



Rep. Anthony DeLuca

**Filed: 4/16/2024**

10300HB0819ham001

LRB103 04412 HLH 72415 a

1 AMENDMENT TO HOUSE BILL 819

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 819 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Comptroller Act is amended by  
5 changing Section 10.05 as follows:

6 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

7 Sec. 10.05. Deductions from warrants; statement of reason  
8 for deduction. Whenever any person shall be entitled to a  
9 warrant or other payment from the treasury or other funds held  
10 by the State Treasurer, on any account, against whom there  
11 shall be any then due and payable account or claim in favor of  
12 the State, the United States upon certification by the  
13 Secretary of the Treasury of the United States, or his or her  
14 delegate, pursuant to a reciprocal offset agreement under  
15 subsection (i-1) of Section 10 of the Illinois State  
16 Collection Act of 1986, or a unit of local government, a school

1 district, a public institution of higher education, as defined  
2 in Section 1 of the Board of Higher Education Act, a public  
3 agency or association organized under an intergovernmental  
4 agreement in accordance with the provisions of the  
5 Intergovernmental Cooperation Act, including an  
6 intergovernmental risk management association or  
7 self-insurance pool, or the clerk of a circuit court, upon  
8 certification by that entity, the Comptroller, upon  
9 notification thereof, shall ascertain the amount due and  
10 payable to the State, the United States, the unit of local  
11 government, the school district, the public institution of  
12 higher education, the public agency or association organized  
13 under an intergovernmental agreement in accordance with the  
14 provisions of the Intergovernmental Cooperation Act, or the  
15 clerk of the circuit court, as aforesaid, and draw a warrant on  
16 the treasury or on other funds held by the State Treasurer,  
17 stating the amount for which the party was entitled to a  
18 warrant or other payment, the amount deducted therefrom, and  
19 on what account, and directing the payment of the balance;  
20 which warrant or payment as so drawn shall be entered on the  
21 books of the Treasurer, and such balance only shall be paid.  
22 The Comptroller may deduct any one or more of the following:  
23 (i) the entire amount due and payable to the State or a portion  
24 of the amount due and payable to the State in accordance with  
25 the request of the notifying agency; (ii) the entire amount  
26 due and payable to the United States or a portion of the amount

1 due and payable to the United States in accordance with a  
2 reciprocal offset agreement under subsection (i-1) of Section  
3 10 of the Illinois State Collection Act of 1986; or (iii) the  
4 entire amount due and payable to the unit of local government,  
5 the school district, the public institution of higher  
6 education, the public agency or association organized under an  
7 intergovernmental agreement in accordance with the provisions  
8 of the Intergovernmental Cooperation Act, or the clerk of the  
9 circuit court, or a portion of the amount due and payable to  
10 that entity, in accordance with an intergovernmental agreement  
11 authorized under this Section and Section 10.05d. No request  
12 from a notifying agency, the Secretary of the Treasury of the  
13 United States, a unit of local government, a school district,  
14 a public institution of higher education, a public agency or  
15 association organized under an intergovernmental agreement in  
16 accordance with the provisions of the Intergovernmental  
17 Cooperation Act, or the clerk of a circuit court for an amount  
18 to be deducted under this Section from a wage or salary  
19 payment, from a contractual payment to an individual for  
20 personal services, or from pension annuity payments made under  
21 the Illinois Pension Code shall exceed 25% of the net amount of  
22 such payment. "Net amount" means that part of the earnings of  
23 an individual remaining after deduction of any amounts  
24 required by law to be withheld. For purposes of this  
25 provision, wage, salary or other payments for personal  
26 services shall not include final compensation payments for the

1 value of accrued vacation, overtime or sick leave. Whenever  
2 the Comptroller draws a warrant or makes a payment involving a  
3 deduction ordered under this Section, the Comptroller shall  
4 notify the payee and the State agency that submitted the  
5 voucher of the reason for the deduction and he or she shall  
6 retain a record of such statement in his or her records. As  
7 used in this Section, an "account or claim in favor of the  
8 State" includes all amounts owing to "State agencies" as  
9 defined in Section 7 of this Act. However, the Comptroller  
10 shall not be required to accept accounts or claims owing to  
11 funds not held by the State Treasurer, where such accounts or  
12 claims do not exceed \$50, nor shall the Comptroller deduct  
13 from funds held by the State Treasurer under the Senior  
14 Citizens and Persons with Disabilities Property Tax Relief Act  
15 or for payments to institutions from the Illinois Prepaid  
16 Tuition Trust Fund (unless the Trust Fund moneys are used for  
17 child support). The Comptroller shall not deduct from payments  
18 to be disbursed from the Child Support Enforcement Trust Fund  
19 as provided for under Section 12-10.2 of the Illinois Public  
20 Aid Code, except for payments representing interest on child  
21 support obligations under Section 10-16.5 of that Code. The  
22 Comptroller and the Department of Revenue shall enter into an  
23 interagency agreement to establish responsibilities, duties,  
24 and procedures relating to deductions from lottery prizes  
25 awarded under Section 20.1 of the Illinois Lottery Law. The  
26 Comptroller may enter into an intergovernmental agreement with

1 the Department of Revenue and the Secretary of the Treasury of  
2 the United States, or his or her delegate, to establish  
3 responsibilities, duties, and procedures relating to  
4 reciprocal offset of delinquent State and federal obligations  
5 pursuant to subsection (i-1) of Section 10 of the Illinois  
6 State Collection Act of 1986. The Comptroller may enter into  
7 intergovernmental agreements with a ~~any~~ unit of local  
8 government, a school district, a public institution of higher  
9 education, a public agency or association organized under an  
10 intergovernmental agreement in accordance with the provisions  
11 of the Intergovernmental Cooperation Act, or the clerk of a  
12 circuit court to establish responsibilities, duties, and  
13 procedures to provide for the offset, by the Comptroller, of  
14 obligations owed to those entities.

15 For the purposes of this Section, "clerk of a circuit  
16 court" means the clerk of a circuit court in any county in the  
17 State.

18 (Source: P.A. 99-143, eff. 7-27-15; 100-763, eff. 8-10-18.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."