate of registration that is issued by the  
15 Department to a retailer under the Retailers' Occupation Tax  
16 Act shall permit the retailer to engage in a business that is  
17 taxable without registering separately with the Department  
18 under an ordinance or resolution under this Section. The  
19 Department has full power to administer and enforce this  
20 Section, to collect all taxes and penalties due under this  
21 Section, to dispose of taxes and penalties so collected in the  
22 manner provided in this Section, and to determine all rights to  
23 credit memoranda arising on account of the erroneous payment of  
24 a tax or penalty under this Section. In the administration of  
25 and compliance with this Section, the Department and persons  
26 who are subject to this Section shall (i) have the same rights,

1 remedies, privileges, immunities, powers, and duties, (ii) be  
2 subject to the same conditions, restrictions, limitations,  
3 penalties, and definitions of terms, and (iii) employ the same  
4 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,  
5 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to  
6 all provisions contained in those Sections other than the State  
7 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to  
8 transaction returns and quarter monthly payments), 4, 5, 5a,  
9 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
10 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation  
11 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act  
12 as if those provisions were set forth in this Section.

13 Persons subject to any tax imposed under the authority  
14 granted in this Section may reimburse themselves for their  
15 sellers' tax liability by separately stating the tax as an  
16 additional charge, which charge may be stated in combination,  
17 in a single amount, with State tax which sellers are required  
18 to collect under the Use Tax Act, pursuant to such bracketed  
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be  
21 made under this Section to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the order to be drawn for the  
24 amount specified and to the person named in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the County Public Safety, Public Facilities,

1 Mental Health, Substance Abuse, or Transportation Retailers'  
2 Occupation Tax Fund.

3 (b) If a tax has been imposed under subsection (a), a  
4 service occupation tax shall also be imposed at the same rate  
5 upon all persons engaged, in the county, in the business of  
6 making sales of service, who, as an incident to making those  
7 sales of service, transfer tangible personal property within  
8 the county as an incident to a sale of service. This tax may  
9 not be imposed on tangible personal property taxed at the 1%  
10 rate under the Service Occupation Tax Act. The tax imposed  
11 under this subsection and all civil penalties that may be  
12 assessed as an incident thereof shall be collected and enforced  
13 by the Department of Revenue. The Department has full power to  
14 administer and enforce this subsection; to collect all taxes  
15 and penalties due hereunder; to dispose of taxes and penalties  
16 so collected in the manner hereinafter provided; and to  
17 determine all rights to credit memoranda arising on account of  
18 the erroneous payment of tax or penalty hereunder. In the  
19 administration of, and compliance with this subsection, the  
20 Department and persons who are subject to this paragraph shall  
21 (i) have the same rights, remedies, privileges, immunities,  
22 powers, and duties, (ii) be subject to the same conditions,  
23 restrictions, limitations, penalties, exclusions, exemptions,  
24 and definitions of terms, and (iii) employ the same modes of  
25 procedure as are prescribed in Sections 2 (except that the  
26 reference to State in the definition of supplier maintaining a

1 place of business in this State shall mean the county), 2a, 2b,  
2 2c, 3 through 3-50 (in respect to all provisions therein other  
3 than the State rate of tax), 4 (except that the reference to  
4 the State shall be to the county), 5, 7, 8 (except that the  
5 jurisdiction to which the tax shall be a debt to the extent  
6 indicated in that Section 8 shall be the county), 9 (except as  
7 to the disposition of taxes and penalties collected), 10, 11,  
8 12 (except the reference therein to Section 2b of the  
9 Retailers' Occupation Tax Act), 13 (except that any reference  
10 to the State shall mean the county), Section 15, 16, 17, 18, 19  
11 and 20 of the Service Occupation Tax Act and Section 3-7 of the  
12 Uniform Penalty and Interest Act, as fully as if those  
13 provisions were set forth herein.

14 Persons subject to any tax imposed under the authority  
15 granted in this subsection may reimburse themselves for their  
16 serviceman's tax liability by separately stating the tax as an  
17 additional charge, which charge may be stated in combination,  
18 in a single amount, with State tax that servicemen are  
19 authorized to collect under the Service Use Tax Act, in  
20 accordance with such bracket schedules as the Department may  
21 prescribe.

22 Whenever the Department determines that a refund should be  
23 made under this subsection to a claimant instead of issuing a  
24 credit memorandum, the Department shall notify the State  
25 Comptroller, who shall cause the warrant to be drawn for the  
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State  
2 Treasurer out of the County Public Safety, Public Facilities,  
3 Mental Health, Substance Abuse, or Transportation Retailers'  
4 Occupation Fund.

5 Nothing in this subsection shall be construed to authorize  
6 the county to impose a tax upon the privilege of engaging in  
7 any business which under the Constitution of the United States  
8 may not be made the subject of taxation by the State.

9 (c) The Department shall immediately pay over to the State  
10 Treasurer, ex officio, as trustee, all taxes and penalties  
11 collected under this Section to be deposited into the County  
12 Public Safety, Public Facilities, Mental Health, Substance  
13 Abuse, or Transportation Retailers' Occupation Tax Fund, which  
14 shall be an unappropriated trust fund held outside of the State  
15 treasury.

16 As soon as possible after the first day of each month,  
17 beginning January 1, 2011, upon certification of the Department  
18 of Revenue, the Comptroller shall order transferred, and the  
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
20 local sales tax increment, as defined in the Innovation  
21 Development and Economy Act, collected under this Section  
22 during the second preceding calendar month for sales within a  
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,  
25 on or before the 25th day of each calendar month, the  
26 Department shall prepare and certify to the Comptroller the



1 disbursement of stated sums of money to the counties from which  
2 retailers have paid taxes or penalties to the Department during  
3 the second preceding calendar month. The amount to be paid to  
4 each county, and deposited by the county into its special fund  
5 created for the purposes of this Section, shall be the amount  
6 (not including credit memoranda) collected under this Section  
7 during the second preceding calendar month by the Department  
8 plus an amount the Department determines is necessary to offset  
9 any amounts that were erroneously paid to a different taxing  
10 body, and not including (i) an amount equal to the amount of  
11 refunds made during the second preceding calendar month by the  
12 Department on behalf of the county, (ii) any amount that the  
13 Department determines is necessary to offset any amounts that  
14 were payable to a different taxing body but were erroneously  
15 paid to the county, (iii) any amounts that are transferred to  
16 the STAR Bonds Revenue Fund, and (iv) 1.5% of the remainder,  
17 which shall be transferred into the Tax Compliance and  
18 Administration Fund. The Department, at the time of each  
19 monthly disbursement to the counties, shall prepare and certify  
20 to the State Comptroller the amount to be transferred into the  
21 Tax Compliance and Administration Fund under this subsection.  
22 Within 10 days after receipt by the Comptroller of the  
23 disbursement certification to the counties and the Tax  
24 Compliance and Administration Fund provided for in this Section  
25 to be given to the Comptroller by the Department, the  
26 Comptroller shall cause the orders to be drawn for the

1       respective amounts in accordance with directions contained in  
2       the certification.

3             In addition to the disbursement required by the preceding  
4       paragraph, an allocation shall be made in March of each year to  
5       each county that received more than \$500,000 in disbursements  
6       under the preceding paragraph in the preceding calendar year.  
7       The allocation shall be in an amount equal to the average  
8       monthly distribution made to each such county under the  
9       preceding paragraph during the preceding calendar year  
10      (excluding the 2 months of highest receipts). The distribution  
11     made in March of each year subsequent to the year in which an  
12     allocation was made pursuant to this paragraph and the  
13     preceding paragraph shall be reduced by the amount allocated  
14     and disbursed under this paragraph in the preceding calendar  
15     year. The Department shall prepare and certify to the  
16     Comptroller for disbursement the allocations made in  
17     accordance with this paragraph.

