



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by George Scully Jr.

**SYNOPSIS AS INTRODUCED:**

See Index

Makes revisory changes to numerous Acts to conform them to Public Act 93-25, which renamed the Bureau of the Budget as the Governor's Office of Management and Budget and renamed the Department of Commerce and Community Affairs as the Department of Commerce and Economic Opportunity. Makes no substantive change. Effective immediately.

LRB093 15494 EFG 41098 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT making revisory changes relating to the renaming of  
2 the Bureau of the Budget and the Department of Commerce and  
3 Community Affairs.

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

6 Section 1. Nature of this Act.

7 (a) Public Act 93-25 renamed the Bureau of the Budget as  
8 the Governor's Office of Management and Budget. It also renamed  
9 the Department of Commerce and Community Affairs as the  
10 Department of Commerce and Economic Opportunity. This revisory  
11 Act updates references throughout the Illinois Compiled  
12 Statutes to bring them into conformity with these name changes.

13 (b) This revisory Act makes no substantive change in the  
14 law. It was prepared by the Legislative Reference Bureau in  
15 accordance with subsection (h) of Section 5.04 of the  
16 Legislative Reference Bureau Act (25 ILCS 135/5.04) and is  
17 exempt from the single subject rule under Article IV, Section  
18 8(d) of the Illinois Constitution.

19 Section 5. The Regulatory Sunset Act is amended by changing  
20 Sections 5 and 6 as follows:

21 (5 ILCS 80/5) (from Ch. 127, par. 1905)

22 Sec. 5. Study and report. The Governor's Office of  
23 Management and Budget ~~Bureau of the Budget~~ shall study the  
24 performance of each regulatory agency and program scheduled for  
25 termination under this Act and report annually to the Governor  
26 the results of such study, including in the report  
27 recommendations with respect to those agencies and programs the  
28 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
29 determines should be terminated or continued by the State. The  
30 Governor shall review the report of the Governor's Office of  
31 Management and Budget ~~Bureau of the Budget~~ and in each

1 even-numbered year make recommendations to the General  
2 Assembly on the termination or continuation of regulatory  
3 agencies and programs.

4 (Source: P.A. 92-85, eff. 7-12-01; revised 8-23-03.)

5 (5 ILCS 80/6) (from Ch. 127, par. 1906)

6 Sec. 6. Factors to be studied. In conducting the study  
7 required under Section 5, the Governor's Office of Management  
8 and Budget Bureau of the Budget shall consider, but is not  
9 limited to consideration of, the following factors in  
10 determining whether an agency or program should be recommended  
11 for termination or continuation:

12 (1) The extent to which the agency or program has  
13 permitted qualified applicants to serve the public;

14 (2) The extent to which the trade, business,  
15 profession, occupation or industry being regulated is  
16 being administered in a nondiscriminatory manner both in  
17 terms of employment and the rendering of services;

18 (3) The extent to which the regulatory agency or  
19 program has operated in the public interest, and the extent  
20 to which its operation has been impeded or enhanced by  
21 existing statutes, procedures, and practices of any other  
22 department of State government, and any other  
23 circumstances, including budgetary, resource, and  
24 personnel matters;

25 (4) The extent to which the agency running the program  
26 has recommended statutory changes to the General Assembly  
27 that would benefit the public as opposed to the persons it  
28 regulates;

29 (5) The extent to which the agency or program has  
30 required the persons it regulates to report to it  
31 concerning the impact of rules and decisions of the agency  
32 or the impact of the program on the public regarding  
33 improved service, economy of service, and availability of  
34 service;

35 (6) The extent to which persons regulated by the agency

1 or under the program have been required to assess problems  
2 in their industry that affect the public;

3 (7) The extent to which the agency or program has  
4 encouraged participation by the public in making its rules  
5 and decisions as opposed to participation solely by the  
6 persons it regulates and the extent to which such rules and  
7 decisions are consistent with statutory authority;

8 (8) The efficiency with which formal public complaints  
9 filed with the regulatory agency or under the program  
10 concerning persons subject to regulation have been  
11 processed to completion, by the executive director of the  
12 regulatory agencies or programs, by the Attorney General  
13 and by any other applicable department of State government;  
14 and

15 (9) The extent to which changes are necessary in the  
16 enabling laws of the agency or program to adequately comply  
17 with the factors listed in this Section.

18 (Source: P.A. 90-580, eff. 5-21-98; revised 8-23-03.)

19 Section 10. The Illinois Administrative Procedure Act is  
20 amended by changing Section 5-30 as follows:

21 (5 ILCS 100/5-30) (from Ch. 127, par. 1005-30)

22 Sec. 5-30. Regulatory flexibility. When an agency proposes  
23 a new rule or an amendment to an existing rule that may have an  
24 impact on small businesses, not for profit corporations, or  
25 small municipalities, the agency shall do each of the  
26 following:

27 (a) The agency shall consider each of the following methods  
28 for reducing the impact of the rulemaking on small businesses,  
29 not for profit corporations, or small municipalities. The  
30 agency shall reduce the impact by utilizing one or more of the  
31 following methods if it finds that the methods are legal and  
32 feasible in meeting the statutory objectives that are the basis  
33 of the proposed rulemaking.

34 (1) Establish less stringent compliance or reporting

1 requirements in the rule for small businesses, not for  
2 profit corporations, or small municipalities.

3 (2) Establish less stringent schedules or deadlines in  
4 the rule for compliance or reporting requirements for small  
5 businesses, not for profit corporations, or small  
6 municipalities.

7 (3) Consolidate or simplify the rule's compliance or  
8 reporting requirements for small businesses, not for  
9 profit corporations, or small municipalities.

10 (4) Establish performance standards to replace design  
11 or operational standards in the rule for small businesses,  
12 not for profit corporations, or small municipalities.

13 (5) Exempt small businesses, not for profit  
14 corporations, or small municipalities from any or all  
15 requirements of the rule.

16 (b) Before or during the notice period required under  
17 subsection (b) of Section 5-40, the agency shall provide an  
18 opportunity for small businesses, not for profit corporations,  
19 or small municipalities to participate in the rulemaking  
20 process. The agency shall utilize one or more of the following  
21 techniques. These techniques are in addition to other  
22 rulemaking requirements imposed by this Act or by any other  
23 Act.

24 (1) The inclusion in any advance notice of possible  
25 rulemaking of a statement that the rule may have an impact  
26 on small businesses, not for profit corporations, or small  
27 municipalities.

28 (2) The publication of a notice of rulemaking in  
29 publications likely to be obtained by small businesses, not  
30 for profit corporations, or small municipalities.

31 (3) The direct notification of interested small  
32 businesses, not for profit corporations, or small  
33 municipalities.

34 (4) The conduct of public hearings concerning the  
35 impact of the rule on small businesses, not for profit  
36 corporations, or small municipalities.

1           (5) The use of special hearing or comment procedures to  
2           reduce the cost or complexity of participation in the  
3           rulemaking by small businesses, not for profit  
4           corporations, or small municipalities.

