



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2368

Introduced 1/28/2016, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

20 ILCS 405/405-20	was 20 ILCS 405/35.7
20 ILCS 405/405-250	was 20 ILCS 405/35.7a
20 ILCS 405/405-410	
30 ILCS 105/5.55	from Ch. 127, par. 141.55
30 ILCS 105/6p-1	from Ch. 127, par. 142p1
30 ILCS 105/6p-2	from Ch. 127, par. 142p2
30 ILCS 105/6z-34	
30 ILCS 105/8.16a	from Ch. 127, par. 144.16a
30 ILCS 105/5.12 rep.	
215 ILCS 5/408	from Ch. 73, par. 1020
215 ILCS 5/408.2	from Ch. 73, par. 1020.2
215 ILCS 5/1202	from Ch. 73, par. 1065.902
215 ILCS 5/1206	from Ch. 73, par. 1065.906
820 ILCS 305/17	from Ch. 48, par. 138.17
820 ILCS 310/17	from Ch. 48, par. 172.52

Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Replaces certain references to "statistical research", "statistical services", and "electronic data processing" with "information technology". Changes the name of the Statistical Services Revolving Fund to the Technology Management Revolving Fund. Dissolves the Communications Revolving Fund and provides that any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the Technology Management Revolving Fund. Amends various other Acts to make conforming changes. Effective July 1, 2016.

LRB099 16038 HLH 40356 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 Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended by
6 changing Sections 405-20, 405-250, and 405-410 as follows:

7 (20 ILCS 405/405-20) (was 20 ILCS 405/35.7)

8 Sec. 405-20. Fiscal policy information to Governor;
9 information technology ~~statistical research~~ planning.

10 (a) The Department shall be responsible for providing the
11 Governor with timely, comprehensive, and meaningful
12 information pertinent to the formulation and execution of
13 fiscal policy. In performing this responsibility the
14 Department shall have the power and duty to do the following:

15 (1) Control the procurement, retention, installation,
16 maintenance, and operation, as specified by the Director,
17 of information technology ~~electronic data processing~~
18 equipment and software used by State agencies in such a
19 manner as to achieve maximum economy and provide adequate
20 assistance in the development of information suitable for
21 management analysis.

22 (2) Establish principles and standards of information
23 technology ~~statistical~~ reporting by State agencies and

1 priorities for completion of research by those agencies in
2 accordance with the requirements for management analysis
3 as specified by the Director.

4 (3) Establish, through the Director, charges for
5 information technology ~~statistical~~ services requested by
6 State agencies and rendered by the Department. The
7 Department is likewise empowered through the Director to
8 establish prices or charges for information technology
9 services rendered by the Department for ~~all statistical~~
10 ~~reports purchased by~~ agencies and individuals not
11 connected with State government.

12 (4) Instruct all State agencies as the Director may
13 require to report regularly to the Department, in the
14 manner the Director may prescribe, their usage of
15 information technology ~~electronic information~~ devices and
16 services, the cost incurred, the information produced, and
17 the procedures followed in obtaining the information. All
18 State agencies shall request of the Director any
19 information technology resources ~~statistical services~~
20 requiring the use of electronic devices and shall conform
21 to the priorities assigned by the Director in using those
22 electronic devices.

23 (5) Examine the accounts, use of information
24 technology resources, and statistical data of any
25 organization, body, or agency receiving appropriations
26 from the General Assembly.

1 (6) Install and operate a modern information system
2 utilizing equipment adequate to satisfy the requirements
3 for analysis and review as specified by the Director.
4 Expenditures for information technology ~~statistical~~
5 services rendered shall be reimbursed by the recipients.
6 The reimbursement shall be determined by the Director as
7 amounts sufficient to reimburse the Technology Management
8 ~~Statistical Services~~ Revolving Fund for expenditures
9 incurred in rendering the services.

10 (b) In addition to the other powers and duties listed in
11 this Section, the Department shall analyze the present and
12 future aims, needs, and requirements of information technology
13 ~~statistical research~~ and planning in order to provide for the
14 formulation of overall policy relative to the use of electronic
15 data processing equipment and software by the State of
16 Illinois. In making this analysis, the Department under the
17 Director shall formulate a master plan for the use of
18 information technology ~~statistical research~~, utilizing
19 electronic equipment, software, and services most
20 advantageously, and advising whether electronic data
21 processing equipment and software should be leased or purchased
22 by the State. The Department under the Director shall prepare
23 and submit interim reports of meaningful developments and
24 proposals for legislation to the Governor on or before January
25 30 each year. The Department under the Director shall engage in
26 a continuing analysis and evaluation of the master plan so

1 developed, and it shall be the responsibility of the Department
2 to recommend from time to time any needed amendments and
3 modifications of any master plan enacted by the General
4 Assembly.

5 (c) For the purposes of this Section, Section 405-245, and
6 paragraph (4) of Section 405-10 only, "State agencies" means
7 all departments, boards, commissions, and agencies of the State
8 of Illinois subject to the Governor.

9 (Source: P.A. 94-91, eff. 7-1-05.)