18             ~~A county may direct, by ordinance, that all or a portion of~~  
19     ~~the taxes and penalties collected under the Special County~~  
20     ~~Retailers' Occupation Tax For Public Safety, Public~~  
21     ~~Facilities, Mental Health, Substance Abuse, or Transportation~~  
22     ~~be deposited into the Transportation Development Partnership~~  
23     ~~Trust Fund.~~

24             (d) For the purpose of determining the local governmental  
25     unit whose tax is applicable, a retail sale by a producer of  
26     coal or another mineral mined in Illinois is a sale at retail

1 at the place where the coal or other mineral mined in Illinois  
2 is extracted from the earth. This paragraph does not apply to  
3 coal or another mineral when it is delivered or shipped by the  
4 seller to the purchaser at a point outside Illinois so that the  
5 sale is exempt under the United States Constitution as a sale  
6 in interstate or foreign commerce.

7 (e) Nothing in this Section shall be construed to authorize  
8 a county to impose a tax upon the privilege of engaging in any  
9 business that under the Constitution of the United States may  
10 not be made the subject of taxation by this State.

11 (e-5) If a county imposes a tax under this Section, the  
12 county board may, by ordinance, discontinue or lower the rate  
13 of the tax. If the county board lowers the tax rate or  
14 discontinues the tax, a referendum must be held in accordance  
15 with subsection (a) of this Section in order to increase the  
16 rate of the tax or to reimpose the discontinued tax.

17 (f) Beginning April 1, 1998 and through December 31, 2013,  
18 the results of any election authorizing a proposition to impose  
19 a tax under this Section or effecting a change in the rate of  
20 tax, or any ordinance lowering the rate or discontinuing the  
21 tax, shall be certified by the county clerk and filed with the  
22 Illinois Department of Revenue either (i) on or before the  
23 first day of April, whereupon the Department shall proceed to  
24 administer and enforce the tax as of the first day of July next  
25 following the filing; or (ii) on or before the first day of  
26 October, whereupon the Department shall proceed to administer

1 and enforce the tax as of the first day of January next  
2 following the filing.

3 Beginning January 1, 2014, the results of any election  
4 authorizing a proposition to impose a tax under this Section or  
5 effecting an increase in the rate of tax, along with the  
6 ordinance adopted to impose the tax or increase the rate of the  
7 tax, or any ordinance adopted to lower the rate or discontinue  
8 the tax, shall be certified by the county clerk and filed with  
9 the Illinois Department of Revenue either (i) on or before the  
10 first day of May, whereupon the Department shall proceed to  
11 administer and enforce the tax as of the first day of July next  
12 following the adoption and filing; or (ii) on or before the  
13 first day of October, whereupon the Department shall proceed to  
14 administer and enforce the tax as of the first day of January  
15 next following the adoption and filing.

16 (g) When certifying the amount of a monthly disbursement to  
17 a county under this Section, the Department shall increase or  
18 decrease the amounts by an amount necessary to offset any  
19 miscalculation of previous disbursements. The offset amount  
20 shall be the amount erroneously disbursed within the previous 6  
21 months from the time a miscalculation is discovered.

22 (h) This Section may be cited as the "Special County  
23 Occupation Tax For Public Safety, Public Facilities, Mental  
24 Health, Substance Abuse, or Transportation Law".

25 (i) For purposes of this Section, "public safety" includes,  
26 but is not limited to, crime prevention, detention, fire

1 fighting, police, medical, ambulance, or other emergency  
2 services. The county may share tax proceeds received under this  
3 Section for public safety purposes, including proceeds  
4 received before August 4, 2009 (the effective date of Public  
5 Act 96-124), with any fire protection district located in the  
6 county. For the purposes of this Section, "transportation"  
7 includes, but is not limited to, the construction, maintenance,  
8 operation, and improvement of public highways, any other  
9 purpose for which a county may expend funds under the Illinois  
10 Highway Code, and passenger rail transportation. For the  
11 purposes of this Section, "public facilities purposes"  
12 includes, but is not limited to, the acquisition, development,  
13 construction, reconstruction, rehabilitation, improvement,  
14 financing, architectural planning, and installation of capital  
15 facilities consisting of buildings, structures, and durable  
16 equipment and for the acquisition and improvement of real  
17 property and interest in real property required, or expected to  
18 be required, in connection with the public facilities, for use  
19 by the county for the furnishing of governmental services to  
20 its citizens, including but not limited to museums and nursing  
21 homes.

22 (j) The Department may promulgate rules to implement Public  
23 Act 95-1002 only to the extent necessary to apply the existing  
24 rules for the Special County Retailers' Occupation Tax for  
25 Public Safety to this new purpose for public facilities.

26 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,

1 eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
2 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; revised 1-9-19.)

3 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

4 Sec. 5-1035.1. County Motor Fuel Tax Law. The county board  
5 of the counties of DuPage, Kane and McHenry may, by an  
6 ordinance or resolution adopted by an affirmative vote of a  
7 majority of the members elected or appointed to the county  
8 board, impose a tax upon all persons engaged in the county in  
9 the business of selling motor fuel, as now or hereafter defined  
10 in the Motor Fuel Tax Law, at retail for the operation of motor  
11 vehicles upon public highways or for the operation of  
12 recreational watercraft upon waterways. Kane County may exempt  
13 diesel fuel from the tax imposed pursuant to this Section. The  
14 tax may be imposed, in half-cent increments, at a rate not  
15 exceeding 4 cents per gallon of motor fuel sold at retail  
16 within the county for the purpose of use or consumption and not  
17 for the purpose of resale. The proceeds from the tax shall be  
18 used by the county solely for the purpose of operating,  
19 constructing and improving public highways and waterways, and  
20 acquiring real property and right-of-ways for public highways  
21 and waterways within the county imposing the tax.

22 A tax imposed pursuant to this Section, and all civil  
23 penalties that may be assessed as an incident thereof, shall be  
24 administered, collected and enforced by the Illinois  
25 Department of Revenue in the same manner as the tax imposed

1 under the Retailers' Occupation Tax Act, as now or hereafter  
2 amended, insofar as may be practicable; except that in the  
3 event of a conflict with the provisions of this Section, this  
4 Section shall control. The Department of Revenue shall have  
5 full power: to administer and enforce this Section; to collect  
6 all taxes and penalties due hereunder; to dispose of taxes and  
7 penalties so collected in the manner hereinafter provided; and  
8 to determine all rights to credit memoranda arising on account  
9 of the erroneous payment of tax or penalty hereunder.

10 Whenever the Department determines that a refund shall be  
11 made under this Section to a claimant instead of issuing a  
12 credit memorandum, the Department shall notify the State  
13 Comptroller, who shall cause the order to be drawn for the  
14 amount specified, and to the person named, in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the County Option Motor Fuel Tax Fund.

17 The Department shall forthwith pay over to the State  
18 Treasurer, ex-officio, as trustee, all taxes and penalties  
19 collected hereunder, which shall be deposited into the County  
20 Option Motor Fuel Tax Fund, a special fund in the State  
21 Treasury which is hereby created. On or before the 25th day of  
22 each calendar month, the Department shall prepare and certify  
23 to the State Comptroller the disbursement of stated sums of  
24 money to named counties for which taxpayers have paid taxes or  
25 penalties hereunder to the Department during the second  
26 preceding calendar month. The amount to be paid to each county

1 shall be the amount (not including credit memoranda) collected  
2 hereunder from retailers within the county during the second  
3 preceding calendar month by the Department, but not including  
4 an amount equal to the amount of refunds made during the second  
5 preceding calendar month by the Department on behalf of the  
6 county; less 2% of the balance, which sum shall be retained by  
7 the State Treasurer to cover the costs incurred by the  
8 Department in administering and enforcing the provisions of  
9 this Section. The Department, at the time of each monthly  
10 disbursement to the counties, shall prepare and certify to the  
11 Comptroller the amount so retained by the State Treasurer,  
12 which shall be transferred into the Tax Compliance and  
13 Administration Fund.