5           (c) Before the notice period required under subsection (b)  
6           of Section 5-40, the Secretary of State shall provide to the  
7           Business Assistance Office of the Department of Commerce and  
8           Economic Opportunity ~~Community Affairs~~ a copy of any proposed  
9           rules or amendments accepted for publication. The Business  
10          Assistance Office shall prepare an impact analysis of the rule  
11          describing the rule's effect on small businesses whenever the  
12          Office believes, in its discretion, that an analysis is  
13          warranted or whenever requested to do so by 25 interested  
14          persons, an association representing at least 100 interested  
15          persons, the Governor, a unit of local government, or the Joint  
16          Committee on Administrative Rules. The impact analysis shall be  
17          completed within the notice period as described in subsection  
18          (b) of Section 5-40. Upon completion of the analysis the  
19          Business Assistance Office shall submit this analysis to the  
20          Joint Committee on Administrative Rules, any interested person  
21          who requested the analysis, and the agency proposing the rule.  
22          The impact analysis shall contain the following:

23                (1) A summary of the projected reporting,  
24                recordkeeping, and other compliance requirements of the  
25                proposed rule.

26                (2) A description of the types and an estimate of the  
27                number of small businesses to which the proposed rule will  
28                apply.

29                (3) An estimate of the economic impact that the  
30                regulation will have on the various types of small  
31                businesses affected by the rulemaking.

32                (4) A description or listing of alternatives to the  
33                proposed rule that would minimize the economic impact of  
34                the rule. The alternatives must be consistent with the  
35                stated objectives of the applicable statutes and  
36                regulations.

1 (Source: P.A. 87-823; 88-667, eff. 9-16-94; revised 12-6-03.)

2 Section 15. The State Employees Group Insurance Act of 1971  
3 is amended by changing Section 11 as follows:

4 (5 ILCS 375/11) (from Ch. 127, par. 531)

5 Sec. 11. The amount of contribution in any fiscal year from  
6 funds other than the General Revenue Fund or the Road Fund  
7 shall be at the same contribution rate as the General Revenue  
8 Fund or the Road Fund. Contributions and payments for life  
9 insurance shall be deposited in the Group Insurance Premium  
10 Fund. Contributions and payments for health coverages and other  
11 benefits shall be deposited in the Health Insurance Reserve  
12 Fund. Federal funds which are available for cooperative  
13 extension purposes shall also be charged for the contributions  
14 which are made for retired employees formerly employed in the  
15 Cooperative Extension Service. In the case of departments or  
16 any division thereof receiving a fraction of its requirements  
17 for administration from the Federal Government, the  
18 contributions hereunder shall be such fraction of the amount  
19 determined under the provisions hereof and the remainder shall  
20 be contributed by the State.

21 Every department which has members paid from funds other  
22 than the General Revenue Fund shall cooperate with the  
23 Department of Central Management Services and the Governor's  
24 Office of Management and Budget ~~Bureau of the Budget~~ in order  
25 to assure that the specified proportion of the State's cost for  
26 group life insurance, the program of health benefits and other  
27 employee benefits is paid by such funds; except that  
28 contributions under this Act need not be paid from any other  
29 fund where both the Director of Central Management Services and  
30 the Director of the Governor's Office of Management and Budget  
31 ~~Bureau of the Budget~~ have designated in writing that the  
32 necessary contributions are included in the General Revenue  
33 Fund contribution amount.

34 Universities having employees who are totally compensated

1 out of the following funds:

2 (1) Income Funds;

3 (2) Local auxiliary funds; and

4 (3) the Agricultural Premium Fund

5 shall not be required to submit such contribution for such  
6 employees.

7 For each person covered under this Act whose eligibility  
8 for such coverage is based upon the person's status as the  
9 recipient of a benefit under the Illinois Pension Code, which  
10 benefit is based in whole or in part upon service with the Toll  
11 Highway Authority, the Authority shall annually contribute a  
12 pro rata share of the State's cost for the benefits of that  
13 person.

14 (Source: P.A. 89-499, eff. 6-28-96; revised 8-23-03.)

15 Section 20. The State Employment Records Act is amended by  
16 changing Section 15 as follows:

17 (5 ILCS 410/15)

18 Sec. 15. Reported information.

19 (a) State agencies shall, if necessary, consult with the  
20 Office of the Comptroller and the Governor's Office of  
21 Management and Budget ~~Bureau of the Budget~~ to confirm the  
22 accuracy of information required by this Act. State agencies  
23 shall collect and maintain information and publish reports  
24 including but not limited to the following information arranged  
25 in the indicated categories:

26 (i) the total number of persons employed by the agency  
27 who are part of the State work force, as defined by this  
28 Act, and the number and statistical percentage of women,  
29 minorities, and physically disabled persons employed  
30 within the agency work force;

31 (ii) the total number of persons employed within the  
32 agency work force receiving levels of State remuneration  
33 within incremental levels of \$10,000, and the number and  
34 statistical percentage of minorities, women, and



1 physically disabled persons in the agency work force  
2 receiving levels of State remuneration within incremented  
3 levels of \$10,000;

4 (iii) the number of open positions of employment or  
5 advancement in the agency work force, reported on a fiscal  
6 year basis;

7 (iv) the number and percentage of open positions of  
8 employment or advancement in the agency work force filled  
9 by minorities, women, and physically disabled persons,  
10 reported on a fiscal year basis;

11 (v) the total number of persons employed within the  
12 agency work force as professionals, and the number and  
13 percentage of minorities, women, and physically disabled  
14 persons employed within the agency work force as  
15 professional employees; and

16 (vi) the total number of persons employed within the  
17 agency work force as contractual service employees, and the  
18 number and percentage of minorities, women, and physically  
19 disabled persons employed within the agency work force as  
20 contractual services employees.

21 (b) The numbers and percentages of minorities required to  
22 be reported by this Section shall be identified by categories  
23 as Hispanic, African American, Asian American, and Native  
24 American. Data concerning women shall be reported on a minority  
25 and nonminority basis. The numbers and percentages of  
26 physically disabled persons required to be reported under this  
27 Section shall be identified by categories as male and female.

28 (c) To accomplish consistent and uniform classification  
29 and collection of information from each State agency, and to  
30 ensure full compliance and that all required information is  
31 provided, the Index Department of the Office of the Secretary  
32 of State, in consultation with the Department of Human Rights,  
33 the Department of Central Management Services, and the Office  
34 of the Comptroller, shall develop appropriate forms to be used  
35 by all State agencies subject to the reporting requirements of  
36 this Act.

1 All State agencies shall make the reports required by this  
2 Act using the forms developed under this subsection. The  
3 reports must be certified and signed by an official of the  
4 agency who is responsible for the information provided.

5 (Source: P.A. 87-1211; 88-126; revised 8-23-03.)

6 Section 25. The State Budget Law of the Civil  
7 Administrative Code of Illinois is amended by changing Sections  
8 50-10 and 50-15 as follows:

9 (15 ILCS 20/50-10) (was 15 ILCS 20/38.1)

10 Sec. 50-10. Budget contents. The budget shall be submitted  
11 by the Governor with line item and program data. The budget  
12 shall also contain performance data presenting an estimate for  
13 the current fiscal year, projections for the budget year, and  
14 information for the 3 prior fiscal years comparing department  
15 objectives with actual accomplishments, formulated according  
16 to the various functions and activities, and, wherever the  
17 nature of the work admits, according to the work units, for  
18 which the respective departments, offices, and institutions of  
19 the State government (including the elective officers in the  
20 executive department and including the University of Illinois  
21 and the judicial department) are responsible.

22 For the fiscal year beginning July 1, 1992 and for each  
23 fiscal year thereafter, the budget shall include the  
24 performance measures of each department's accountability  
25 report.

26 For the fiscal year beginning July 1, 1997 and for each  
27 fiscal year thereafter, the budget shall include one or more  
28 line items appropriating moneys to the Department of Human  
29 Services to fund participation in the Home-Based Support  
30 Services Program for Mentally Disabled Adults under the  
31 Developmental Disability and Mental Disability Services Act by  
32 persons described in Section 2-17 of that Act.