10 (20 ILCS 405/405-250) (was 20 ILCS 405/35.7a)

11 Sec. 405-250. Information technology ~~Statistical services;~~
12 use of information technology ~~electronic data processing~~
13 equipment and software. The Department may make information
14 technology resources ~~statistical services~~ and the use of
15 information technology ~~electronic data processing~~ equipment
16 and software, including necessary telecommunications lines and
17 equipment, available to local governments, elected State
18 officials, State educational institutions, and all other
19 governmental units of the State requesting them. The Director
20 is empowered to establish prices and charges for the
21 information technology resources ~~statistical services~~ so
22 furnished and for the use of the information technology
23 ~~electronic data processing~~ equipment and software and
24 necessary telecommunications lines and equipment. The prices
25 and charges shall be sufficient to reimburse the cost of

1 furnishing the services and use of equipment, software, and
2 lines.

3 (Source: P.A. 91-239, eff. 1-1-00.)

4 (20 ILCS 405/405-410)

5 Sec. 405-410. Transfer of Information Technology
6 functions.

7 (a) Notwithstanding any other law to the contrary, the
8 Director of Central Management Services, working in
9 cooperation with the Director of any other agency, department,
10 board, or commission directly responsible to the Governor, may
11 direct the transfer, to the Department of Central Management
12 Services, of those information technology functions at that
13 agency, department, board, or commission that are suitable for
14 centralization.

15 Upon receipt of the written direction to transfer
16 information technology functions to the Department of Central
17 Management Services, the personnel, equipment, and property
18 (both real and personal) directly relating to the transferred
19 functions shall be transferred to the Department of Central
20 Management Services, and the relevant documents, records, and
21 correspondence shall be transferred or copied, as the Director
22 may prescribe.

23 (b) Upon receiving written direction from the Director of
24 Central Management Services, the Comptroller and Treasurer are
25 authorized to transfer the unexpended balance of any

1 appropriations related to the information technology functions
2 transferred to the Department of Central Management Services
3 and shall make the necessary fund transfers from any special
4 fund in the State Treasury or from any other federal or State
5 trust fund held by the Treasurer to the General Revenue Fund or
6 ~~7 the Technology Management ~~Statistical Services~~ Revolving~~
7 ~~Fund, or the Communications Revolving Fund,~~ as designated by
8 the Director of Central Management Services, for use by the
9 Department of Central Management Services in support of
10 information technology functions or any other related costs or
11 expenses of the Department of Central Management Services.

12 (c) The rights of employees and the State and its agencies
13 under the Personnel Code and applicable collective bargaining
14 agreements or under any pension, retirement, or annuity plan
15 shall not be affected by any transfer under this Section.

16 (d) The functions transferred to the Department of Central
17 Management Services by this Section shall be vested in and
18 shall be exercised by the Department of Central Management
19 Services. Each act done in the exercise of those functions
20 shall have the same legal effect as if done by the agencies,
21 offices, divisions, departments, bureaus, boards and
22 commissions from which they were transferred.

23 Every person or other entity shall be subject to the same
24 obligations and duties and any penalties, civil or criminal,
25 arising therefrom, and shall have the same rights arising from
26 the exercise of such rights, powers, and duties as had been

1 exercised by the agencies, offices, divisions, departments,
2 bureaus, boards, and commissions from which they were
3 transferred.

4 Whenever reports or notices are now required to be made or
5 given or papers or documents furnished or served by any person
6 in regards to the functions transferred to or upon the
7 agencies, offices, divisions, departments, bureaus, boards,
8 and commissions from which the functions were transferred, the
9 same shall be made, given, furnished or served in the same
10 manner to or upon the Department of Central Management
11 Services.

12 This Section does not affect any act done, ratified, or
13 cancelled or any right occurring or established or any action
14 or proceeding had or commenced in an administrative, civil, or
15 criminal cause regarding the functions transferred, but those
16 proceedings may be continued by the Department of Central
17 Management Services.

18 This Section does not affect the legality of any rules in
19 the Illinois Administrative Code regarding the functions
20 transferred in this Section that are in force on the effective
21 date of this Section. If necessary, however, the affected
22 agencies shall propose, adopt, or repeal rules, rule
23 amendments, and rule recodifications as appropriate to
24 effectuate this Section.

25 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04;
26 93-1067, eff. 1-15-05.)

1 Section 10. The State Finance Act is amended by changing
2 Sections 5.55, 6p-1, 6p-2, 6z-34, and 8.16a as follows:

3 (30 ILCS 105/5.55) (from Ch. 127, par. 141.55)

4 Sec. 5.55. The Technology Management ~~Statistical Services~~
5 Revolving Fund.

6 (Source: Laws 1919, p. 946.)

7 (30 ILCS 105/6p-1) (from Ch. 127, par. 142p1)

8 Sec. 6p-1. The Technology Management Revolving Fund
9 (formerly known as the Statistical Services Revolving Fund)
10 shall be initially financed by a transfer of funds from the
11 General Revenue Fund. Thereafter, all fees and other monies
12 received by the Department of Central Management Services in
13 payment for statistical services rendered pursuant to Section
14 405-20 of the Department of Central Management Services Law (20
15 ILCS 405/405-20) shall be paid into the Technology Management
16 ~~Statistical Services~~ Revolving Fund. Beginning July 1, 2016,
17 all fees and other moneys received by the Department of Central
18 Management Services in payment for communications services
19 rendered pursuant to the Department of Central Management
20 Services Law of the Civil Administrative Code of Illinois or
21 sale of surplus State communications equipment shall be paid
22 into the Technology Management Revolving Fund. The money in
23 this fund shall be used by the Department of Central Management

1 Services as reimbursement for expenditures incurred in
2 rendering statistical services and, beginning July 1, 2016, as
3 reimbursement for expenditures incurred in relation to
4 communications services.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

7 Sec. 6p-2. The Communications Revolving Fund shall be
8 initially financed by a transfer of funds from the General
9 Revenue Fund. Thereafter, all fees and other monies received by
10 the Department of Central Management Services in payment for
11 communications services rendered pursuant to the Department of
12 Central Management Services Law or sale of surplus State
13 communications equipment shall be paid into the Communications
14 Revolving Fund. Except as otherwise provided in this Section,
15 the money in this fund shall be used by the Department of
16 Central Management Services as reimbursement for expenditures
17 incurred in relation to communications services.