14 ~~A county may direct, by ordinance, that all or a portion of~~  
15 ~~the taxes and penalties collected under the County Option Motor~~  
16 ~~Fuel Tax shall be deposited into the Transportation Development~~  
17 ~~Partnership Trust Fund.~~

18 Nothing in this Section shall be construed to authorize a  
19 county to impose a tax upon the privilege of engaging in any  
20 business which under the Constitution of the United States may  
21 not be made the subject of taxation by this State.

22 An ordinance or resolution imposing a tax hereunder or  
23 effecting a change in the rate thereof shall be effective on  
24 the first day of the second calendar month next following the  
25 month in which the ordinance or resolution is adopted and a  
26 certified copy thereof is filed with the Department of Revenue,



1 whereupon the Department of Revenue shall proceed to administer  
2 and enforce this Section on behalf of the county as of the  
3 effective date of the ordinance or resolution. Upon a change in  
4 rate of a tax levied hereunder, or upon the discontinuance of  
5 the tax, the county board of the county shall, on or not later  
6 than 5 days after the effective date of the ordinance or  
7 resolution discontinuing the tax or effecting a change in rate,  
8 transmit to the Department of Revenue a certified copy of the  
9 ordinance or resolution effecting the change or  
10 discontinuance.

11 This Section shall be known and may be cited as the County  
12 Motor Fuel Tax Law.

13 (Source: P.A. 98-1049, eff. 8-25-14.)

14 (55 ILCS 5/3-4006.1 rep.)

15 Section 75. The Counties Code is amended by repealing  
16 Section 3-4006.1.

17 Section 80. The Illinois Banking Act is amended by changing  
18 Section 48 as follows:

19 (205 ILCS 5/48)

20 Sec. 48. Secretary's powers; duties. The Secretary shall  
21 have the powers and authority, and is charged with the duties  
22 and responsibilities designated in this Act, and a State bank  
23 shall not be subject to any other visitorial power other than

1 as authorized by this Act, except those vested in the courts,  
2 or upon prior consultation with the Secretary, a foreign bank  
3 regulator with an appropriate supervisory interest in the  
4 parent or affiliate of a state bank. In the performance of the  
5 Secretary's duties:

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

9 (2) (a) The Commissioner, as often as the Commissioner  
10 shall deem necessary or proper, and no less frequently than  
11 18 months following the preceding examination, shall  
12 appoint a suitable person or persons to make an examination  
13 of the affairs of every State bank, except that for every  
14 eligible State bank, as defined by regulation, the  
15 Commissioner in lieu of the examination may accept on an  
16 alternating basis the examination made by the eligible  
17 State bank's appropriate federal banking agency pursuant  
18 to Section 111 of the Federal Deposit Insurance Corporation  
19 Improvement Act of 1991, provided the appropriate federal  
20 banking agency has made such an examination. A person so  
21 appointed shall not be a stockholder or officer or employee  
22 of any bank which that person may be directed to examine,  
23 and shall have powers to make a thorough examination into  
24 all the affairs of the bank and in so doing to examine any  
25 of the officers or agents or employees thereof on oath and  
26 shall make a full and detailed report of the condition of

1 the bank to the Commissioner. In making the examination the  
2 examiners shall include an examination of the affairs of  
3 all the affiliates of the bank, as defined in subsection  
4 (b) of Section 35.2 of this Act, or subsidiaries of the  
5 bank as shall be necessary to disclose fully the conditions  
6 of the subsidiaries or affiliates, the relations between  
7 the bank and the subsidiaries or affiliates and the effect  
8 of those relations upon the affairs of the bank, and in  
9 connection therewith shall have power to examine any of the  
10 officers, directors, agents, or employees of the  
11 subsidiaries or affiliates on oath. After May 31, 1997, the  
12 Commissioner may enter into cooperative agreements with  
13 state regulatory authorities of other states to provide for  
14 examination of State bank branches in those states, and the  
15 Commissioner may accept reports of examinations of State  
16 bank branches from those state regulatory authorities.  
17 These cooperative agreements may set forth the manner in  
18 which the other state regulatory authorities may be  
19 compensated for examinations prepared for and submitted to  
20 the Commissioner.

21 (b) After May 31, 1997, the Commissioner is authorized  
22 to examine, as often as the Commissioner shall deem  
23 necessary or proper, branches of out-of-state banks. The  
24 Commissioner may establish and may assess fees to be paid  
25 to the Commissioner for examinations under this subsection  
26 (b). The fees shall be borne by the out-of-state bank,

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

6 (2.1) Pursuant to paragraph (a) of subsection (6) of  
7 this Section, the Secretary shall adopt rules that ensure  
8 consistency and due process in the examination process. The  
9 Secretary may also establish guidelines that (i) define the  
10 scope of the examination process and (ii) clarify  
11 examination items to be resolved. The rules, formal  
12 guidance, interpretive letters, or opinions furnished to  
13 State banks by the Secretary may be relied upon by the  
14 State banks.

15 (2.5) Whenever any State bank, any subsidiary or  
16 affiliate of a State bank, or after May 31, 1997, any  
17 branch of an out-of-state bank causes to be performed, by  
18 contract or otherwise, any bank services for itself,  
19 whether on or off its premises:

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

25 (b) the bank or, after May 31, 1997, branch of the  
26 out-of-state bank shall notify the Commissioner of the

1 existence of a service relationship. The notification  
2 shall be submitted with the first statement of  
3 condition (as required by Section 47 of this Act) due  
4 after the making of the service contract or the  
5 performance of the service, whichever occurs first.  
6 The Commissioner shall be notified of each subsequent  
7 contract in the same manner.

8 For purposes of this subsection (2.5), the term "bank  
9 services" means services such as sorting and posting of  
10 checks and deposits, computation and posting of interest  
11 and other credits and charges, preparation and mailing of  
12 checks, statements, notices, and similar items, or any  
13 other clerical, bookkeeping, accounting, statistical, or  
14 similar functions performed for a State bank, including but  
15 not limited to electronic data processing related to those  
16 bank services.

17 (3) The expense of administering this Act, including  
18 the expense of the examinations of State banks as provided  
19 in this Act, shall to the extent of the amounts resulting  
20 from the fees provided for in paragraphs (a), (a-2), and  
21 (b) of this subsection (3) be assessed against and borne by  
22 the State banks:

23 (a) Each bank shall pay to the Secretary a Call  
24 Report Fee which shall be paid in quarterly  
25 installments equal to one-fourth of the sum of the  
26 annual fixed fee of \$800, plus a variable fee based on

1 the assets shown on the quarterly statement of  
2 condition delivered to the Secretary in accordance  
3 with Section 47 for the preceding quarter according to  
4 the following schedule: 16¢ per \$1,000 of the first  
5 \$5,000,000 of total assets, 15¢ per \$1,000 of the next  
6 \$20,000,000 of total assets, 13¢ per \$1,000 of the next  
7 \$75,000,000 of total assets, 9¢ per \$1,000 of the next  
8 \$400,000,000 of total assets, 7¢ per \$1,000 of the next  
9 \$500,000,000 of total assets, and 5¢ per \$1,000 of all  
10 assets in excess of \$1,000,000,000, of the State bank.  
11 The Call Report Fee shall be calculated by the  
12 Secretary and billed to the banks for remittance at the  
13 time of the quarterly statements of condition provided  
14 for in Section 47. The Secretary may require payment of  
15 the fees provided in this Section by an electronic  
16 transfer of funds or an automatic debit of an account  
17 of each of the State banks. In case more than one  
18 examination of any bank is deemed by the Secretary to  
19 be necessary in any examination frequency cycle  
20 specified in subsection 2(a) of this Section, and is  
21 performed at his direction, the Secretary may assess a  
22 reasonable additional fee to recover the cost of the  
23 additional examination. In lieu of the method and  
24 amounts set forth in this paragraph (a) for the  
25 calculation of the Call Report Fee, the Secretary may  
26 specify by rule that the Call Report Fees provided by

1           this Section may be assessed semiannually or some other  
2           period and may provide in the rule the formula to be  
3           used for calculating and assessing the periodic Call  
4           Report Fees to be paid by State banks.

