



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1723

Introduced 2/15/2013, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

15 ILCS 405/10.10	from Ch. 15, par. 210.10
15 ILCS 405/20	from Ch. 15, par. 220
15 ILCS 405/10.13 rep.	

Amends the State Comptroller Act. Authorizes the Comptroller to issue a replacement warrant on the Warrant Escheat Fund to a person or entity entitled thereto if 5 years but no more than 10 years have passed since the date of the original warrant's issuance. Sets forth requirements for the issuance of replacement warrants under those circumstances. Provides that certain State employee address information shall not be listed on the State employee list maintained by the Comptroller. Repeals a provision that prohibits an employee in the Comptroller's office from being employed by the State, except as a part-time teacher for a State college or university. Effective immediately.

LRB098 10437 JDS 40649 b

1 AN ACT concerning State government.

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

4 Section 5. The State Comptroller Act is amended by changing
5 Sections 10.10 and 20 as follows:

6 (15 ILCS 405/10.10) (from Ch. 15, par. 210.10)

7 Sec. 10.10. (a) If any Comptroller's ~~comptroller's~~ warrant
8 is lost, mislaid or destroyed, or becomes void after issuance,
9 so that it cannot be presented for payment by the person
10 entitled thereto, the Comptroller ~~comptroller~~, at any time
11 before that warrant is paid by the State Treasurer, but within
12 5 years of the date of issuance, may issue a replacement
13 warrant to the person entitled thereto. If the original warrant
14 was not cancelled or did not become void, the Comptroller
15 ~~comptroller~~, before issuing the replacement warrant, shall
16 issue a stop payment order on the State Treasurer and receive a
17 confirmation of the stop payment order on the original warrant
18 from the State Treasurer.

19 (b) Only the person entitled to the original warrant, or
20 his heirs or legal representatives, or a third party to whom it
21 was properly negotiated or the heirs or legal representatives
22 of such party, may request a replacement warrant. In the case
23 of a warrant issued to a payee who dies before the warrant is

1 paid by the State Treasurer and whose estate has been probated
2 pursuant to law, the Comptroller ~~comptroller~~, upon receipt of a
3 certified copy of a judicial order establishing the person or
4 entity entitled to payment, may issue a replacement warrant to
5 such person or entity.

6 (c) Within 12 months from the date of issuance of the
7 original warrant, if the original warrant has not been canceled
8 for redeposit, the Comptroller ~~comptroller~~ may issue a
9 replacement warrant on the original voucher drawing upon the
10 same fund and charging the same appropriation or other
11 expenditure authorization as the original warrant.

12 (d) Within 12 months from the date of issuance of the
13 original warrant, if the original warrant has been canceled for
14 redeposit, and if the issuance of the replacement warrant would
15 not over-obligate the appropriation or other expenditure
16 authority against which it is drawn, the Comptroller
17 ~~comptroller~~ may issue the replacement warrant. If the original
18 warrant was issued against an appropriation or other
19 expenditure authority which has lapsed, the replacement
20 warrant shall be drawn on the Warrant Escheat Fund. If the
21 appropriation or other obligational authority against which
22 the replacement warrant is drawn has not lapsed, the
23 Comptroller ~~comptroller~~ shall notify the originating agency of
24 the request for a replacement warrant and shall receive a
25 replacement voucher from that agency before drawing the
26 replacement warrant, which shall be drawn on the same fund and

1 charged to the same appropriation or other expenditure
2 authority as the original warrant.

3 (e) Within 12 months from the date of issuance of the
4 original warrant, if the original warrant has been canceled for
5 redeposit, the Comptroller ~~comptroller~~ may not issue a
6 replacement warrant where such issuance would over-obligate
7 the appropriation or other expenditure authority against which
8 the original warrant was drawn. Whenever the Comptroller
9 ~~comptroller~~ is presented with a request for a replacement
10 warrant which may not be issued under the limitation of this
11 subsection, if the appropriation or other expenditure
12 authority against which the original warrant was drawn has not
13 lapsed, the Comptroller ~~comptroller~~ shall immediately inform
14 the originating agency of the request and that the request may
15 not be honored because of the resulting over-obligation, and
16 shall request the agency to determine whether or not that
17 agency will take some corrective action before the applicable
18 expenditure authorization lapses. The originating agency shall
19 respond to the Comptroller's ~~comptroller's~~ inquiry within 5
20 business days.

21 (f) After 12 months from the date of issuance of the
22 original warrant, if the original warrant has not been
23 cancelled for redeposit, the Comptroller ~~comptroller~~ shall
24 issue the replacement warrant on the Warrant Escheat Fund.