18 On the effective date of this amendatory Act of the 93rd
19 General Assembly, or as soon as practicable thereafter, the
20 State Comptroller shall order transferred and the State
21 Treasurer shall transfer \$3,000,000 from the Communications
22 Revolving Fund to the Emergency Public Health Fund to be used
23 for the purposes specified in Section 55.6a of the
24 Environmental Protection Act.

25 In addition to any other transfers that may be provided for

1 by law, on July 1, 2011, or as soon thereafter as practical,
2 the State Comptroller shall direct and the State Treasurer
3 shall transfer the sum of \$5,000,000 from the General Revenue
4 Fund to the Communications Revolving Fund.

5 Notwithstanding any other provision of law, in addition to
6 any other transfers that may be provided by law, on July 1,
7 2016, or as soon thereafter as practical, the State Comptroller
8 shall direct and the State Treasurer shall transfer the
9 remaining balance from the Communications Revolving Fund into
10 the Technology Management Revolving Fund. Upon completion of
11 the transfers, the Communications Revolving Fund is dissolved,
12 and any future deposits due to that Fund and any outstanding
13 obligations or liabilities of that Fund pass to the Technology
14 Management Revolving Fund.

15 (Source: P.A. 97-641, eff. 12-19-11.)

16 (30 ILCS 105/6z-34)

17 Sec. 6z-34. Secretary of State Special Services Fund. There
18 is created in the State Treasury a special fund to be known as
19 the Secretary of State Special Services Fund. Moneys deposited
20 into the Fund may, subject to appropriation, be used by the
21 Secretary of State for any or all of the following purposes:

22 (1) For general automation efforts within operations
23 of the Office of Secretary of State.

24 (2) For technology applications in any form that will
25 enhance the operational capabilities of the Office of

1 Secretary of State.

2 (3) To provide funds for any type of library grants
3 authorized and administered by the Secretary of State as
4 State Librarian.

5 These funds are in addition to any other funds otherwise
6 authorized to the Office of Secretary of State for like or
7 similar purposes.

8 On August 15, 1997, all fiscal year 1997 receipts that
9 exceed the amount of \$15,000,000 shall be transferred from this
10 Fund to the Statistical Services Revolving Fund (now known as
11 the Technology Management Revolving Fund); on August 15, 1998
12 and each year thereafter through 2000, all receipts from the
13 fiscal year ending on the previous June 30th that exceed the
14 amount of \$17,000,000 shall be transferred from this Fund to
15 the Statistical Services Revolving Fund (now known as the
16 Technology Management Revolving Fund); on August 15, 2001 and
17 each year thereafter through 2002, all receipts from the fiscal
18 year ending on the previous June 30th that exceed the amount of
19 \$19,000,000 shall be transferred from this Fund to the
20 Statistical Services Revolving Fund (now known as the
21 Technology Management Revolving Fund); and on August 15, 2003
22 and each year thereafter, all receipts from the fiscal year
23 ending on the previous June 30th that exceed the amount of
24 \$33,000,000 shall be transferred from this Fund to the
25 Technology Management Revolving Fund (formerly known as the
26 Statistical Services Revolving Fund).

1 (Source: P.A. 92-32, eff. 7-1-01; 93-32, eff. 7-1-03.)

2 (30 ILCS 105/8.16a) (from Ch. 127, par. 144.16a)

3 Sec. 8.16a. Appropriations for the procurement,
4 installation, retention, maintenance and operation of
5 electronic data processing and information technology devices
6 and software used by state agencies subject to Section 405-20
7 of the Department of Central Management Services Law (20 ILCS
8 405/405-20), the purchase of necessary supplies and equipment
9 and accessories thereto, and all other expenses incident to the
10 operation and maintenance of those electronic data processing
11 and information technology devices and software are payable
12 from the Technology Management ~~Statistical Services~~ Revolving
13 Fund. However, no contract shall be entered into or obligation
14 incurred for any expenditure from the Technology Management
15 ~~Statistical Services~~ Revolving Fund until after the purpose and
16 amount has been approved in writing by the Director of Central
17 Management Services. Until there are sufficient funds in the
18 Technology Management Revolving Fund (formerly known as the
19 Statistical Services Revolving Fund) to carry out the purposes
20 of this amendatory Act of 1965, however, the State agencies
21 subject to that Section 405-20 shall, on written approval of
22 the Director of Central Management Services, pay the cost of
23 operating and maintaining electronic data processing systems
24 from current appropriations as classified and standardized in
25 the State Finance Act ~~"An Act in relation to State finance",~~

1 ~~approved June 10, 1919, as amended.~~

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (30 ILCS 105/5.12 rep.)