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

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

1           (a-3) After May 31, 1997, the reasonable and  
2 necessary expenses of the Commissioner during  
3 examination of the performance of electronic data  
4 processing services under subsection (2.5) at or on  
5 behalf of branches of out-of-state banks shall be borne  
6 by the out-of-state banks, unless those expenses are  
7 borne by the state regulatory authorities that  
8 chartered the out-of-state banks, as determined by  
9 cooperative agreements between the Commissioner and  
10 the state regulatory authorities that chartered the  
11 out-of-state banks.

12           (b) "Fiscal year" for purposes of this Section 48  
13 is defined as a period beginning July 1 of any year and  
14 ending June 30 of the next year. The Commissioner shall  
15 receive for each fiscal year, commencing with the  
16 fiscal year ending June 30, 1987, a contingent fee  
17 equal to the lesser of the aggregate of the fees paid  
18 by all State banks under paragraph (a) of subsection  
19 (3) for that year, or the amount, if any, whereby the  
20 aggregate of the administration expenses, as defined  
21 in paragraph (c), for that fiscal year exceeds the sum  
22 of the aggregate of the fees payable by all State banks  
23 for that year under paragraph (a) of subsection (3),  
24 plus any amounts transferred into the Bank and Trust  
25 Company Fund from the State Pensions Fund for that  
26 year, plus all other amounts collected by the



1 Commissioner for that year under any other provision of  
2 this Act, plus the aggregate of all fees collected for  
3 that year by the Commissioner under the Corporate  
4 Fiduciary Act, excluding the receivership fees  
5 provided for in Section 5-10 of the Corporate Fiduciary  
6 Act, and the Foreign Banking Office Act. The aggregate  
7 amount of the contingent fee thus arrived at for any  
8 fiscal year shall be apportioned amongst, assessed  
9 upon, and paid by the State banks and foreign banking  
10 corporations, respectively, in the same proportion  
11 that the fee of each under paragraph (a) of subsection  
12 (3), respectively, for that year bears to the aggregate  
13 for that year of the fees collected under paragraph (a)  
14 of subsection (3). The aggregate amount of the  
15 contingent fee, and the portion thereof to be assessed  
16 upon each State bank and foreign banking corporation,  
17 respectively, shall be determined by the Commissioner  
18 and shall be paid by each, respectively, within 120  
19 days of the close of the period for which the  
20 contingent fee is computed and is payable, and the  
21 Commissioner shall give 20 days' advance notice of the  
22 amount of the contingent fee payable by the State bank  
23 and of the date fixed by the Commissioner for payment  
24 of the fee.

25 (c) The "administration expenses" for any fiscal  
26 year shall mean the ordinary and contingent expenses

1 for that year incident to making the examinations  
2 provided for by, and for otherwise administering, this  
3 Act, the Corporate Fiduciary Act, excluding the  
4 expenses paid from the Corporate Fiduciary  
5 Receivership account in the Bank and Trust Company  
6 Fund, the Foreign Banking Office Act, the Electronic  
7 Fund Transfer Act, and the Illinois Bank Examiners'  
8 Education Foundation Act, including all salaries and  
9 other compensation paid for personal services rendered  
10 for the State by officers or employees of the State,  
11 including the Commissioner and the Deputy  
12 Commissioners, communication equipment and services,  
13 office furnishings, surety bond premiums, and travel  
14 expenses of those officers and employees, employees,  
15 expenditures or charges for the acquisition,  
16 enlargement or improvement of, or for the use of, any  
17 office space, building, or structure, or expenditures  
18 for the maintenance thereof or for furnishing heat,  
19 light, or power with respect thereto, all to the extent  
20 that those expenditures are directly incidental to  
21 such examinations or administration. The Commissioner  
22 shall not be required by paragraphs (c) or (d-1) of  
23 this subsection (3) to maintain in any fiscal year's  
24 budget appropriated reserves for accrued vacation and  
25 accrued sick leave that is required to be paid to  
26 employees of the Commissioner upon termination of

1           their service with the Commissioner in an amount that  
2           is more than is reasonably anticipated to be necessary  
3           for any anticipated turnover in employees, whether due  
4           to normal attrition or due to layoffs, terminations, or  
5           resignations.

6           (d) The aggregate of all fees collected by the  
7           Secretary under this Act, the Corporate Fiduciary Act,  
8           or the Foreign Banking Office Act on and after July 1,  
9           1979, shall be paid promptly after receipt of the same,  
10          accompanied by a detailed statement thereof, into the  
11          State treasury and shall be set apart in a special fund  
12          to be known as the "Bank and Trust Company Fund",  
13          except as provided in paragraph (c) of subsection (11)  
14          of this Section. All earnings received from  
15          investments of funds in the Bank and Trust Company Fund  
16          shall be deposited in the Bank and Trust Company Fund  
17          and may be used for the same purposes as fees deposited  
18          in that Fund. The amount from time to time deposited  
19          into the Bank and Trust Company Fund shall be used: (i)  
20          to offset the ordinary administrative expenses of the  
21          Secretary as defined in this Section or (ii) as a  
22          credit against fees under paragraph (d-1) of this  
23          subsection (3). Nothing in Public Act 81-131 ~~this~~  
24          ~~amendatory Act of 1979~~ shall prevent continuing the  
25          practice of paying expenses involving salaries,  
26          retirement, social security, and State-paid insurance

1 premiums of State officers by appropriations from the  
2 General Revenue Fund. However, the General Revenue  
3 Fund shall be reimbursed for those payments made on and  
4 after July 1, 1979, by an annual transfer of funds from  
5 the Bank and Trust Company Fund. Moneys in the Bank and  
6 Trust Company Fund may be transferred to the  
7 Professions Indirect Cost Fund, as authorized under  
8 Section 2105-300 of the Department of Professional  
9 Regulation Law of the Civil Administrative Code of  
10 Illinois.

11 ~~Notwithstanding provisions in the State Finance~~  
12 ~~Act, as now or hereafter amended, or any other law to~~  
13 ~~the contrary, the sum of \$18,788,847 shall be~~  
14 ~~transferred from the Bank and Trust Company Fund to the~~  
15 ~~Financial Institutions Settlement of 2008 Fund on the~~  
16 ~~effective date of this amendatory Act of the 95th~~  
17 ~~General Assembly, or as soon thereafter as practical.~~

18 Notwithstanding provisions in the State Finance  
19 Act, as now or hereafter amended, or any other law to  
20 the contrary, the Governor may, during any fiscal year  
21 through January 10, 2011, from time to time direct the  
22 State Treasurer and Comptroller to transfer a  
23 specified sum not exceeding 10% of the revenues to be  
24 deposited into the Bank and Trust Company Fund during  
25 that fiscal year from that Fund to the General Revenue  
26 Fund in order to help defray the State's operating

1 costs for the fiscal year. Notwithstanding provisions  
2 in the State Finance Act, as now or hereafter amended,  
3 or any other law to the contrary, the total sum  
4 transferred during any fiscal year through January 10,  
5 2011, from the Bank and Trust Company Fund to the  
6 General Revenue Fund pursuant to this provision shall  
7 not exceed during any fiscal year 10% of the revenues  
8 to be deposited into the Bank and Trust Company Fund  
9 during that fiscal year. The State Treasurer and  
10 Comptroller shall transfer the amounts designated  
11 under this Section as soon as may be practicable after  
12 receiving the direction to transfer from the Governor.

