



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2196

Introduced 2/10/2011, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

805 ILCS 5/15.93 new
805 ILCS 5/15.95

from Ch. 32, par. 15.95

Amends the State Finance Act. Provides that 15% of all moneys received by the State of Illinois from franchise tax litigation shall be deposited into the Secretary of State's Department of Business Services Special Operations Fund. Provides that the moneys in the fund shall be used by the Department of Business Services of the Office of the Secretary of State for expenses related to audit, enforcement, and operational duties in addition to pre-existing uses. Effective immediately.

LRB097 05665 AEK 45728 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Business Corporation Act of 1983 is amended
5 by adding Section 15.93 and changing Section 15.95 as follows:

6 (805 ILCS 5/15.93 new)

7 Sec. 15.93. Audit and enforcement funding. Fifteen percent
8 of all moneys received by the State of Illinois from franchise
9 tax litigation, either by settlement or judgment, under
10 Articles 15 and 16 of this Act shall be deposited into the
11 Secretary of State's Department of Business Services Special
12 Operations Fund.

13 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

14 Sec. 15.95. Department of Business Services Special
15 Operations Fund.

16 (a) A special fund in the State treasury known as the
17 Division of Corporations Special Operations Fund is renamed the
18 Department of Business Services Special Operations Fund.
19 Moneys deposited into the Fund shall, subject to appropriation,
20 be used by the Department of Business Services of the Office of
21 the Secretary of State, hereinafter "Department", to create and
22 maintain the capability to perform expedited services in

1 response to special requests made by the public for same day or
2 24 hour service, and for expenses related to audit,
3 enforcement, and operational duties. Moneys deposited into the
4 Fund shall be used for, but not limited to, expenditures for
5 personal services, retirement, social security, contractual
6 services, equipment, electronic data processing, and
7 telecommunications.

8 (b) The balance in the Fund at the end of any fiscal year
9 shall not exceed \$600,000 and any amount in excess thereof
10 shall be transferred to the General Revenue Fund.

11 (c) All fees payable to the Secretary of State under this
12 Section and Section 15.93 shall be deposited into the Fund. No
13 other fees or taxes collected under this Act shall be deposited
14 into the Fund.

15 (d) "Expedited services" means services rendered within
16 the same day, or within 24 hours from the time, the request
17 therefor is submitted by the filer, law firm, service company,
18 or messenger physically in person or, at the Secretary of
19 State's discretion, by electronic means, to the Department's
20 Springfield Office and includes requests for certified copies,
21 photocopies, and certificates of good standing or fact made to
22 the Department's Springfield Office in person or by telephone,
23 or requests for certificates of good standing or fact made in
24 person or by telephone to the Department's Chicago Office.

25 (e) Fees for expedited services shall be as follows:

26 Restatement of articles, \$200;

1 Merger, consolidation or exchange, \$200;
2 Articles of incorporation, \$100;
3 Articles of amendment, \$100;
4 Revocation of dissolution, \$100;
5 Reinstatement, \$100;
6 Application for authority, \$100;
7 Cumulative report of changes in issued shares or paid-in
8 capital, \$100;
9 Report following merger or consolidation, \$100;
10 Certificate of good standing or fact, \$20;
11 All other filings, copies of documents, annual reports
12 filed on or after January 1, 1984, and copies of documents of
13 dissolved or revoked corporations having a file number over
14 5199, \$50.

15 (f) Expedited services shall not be available for a
16 statement of correction, a petition for refund or adjustment,
17 or a request involving annual reports filed before January 1,
18 1984 or involving dissolved corporations with a file number
19 below 5200.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.