4 Section 15. The State Finance Act is amended by repealing
5 Section 5.12.

6 Section 20. The Illinois Insurance Code is amended by
7 changing Sections 408, 408.2, 1202, and 1206 as follows:

8 (215 ILCS 5/408) (from Ch. 73, par. 1020)

9 Sec. 408. Fees and charges.

10 (1) The Director shall charge, collect and give proper
11 acquittances for the payment of the following fees and charges:

12 (a) For filing all documents submitted for the
13 incorporation or organization or certification of a
14 domestic company, except for a fraternal benefit society,
15 \$2,000.

16 (b) For filing all documents submitted for the
17 incorporation or organization of a fraternal benefit
18 society, \$500.

19 (c) For filing amendments to articles of incorporation
20 and amendments to declaration of organization, except for a
21 fraternal benefit society, a mutual benefit association, a
22 burial society or a farm mutual, \$200.

23 (d) For filing amendments to articles of incorporation

1 of a fraternal benefit society, a mutual benefit
2 association or a burial society, \$100.

3 (e) For filing amendments to articles of incorporation
4 of a farm mutual, \$50.

5 (f) For filing bylaws or amendments thereto, \$50.

6 (g) For filing agreement of merger or consolidation:

7 (i) for a domestic company, except for a fraternal
8 benefit society, a mutual benefit association, a
9 burial society, or a farm mutual, \$2,000.

10 (ii) for a foreign or alien company, except for a
11 fraternal benefit society, \$600.

12 (iii) for a fraternal benefit society, a mutual
13 benefit association, a burial society, or a farm
14 mutual, \$200.

15 (h) For filing agreements of reinsurance by a domestic
16 company, \$200.

17 (i) For filing all documents submitted by a foreign or
18 alien company to be admitted to transact business or
19 accredited as a reinsurer in this State, except for a
20 fraternal benefit society, \$5,000.

21 (j) For filing all documents submitted by a foreign or
22 alien fraternal benefit society to be admitted to transact
23 business in this State, \$500.

24 (k) For filing declaration of withdrawal of a foreign
25 or alien company, \$50.

26 (l) For filing annual statement by a domestic company,

1 except a fraternal benefit society, a mutual benefit
2 association, a burial society, or a farm mutual, \$200.

3 (m) For filing annual statement by a domestic fraternal
4 benefit society, \$100.

5 (n) For filing annual statement by a farm mutual, a
6 mutual benefit association, or a burial society, \$50.

7 (o) For issuing a certificate of authority or renewal
8 thereof except to a foreign fraternal benefit society,
9 \$400.

10 (p) For issuing a certificate of authority or renewal
11 thereof to a foreign fraternal benefit society, \$200.

12 (q) For issuing an amended certificate of authority,
13 \$50.

14 (r) For each certified copy of certificate of
15 authority, \$20.

16 (s) For each certificate of deposit, or valuation, or
17 compliance or surety certificate, \$20.

18 (t) For copies of papers or records per page, \$1.

19 (u) For each certification to copies of papers or
20 records, \$10.

21 (v) For multiple copies of documents or certificates
22 listed in subparagraphs (r), (s), and (u) of paragraph (1)
23 of this Section, \$10 for the first copy of a certificate of
24 any type and \$5 for each additional copy of the same
25 certificate requested at the same time, unless, pursuant to
26 paragraph (2) of this Section, the Director finds these

1 additional fees excessive.

2 (w) For issuing a permit to sell shares or increase
3 paid-up capital:

4 (i) in connection with a public stock offering,
5 \$300;

6 (ii) in any other case, \$100.

7 (x) For issuing any other certificate required or
8 permissible under the law, \$50.

9 (y) For filing a plan of exchange of the stock of a
10 domestic stock insurance company, a plan of
11 demutualization of a domestic mutual company, or a plan of
12 reorganization under Article XII, \$2,000.

13 (z) For filing a statement of acquisition of a domestic
14 company as defined in Section 131.4 of this Code, \$2,000.

15 (aa) For filing an agreement to purchase the business
16 of an organization authorized under the Dental Service Plan
17 Act or the Voluntary Health Services Plans Act or of a
18 health maintenance organization or a limited health
19 service organization, \$2,000.

20 (bb) For filing a statement of acquisition of a foreign
21 or alien insurance company as defined in Section 131.12a of
22 this Code, \$1,000.

23 (cc) For filing a registration statement as required in
24 Sections 131.13 and 131.14, the notification as required by
25 Sections 131.16, 131.20a, or 141.4, or an agreement or
26 transaction required by Sections 124.2(2), 141, 141a, or

1 141.1, \$200.

2 (dd) For filing an application for licensing of:

3 (i) a religious or charitable risk pooling trust or
4 a workers' compensation pool, \$1,000;

5 (ii) a workers' compensation service company,
6 \$500;

7 (iii) a self-insured automobile fleet, \$200; or

8 (iv) a renewal of or amendment of any license
9 issued pursuant to (i), (ii), or (iii) above, \$100.

10 (ee) For filing articles of incorporation for a
11 syndicate to engage in the business of insurance through
12 the Illinois Insurance Exchange, \$2,000.

13 (ff) For filing amended articles of incorporation for a
14 syndicate engaged in the business of insurance through the
15 Illinois Insurance Exchange, \$100.