33 The budget shall contain a capital development Section in  
34 which the Governor will present (1) information on the capital

1 projects and capital programs for which appropriations are  
2 requested, (2) the capital spending plans, which shall document  
3 the first and subsequent years cash requirements by fund for  
4 the proposed bonded program, and (3) a statement that shall  
5 identify by year the principal and interest costs until  
6 retirement of the State's general obligation debt. In addition,  
7 the principal and interest costs of the budget year program  
8 shall be presented separately, to indicate the marginal cost of  
9 principal and interest payments necessary to retire the  
10 additional bonds needed to finance the budget year's capital  
11 program.

12 For the budget year, the current year, and 3 prior fiscal  
13 years, the Governor shall also include in the budget estimates  
14 of or actual values for the assets and liabilities for General  
15 Assembly Retirement System, State Employees' Retirement System  
16 of Illinois, State Universities Retirement System, Teachers'  
17 Retirement System of the State of Illinois, and Judges  
18 Retirement System of Illinois.

19 The budget submitted by the Governor shall contain, in  
20 addition, in a separate book, a tabulation of all position and  
21 employment titles in each such department, office, and  
22 institution, the number of each, and the salaries for each,  
23 formulated according to divisions, bureaus, sections, offices,  
24 departments, boards, and similar subdivisions, which shall  
25 correspond as nearly as practicable to the functions and  
26 activities for which the department, office, or institution is  
27 responsible.

28 Together with the budget, the Governor shall transmit the  
29 estimates of receipts and expenditures, as received by the  
30 Director of the Governor's Office of Management and Budget  
31 ~~Bureau of the Budget~~, of the elective officers in the executive  
32 and judicial departments and of the University of Illinois.

33 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-03.)

34 (15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

35 Sec. 50-15. Department accountability reports.

1 (a) Beginning in the fiscal year which begins July 1, 1992,  
2 each department of State government as listed in Section 5-15  
3 of the Departments of State Government Law (20 ILCS 5/5-15)  
4 shall submit an annual accountability report to the Bureau of  
5 the Budget (now Governor's Office of Management and Budget) at  
6 times designated by the Director of the Bureau of the Budget  
7 now Governor's Office of Management and Budget). Each  
8 accountability report shall be designed to assist the Bureau  
9 (now Office) ~~of the Budget~~ in its duties under Sections 2.2 and  
10 2.3 of the Governor's Office of Management and Budget ~~Bureau of~~  
11 ~~the Budget~~ Act and shall measure the department's performance  
12 based on criteria, goals, and objectives established by the  
13 department with the oversight and assistance of the Bureau (now  
14 Office) ~~of the Budget~~. Each department shall also submit  
15 interim progress reports at times designated by the Director of  
16 the Bureau (now Office) ~~of the Budget~~.

17 (b) (Blank).

18 (c) The Director of the Bureau (now Office) ~~of the Budget~~  
19 shall select not more than 3 departments for a pilot program  
20 implementing the procedures of subsection (a) for budget  
21 requests for the fiscal years beginning July 1, 1990 and July  
22 1, 1991, and each of the departments elected shall submit  
23 accountability reports for those fiscal years.

24 By April 1, 1991, the Bureau (now Office) ~~of the Budget~~  
25 shall recommend in writing to the Governor any changes in the  
26 budget review process established pursuant to this Section  
27 suggested by its evaluation of the pilot program. The Governor  
28 shall submit changes to the budget review process that the  
29 Governor plans to adopt, based on the report, to the President  
30 and Minority Leader of the Senate and the Speaker and Minority  
31 Leader of the House of Representatives.

32 (Source: P.A. 91-239, eff. 1-1-00; 92-850, eff. 8-26-02;  
33 revised 8-23-03.)

34 Section 30. The Illinois Literacy Act is amended by  
35 changing Section 20 as follows:

1 (15 ILCS 322/20)

2 Sec. 20. Illinois Literacy Council.

3 (a) The Council shall facilitate the improvement of  
4 literacy levels of Illinois citizens by providing a forum from  
5 which representatives from throughout the State can promote  
6 literacy, share expertise, and recommend policy.

7 (b) The Council shall be appointed by and be responsible to  
8 the Governor. The Secretary of State shall serve as chairman.  
9 The Council shall advise the Governor and other agencies on  
10 strategies that address the literacy needs of the State,  
11 especially with respect to the needs of workplace literacy,  
12 family literacy, program evaluation, public awareness, and  
13 public and private partnerships.

14 (c) The Council will determine its own procedures and the  
15 number, time, place, and conduct of its meetings. It shall meet  
16 at least 4 times a year. The Council may be assisted in its  
17 activities by the Literacy Office. Council members shall not  
18 receive compensation for their services.

19 (d) The Council's membership shall consist of  
20 representatives of public education, public and private sector  
21 employment, labor organizations, community literacy  
22 organizations, libraries, volunteer organizations, the Office  
23 of the Secretary of State, the Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~, the Illinois Community  
25 College Board, the Department of Employment Security, the  
26 Department of Human Services, the State Board of Education, the  
27 Department of Corrections, and the Prairie State 2000  
28 Authority.

29 (e) The Council members representing State agencies shall  
30 act as an interagency coordinating committee to improve the  
31 system for delivery of literacy services, provide pertinent  
32 information and agency comments to Council members, and  
33 implement the recommendations forwarded by the Council and  
34 approved by the Governor.

35 (f) The Secretary of State, in consultation with the

1 Council, shall expend moneys to perform Council functions as  
2 authorized by this Act from the Literacy Advancement Fund, a  
3 special fund hereby created in the State Treasury. All moneys  
4 received from an income tax checkoff for the Literacy  
5 Advancement Fund as provided in Section 507I of the Illinois  
6 Income Tax Act shall be deposited into the Fund.

7 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

8 Section 35. The State Comptroller Act is amended by  
9 changing Sections 9.02, 19, 21, and 22.2 as follows:

10 (15 ILCS 405/9.02) (from Ch. 15, par. 209.02)

11 Sec. 9.02. No warrant for the expenditure, disbursement,  
12 contract, administration, transfer or use of federal funds by  
13 any recipient State agency subject to the reporting requirement  
14 of Section 5.1 of the Governor's Office of Management and  
15 Budget Act ~~"An Act to create a Bureau of the Budget and to~~  
16 ~~define its powers and duties and to make an appropriation",~~  
17 ~~approved April 16, 1969, as now or hereafter amended,~~ shall be  
18 drawn by the Comptroller until the Comptroller receives  
19 certification from the recipient agency that such federal funds  
20 have been reported to the Bureau as required by that Section.

21 (Source: P.A. 82-173; revised 8-23-03.)

22 (15 ILCS 405/19) (from Ch. 15, par. 219)

23 Sec. 19. Financial records - monthly reports - forms. The  
24 comptroller shall maintain complete, accurate and current  
25 financial records relating to State funds and to other public  
26 funds and assets available to, encumbered or expended by each  
27 State agency, including trust funds or other moneys not subject  
28 to appropriation, setting out all revenues, charges against all  
29 funds, fund and appropriation balances, interfund transfers,  
30 warrants outstanding and assets and encumbrances, in a manner  
31 consistent with the uniform State accounting system prescribed  
32 by the comptroller. Such records shall be public records open  
33 to public inspection.

