



Rep. Barbara Flynn Currie

Filed: 1/6/2013

09700SB2580ham001

LRB097 14502 MGM 73113 a

1 AMENDMENT TO SENATE BILL 2580

2 AMENDMENT NO. _____. Amend Senate Bill 2580 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 6z-18 as follows:

6 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

7 Sec. 6z-18. A portion of the money paid into the Local
8 Government Tax Fund from sales of food for human consumption
9 which is to be consumed off the premises where it is sold
10 (other than alcoholic beverages, soft drinks and food which has
11 been prepared for immediate consumption) and prescription and
12 nonprescription medicines, drugs, medical appliances and
13 insulin, urine testing materials, syringes and needles used by
14 diabetics, which occurred in municipalities, shall be
15 distributed to each municipality based upon the sales which
16 occurred in that municipality. The remainder shall be

1 distributed to each county based upon the sales which occurred
2 in the unincorporated area of that county.

3 A portion of the money paid into the Local Government Tax
4 Fund from the 6.25% general use tax rate on the selling price
5 of tangible personal property which is purchased outside
6 Illinois at retail from a retailer and which is titled or
7 registered by any agency of this State's government shall be
8 distributed to municipalities as provided in this paragraph.
9 Each municipality shall receive the amount attributable to
10 sales for which Illinois addresses for titling or registration
11 purposes are given as being in such municipality. The remainder
12 of the money paid into the Local Government Tax Fund from such
13 sales shall be distributed to counties. Each county shall
14 receive the amount attributable to sales for which Illinois
15 addresses for titling or registration purposes are given as
16 being located in the unincorporated area of such county.

17 A portion of the money paid into the Local Government Tax
18 Fund from the 6.25% general rate (and, beginning July 1, 2000
19 and through December 31, 2000, the 1.25% rate on motor fuel and
20 gasohol, and beginning on August 6, 2010 through August 15,
21 2010, the 1.25% rate on sales tax holiday items) on sales
22 subject to taxation under the Retailers' Occupation Tax Act and
23 the Service Occupation Tax Act, which occurred in
24 municipalities, shall be distributed to each municipality,
25 based upon the sales which occurred in that municipality. The
26 remainder shall be distributed to each county, based upon the

1 sales which occurred in the unincorporated area of such county.

2 For the purpose of determining allocation to the local
3 government unit, a retail sale by a producer of coal or other
4 mineral mined in Illinois is a sale at retail at the place
5 where the coal or other mineral mined in Illinois is extracted
6 from the earth. This paragraph does not apply to coal or other
7 mineral when it is delivered or shipped by the seller to the
8 purchaser at a point outside Illinois so that the sale is
9 exempt under the United States Constitution as a sale in
10 interstate or foreign commerce.

11 Whenever the Department determines that a refund of money
12 paid into the Local Government Tax Fund should be made to a
13 claimant instead of issuing a credit memorandum, the Department
14 shall notify the State Comptroller, who shall cause the order
15 to be drawn for the amount specified, and to the person named,
16 in such notification from the Department. Such refund shall be
17 paid by the State Treasurer out of the Local Government Tax
18 Fund.

19 As soon as possible after the first day of each month,
20 beginning January 1, 2011, upon certification of the Department
21 of Revenue, the Comptroller shall order transferred, and the
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
23 local sales tax increment, as defined in the Innovation
24 Development and Economy Act, collected during the second
25 preceding calendar month for sales within a STAR bond district
26 and deposited into the Local Government Tax Fund, less 3% of

1 that amount, which shall be transferred into the Tax Compliance
2 and Administration Fund and shall be used by the Department,
3 subject to appropriation, to cover the costs of the Department
4 in administering the Innovation Development and Economy Act.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to named municipalities
9 and counties, the municipalities and counties to be those
10 entitled to distribution of taxes or penalties paid to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each municipality or county shall be the
13 amount (not including credit memoranda) collected during the
14 second preceding calendar month by the Department and paid into
15 the Local Government Tax Fund, plus an amount the Department
16 determines is necessary to offset any amounts which were
17 erroneously paid to a different taxing body, and not including
18 an amount equal to the amount of refunds made during the second
19 preceding calendar month by the Department, and not including
20 any amount which the Department determines is necessary to
21 offset any amounts which are payable to a different taxing body
22 but were erroneously paid to the municipality or county, and
23 not including any amounts that are transferred to the STAR
24 Bonds Revenue Fund. Within 10 days after receipt, by the
25 Comptroller, of the disbursement certification to the
26 municipalities and counties, provided for in this Section to be

1 given to the Comptroller by the Department, the Comptroller
2 shall cause the orders to be drawn for the respective amounts
3 in accordance with the directions contained in such
4 certification.