16 (gg) For filing articles of incorporation for a limited
17 syndicate to join with other subscribers or limited
18 syndicates to do business through the Illinois Insurance
19 Exchange, \$1,000.

20 (hh) For filing amended articles of incorporation for a
21 limited syndicate to do business through the Illinois
22 Insurance Exchange, \$100.

23 (ii) For a permit to solicit subscriptions to a
24 syndicate or limited syndicate, \$100.

25 (jj) For the filing of each form as required in Section
26 143 of this Code, \$50 per form. The fee for advisory and

1 rating organizations shall be \$200 per form.

2 (i) For the purposes of the form filing fee,
3 filings made on insert page basis will be considered
4 one form at the time of its original submission.
5 Changes made to a form subsequent to its approval shall
6 be considered a new filing.

7 (ii) Only one fee shall be charged for a form,
8 regardless of the number of other forms or policies
9 with which it will be used.

10 (iii) Fees charged for a policy filed as it will be
11 issued regardless of the number of forms comprising
12 that policy shall not exceed \$1,500. For advisory or
13 rating organizations, fees charged for a policy filed
14 as it will be issued regardless of the number of forms
15 comprising that policy shall not exceed \$2,500.

16 (iv) The Director may by rule exempt forms from
17 such fees.

18 (kk) For filing an application for licensing of a
19 reinsurance intermediary, \$500.

20 (ll) For filing an application for renewal of a license
21 of a reinsurance intermediary, \$200.

22 (2) When printed copies or numerous copies of the same
23 paper or records are furnished or certified, the Director may
24 reduce such fees for copies if he finds them excessive. He may,
25 when he considers it in the public interest, furnish without
26 charge to state insurance departments and persons other than

1 companies, copies or certified copies of reports of
2 examinations and of other papers and records.

3 (3) The expenses incurred in any performance examination
4 authorized by law shall be paid by the company or person being
5 examined. The charge shall be reasonably related to the cost of
6 the examination including but not limited to compensation of
7 examiners, electronic data processing costs, supervision and
8 preparation of an examination report and lodging and travel
9 expenses. All lodging and travel expenses shall be in accord
10 with the applicable travel regulations as published by the
11 Department of Central Management Services and approved by the
12 Governor's Travel Control Board, except that out-of-state
13 lodging and travel expenses related to examinations authorized
14 under Section 132 shall be in accordance with travel rates
15 prescribed under paragraph 301-7.2 of the Federal Travel
16 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
17 subsistence expenses incurred during official travel. All
18 lodging and travel expenses may be reimbursed directly upon
19 authorization of the Director. With the exception of the direct
20 reimbursements authorized by the Director, all performance
21 examination charges collected by the Department shall be paid
22 to the Insurance Producer Administration Fund, however, the
23 electronic data processing costs incurred by the Department in
24 the performance of any examination shall be billed directly to
25 the company being examined for payment to the Technology
26 Management ~~Statistical Services~~ Revolving Fund.

1 (4) At the time of any service of process on the Director
2 as attorney for such service, the Director shall charge and
3 collect the sum of \$20, which may be recovered as taxable costs
4 by the party to the suit or action causing such service to be
5 made if he prevails in such suit or action.

6 (5) (a) The costs incurred by the Department of Insurance
7 in conducting any hearing authorized by law shall be assessed
8 against the parties to the hearing in such proportion as the
9 Director of Insurance may determine upon consideration of all
10 relevant circumstances including: (1) the nature of the
11 hearing; (2) whether the hearing was instigated by, or for the
12 benefit of a particular party or parties; (3) whether there is
13 a successful party on the merits of the proceeding; and (4) the
14 relative levels of participation by the parties.

15 (b) For purposes of this subsection (5) costs incurred
16 shall mean the hearing officer fees, court reporter fees, and
17 travel expenses of Department of Insurance officers and
18 employees; provided however, that costs incurred shall not
19 include hearing officer fees or court reporter fees unless the
20 Department has retained the services of independent
21 contractors or outside experts to perform such functions.

22 (c) The Director shall make the assessment of costs
23 incurred as part of the final order or decision arising out of
24 the proceeding; provided, however, that such order or decision
25 shall include findings and conclusions in support of the
26 assessment of costs. This subsection (5) shall not be construed

1 as permitting the payment of travel expenses unless calculated
2 in accordance with the applicable travel regulations of the
3 Department of Central Management Services, as approved by the
4 Governor's Travel Control Board. The Director as part of such
5 order or decision shall require all assessments for hearing
6 officer fees and court reporter fees, if any, to be paid
7 directly to the hearing officer or court reporter by the
8 party(s) assessed for such costs. The assessments for travel
9 expenses of Department officers and employees shall be
10 reimbursable to the Director of Insurance for deposit to the
11 fund out of which those expenses had been paid.

12 (d) The provisions of this subsection (5) shall apply in
13 the case of any hearing conducted by the Director of Insurance
14 not otherwise specifically provided for by law.

15 (6) The Director shall charge and collect an annual
16 financial regulation fee from every domestic company for
17 examination and analysis of its financial condition and to fund
18 the internal costs and expenses of the Interstate Insurance
19 Receivership Commission as may be allocated to the State of
20 Illinois and companies doing an insurance business in this
21 State pursuant to Article X of the Interstate Insurance
22 Receivership Compact. The fee shall be the greater fixed amount
23 based upon the combination of nationwide direct premium income
24 and nationwide reinsurance assumed premium income or upon
25 admitted assets calculated under this subsection as follows:

26 (a) Combination of nationwide direct premium income

1 and nationwide reinsurance assumed premium.