1           The Governor, Treasurer, Director of the Governor's Office  
2 of Management and Budget ~~Bureau of the Budget~~, Director of  
3 Central Management Services, Auditor General, Speaker and  
4 Minority Leader of the House of Representatives, and President  
5 and Minority Leader of the Senate shall have access to all  
6 records and reports received by the comptroller from State  
7 agencies and to all data and accounts maintained by the  
8 comptroller except as otherwise specifically provided by law.  
9 All other State executive officers and heads of State agencies  
10 shall have access to reports and accounts relating to their  
11 agency or office.

12           The Comptroller shall make a report to the Speaker and  
13 Minority Leader of the House of Representatives, the President  
14 and Minority Leader of the Senate, and the Chairman and  
15 Minority Spokesman of each of the appropriations committees of  
16 the House of Representatives and the Senate giving notice  
17 within 10 days of the establishment of each fund or account  
18 consisting of funds not subject to appropriation by the General  
19 Assembly.

20           Each month the comptroller shall prepare a report  
21 summarizing by State agency and appropriation the above  
22 information in such form as will most clearly and accurately  
23 set out the current fiscal condition of the State.

24           In addition, each month the comptroller shall prepare a  
25 report by detail object account in such form as will most  
26 clearly present the status of such accounts.

27           The comptroller shall prescribe forms for the periodic  
28 reporting of financial accounts, transactions and other  
29 matters by State agencies, compatible with the reports required  
30 of the comptroller under this Section.

31           (Source: P.A. 82-789; revised 8-23-03.)

32           (15 ILCS 405/21) (from Ch. 15, par. 221)

33           Sec. 21. Rules and Regulations - Imprest accounts. The  
34 Comptroller shall promulgate rules and regulations to  
35 implement the exercise of his powers and performance of his

1 duties under this Act and to guide and assist State agencies in  
2 complying with this Act. Any rule or regulation specifically  
3 requiring the approval of the State Treasurer under this Act  
4 for adoption by the comptroller shall require the approval of  
5 the State Treasurer for modification or repeal.

6 The Comptroller may provide in his rules and regulations  
7 for periodic transfers, with the approval of the State  
8 Treasurer, for use in accordance with the imprest system,  
9 subject to the rules and regulations of the Comptroller as  
10 respects vouchers, controls and reports, as follows:

11 (a) To the University of Illinois, Southern Illinois  
12 University, Chicago State University, Eastern Illinois  
13 University, Governors State University, Illinois State  
14 University, Northeastern Illinois University, Northern  
15 Illinois University, Western Illinois University, and  
16 State Community College of East St. Louis under the  
17 jurisdiction of the Illinois Community College Board, not  
18 to exceed \$200,000 for each campus.

19 (b) To the Department of Agriculture and the Department  
20 of Commerce and Economic Opportunity ~~Community Affairs~~ for  
21 the operation of overseas offices, not to exceed \$200,000  
22 for each Department for each overseas office.

23 (c) To the Department of Agriculture for the purpose of  
24 making change for activities at each State Fair, not to  
25 exceed \$200,000, to be returned within 5 days of the  
26 termination of such activity.

27 (d) To the Department of Agriculture to pay (i) State  
28 Fair premiums and awards and State Fair entertainment  
29 contracts at each State Fair, and (ii) ticket refunds for  
30 cancelled events. The amount transferred from any fund  
31 shall not exceed the appropriation for each specific  
32 purpose. This authorization shall terminate each year  
33 within 60 days of the close of each State Fair. The  
34 Department shall be responsible for withholding State  
35 income tax, where necessary, as required by Section 709 of  
36 the Illinois Income Tax Act.



1 (e) To the State Treasurer to pay for securities'  
2 safekeeping charges assessed by the Board of Governors of  
3 the Federal Reserve System as a consequence of the  
4 Treasurer's use of the government securities' book-entry  
5 system. This account shall not exceed \$25,000.

6 (f) To the Illinois Mathematics and Science Academy,  
7 not to exceed \$15,000.

8 (Source: P.A. 91-753, eff. 7-1-00; revised 12-6-03.)

9 (15 ILCS 405/22.2) (from Ch. 15, par. 222.2)

10 Sec. 22.2. Employees Suggestion Award Board. Upon request  
11 from the Employees Suggestion Award Board, the Comptroller and  
12 the Director of the Governor's Office of Management and Budget  
13 ~~Bureau of the Budget~~ may hold in reserve the amounts equal to  
14 the savings from the appropriate appropriation line item for  
15 the State agency involved. The term "reserve" for the purposes  
16 of this Section means that such funds shall not be expended nor  
17 obligated for the fiscal year designated by the Board.

18 (Source: P.A. 84-943; revised 8-23-03.)

19 Section 40. The Local Government Accounting Systems Act is  
20 amended by changing Section 2 as follows:

21 (15 ILCS 425/2) (from Ch. 15, par. 602)

22 Sec. 2. The State Comptroller shall publish manuals and  
23 operating procedures which may be used by units of local  
24 government in complying with accounting, auditing and  
25 reporting requirements. These manuals and procedures shall be  
26 designed to account for the various kinds and sizes of units of  
27 local government.

28 The manuals and operating procedures shall be reviewed by  
29 an advisory committee selected by the State Comptroller  
30 composed of persons from the Department of Commerce and  
31 Economic Opportunity ~~Community Affairs~~, other interested State  
32 agencies, units of local government, associations of units of  
33 local government and other interested or concerned groups.

1           The State Comptroller shall provide or cooperate in  
2 educational and training programs to assist local governments  
3 in complying with accounting, auditing and reporting  
4 requirements.

5 (Source: P.A. 84-259; revised 12-6-03.)

6           Section 45. The Civil Administrative Code of Illinois is  
7 amended by changing Sections 5-330 and 5-530 as follows:

8           (20 ILCS 5/5-330) (was 20 ILCS 5/9.18)

9           Sec. 5-330. In the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~. The Director of Commerce and  
11 Economic Opportunity ~~Community Affairs~~ shall receive an annual  
12 salary as set by the Governor from time to time or as set by the  
13 Compensation Review Board, whichever is greater.

14           The Assistant Director of Commerce and Economic  
15 Opportunity ~~Community Affairs~~ shall receive an annual salary as  
16 set by the Governor from time to time or as set by the  
17 Compensation Review Board, whichever is greater.

18 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,  
19 eff. 6-28-01; revised 12-6-03.)

20           (20 ILCS 5/5-530) (was 20 ILCS 5/6.01a)

21           Sec. 5-530. In the Department of Agriculture and in  
22 cooperation with the Department of Commerce and Economic  
23 Opportunity ~~Community Affairs~~. An Agricultural Export Advisory  
24 Committee composed of the following: 2 members of the House of  
25 Representatives, to be appointed by the Speaker of the House of  
26 Representatives; 2 members of the Senate, to be appointed by  
27 the President of the Senate; the Director of Agriculture, who  
28 shall serve as Secretary of the Committee; and not more than 15  
29 members to be appointed by the Governor. The members of the  
30 committee shall receive no compensation but shall be reimbursed  
31 for expenses necessarily incurred in the performance of their  
32 duties under this Act.