13 (d-1) Adequate funds shall be available in the Bank  
14 and Trust Company Fund to permit the timely payment of  
15 administration expenses. In each fiscal year the total  
16 administration expenses shall be deducted from the  
17 total fees collected by the Commissioner and the  
18 remainder transferred into the Cash Flow Reserve  
19 Account, unless the balance of the Cash Flow Reserve  
20 Account prior to the transfer equals or exceeds  
21 one-fourth of the total initial appropriations from  
22 the Bank and Trust Company Fund for the subsequent  
23 year, in which case the remainder shall be credited to  
24 State banks and foreign banking corporations and  
25 applied against their fees for the subsequent year. The  
26 amount credited to each State bank and foreign banking

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

22 (e) The Commissioner may upon request certify to  
23 any public record in his keeping and shall have  
24 authority to levy a reasonable charge for issuing  
25 certifications of any public record in his keeping.

26 (f) In addition to fees authorized elsewhere in

1           this Act, the Commissioner may, in connection with a  
2           review, approval, or provision of a service, levy a  
3           reasonable charge to recover the cost of the review,  
4           approval, or service.

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

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

1 General who shall thereupon institute proceedings against  
2 the State bank or out-of-state bank, the board of directors  
3 thereof, or the trustees under such plan as the nature of  
4 the case may require.

5 (6) The Commissioner shall have the power:

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

8 (a-5) To impose conditions on any approval issued  
9 by the Commissioner if he determines that the  
10 conditions are necessary or appropriate. These  
11 conditions shall be imposed in writing and shall  
12 continue in effect for the period prescribed by the  
13 Commissioner.

14 (b) To issue orders against any person, if the  
15 Commissioner has reasonable cause to believe that an  
16 unsafe or unsound banking practice has occurred, is  
17 occurring, or is about to occur, if any person has  
18 violated, is violating, or is about to violate any law,  
19 rule, or written agreement with the Commissioner, or  
20 for the purpose of administering the provisions of this  
21 Act and any rule promulgated in accordance with this  
22 Act.

23 (b-1) To enter into agreements with a bank  
24 establishing a program to correct the condition of the  
25 bank or its practices.

26 (c) To appoint hearing officers to execute any of



1           the powers granted to the Commissioner under this  
2           Section for the purpose of administering this Act and  
3           any rule promulgated in accordance with this Act and  
4           otherwise to authorize, in writing, an officer or  
5           employee of the Office of Banks and Real Estate to  
6           exercise his powers under this Act.

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

17          (e) To conduct hearings.

18          (7) Whenever, in the opinion of the Secretary, any  
19          director, officer, employee, or agent of a State bank or  
20          any subsidiary or bank holding company of the bank or,  
21          after May 31, 1997, of any branch of an out-of-state bank  
22          or any subsidiary or bank holding company of the bank shall  
23          have violated any law, rule, or order relating to that bank  
24          or any subsidiary or bank holding company of the bank,  
25          shall have obstructed or impeded any examination or  
26          investigation by the Secretary, shall have engaged in an

1 unsafe or unsound practice in conducting the business of  
2 that bank or any subsidiary or bank holding company of the  
3 bank, or shall have violated any law or engaged or  
4 participated in any unsafe or unsound practice in  
5 connection with any financial institution or other  
6 business entity such that the character and fitness of the  
7 director, officer, employee, or agent does not assure  
8 reasonable promise of safe and sound operation of the State  
9 bank, the Secretary may issue an order of removal. If, in  
10 the opinion of the Secretary, any former director, officer,  
11 employee, or agent of a State bank or any subsidiary or  
12 bank holding company of the bank, prior to the termination  
13 of his or her service with that bank or any subsidiary or  
14 bank holding company of the bank, violated any law, rule,  
15 or order relating to that State bank or any subsidiary or  
16 bank holding company of the bank, obstructed or impeded any  
17 examination or investigation by the Secretary, engaged in  
18 an unsafe or unsound practice in conducting the business of  
19 that bank or any subsidiary or bank holding company of the  
20 bank, or violated any law or engaged or participated in any  
21 unsafe or unsound practice in connection with any financial  
22 institution or other business entity such that the  
23 character and fitness of the director, officer, employee,  
24 or agent would not have assured reasonable promise of safe  
25 and sound operation of the State bank, the Secretary may  
26 issue an order prohibiting that person from further service

1 with a bank or any subsidiary or bank holding company of  
2 the bank as a director, officer, employee, or agent. An  
3 order issued pursuant to this subsection shall be served  
4 upon the director, officer, employee, or agent. A copy of  
5 the order shall be sent to each director of the bank  
6 affected by registered mail. A copy of the order shall also  
7 be served upon the bank of which he is a director, officer,  
8 employee, or agent, whereupon he shall cease to be a  
9 director, officer, employee, or agent of that bank. The  
10 Secretary may institute a civil action against the  
11 director, officer, or agent of the State bank or, after May  
12 31, 1997, of the branch of the out-of-state bank against  
13 whom any order provided for by this subsection (7) of this  
14 Section 48 has been issued, and against the State bank or,  
15 after May 31, 1997, out-of-state bank, to enforce  
16 compliance with or to enjoin any violation of the terms of  
17 the order. Any person who has been the subject of an order  
18 of removal or an order of prohibition issued by the  
19 Secretary under this subsection or Section 5-6 of the  
20 Corporate Fiduciary Act may not thereafter serve as  
21 director, officer, employee, or agent of any State bank or  
22 of any branch of any out-of-state bank, or of any corporate  
23 fiduciary, as defined in Section 1-5.05 of the Corporate  
24 Fiduciary Act, or of any other entity that is subject to  
25 licensure or regulation by the Division of Banking unless  
26 the Secretary has granted prior approval in writing.

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

4           (8) The Commissioner may impose civil penalties of up  
5           to \$100,000 against any person for each violation of any  
6           provision of this Act, any rule promulgated in accordance  
7           with this Act, any order of the Commissioner, or any other  
8           action which in the Commissioner's discretion is an unsafe  
9           or unsound banking practice.

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

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

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

24                  (a) (Blank).

25                  (b) The Foundation is empowered to receive  
26          voluntary contributions, gifts, grants, bequests, and

1 donations on behalf of the Illinois Bank Examiners'  
2 Education Foundation from national banks and other  
3 persons for the purpose of funding the endowment of the  
4 Illinois Bank Examiners' Education Foundation.

5 (c) The aggregate of all special educational fees  
6 collected by the Secretary and property received by the  
7 Secretary on behalf of the Illinois Bank Examiners'  
8 Education Foundation under this subsection (11) on or  
9 after June 30, 1986, shall be either (i) promptly paid  
10 after receipt of the same, accompanied by a detailed  
11 statement thereof, into the State Treasury and shall be  
12 set apart in a special fund to be known as "The  
13 Illinois Bank Examiners' Education Fund" to be  
14 invested by either the Treasurer of the State of  
15 Illinois in the Public Treasurers' Investment Pool or  
16 in any other investment he is authorized to make or by  
17 the Illinois State Board of Investment as the State  
18 Banking Board of Illinois may direct or (ii) deposited  
19 into an account maintained in a commercial bank or  
20 corporate fiduciary in the name of the Illinois Bank  
21 Examiners' Education Foundation pursuant to the order  
22 and direction of the Board of Trustees of the Illinois  
23 Bank Examiners' Education Foundation.

24 (12) (Blank).

25 (13) The Secretary may borrow funds from the General  
26 Revenue Fund on behalf of the Bank and Trust Company Fund

1 if the Director of Banking certifies to the Governor that  
2 there is an economic emergency affecting banking that  
3 requires a borrowing to provide additional funds to the  
4 Bank and Trust Company Fund. The borrowed funds shall be  
5 paid back within 3 years and shall not exceed the total  
6 funding appropriated to the Agency in the previous year.