2 (i) \$150, if the premium is less than \$500,000 and
3 there is no reinsurance assumed premium;

4 (ii) \$750, if the premium is \$500,000 or more, but
5 less than \$5,000,000 and there is no reinsurance
6 assumed premium; or if the premium is less than
7 \$5,000,000 and the reinsurance assumed premium is less
8 than \$10,000,000;

9 (iii) \$3,750, if the premium is less than
10 \$5,000,000 and the reinsurance assumed premium is
11 \$10,000,000 or more;

12 (iv) \$7,500, if the premium is \$5,000,000 or more,
13 but less than \$10,000,000;

14 (v) \$18,000, if the premium is \$10,000,000 or more,
15 but less than \$25,000,000;

16 (vi) \$22,500, if the premium is \$25,000,000 or
17 more, but less than \$50,000,000;

18 (vii) \$30,000, if the premium is \$50,000,000 or
19 more, but less than \$100,000,000;

20 (viii) \$37,500, if the premium is \$100,000,000 or
21 more.

22 (b) Admitted assets.

23 (i) \$150, if admitted assets are less than
24 \$1,000,000;

25 (ii) \$750, if admitted assets are \$1,000,000 or
26 more, but less than \$5,000,000;

1 (iii) \$3,750, if admitted assets are \$5,000,000 or
2 more, but less than \$25,000,000;

3 (iv) \$7,500, if admitted assets are \$25,000,000 or
4 more, but less than \$50,000,000;

5 (v) \$18,000, if admitted assets are \$50,000,000 or
6 more, but less than \$100,000,000;

7 (vi) \$22,500, if admitted assets are \$100,000,000
8 or more, but less than \$500,000,000;

9 (vii) \$30,000, if admitted assets are \$500,000,000
10 or more, but less than \$1,000,000,000;

11 (viii) \$37,500, if admitted assets are
12 \$1,000,000,000 or more.

13 (c) The sum of financial regulation fees charged to the
14 domestic companies of the same affiliated group shall not
15 exceed \$250,000 in the aggregate in any single year and
16 shall be billed by the Director to the member company
17 designated by the group.

18 (7) The Director shall charge and collect an annual
19 financial regulation fee from every foreign or alien company,
20 except fraternal benefit societies, for the examination and
21 analysis of its financial condition and to fund the internal
22 costs and expenses of the Interstate Insurance Receivership
23 Commission as may be allocated to the State of Illinois and
24 companies doing an insurance business in this State pursuant to
25 Article X of the Interstate Insurance Receivership Compact. The
26 fee shall be a fixed amount based upon Illinois direct premium

1 income and nationwide reinsurance assumed premium income in
2 accordance with the following schedule:

3 (a) \$150, if the premium is less than \$500,000 and
4 there is no reinsurance assumed premium;

5 (b) \$750, if the premium is \$500,000 or more, but less
6 than \$5,000,000 and there is no reinsurance assumed
7 premium; or if the premium is less than \$5,000,000 and the
8 reinsurance assumed premium is less than \$10,000,000;

9 (c) \$3,750, if the premium is less than \$5,000,000 and
10 the reinsurance assumed premium is \$10,000,000 or more;

11 (d) \$7,500, if the premium is \$5,000,000 or more, but
12 less than \$10,000,000;

13 (e) \$18,000, if the premium is \$10,000,000 or more, but
14 less than \$25,000,000;

15 (f) \$22,500, if the premium is \$25,000,000 or more, but
16 less than \$50,000,000;

17 (g) \$30,000, if the premium is \$50,000,000 or more, but
18 less than \$100,000,000;

19 (h) \$37,500, if the premium is \$100,000,000 or more.

20 The sum of financial regulation fees under this subsection
21 (7) charged to the foreign or alien companies within the same
22 affiliated group shall not exceed \$250,000 in the aggregate in
23 any single year and shall be billed by the Director to the
24 member company designated by the group.

25 (8) Beginning January 1, 1992, the financial regulation
26 fees imposed under subsections (6) and (7) of this Section

1 shall be paid by each company or domestic affiliated group
2 annually. After January 1, 1994, the fee shall be billed by
3 Department invoice based upon the company's premium income or
4 admitted assets as shown in its annual statement for the
5 preceding calendar year. The invoice is due upon receipt and
6 must be paid no later than June 30 of each calendar year. All
7 financial regulation fees collected by the Department shall be
8 paid to the Insurance Financial Regulation Fund. The Department
9 may not collect financial examiner per diem charges from
10 companies subject to subsections (6) and (7) of this Section
11 undergoing financial examination after June 30, 1992.

12 (9) In addition to the financial regulation fee required by
13 this Section, a company undergoing any financial examination
14 authorized by law shall pay the following costs and expenses
15 incurred by the Department: electronic data processing costs,
16 the expenses authorized under Section 131.21 and subsection (d)
17 of Section 132.4 of this Code, and lodging and travel expenses.