33 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

1 Section 50. The Illinois Welfare and Rehabilitation  
2 Services Planning Act is amended by changing Section 3 as  
3 follows:

4 (20 ILCS 10/3) (from Ch. 127, par. 953)

5 Sec. 3. On or before the first Friday in April of each  
6 odd-numbered year, each agency listed in subsection (a) of  
7 Section 4 shall prepare and cause to be submitted to the  
8 General Assembly a comprehensive plan providing for the best  
9 possible use of available resources for the development of the  
10 State's human resources and the provision of social services by  
11 the agency. In preparing that plan, each agency shall emphasize  
12 coordination and cooperation with other agencies listed in  
13 subsection (a) of Section 4 regarding the pursuit of objectives  
14 it has in common with the other agencies. Each plan shall  
15 contain the information required by Section 6 and shall be  
16 prepared and submitted in conformity with Sections 7 through 9  
17 of this Act. The Governor's Office of Management and Budget  
18 ~~Bureau of the Budget~~, or any other agency designated by that  
19 Office Bureau, may require that the agency plans required by  
20 this Act shall, before submission to the General Assembly, be  
21 submitted to it, or such other agency designated by it. The  
22 Office Bureau or the designated agency may review and  
23 coordinate the plans and submit them on behalf of the agencies  
24 concerned to the General Assembly.

25 (Source: P.A. 88-487; revised 8-23-03.)

26 Section 55. The Illinois Act on the Aging is amended by  
27 changing Sections 4.02 and 8.01 as follows:

28 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

29 Sec. 4.02. The Department shall establish a program of  
30 services to prevent unnecessary institutionalization of  
31 persons age 60 and older in need of long term care or who are  
32 established as persons who suffer from Alzheimer's disease or a

1 related disorder under the Alzheimer's Disease Assistance Act,  
2 thereby enabling them to remain in their own homes or in other  
3 living arrangements. Such preventive services, which may be  
4 coordinated with other programs for the aged and monitored by  
5 area agencies on aging in cooperation with the Department, may  
6 include, but are not limited to, any or all of the following:

7 (a) home health services;

8 (b) home nursing services;

9 (c) homemaker services;

10 (d) chore and housekeeping services;

11 (e) day care services;

12 (f) home-delivered meals;

13 (g) education in self-care;

14 (h) personal care services;

15 (i) adult day health services;

16 (j) habilitation services;

17 (k) respite care;

18 (l) other nonmedical social services that may enable  
19 the person to become self-supporting; or

20 (m) clearinghouse for information provided by senior  
21 citizen home owners who want to rent rooms to or share  
22 living space with other senior citizens.

23 The Department shall establish eligibility standards for  
24 such services taking into consideration the unique economic and  
25 social needs of the target population for whom they are to be  
26 provided. Such eligibility standards shall be based on the  
27 recipient's ability to pay for services; provided, however,  
28 that in determining the amount and nature of services for which  
29 a person may qualify, consideration shall not be given to the  
30 value of cash, property or other assets held in the name of the  
31 person's spouse pursuant to a written agreement dividing  
32 marital property into equal but separate shares or pursuant to  
33 a transfer of the person's interest in a home to his spouse,  
34 provided that the spouse's share of the marital property is not  
35 made available to the person seeking such services.

36 Beginning July 1, 2002, the Department shall require as a

1 condition of eligibility that all financially eligible  
2 applicants and recipients apply for medical assistance under  
3 Article V of the Illinois Public Aid Code in accordance with  
4 rules promulgated by the Department.

5 The Department shall, in conjunction with the Department of  
6 Public Aid, seek appropriate amendments under Sections 1915 and  
7 1924 of the Social Security Act. The purpose of the amendments  
8 shall be to extend eligibility for home and community based  
9 services under Sections 1915 and 1924 of the Social Security  
10 Act to persons who transfer to or for the benefit of a spouse  
11 those amounts of income and resources allowed under Section  
12 1924 of the Social Security Act. Subject to the approval of  
13 such amendments, the Department shall extend the provisions of  
14 Section 5-4 of the Illinois Public Aid Code to persons who, but  
15 for the provision of home or community-based services, would  
16 require the level of care provided in an institution, as is  
17 provided for in federal law. Those persons no longer found to  
18 be eligible for receiving noninstitutional services due to  
19 changes in the eligibility criteria shall be given 60 days  
20 notice prior to actual termination. Those persons receiving  
21 notice of termination may contact the Department and request  
22 the determination be appealed at any time during the 60 day  
23 notice period. With the exception of the lengthened notice and  
24 time frame for the appeal request, the appeal process shall  
25 follow the normal procedure. In addition, each person affected  
26 regardless of the circumstances for discontinued eligibility  
27 shall be given notice and the opportunity to purchase the  
28 necessary services through the Community Care Program. If the  
29 individual does not elect to purchase services, the Department  
30 shall advise the individual of alternative services. The target  
31 population identified for the purposes of this Section are  
32 persons age 60 and older with an identified service need.  
33 Priority shall be given to those who are at imminent risk of  
34 institutionalization. The services shall be provided to  
35 eligible persons age 60 and older to the extent that the cost  
36 of the services together with the other personal maintenance

1 expenses of the persons are reasonably related to the standards  
2 established for care in a group facility appropriate to the  
3 person's condition. These non-institutional services, pilot  
4 projects or experimental facilities may be provided as part of  
5 or in addition to those authorized by federal law or those  
6 funded and administered by the Department of Human Services.  
7 The Departments of Human Services, Public Aid, Public Health,  
8 Veterans' Affairs, and Commerce and Economic Opportunity  
9 ~~Community Affairs~~ and other appropriate agencies of State,  
10 federal and local governments shall cooperate with the  
11 Department on Aging in the establishment and development of the  
12 non-institutional services. The Department shall require an  
13 annual audit from all chore/housekeeping and homemaker vendors  
14 contracting with the Department under this Section. The annual  
15 audit shall assure that each audited vendor's procedures are in  
16 compliance with Department's financial reporting guidelines  
17 requiring a 27% administrative cost split and a 73% employee  
18 wages and benefits cost split. The audit is a public record  
19 under the Freedom of Information Act. The Department shall  
20 execute, relative to the nursing home prescreening project,  
21 written inter-agency agreements with the Department of Human  
22 Services and the Department of Public Aid, to effect the  
23 following: (1) intake procedures and common eligibility  
24 criteria for those persons who are receiving non-institutional  
25 services; and (2) the establishment and development of  
26 non-institutional services in areas of the State where they are  
27 not currently available or are undeveloped. On and after July  
28 1, 1996, all nursing home prescreenings for individuals 60  
29 years of age or older shall be conducted by the Department.

30 The Department is authorized to establish a system of  
31 recipient copayment for services provided under this Section,  
32 such copayment to be based upon the recipient's ability to pay  
33 but in no case to exceed the actual cost of the services  
34 provided. Additionally, any portion of a person's income which  
35 is equal to or less than the federal poverty standard shall not  
36 be considered by the Department in determining the copayment.

1 The level of such copayment shall be adjusted whenever  
2 necessary to reflect any change in the officially designated  
3 federal poverty standard.