7 (14) In addition to the fees authorized in this Act,  
8 the Secretary may assess reasonable receivership fees  
9 against any State bank that does not maintain insurance  
10 with the Federal Deposit Insurance Corporation. All fees  
11 collected under this subsection (14) shall be paid into the  
12 Non-insured Institutions Receivership account in the Bank  
13 and Trust Company Fund, as established by the Secretary.  
14 The fees assessed under this subsection (14) shall provide  
15 for the expenses that arise from the administration of the  
16 receivership of any such institution required to pay into  
17 the Non-insured Institutions Receivership account, whether  
18 pursuant to this Act, the Corporate Fiduciary Act, the  
19 Foreign Banking Office Act, or any other Act that requires  
20 payments into the Non-insured Institutions Receivership  
21 account. The Secretary may establish by rule a reasonable  
22 manner of assessing fees under this subsection (14).

23 (Source: P.A. 99-39, eff. 1-1-16; 100-22, eff. 1-1-18.)

24 Section 85. The Illinois Public Aid Code is amended by  
25 changing Sections 12-5 and 12-10.10 as follows:

1 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

2 Sec. 12-5. Appropriations; uses; federal grants; report to  
3 General Assembly. From the sums appropriated by the General  
4 Assembly, the Illinois Department shall order for payment by  
5 warrant from the State Treasury grants for public aid under  
6 Articles III, IV, and V, including grants for funeral and  
7 burial expenses, and all costs of administration of the  
8 Illinois Department and the County Departments relating  
9 thereto. Moneys appropriated to the Illinois Department for  
10 public aid under Article VI may be used, with the consent of  
11 the Governor, to co-operate with federal, State, and local  
12 agencies in the development of work projects designed to  
13 provide suitable employment for persons receiving public aid  
14 under Article VI. The Illinois Department, with the consent of  
15 the Governor, may be the agent of the State for the receipt and  
16 disbursement of federal funds or commodities for public aid  
17 purposes under Article VI and for related purposes in which the  
18 co-operation of the Illinois Department is sought by the  
19 federal government, and, in connection therewith, may make  
20 necessary expenditures from moneys appropriated for public aid  
21 under any Article of this Code and for administration. The  
22 Illinois Department, ~~with the consent of the Governor, may be~~  
23 ~~the agent of the State for the receipt and disbursement of~~  
24 ~~federal funds pursuant to the Immigration Reform and Control~~  
25 ~~Act of 1986 and~~ may make necessary expenditures from monies

1 appropriated to it for operations, administration, and grants,  
2 including payment to the Health Insurance Reserve Fund for  
3 group insurance costs at the rate certified by the Department  
4 of Central Management Services. ~~All amounts received by the~~  
5 ~~Illinois Department pursuant to the Immigration Reform and~~  
6 ~~Control Act of 1986 shall be deposited in the Immigration~~  
7 ~~Reform and Control Fund. All amounts received into the~~  
8 ~~Immigration Reform and Control Fund as reimbursement for~~  
9 ~~expenditures from the General Revenue Fund shall be transferred~~  
10 ~~to the General Revenue Fund.~~

11 All grants received by the Illinois Department for programs  
12 funded by the Federal Social Services Block Grant shall be  
13 deposited in the Social Services Block Grant Fund. All funds  
14 received into the Social Services Block Grant Fund as  
15 reimbursement for expenditures from the General Revenue Fund  
16 shall be transferred to the General Revenue Fund. All funds  
17 received into the Social Services Block Grant fund for  
18 reimbursement for expenditure out of the Local Initiative Fund  
19 shall be transferred into the Local Initiative Fund. Any other  
20 federal funds received into the Social Services Block Grant  
21 Fund shall be transferred to the DHS Special Purposes Trust  
22 Fund. All federal funds received by the Illinois Department as  
23 reimbursement for Employment and Training Programs for  
24 expenditures made by the Illinois Department from grants,  
25 gifts, or legacies as provided in Section 12-4.18 or made by an  
26 entity other than the Illinois Department and all federal funds



1 received from the Emergency Contingency Fund for State  
2 Temporary Assistance for Needy Families Programs established  
3 by the American Recovery and Reinvestment Act of 2009 shall be  
4 deposited into the Employment and Training Fund.

5 During each State fiscal year, an amount not exceeding a  
6 total of \$68,800,000 of the federal funds received by the  
7 Illinois Department under the provisions of Title IV-A of the  
8 federal Social Security Act shall be deposited into the DCFS  
9 Children's Services Fund.

10 All federal funds, except those covered by the foregoing 3  
11 paragraphs, received as reimbursement for expenditures from  
12 the General Revenue Fund shall be deposited in the General  
13 Revenue Fund for administrative and distributive expenditures  
14 properly chargeable by federal law or regulation to aid  
15 programs established under Articles III through XII and Titles  
16 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
17 other federal funds received by the Illinois Department under  
18 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
19 Section 12-10 of this Code to be paid into the DHS Special  
20 Purposes Trust Fund shall be deposited into the DHS Special  
21 Purposes Trust Fund. Any other federal funds received by the  
22 Illinois Department pursuant to the Child Support Enforcement  
23 Program established by Title IV-D of the Social Security Act  
24 shall be deposited in the Child Support Enforcement Trust Fund  
25 as required under Section 12-10.2 or in the Child Support  
26 Administrative Fund as required under Section 12-10.2a of this

1 Code. Any other federal funds received by the Illinois  
2 Department for expenditures made under Title XIX of the Social  
3 Security Act and Articles V and VI of this Code that are  
4 required by Section 15-2 of this Code to be paid into the  
5 County Provider Trust Fund shall be deposited into the County  
6 Provider Trust Fund. Any other federal funds received by the  
7 Illinois Department for hospital inpatient, hospital  
8 ambulatory care, and disproportionate share hospital  
9 expenditures made under Title XIX of the Social Security Act  
10 and Article V of this Code that are required by Section 5A-8 of  
11 this Code to be paid into the Hospital Provider Fund shall be  
12 deposited into the Hospital Provider Fund. Any other federal  
13 funds received by the Illinois Department for medical  
14 assistance program expenditures made under Title XIX of the  
15 Social Security Act and Article V of this Code that are  
16 required by Section 5B-8 of this Code to be paid into the  
17 Long-Term Care Provider Fund shall be deposited into the  
18 Long-Term Care Provider Fund. Any other federal funds received  
19 by the Illinois Department for medical assistance program  
20 expenditures made under Title XIX of the Social Security Act  
21 and Article V of this Code that are required by Section 5C-7 of  
22 this Code to be paid into the Care Provider Fund for Persons  
23 with a Developmental Disability shall be deposited into the  
24 Care Provider Fund for Persons with a Developmental Disability.  
25 Any other federal funds received by the Illinois Department for  
26 trauma center adjustment payments that are required by Section

1 5-5.03 of this Code and made under Title XIX of the Social  
2 Security Act and Article V of this Code shall be deposited into  
3 the Trauma Center Fund. Any other federal funds received by the  
4 Illinois Department as reimbursement for expenses for early  
5 intervention services paid from the Early Intervention  
6 Services Revolving Fund shall be deposited into that Fund.

7 The Illinois Department shall report to the General  
8 Assembly at the end of each fiscal quarter the amount of all  
9 funds received and paid into the Social Services Block Grant  
10 Fund and the Local Initiative Fund and the expenditures and  
11 transfers of such funds for services, programs and other  
12 purposes authorized by law. Such report shall be filed with the  
13 Speaker, Minority Leader and Clerk of the House, with the  
14 President, Minority Leader and Secretary of the Senate, with  
15 the Chairmen of the House and Senate Appropriations Committees,  
16 the House Human Resources Committee and the Senate Public  
17 Health, Welfare and Corrections Committee, or the successor  
18 standing Committees of each as provided by the rules of the  
19 House and Senate, respectively, with the Commission on  
20 Government Forecasting and Accountability and with the State  
21 Government Report Distribution Center for the General Assembly  
22 as is required under paragraph (t) of Section 7 of the State  
23 Library Act shall be deemed sufficient to comply with this  
24 Section.