18 Electronic data processing costs incurred by the
19 Department in the performance of any examination shall be
20 billed directly to the company undergoing examination for
21 payment to the Technology Management ~~Statistical Services~~
22 Revolving Fund. Except for direct reimbursements authorized by
23 the Director or direct payments made under Section 131.21 or
24 subsection (d) of Section 132.4 of this Code, all financial
25 regulation fees and all financial examination charges
26 collected by the Department shall be paid to the Insurance

1 Financial Regulation Fund.

2 All lodging and travel expenses shall be in accordance with
3 applicable travel regulations published by the Department of
4 Central Management Services and approved by the Governor's
5 Travel Control Board, except that out-of-state lodging and
6 travel expenses related to examinations authorized under
7 Sections 132.1 through 132.7 shall be in accordance with travel
8 rates prescribed under paragraph 301-7.2 of the Federal Travel
9 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
10 subsistence expenses incurred during official travel. All
11 lodging and travel expenses may be reimbursed directly upon the
12 authorization of the Director.

13 In the case of an organization or person not subject to the
14 financial regulation fee, the expenses incurred in any
15 financial examination authorized by law shall be paid by the
16 organization or person being examined. The charge shall be
17 reasonably related to the cost of the examination including,
18 but not limited to, compensation of examiners and other costs
19 described in this subsection.

20 (10) Any company, person, or entity failing to make any
21 payment of \$150 or more as required under this Section shall be
22 subject to the penalty and interest provisions provided for in
23 subsections (4) and (7) of Section 412.

24 (11) Unless otherwise specified, all of the fees collected
25 under this Section shall be paid into the Insurance Financial
26 Regulation Fund.

1 (12) For purposes of this Section:

2 (a) "Domestic company" means a company as defined in
3 Section 2 of this Code which is incorporated or organized
4 under the laws of this State, and in addition includes a
5 not-for-profit corporation authorized under the Dental
6 Service Plan Act or the Voluntary Health Services Plans
7 Act, a health maintenance organization, and a limited
8 health service organization.

9 (b) "Foreign company" means a company as defined in
10 Section 2 of this Code which is incorporated or organized
11 under the laws of any state of the United States other than
12 this State and in addition includes a health maintenance
13 organization and a limited health service organization
14 which is incorporated or organized under the laws of any
15 state of the United States other than this State.

16 (c) "Alien company" means a company as defined in
17 Section 2 of this Code which is incorporated or organized
18 under the laws of any country other than the United States.

19 (d) "Fraternal benefit society" means a corporation,
20 society, order, lodge or voluntary association as defined
21 in Section 282.1 of this Code.

22 (e) "Mutual benefit association" means a company,
23 association or corporation authorized by the Director to do
24 business in this State under the provisions of Article
25 XVIII of this Code.

26 (f) "Burial society" means a person, firm,

1 corporation, society or association of individuals
2 authorized by the Director to do business in this State
3 under the provisions of Article XIX of this Code.

4 (g) "Farm mutual" means a district, county and township
5 mutual insurance company authorized by the Director to do
6 business in this State under the provisions of the Farm
7 Mutual Insurance Company Act of 1986.

8 (Source: P.A. 97-486, eff. 1-1-12; 97-603, eff. 8-26-11;
9 97-813, eff. 7-13-12; 98-463, eff. 8-16-13.)

10 (215 ILCS 5/408.2) (from Ch. 73, par. 1020.2)

11 Sec. 408.2. Statistical Services. Any public record, or any
12 data obtained by the Department of Insurance, which is subject
13 to public inspection or copying and which is maintained on a
14 computer processible medium, may be furnished in a computer
15 processed or computer processible medium upon the written
16 request of any applicant and the payment of a reasonable fee
17 established by the Director sufficient to cover the total cost
18 of the Department for processing, maintaining and generating
19 such computer processible records or data, except to the extent
20 of any salaries or compensation of Department officers or
21 employees.

22 The Director of Insurance is specifically authorized to
23 contract with members of the public at large, enter waiver
24 agreements, or otherwise enter written agreements for the
25 purpose of assuring public access to the Department's computer

1 processible records or data, or for the purpose of restricting,
2 controlling or limiting such access where necessary to protect
3 the confidentiality of individuals, companies or other
4 entities identified by such documents.

5 All fees collected by the Director under this Section 408.2
6 shall be deposited in the Technology Management ~~Statistical~~
7 ~~Services~~ Revolving Fund and credited to the account of the
8 Department of Insurance. Any surplus funds remaining in such
9 account at the close of any fiscal year shall be delivered to
10 the State Treasurer for deposit in the Insurance Financial
11 Regulation Fund.

12 (Source: P.A. 84-989.)

13 (215 ILCS 5/1202) (from Ch. 73, par. 1065.902)

14 Sec. 1202. Duties. The Director shall:

15 (a) determine the relationship of insurance premiums
16 and related income as compared to insurance costs and
17 expenses and provide such information to the General
18 Assembly and the general public;

19 (b) study the insurance system in the State of
20 Illinois, and recommend to the General Assembly what it
21 deems to be the most appropriate and comprehensive cost
22 containment system for the State;

23 (c) respond to the requests by agencies of government
24 and the General Assembly for special studies and analysis
25 of data collected pursuant to this Article. Such reports

1 shall be made available in a form prescribed by the
2 Director. The Director may also determine a fee to be
3 charged to the requesting agency to cover the direct and
4 indirect costs for producing such a report, and shall
5 permit affected insurers the right to review the accuracy
6 of the report before it is released. The fees shall be
7 deposited into the Technology Management ~~Statistical~~
8 ~~Services~~ Revolving Fund and credited to the account of the
9 Department of Insurance;

10 (d) make an interim report to the General Assembly no
11 later than August 15, 1987, and an ~~a~~ annual report to the
12 General Assembly no later than July 1 every year thereafter
13 which shall include the Director's findings and
14 recommendations regarding its duties as provided under
15 subsections (a), (b), and (c) of this Section.