4 The Department, or the Department's authorized  
5 representative, shall recover the amount of moneys expended for  
6 services provided to or in behalf of a person under this  
7 Section by a claim against the person's estate or against the  
8 estate of the person's surviving spouse, but no recovery may be  
9 had until after the death of the surviving spouse, if any, and  
10 then only at such time when there is no surviving child who is  
11 under age 21, blind, or permanently and totally disabled. This  
12 paragraph, however, shall not bar recovery, at the death of the  
13 person, of moneys for services provided to the person or in  
14 behalf of the person under this Section to which the person was  
15 not entitled; provided that such recovery shall not be enforced  
16 against any real estate while it is occupied as a homestead by  
17 the surviving spouse or other dependent, if no claims by other  
18 creditors have been filed against the estate, or, if such  
19 claims have been filed, they remain dormant for failure of  
20 prosecution or failure of the claimant to compel administration  
21 of the estate for the purpose of payment. This paragraph shall  
22 not bar recovery from the estate of a spouse, under Sections  
23 1915 and 1924 of the Social Security Act and Section 5-4 of the  
24 Illinois Public Aid Code, who precedes a person receiving  
25 services under this Section in death. All moneys for services  
26 paid to or in behalf of the person under this Section shall be  
27 claimed for recovery from the deceased spouse's estate.  
28 "Homestead", as used in this paragraph, means the dwelling  
29 house and contiguous real estate occupied by a surviving spouse  
30 or relative, as defined by the rules and regulations of the  
31 Illinois Department of Public Aid, regardless of the value of  
32 the property.

33 The Department shall develop procedures to enhance  
34 availability of services on evenings, weekends, and on an  
35 emergency basis to meet the respite needs of caregivers.  
36 Procedures shall be developed to permit the utilization of

1 services in successive blocks of 24 hours up to the monthly  
2 maximum established by the Department. Workers providing these  
3 services shall be appropriately trained.

4 Beginning on the effective date of this Amendatory Act of  
5 1991, no person may perform chore/housekeeping and homemaker  
6 services under a program authorized by this Section unless that  
7 person has been issued a certificate of pre-service to do so by  
8 his or her employing agency. Information gathered to effect  
9 such certification shall include (i) the person's name, (ii)  
10 the date the person was hired by his or her current employer,  
11 and (iii) the training, including dates and levels. Persons  
12 engaged in the program authorized by this Section before the  
13 effective date of this amendatory Act of 1991 shall be issued a  
14 certificate of all pre- and in-service training from his or her  
15 employer upon submitting the necessary information. The  
16 employing agency shall be required to retain records of all  
17 staff pre- and in-service training, and shall provide such  
18 records to the Department upon request and upon termination of  
19 the employer's contract with the Department. In addition, the  
20 employing agency is responsible for the issuance of  
21 certifications of in-service training completed to their  
22 employees.

23 The Department is required to develop a system to ensure  
24 that persons working as homemakers and chore housekeepers  
25 receive increases in their wages when the federal minimum wage  
26 is increased by requiring vendors to certify that they are  
27 meeting the federal minimum wage statute for homemakers and  
28 chore housekeepers. An employer that cannot ensure that the  
29 minimum wage increase is being given to homemakers and chore  
30 housekeepers shall be denied any increase in reimbursement  
31 costs.

32 The Department on Aging and the Department of Human  
33 Services shall cooperate in the development and submission of  
34 an annual report on programs and services provided under this  
35 Section. Such joint report shall be filed with the Governor and  
36 the General Assembly on or before September 30 each year.



1           The requirement for reporting to the General Assembly shall  
2 be satisfied by filing copies of the report with the Speaker,  
3 the Minority Leader and the Clerk of the House of  
4 Representatives and the President, the Minority Leader and the  
5 Secretary of the Senate and the Legislative Research Unit, as  
6 required by Section 3.1 of the General Assembly Organization  
7 Act and filing such additional copies with the State Government  
8 Report Distribution Center for the General Assembly as is  
9 required under paragraph (t) of Section 7 of the State Library  
10 Act.

11           Those persons previously found eligible for receiving  
12 non-institutional services whose services were discontinued  
13 under the Emergency Budget Act of Fiscal Year 1992, and who do  
14 not meet the eligibility standards in effect on or after July  
15 1, 1992, shall remain ineligible on and after July 1, 1992.  
16 Those persons previously not required to cost-share and who  
17 were required to cost-share effective March 1, 1992, shall  
18 continue to meet cost-share requirements on and after July 1,  
19 1992. Beginning July 1, 1992, all clients will be required to  
20 meet eligibility, cost-share, and other requirements and will  
21 have services discontinued or altered when they fail to meet  
22 these requirements.

23           (Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; revised  
24 12-6-03.)

25           (20 ILCS 105/8.01) (from Ch. 23, par. 6108.01)

26           Sec. 8.01. Coordinating Committee; members. The  
27 Coordinating Committee of State Agencies Serving Older Persons  
28 shall consist of the Director of the Department on Aging or his  
29 or her designee as Chairman, the State Superintendent of  
30 Education or his or her designee, the Secretary of Human  
31 Services or his or her designee, the Secretary of  
32 Transportation or his or her designee, and the Directors, or  
33 the designee or designees of any or all of the Directors, of  
34 the following Departments or agencies: Labor; Veterans'  
35 Affairs; Public Health; Public Aid; Children and Family

1 Services; Commerce and Economic Opportunity ~~Community Affairs~~;  
2 Insurance; Revenue; Illinois Housing Development Authority;  
3 and Comprehensive State Health Planning.

4 (Source: P.A. 90-609, eff. 6-30-98; 91-61, eff. 6-30-99;  
5 revised 12-6-03.)

6 Section 60. The Department of Agriculture Law of the Civil  
7 Administrative Code of Illinois is amended by changing Section  
8 205-40 as follows:

9 (20 ILCS 205/205-40) (was 20 ILCS 205/40.31)

10 Sec. 205-40. Export consulting service and standards. The  
11 Department, in cooperation with the Department of Commerce and  
12 Economic Opportunity ~~Community Affairs~~ and the Agricultural  
13 Export Advisory Committee, shall (1) provide a consulting  
14 service to those who desire to export farm products,  
15 commodities, and supplies and guide them in their efforts to  
16 improve trade relations; (2) cooperate with agencies and  
17 instrumentalities of the federal government to develop export  
18 grade standards for farm products, commodities, and supplies  
19 produced in Illinois and adopt reasonable rules and regulations  
20 to ensure that exports of those products, commodities, and  
21 supplies comply with those standards; (3) upon request and  
22 after inspection of any such farm product, commodity, or  
23 supplies, certify compliance or noncompliance with those  
24 standards; (4) provide an informational program to existing and  
25 potential foreign importers of farm products, commodities, and  
26 supplies; (5) qualify for U. S. Department of Agriculture  
27 matching funds for overseas promotion of farm products,  
28 commodities, and supplies according to the federal  
29 requirements regarding State expenditures that are eligible  
30 for matching funds; and (6) provide a consulting service to  
31 persons who desire to export processed or value-added  
32 agricultural products and assist those persons in ascertaining  
33 legal and regulatory restrictions and market preferences that  
34 affect the sale of value-added agricultural products in foreign

1 markets.

2 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

3 Section 65. The Biotechnology Sector Development Act is  
4 amended by changing Section 10 as follows:

5 (20 ILCS 230/10)

6 Sec. 10. Sector program. The Department of Agriculture, in  
7 cooperation with the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~, shall establish a targeted  
9 sector program in the area of biotechnology. In fulfillment of  
10 this purpose, the Department of Agriculture is authorized to:

11 (a) Analyze on an ongoing basis the state of the  
12 biotechnology sector in Illinois, including, but not limited  
13 to, its strengths and weaknesses, its opportunities and risks,  
14 its emerging products, processes, and market niches, the  
15 commercialization of its related technology, its capital  
16 availability, its education and training needs, and its  
17 infrastructure development.

18 (b) Work in conjunction with the Biotechnology Advisory  
19 Council created under this Act.

20 (c) Develop a resource guide for use in promoting the  
21 biotechnology sector in Illinois.