25 (f-5) After 5 years from the date of issuance of the
26 original warrant but no later than 10 years after that date,

1 the Comptroller may issue a replacement warrant on the Warrant
2 Escheat Fund to a person or entity entitled thereto, as those
3 persons and entities are described in subsection (b) of this
4 Section, if the following requirements are met:

5 (1) the person or entity verifies that they are
6 entitled to the original warrant;

7 (2) in the case of a warrant that is not presented by
8 the requestor, the paying agency certifies that the
9 original payee is still entitled to the payment; and

10 (3) the Comptroller's records are available and
11 confirm that the warrant was not replaced.

12 (g) Except as provided in this Section, requests for
13 replacement warrants for more than \$500 shall show entitlement
14 to such warrant by including an affidavit, in writing, sworn
15 before a person authorized to administer oaths and
16 affirmations, stating the loss or destruction of the warrant,
17 or the fact that the warrant is void. However, when the written
18 request for a replacement warrant submitted by the person to
19 whom the original warrant was issued is accompanied by the
20 original warrant, no affidavit is required. Requests for
21 replacement warrants for \$500 or less shall show entitlement to
22 such warrant by submitting a written statement of the loss or
23 destruction of the warrant, or the fact that the warrant is
24 void on an application form prescribed by the Comptroller. If
25 the person requesting the replacement is in possession of the
26 original warrant, or any part thereof, the original warrant or

1 the part thereof must accompany the request for replacement.
2 The Comptroller ~~comptroller~~ shall then draw such replacement
3 warrant, and the treasurer shall pay the replacement warrant.
4 If at the time of a loss or destruction a warrant was
5 negotiated to a third party, however (which fact shall be
6 ascertained by the oath of the party making the application, or
7 otherwise), before the replacement warrant is drawn by the
8 Comptroller ~~comptroller~~, the person requesting the replacement
9 warrant must give the Comptroller ~~comptroller~~ a bond or bonds
10 with sufficient sureties, to be approved by the Comptroller
11 ~~comptroller~~, when required by regulation of the Comptroller
12 ~~comptroller~~, payable to the People of the State of Illinois,
13 for the refunding of the amount, together with all costs and
14 charges, should the State afterwards be compelled to pay the
15 original warrant.

16 (Source: P.A. 89-285, eff. 1-1-96.)

17 (15 ILCS 405/20) (from Ch. 15, par. 220)

18 Sec. 20. Annual report. The Comptroller ~~comptroller~~ shall
19 annually, as soon as possible after the close of the fiscal
20 year but no later than December 31, make out and present to the
21 Governor, the President of the Senate, the Speaker of the House
22 of Representatives, the Minority Leader of the Senate, and the
23 Minority Leader of the House of Representatives a report,
24 showing the amount of warrants drawn on the treasury, on other
25 funds held by the State Treasurer and on any public funds held

1 by State agencies, during the preceding fiscal year, and
2 stating, particularly, on what account they were drawn, and if
3 drawn on the contingent fund, to whom and for what they were
4 issued. He or she shall, also, at the same time, report to the
5 Governor, the President of the Senate, the Speaker of the House
6 of Representatives, the Minority Leader of the Senate, and the
7 Minority Leader of the House of Representatives the amount of
8 money received into the treasury, into other funds held by the
9 State Treasurer and into any other funds held by State agencies
10 during the preceding fiscal year, and stating particularly, the
11 source from which the same may be derived, and also a general
12 account of all the business of his office during the preceding
13 fiscal year. The report shall also summarize for the previous
14 fiscal year the information required under Section 19.

15 Within 60 days after the expiration of each calendar year,
16 the Comptroller ~~comptroller~~ shall compile, from records
17 maintained and available in his office, a list of all persons
18 including those employed in the Office of the Comptroller
19 ~~office of the comptroller~~, who have been employed by the State
20 during the past calendar year and paid from funds in the hands
21 of the State Treasurer.

22 The list ~~shall be arranged according to counties and~~ shall
23 state in alphabetical order the name of each employee and ~~the~~
24 ~~address in the county in which he votes, except as specified~~
25 ~~below~~, the position and the total salary paid to him or her
26 during the past calendar year. For all persons employed by the

1 ~~State, persons employed by the Department of Corrections,~~
2 ~~Department of Children and Family Services and the Department~~
3 ~~of State Police~~ no address shall be listed. The list so
4 compiled and arranged shall be kept on file in the office of
5 the Comptroller ~~comptroller~~ and be open to inspection by the
6 public at all times.

7 No person who utilizes the names obtained from this list
8 for solicitation shall represent that such solicitation is
9 authorized by any officer or agency of the State of Illinois.
10 Violation of this provision is a Business Offense punishable by
11 a fine not to exceed \$3,000.

12 (Source: P.A. 86-1003.)

13 (15 ILCS 405/10.13 rep.)

14 Section 10. The State Comptroller Act is amended by
15 repealing Section 10.13.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.