25 (Source: P.A. 99-143, eff. 7-27-15; 99-933, Article 5, Section  
26 5-130, eff. 1-27-17; 99-933, Article 15, Section 15-50, eff.

1 1-27-17; 100-587, eff. 6-4-18; 100-863, eff. 8-14-18;  
2 100-1148, eff. 12-10-18.)

3 (305 ILCS 5/12-10.10)

4 Sec. 12-10.10. DHS Technology Initiative Fund.

5 (a) The DHS Technology Initiative Fund is hereby created as  
6 a trust fund within the State treasury with the State Treasurer  
7 as the ex-officio custodian of the Fund.

8 (b) The Department of Human Services may accept and receive  
9 grants, awards, gifts, and bequests from any source, public or  
10 private, in support of information technology initiatives.  
11 Moneys received in support of information technology  
12 initiatives, and any interest earned thereon, shall be  
13 deposited into the DHS Technology Initiative Fund.

14 (c) Moneys in the Fund may be used by the Department of  
15 Human Services for the purpose of making grants associated with  
16 the development and implementation of information technology  
17 projects or paying for operational expenses of the Department  
18 of Human Services related to such projects.

19 (d) The Department of Human Services, in consultation with  
20 the Department of Innovation and Technology, shall use the  
21 funds deposited in the DHS Technology Initiative Fund to pay  
22 for information technology solutions either provided by  
23 Department of Innovation and Technology or arranged or  
24 coordinated by the Department of Innovation and Technology.

25 (Source: P.A. 100-611, eff. 7-20-18.)

1 (305 ILCS 10/Act rep.)

2 Section 90. The Food and Housing Assistance Act is  
3 repealed.

4 (505 ILCS 35/Art. IV rep.)

5 Section 95. The Illinois Conservation Enhancement Act is  
6 amended by repealing Article IV.

7 Section 100. The Clerks of Courts Act is amended by  
8 changing Section 27.3a as follows:

9 (705 ILCS 105/27.3a)

10 (Section scheduled to be repealed on July 1, 2019)

11 Sec. 27.3a. Fees for automated record keeping, probation  
12 and court services operations, State and Conservation Police  
13 operations, and e-business programs.

14 1. The expense of establishing and maintaining automated  
15 record keeping systems in the offices of the clerks of the  
16 circuit court shall be borne by the county. To defray such  
17 expense in any county having established such an automated  
18 system or which elects to establish such a system, the county  
19 board may require the clerk of the circuit court in their  
20 county to charge and collect a court automation fee of not less  
21 than \$1 nor more than \$25 to be charged and collected by the  
22 clerk of the court. Such fee shall be paid at the time of

1 filing the first pleading, paper or other appearance filed by  
2 each party in all civil cases or by the defendant in any  
3 felony, traffic, misdemeanor, municipal ordinance, or  
4 conservation case upon a judgment of guilty or grant of  
5 supervision, provided that the record keeping system which  
6 processes the case category for which the fee is charged is  
7 automated or has been approved for automation by the county  
8 board, and provided further that no additional fee shall be  
9 required if more than one party is presented in a single  
10 pleading, paper or other appearance. Such fee shall be  
11 collected in the manner in which all other fees or costs are  
12 collected.

13 1.1. Starting on July 6, 2012 (the effective date of Public  
14 Act 97-761) and pursuant to an administrative order from the  
15 chief judge of the circuit or the presiding judge of the county  
16 authorizing such collection, a clerk of the circuit court in  
17 any county that imposes a fee pursuant to subsection 1 of this  
18 Section shall also charge and collect an additional \$10  
19 operations fee for probation and court services department  
20 operations.

21 This additional fee shall be paid by the defendant in any  
22 felony, traffic, misdemeanor, local ordinance, or conservation  
23 case upon a judgment of guilty or grant of supervision, except  
24 such \$10 operations fee shall not be charged and collected in  
25 cases governed by Supreme Court Rule 529 in which the bail  
26 amount is \$120 or less.

1           1.2. With respect to the fee imposed and collected under  
2 subsection 1.1 of this Section, each clerk shall transfer all  
3 fees monthly to the county treasurer for deposit into the  
4 probation and court services fund created under Section 15.1 of  
5 the Probation and Probation Officers Act, and such monies shall  
6 be disbursed from the fund only at the direction of the chief  
7 judge of the circuit or another judge designated by the Chief  
8 Circuit Judge in accordance with the policies and guidelines  
9 approved by the Supreme Court.

10           1.5. Starting on June 1, 2014, a clerk of the circuit court  
11 in any county that imposes a fee pursuant to subsection 1 of  
12 this Section, shall charge and collect an additional fee in an  
13 amount equal to the amount of the fee imposed pursuant to  
14 subsection 1 of this Section, except the fee imposed under this  
15 subsection may not be more than \$15. This additional fee shall  
16 be paid by the defendant in any felony, traffic, misdemeanor,  
17 or local ordinance case upon a judgment of guilty or grant of  
18 supervision. This fee shall not be paid by the defendant for  
19 any violation listed in subsection 1.6 of this Section.

20           1.6. Starting on June 1, 2014, a clerk of the circuit court  
21 in any county that imposes a fee pursuant to subsection 1 of  
22 this Section shall charge and collect an additional fee in an  
23 amount equal to the amount of the fee imposed pursuant to  
24 subsection 1 of this Section, except the fee imposed under this  
25 subsection may not be more than \$15. This additional fee shall  
26 be paid by the defendant upon a judgment of guilty or grant of

1 supervision for a violation under the State Parks Act, the  
2 Recreational Trails of Illinois Act, the Illinois Explosives  
3 Act, the Timber Buyers Licensing Act, the Forest Products  
4 Transportation Act, the Firearm Owners Identification Card  
5 Act, the Environmental Protection Act, the Fish and Aquatic  
6 Life Code, the Wildlife Code, the Cave Protection Act, the  
7 Illinois Exotic Weed Act, the Illinois Forestry Development  
8 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
9 Program Act, the Illinois Natural Areas Preservation Act, the  
10 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
11 and Development Act, the Illinois Prescribed Burning Act, the  
12 State Forest Act, the Water Use Act of 1983, the Illinois  
13 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
14 Snowmobile Registration and Safety Act, the Boat Registration  
15 and Safety Act, the Illinois Dangerous Animals Act, the Hunter  
16 and Fishermen Interference Prohibition Act, the Wrongful Tree  
17 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
18 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
19 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
20 Criminal Code of 2012.

21 1.7. Starting on September 18, 2016 (the 30th day after the  
22 effective date of Public Act 99-859) ~~this amendatory Act of the~~  
23 ~~99th General Assembly~~, a clerk of the circuit court in any  
24 county that imposes a fee pursuant to subsection 1 of this  
25 Section shall also charge and collect an additional \$9  
26 e-business fee. The fee shall be paid at the time of filing the



1 first pleading, paper, or other appearance filed by each party  
2 in all civil cases, except no additional fee shall be required  
3 if more than one party is presented in a single pleading,  
4 paper, or other appearance. The fee shall be collected in the  
5 manner in which all other fees or costs are collected. The fee  
6 shall be in addition to all other fees and charges of the  
7 clerk, and assessable as costs, and may be waived only if the  
8 judge specifically provides for the waiver of the e-business  
9 fee. The fee shall not be charged in any matter coming to the  
10 clerk on a change of venue, nor in any proceeding to review the  
11 decision of any administrative officer, agency, or body.