5 When certifying the amount of monthly disbursement to a
6 municipality or county under this Section, the Department shall
7 increase or decrease that amount by an amount necessary to
8 offset any misallocation of previous disbursements. The offset
9 amount shall be the amount erroneously disbursed within the 6
10 months preceding the time a misallocation is discovered.

11 The provisions directing the distributions from the
12 special fund in the State Treasury provided for in this Section
13 shall constitute an irrevocable and continuing appropriation
14 of all amounts as provided herein. The State Treasurer and
15 State Comptroller are hereby authorized to make distributions
16 as provided in this Section.

17 In construing any development, redevelopment, annexation,
18 preannexation or other lawful agreement in effect prior to
19 September 1, 1990, which describes or refers to receipts from a
20 county or municipal retailers' occupation tax, use tax or
21 service occupation tax which now cannot be imposed, such
22 description or reference shall be deemed to include the
23 replacement revenue for such abolished taxes, distributed from
24 the Local Government Tax Fund.

25 As soon as possible after the effective date of this
26 amendatory Act of the 97th General Assembly, the State

1 Comptroller shall order and the State Treasurer shall transfer
2 \$9,600,000 from the Local Government Tax Fund to the Illinois
3 State Medical Disciplinary Fund.

4 (Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;
5 97-333, eff. 8-12-11.)

6 Section 10. The Medical Practice Act of 1987 is amended by
7 changing Section 21 as follows:

8 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

9 (Section scheduled to be repealed on December 31, 2013)

10 Sec. 21. License renewal; restoration; inactive status;
11 disposition and collection of fees.

12 (A) Renewal. The expiration date and renewal period for
13 each license issued under this Act shall be set by rule. The
14 holder of a license may renew the license by paying the
15 required fee. The holder of a license may also renew the
16 license within 90 days after its expiration by complying with
17 the requirements for renewal and payment of an additional fee.
18 A license renewal within 90 days after expiration shall be
19 effective retroactively to the expiration date.

20 The Department shall mail to each licensee under this Act,
21 at his or her address of record, at least 60 days in advance of
22 the expiration date of his or her license, a renewal notice. No
23 such license shall be deemed to have lapsed until 90 days after
24 the expiration date and after such notice has been mailed by

1 the Department as herein provided.

2 (B) Restoration. Any licensee who has permitted his or her
3 license to lapse or who has had his or her license on inactive
4 status may have his or her license restored by making
5 application to the Department and filing proof acceptable to
6 the Department of his or her fitness to have the license
7 restored, including evidence certifying to active practice in
8 another jurisdiction satisfactory to the Department, proof of
9 meeting the continuing education requirements for one renewal
10 period, and by paying the required restoration fee.

11 If the licensee has not maintained an active practice in
12 another jurisdiction satisfactory to the Department, the
13 Licensing Board shall determine, by an evaluation program
14 established by rule, the applicant's fitness to resume active
15 status and may require the licensee to complete a period of
16 evaluated clinical experience and may require successful
17 completion of a practical examination specified by the
18 Licensing Board.

19 However, any registrant whose license has expired while he
20 or she has been engaged (a) in Federal Service on active duty
21 with the Army of the United States, the United States Navy, the
22 Marine Corps, the Air Force, the Coast Guard, the Public Health
23 Service or the State Militia called into the service or
24 training of the United States of America, or (b) in training or
25 education under the supervision of the United States
26 preliminary to induction into the military service, may have

1 his or her license reinstated or restored without paying any
2 lapsed renewal fees, if within 2 years after honorable
3 termination of such service, training, or education, he or she
4 furnishes to the Department with satisfactory evidence to the
5 effect that he or she has been so engaged and that his or her
6 service, training, or education has been so terminated.

7 (C) Inactive licenses. Any licensee who notifies the
8 Department, in writing on forms prescribed by the Department,
9 may elect to place his or her license on an inactive status and
10 shall, subject to rules of the Department, be excused from
11 payment of renewal fees until he or she notifies the Department
12 in writing of his or her desire to resume active status.

13 Any licensee requesting restoration from inactive status
14 shall be required to pay the current renewal fee, provide proof
15 of meeting the continuing education requirements for the period
16 of time the license is inactive not to exceed one renewal
17 period, and shall be required to restore his or her license as
18 provided in subsection (B).