16 (Source: P.A. 98-226, eff. 1-1-14; revised 10-21-15.)

17 (215 ILCS 5/1206) (from Ch. 73, par. 1065.906)

18 Sec. 1206. Expenses. The companies required to file reports
19 under this Article shall pay a reasonable fee established by
20 the Director sufficient to cover the total cost of the
21 Department incident to or associated with the administration
22 and enforcement of this Article, including the collection,
23 analysis and distribution of the insurance cost data, the
24 conversion of hard copy reports to tape, and the compilation
25 and analysis of basic reports. The Director may establish a

1 schedule of fees for this purpose. Expenses for additional
2 reports shall be billed to those requesting the reports. Any
3 such fees collected under this Section shall be paid to the
4 Director of Insurance and deposited into the Technology
5 Management ~~Statistical Services~~ Revolving Fund and credited to
6 the account of the Department of Insurance.

7 (Source: P.A. 84-1431.)

8 Section 25. The Workers' Compensation Act is amended by
9 changing Section 17 as follows:

10 (820 ILCS 305/17) (from Ch. 48, par. 138.17)

11 Sec. 17. The Commission shall cause to be printed and
12 furnish free of charge upon request by any employer or employee
13 such blank forms as may facilitate or promote efficient
14 administration and the performance of the duties of the
15 Commission. It shall provide a proper record in which shall be
16 entered and indexed the name of any employer who shall file a
17 notice of declination or withdrawal under this Act, and the
18 date of the filing thereof; and a proper record in which shall
19 be entered and indexed the name of any employee who shall file
20 such notice of declination or withdrawal, and the date of the
21 filing thereof; and such other notices as may be required by
22 this Act; and records in which shall be recorded all
23 proceedings, orders and awards had or made by the Commission or
24 by the arbitration committees, and such other books or records

1 as it shall deem necessary, all such records to be kept in the
2 office of the Commission.

3 The Commission may destroy all papers and documents which
4 have been on file for more than 5 years where there is no claim
5 for compensation pending or where more than 2 years have
6 elapsed since the termination of the compensation period.

7 The Commission shall compile and distribute to interested
8 persons aggregate statistics, taken from any records and
9 reports in the possession of the Commission. The aggregate
10 statistics shall not give the names or otherwise identify
11 persons sustaining injuries or disabilities or the employer of
12 any injured person or person with a disability.

13 The Commission is authorized to establish reasonable fees
14 and methods of payment limited to covering only the costs to
15 the Commission for processing, maintaining and generating
16 records or data necessary for the computerized production of
17 documents, records and other materials except to the extent of
18 any salaries or compensation of Commission officers or
19 employees.

20 All fees collected by the Commission under this Section
21 shall be deposited in the Technology Management ~~Statistical~~
22 ~~Services~~ Revolving Fund and credited to the account of the
23 Illinois Workers' Compensation Commission.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 Section 30. The Workers' Occupational Diseases Act is

1 amended by changing Section 17 as follows:

2 (820 ILCS 310/17) (from Ch. 48, par. 172.52)

3 Sec. 17. The Commission shall cause to be printed and shall
4 furnish free of charge upon request by any employer or employee
5 such blank forms as it shall deem requisite to facilitate or
6 promote the efficient administration of this Act, and the
7 performance of the duties of the Commission. It shall provide a
8 proper record in which shall be entered and indexed the name of
9 any employer who shall file a notice of election under this
10 Act, and the date of the filing thereof; and a proper record in
11 which shall be entered and indexed the name of any employee who
12 shall file a notice of election, and the date of the filing
13 thereof; and such other notices as may be required by this Act;
14 and records in which shall be recorded all proceedings, orders
15 and awards had or made by the Commission, or by the arbitration
16 committees, and such other books or records as it shall deem
17 necessary, all such records to be kept in the office of the
18 Commission. The Commission, in its discretion, may destroy all
19 papers and documents except notices of election and waivers
20 which have been on file for more than five years where there is
21 no claim for compensation pending, or where more than two years
22 have elapsed since the termination of the compensation period.

23 The Commission shall compile and distribute to interested
24 persons aggregate statistics, taken from any records and
25 reports in the possession of the Commission. The aggregate

1 statistics shall not give the names or otherwise identify
2 persons sustaining injuries or disabilities or the employer of
3 any injured person or person with a disability.

4 The Commission is authorized to establish reasonable fees
5 and methods of payment limited to covering only the costs to
6 the Commission for processing, maintaining and generating
7 records or data necessary for the computerized production of
8 documents, records and other materials except to the extent of
9 any salaries or compensation of Commission officers or
10 employees.

11 All fees collected by the Commission under this Section
12 shall be deposited in the Technology Management ~~Statistical~~
13 ~~Services~~ Revolving Fund and credited to the account of the
14 Illinois Workers' Compensation Commission.

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 Section 99. Effective date. This Act takes effect on July
17 1, 2016.