22 (d) Explore the feasibility of conducting seminars to  
23 provide both entrepreneurs and investors with information  
24 about the biotechnology sector in Illinois.

25 (e) Operate, internally or on a contractual basis, an  
26 equipment resource referral service to identify available  
27 surplus equipment that could be used by biotechnology  
28 entrepreneurs.

29 (Source: P.A. 88-584, eff. 8-12-94; revised 12-6-03.)

30 Section 70. The Department of Central Management Services  
31 Law of the Civil Administrative Code of Illinois is amended by  
32 changing Sections 405-130, 405-295, 405-300, and 405-500 as  
33 follows:

1 (20 ILCS 405/405-130) (was 20 ILCS 405/67.28)

2 Sec. 405-130. State employees and retirees suggestion  
3 award program.

4 (a) The Department shall assist in the implementation of a  
5 State Employees and Retirees Suggestion Award Program, to be  
6 administered by the Board created in subsection (b). The  
7 program shall encourage and reward improvements in the  
8 operation of State government that result in substantial  
9 monetary savings. Any State employee, including management  
10 personnel as defined by the Department, any annuitant under  
11 Article 14 of the Illinois Pension Code and any annuitant under  
12 Article 15 of that Code who receives a retirement or disability  
13 retirement annuity, but not including elected officials and  
14 departmental directors, may submit a cost-saving suggestion to  
15 the Board, which shall direct the suggestion to the appropriate  
16 department or agency without disclosing the identity of the  
17 suggester. A suggester may make a suggestion or include  
18 documentation on matters a department or agency considers  
19 confidential, except where prohibited by federal or State law;  
20 and no disciplinary or other negative action may be taken  
21 against the suggester unless there is a violation of federal or  
22 State law.

23 Suggestions, including documentation, upon receipt, shall  
24 be given confidential treatment and shall not be subject to  
25 subpoena or be made public until the agency affected by it has  
26 had the opportunity to request continued confidentiality. The  
27 agency, if it requests continued confidentiality, shall attest  
28 that disclosure would violate federal or State law or rules and  
29 regulations pursuant to federal or State law or is a matter  
30 covered under Section 7 of the Freedom of Information Act. The  
31 Board shall make its decision on continued confidentiality and,  
32 if it so classifies the suggestion, shall notify the suggester  
33 and agency. A suggestion classified "continued confidential"  
34 shall nevertheless be evaluated and considered for award. A  
35 suggestion that the Board finds or the suggester states or

1 implies constitutes a disclosure of information that the  
 2 suggester reasonably believes evidences (1) a violation of any  
 3 law, rule, or regulation or (2) mismanagement, a gross waste of  
 4 funds, an abuse of authority, or a substantial and specific  
 5 danger to public health or safety may be referred to the  
 6 appropriate investigatory or law enforcement agency for  
 7 consideration for investigation and action. The identity of the  
 8 suggester may not be disclosed without the consent of the  
 9 suggester during any investigation of the information and any  
 10 related matters. Such a suggestion shall also be evaluated and  
 11 an award made when appropriate. That portion of Board meetings  
 12 that involves the consideration of suggestions classified  
 13 "continued confidential" or being considered for that  
 14 classification shall be closed meetings.

15 The Board may at its discretion make awards for those  
 16 suggestions certified by agency or department heads as  
 17 resulting in savings to the State of Illinois. Management  
 18 personnel shall be recognized for their suggestions as the  
 19 Board considers appropriate but shall not receive any monetary  
 20 award. Annuitants and employees, other than employees who are  
 21 management personnel, shall receive awards in accordance with  
 22 the schedule below. Each award to employees other than  
 23 management personnel and awards to annuitants shall be paid in  
 24 one lump sum by the Board created in subsection (b). A monetary  
 25 award may be increased by appropriation of the General  
 26 Assembly.

27 The amount of each award to employees other than management  
 28 personnel and the award to annuitants shall be determined as  
 29 follows:

30 \$1.00 to \$5,000 savings ..... an amount not  
 31 to exceed  
 32 \$500.00 or a  
 33 certificate  
 34 of merit, or  
 35 both, as  
 36 determined

1		by the Board
2	more than \$5,000 up to \$20,000 savings.....	\$500 award
3	more than \$20,000 up to \$100,000 savings.....	\$1,000 award
4	more than \$100,000 up to \$200,000 savings .....	\$2,000 award
5	more than \$200,000 up to \$300,000 savings .....	\$3,000 award
6	more than \$300,000 up to \$400,000 savings .....	\$4,000 award
7	more than \$400,000 .....	\$5,000 award

8 (b) There is created a State Employees and Retirees  
9 Suggestion Award Board to administer the program described in  
10 subsection (a). The Board shall consist of 8 members appointed  
11 2 each by the President of the Senate, the Minority Leader of  
12 the Senate, the Speaker of the House of Representatives, and  
13 the Minority Leader of the House of Representatives and, as  
14 ex-officio, non-voting members, the directors of the  
15 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
16 and the Department. Each appointing authority shall designate  
17 one initial appointee to serve one year and one initial  
18 appointee to serve 2 years; subsequent terms shall be 2 years.  
19 Any vacancies shall be filled for the unexpired term by the  
20 original appointing authority and any member may be  
21 reappointed. Board members shall serve without compensation  
22 but may be reimbursed for expenses incurred in the performance  
23 of their duties. The Board shall annually elect a chairman from  
24 among its number, shall meet monthly or more frequently at the  
25 call of the chairman, and shall establish necessary procedures,  
26 guidelines, and criteria for the administration of the program.  
27 The Board shall annually report to the General Assembly by  
28 January 1 on the operation of the program, including the nature  
29 and cost-savings of implemented suggestions, and any  
30 recommendations for legislative changes it deems appropriate.  
31 The General Assembly shall make an annual appropriation to the  
32 Board for payment of awards and the expenses of the Board, such  
33 as, but not limited to: travel of the members, preparation of  
34 publicity material, printing of forms and other matter, and  
35 contractual expenses.

36 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-03.)

1 (20 ILCS 405/405-295) (was 20 ILCS 405/67.30)

2 Sec. 405-295. Decreased energy consumption. The Department  
3 may enter into contracts for equipment or services designed to  
4 decrease energy consumption in State programs and State owned  
5 or controlled buildings or equipment. Prior to entering into  
6 any such contract for a State owned building, the Department  
7 shall consult with the Executive Director of the Capital  
8 Development Board. The Department may consult with the  
9 Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~ regarding any aspect of energy consumption projects.

11 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

12 (20 ILCS 405/405-300) (was 20 ILCS 405/67.02)

13 Sec. 405-300. Lease or purchase of facilities; training  
14 programs.

15 (a) To lease or purchase office and storage space,  
16 buildings, land, and other facilities for all State agencies,  
17 authorities, boards, commissions, departments, institutions,  
18 and bodies politic and all other administrative units or  
19 outgrowths of the executive branch of State government except  
20 the Constitutional officers, the State Board of Education and  
21 the State colleges and universities and their governing bodies.  
22 However, before leasing or purchasing any office or storage  
23 space, buildings, land or other facilities in any municipality  
24 the Department shall survey the existing State-owned and  
25 State-leased property to make a determination of need.