19 Any licensee whose license is in an inactive status shall
20 not practice in the State of Illinois.

21 (D) Disposition of monies collected. All monies collected
22 under this Act by the Department shall be deposited in the
23 Illinois State Medical Disciplinary Fund in the State Treasury,
24 and used only for the following purposes: (a) by the
25 Disciplinary Board and Licensing Board in the exercise of its
26 powers and performance of its duties, as such use is made by

1 the Department with full consideration of all recommendations
2 of the Disciplinary Board and Licensing Board, (b) for costs
3 directly related to persons licensed under this Act, and (c)
4 for direct and allocable indirect costs related to the public
5 purposes of the Department.

6 Moneys in the Fund may be transferred to the Professions
7 Indirect Cost Fund as authorized under Section 2105-300 of the
8 Department of Professional Regulation Law (20 ILCS
9 2105/2105-300).

10 The State Comptroller shall order and the State Treasurer
11 shall transfer an amount equal to \$3,200,000 from the Illinois
12 State Medical Disciplinary Fund to the Local Government Tax
13 Fund on each of the following dates: July 1, 2014, October 1,
14 2014, and January 1, 2015. These transfers shall constitute
15 repayment of the \$9,600,000 transfer made under Section 6z-18
16 of the State Finance Act.

17 All earnings received from investment of monies in the
18 Illinois State Medical Disciplinary Fund shall be deposited in
19 the Illinois State Medical Disciplinary Fund and shall be used
20 for the same purposes as fees deposited in such Fund.

21 (E) Fees. The following fees are nonrefundable.

22 (1) Applicants for any examination shall be required to
23 pay, either to the Department or to the designated testing
24 service, a fee covering the cost of determining the
25 applicant's eligibility and providing the examination.
26 Failure to appear for the examination on the scheduled

1 date, at the time and place specified, after the
2 applicant's application for examination has been received
3 and acknowledged by the Department or the designated
4 testing service, shall result in the forfeiture of the
5 examination fee.

6 (2) The fee for a license under Section 9 of this Act
7 is \$300.

8 (3) The fee for a license under Section 19 of this Act
9 is \$300.

10 (4) The fee for the renewal of a license for a resident
11 of Illinois shall be calculated at the rate of \$100 per
12 year, except for licensees who were issued a license within
13 12 months of the expiration date of the license, the fee
14 for the renewal shall be \$100. The fee for the renewal of a
15 license for a nonresident shall be calculated at the rate
16 of \$200 per year, except for licensees who were issued a
17 license within 12 months of the expiration date of the
18 license, the fee for the renewal shall be \$200.

19 (5) The fee for the restoration of a license other than
20 from inactive status, is \$100. In addition, payment of all
21 lapsed renewal fees not to exceed \$600 is required.

22 (6) The fee for a 3-year temporary license under
23 Section 17 is \$100.

24 (7) The fee for the issuance of a duplicate license,
25 for the issuance of a replacement license for a license
26 which has been lost or destroyed, or for the issuance of a

1 license with a change of name or address other than during
2 the renewal period is \$20. No fee is required for name and
3 address changes on Department records when no duplicate
4 license is issued.

5 (8) The fee to be paid for a license record for any
6 purpose is \$20.

7 (9) The fee to be paid to have the scoring of an
8 examination, administered by the Department, reviewed and
9 verified, is \$20 plus any fees charged by the applicable
10 testing service.

11 (10) The fee to be paid by a licensee for a wall
12 certificate showing his or her license shall be the actual
13 cost of producing the certificate as determined by the
14 Department.

15 (11) The fee for a roster of persons licensed as
16 physicians in this State shall be the actual cost of
17 producing such a roster as determined by the Department.

18 (F) Any person who delivers a check or other payment to the
19 Department that is returned to the Department unpaid by the
20 financial institution upon which it is drawn shall pay to the
21 Department, in addition to the amount already owed to the
22 Department, a fine of \$50. The fines imposed by this Section
23 are in addition to any other discipline provided under this Act
24 for unlicensed practice or practice on a nonrenewed license.
25 The Department shall notify the person that payment of fees and
26 fines shall be paid to the Department by certified check or

1 money order within 30 calendar days of the notification. If,
2 after the expiration of 30 days from the date of the
3 notification, the person has failed to submit the necessary
4 remittance, the Department shall automatically terminate the
5 license or certificate or deny the application, without
6 hearing. If, after termination or denial, the person seeks a
7 license or certificate, he or she shall apply to the Department
8 for restoration or issuance of the license or certificate and
9 pay all fees and fines due to the Department. The Department
10 may establish a fee for the processing of an application for
11 restoration of a license or certificate to pay all expenses of
12 processing this application. The Secretary may waive the fines
13 due under this Section in individual cases where the Secretary
14 finds that the fines would be unreasonable or unnecessarily
15 burdensome.

16 (Source: P.A. 97-622, eff. 11-23-11.)

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