12 2. With respect to the fee imposed under subsection 1 of  
13 this Section, each clerk shall commence such charges and  
14 collections upon receipt of written notice from the chairman of  
15 the county board together with a certified copy of the board's  
16 resolution, which the clerk shall file of record in his office.

17 3. With respect to the fee imposed under subsection 1 of  
18 this Section, such fees shall be in addition to all other fees  
19 and charges of such clerks, and assessable as costs, and may be  
20 waived only if the judge specifically provides for the waiver  
21 of the court automation fee. The fees shall be remitted monthly  
22 by such clerk to the county treasurer, to be retained by him in  
23 a special fund designated as the court automation fund. The  
24 fund shall be audited by the county auditor, and the board  
25 shall make expenditure from the fund in payment of any cost  
26 related to the automation of court records, including hardware,

1 software, research and development costs and personnel related  
2 thereto, provided that the expenditure is approved by the clerk  
3 of the court and by the chief judge of the circuit court or his  
4 designate.

5 4. With respect to the fee imposed under subsection 1 of  
6 this Section, such fees shall not be charged in any matter  
7 coming to any such clerk on change of venue, nor in any  
8 proceeding to review the decision of any administrative  
9 officer, agency or body.

10 5. With respect to the additional fee imposed under  
11 subsection 1.5 of this Section, the fee shall be remitted by  
12 the circuit clerk to the State Treasurer within one month after  
13 receipt for deposit into the State Police Operations Assistance  
14 Fund.

15 6. (Blank). ~~With respect to the additional fees imposed~~  
16 ~~under subsection 1.5 of this Section, the Director of State~~  
17 ~~Police may direct the use of these fees for homeland security~~  
18 ~~purposes by transferring these fees on a quarterly basis from~~  
19 ~~the State Police Operations Assistance Fund into the Illinois~~  
20 ~~Law Enforcement Alarm Systems (ILEAS) Fund for homeland~~  
21 ~~security initiatives programs. The transferred fees shall be~~  
22 ~~allocated, subject to the approval of the ILEAS Executive~~  
23 ~~Board, as follows: (i) 66.6% shall be used for homeland~~  
24 ~~security initiatives and (ii) 33.3% shall be used for airborne~~  
25 ~~operations. The ILEAS Executive Board shall annually supply the~~  
26 ~~Director of State Police with a report of the use of these~~

1 ~~fees.~~

2       7. With respect to the additional fee imposed under  
3 subsection 1.6 of this Section, the fee shall be remitted by  
4 the circuit clerk to the State Treasurer within one month after  
5 receipt for deposit into the Conservation Police Operations  
6 Assistance Fund.

7       8. With respect to the fee imposed under subsection 1.7 of  
8 this Section, the clerk shall remit the fee to the State  
9 Treasurer within one month after receipt for deposit into the  
10 Supreme Court Special Purposes Fund. Unless otherwise  
11 authorized by this Act, the moneys deposited into the Supreme  
12 Court Special Purposes Fund under this subsection are not  
13 subject to administrative charges or chargebacks under Section  
14 20 of the State Treasurer Act.

15 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;  
16 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16. Repealed by P.A.  
17 100-987, eff. 7-1-19.)

18 (730 ILCS 5/3-2-2.2 rep.)

19 Section 105. The Unified Code of Corrections is amended by  
20 repealing Section 3-2-2.2.

21 Section 990. The State Mandates Act is amended by adding  
22 Section 8.43 as follows:

23 (30 ILCS 805/8.43 new)

1       Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
2       of this Act, no reimbursement by the State is required for the  
3       implementation of any mandate created by this amendatory Act of  
4       the 101st General Assembly.

5       Section 996. No revival or extension. This Act does not  
6       revive or extend any Section or Act otherwise repealed.

7       Section 997. Severability. The provisions of this Act are  
8       severable under Section 1.31 of the Statute on Statutes.

9       Section 999. Effective date. This Act takes effect upon  
10      becoming law.

## 1 INDEX

## 2 Statutes amended in order of appearance

3	20 ILCS 405/405-292	
4	20 ILCS 605/605-416 rep.	
5	20 ILCS 607/3-15	
6	20 ILCS 607/3-20	
7	20 ILCS 720/35 rep.	
8	20 ILCS 2310/2310-352 rep.	
9	20 ILCS 2310/2310-357 rep.	
10	20 ILCS 2310/2310-359 rep.	
11	20 ILCS 2310/2310-361 rep.	
12	20 ILCS 2310/2310-399 rep.	
13	20 ILCS 2310/2310-403 rep.	
14	20 ILCS 2310/2310-612 rep.	
15	20 ILCS 3958/Act rep.	
16	25 ILCS 130/4-9 rep.	
17	30 ILCS 105/13.2	from Ch. 127, par. 149.2
18	30 ILCS 105/25	from Ch. 127, par. 161
19	30 ILCS 105/5.95 rep.	
20	30 ILCS 105/5.231 rep.	
21	30 ILCS 105/5.290 rep.	
22	30 ILCS 105/5.298 rep.	
23	30 ILCS 105/5.460 rep.	
24	30 ILCS 105/5.518 rep.	
25	30 ILCS 105/5.606 rep.	

- 1 30 ILCS 105/5.614 rep.
- 2 30 ILCS 105/5.615 rep.
- 3 30 ILCS 105/5.622 rep.
- 4 30 ILCS 105/5.633 rep.
- 5 30 ILCS 105/5.639 rep.
- 6 30 ILCS 105/5.641 rep.
- 7 30 ILCS 105/5.647 rep.
- 8 30 ILCS 105/5.649 rep.
- 9 30 ILCS 105/5.658 rep.
- 10 30 ILCS 105/5.660 rep.
- 11 30 ILCS 105/5.687 rep.
- 12 30 ILCS 105/5.701 rep.
- 13 30 ILCS 105/5.722 rep.
- 14 30 ILCS 105/5.738 rep.
- 15 30 ILCS 105/5.794 rep.
- 16 30 ILCS 105/5.803 rep.
- 17 30 ILCS 105/5.807 rep.
- 18 30 ILCS 105/6p-5 rep.
- 19 30 ILCS 105/6u rep.
- 20 30 ILCS 105/6z rep.
- 21 30 ILCS 105/6z-1 rep.
- 22 30 ILCS 105/6z-8a rep.
- 23 30 ILCS 105/6z-27.1 rep.
- 24 30 ILCS 105/6z-33 rep.
- 25 30 ILCS 105/6z-46 rep.
- 26 30 ILCS 105/6z-69 rep.

1 30 ILCS 105/6z-73 rep.  
2 30 ILCS 105/6z-91 rep.  
3 30 ILCS 105/8.16c rep.  
4 30 ILCS 105/8.32 rep.  
5 30 ILCS 177/Act rep.  
6 30 ILCS 340/3 from Ch. 120, par. 408  
7 30 ILCS 780/5-55 rep.  
8 35 ILCS 5/507CC rep.  
9 35 ILCS 5/507HH rep.  
10 35 ILCS 5/507II rep.  
11 35 ILCS 5/507KK rep.  
12 35 ILCS 5/507LL rep.  
13 35 ILCS 5/507PP rep.  
14 55 ILCS 5/3-9005 from Ch. 34, par. 3-9005  
15 55 ILCS 5/5-1006.5  
16 55 ILCS 5/5-1035.1 from Ch. 34, par. 5-1035.1  
17 55 ILCS 5/3-4006.1 rep.  
18 205 ILCS 5/48  
19 305 ILCS 5/12-5 from Ch. 23, par. 12-5  
20 305 ILCS 5/12-10.10  
21 305 ILCS 10/Act rep.  
22 505 ILCS 35/Art. IV rep.  
23 705 ILCS 105/27.3a  
24 730 ILCS 5/3-2-2.2 rep.  
25 30 ILCS 805/8.43 new