26 The leases shall be for a term not to exceed 5 years,  
27 except that the leases may contain a renewal clause subject to  
28 acceptance by the State after that date or an option to  
29 purchase. The purchases shall be made through contracts that  
30 (i) may provide for the title to the property to transfer  
31 immediately to the State or a trustee or nominee for the  
32 benefit of the State, (ii) shall provide for the consideration  
33 to be paid in installments to be made at stated intervals  
34 during a certain term not to exceed 30 years from the date of

1 the contract, and (iii) may provide for the payment of interest  
2 on the unpaid balance at a rate that does not exceed a rate  
3 determined by adding 3 percentage points to the annual yield on  
4 United States Treasury obligations of comparable maturity as  
5 most recently published in the Wall Street Journal at the time  
6 such contract is signed. The leases and purchase contracts  
7 shall be and shall recite that they are subject to termination  
8 and cancellation in any year for which the General Assembly  
9 fails to make an appropriation to pay the rent or purchase  
10 installments payable under the terms of the lease or purchase  
11 contract. Additionally, the purchase contract shall specify  
12 that title to the office and storage space, buildings, land,  
13 and other facilities being acquired under the contract shall  
14 revert to the Seller in the event of the failure of the General  
15 Assembly to appropriate suitable funds. However, this  
16 limitation on the term of the leases does not apply to leases  
17 to and with the Illinois Building Authority, as provided for in  
18 the Building Authority Act. Leases to and with that Authority  
19 may be entered into for a term not to exceed 30 years and shall  
20 be and shall recite that they are subject to termination and  
21 cancellation in any year for which the General Assembly fails  
22 to make an appropriation to pay the rent payable under the  
23 terms of the lease. These limitations do not apply if the lease  
24 or purchase contract contains a provision limiting the  
25 liability for the payment of the rentals or installments  
26 thereof solely to funds received from the Federal government.

27 (b) To lease from an airport authority office, aircraft  
28 hangar, and service buildings constructed upon a public airport  
29 under the Airport Authorities Act for the use and occupancy of  
30 the State Department of Transportation. The lease may be  
31 entered into for a term not to exceed 30 years.

32 (c) To establish training programs for teaching State  
33 leasing procedures and practices to new employees of the  
34 Department and to keep all employees of the Department informed  
35 about current leasing practices and developments in the real  
36 estate industry.



1 (d) To enter into an agreement with a municipality or  
2 county to construct, remodel, or convert a structure for the  
3 purposes of its serving as a correctional institution or  
4 facility pursuant to paragraph (c) of Section 3-2-2 of the  
5 Unified Code of Corrections.

6 (e) To enter into an agreement with a private individual,  
7 trust, partnership, or corporation or a municipality or other  
8 unit of local government, when authorized to do so by the  
9 Department of Corrections, whereby that individual, trust,  
10 partnership, or corporation or municipality or other unit of  
11 local government will construct, remodel, or convert a  
12 structure for the purposes of its serving as a correctional  
13 institution or facility and then lease the structure to the  
14 Department for the use of the Department of Corrections. A  
15 lease entered into pursuant to the authority granted in this  
16 subsection shall be for a term not to exceed 30 years but may  
17 grant to the State the option to purchase the structure  
18 outright.

19 The leases shall be and shall recite that they are subject  
20 to termination and cancellation in any year for which the  
21 General Assembly fails to make an appropriation to pay the rent  
22 payable under the terms of the lease.

23 (f) On and after September 17, 1983, the powers granted to  
24 the Department under this Section shall be exercised  
25 exclusively by the Department, and no other State agency may  
26 concurrently exercise any such power unless specifically  
27 authorized otherwise by a later enacted law. This subsection is  
28 not intended to impair any contract existing as of September  
29 17, 1983.

30 However, no lease for more than 10,000 square feet of space  
31 shall be executed unless the Director, in consultation with the  
32 Executive Director of the Capital Development Board, has  
33 certified that leasing is in the best interest of the State,  
34 considering programmatic requirements, availability of vacant  
35 State-owned space, the cost-benefits of purchasing or  
36 constructing new space, and other criteria as he or she shall

1 determine. The Director shall not permit multiple leases for  
2 less than 10,000 square feet to be executed in order to evade  
3 this provision.

4 (g) To develop and implement, in cooperation with the  
5 Interagency Energy Conservation Committee, a system for  
6 evaluating energy consumption in facilities leased by the  
7 Department, and to develop energy consumption standards for use  
8 in evaluating prospective lease sites.

9 (h) (1) After June 1, 1998 (the effective date of Public  
10 Act 90-520), the Department shall not enter into an  
11 agreement for the installment purchase or lease purchase of  
12 buildings, land, or facilities unless:

13 (A) the using agency certifies to the Department  
14 that the agency reasonably expects that the building,  
15 land, or facilities being considered for purchase will  
16 meet a permanent space need;

17 (B) the building or facilities will be  
18 substantially occupied by State agencies after  
19 purchase (or after acceptance in the case of a build to  
20 suit);

21 (C) the building or facilities shall be in new or  
22 like new condition and have a remaining economic life  
23 exceeding the term of the contract;

24 (D) no structural or other major building  
25 component or system has a remaining economic life of  
26 less than 10 years;

27 (E) the building, land, or facilities:

28 (i) is free of any identifiable environmental  
29 hazard or

30 (ii) is subject to a management plan, provided  
31 by the seller and acceptable to the State, to  
32 address the known environmental hazard;

33 (F) the building, land, or facilities satisfy  
34 applicable handicap accessibility and applicable  
35 building codes; and

36 (G) the State's cost to lease purchase or

1           installment purchase the building, land, or facilities  
2           is less than the cost to lease space of comparable  
3           quality, size, and location over the lease purchase or  
4           installment purchase term.

5           (2) The Department shall establish the methodology for  
6           comparing lease costs to the costs of installment or lease  
7           purchases. The cost comparison shall take into account all  
8           relevant cost factors, including, but not limited to, debt  
9           service, operating and maintenance costs, insurance and  
10          risk costs, real estate taxes, reserves for replacement and  
11          repairs, security costs, and utilities. The methodology  
12          shall also provide:

13                 (A) that the comparison will be made using level  
14                 payment plans; and

15                 (B) that a purchase price must not exceed the fair  
16                 market value of the buildings, land, or facilities and  
17                 that the purchase price must be substantiated by an  
18                 appraisal or by a competitive selection process.

19          (3) If the Department intends to enter into an  
20          installment purchase or lease purchase agreement for  
21          buildings, land, or facilities under circumstances that do  
22          not satisfy the conditions specified by this Section, it  
23          must issue a notice to the Secretary of the Senate and the  
24          Clerk of the House. The notice shall contain (i) specific  
25          details of the State's proposed purchase, including the  
26          amounts, purposes, and financing terms; (ii) a specific  
27          description of how the proposed purchase varies from the  
28          procedures set forth in this Section; and (iii) a specific  
29          justification, signed by the Director, stating why it is in  
30          the State's best interests to proceed with the purchase.  
31          The Department may not proceed with such an installment  
32          purchase or lease purchase agreement if, within 60 calendar  
33          days after delivery of the notice, the General Assembly, by  
34          joint resolution, disapproves the transaction. Delivery  
35          may take place on a day and at an hour when the Senate and  
36          House are not in session so long as the offices of

1 Secretary and Clerk are open to receive the notice. In  
2 determining the 60-day period within which the General  
3 Assembly must act, the day on which delivery is made to the  
4 Senate and House shall not be counted. If delivery of the  
5 notice to the 2 houses occurs on different days, the 60-day  
6 period shall begin on the day following the later delivery.

7 (4) On or before February 15 of each year, the  
8 Department shall submit an annual report to the Director of  
9 the Governor's Office of Management and Budget ~~Bureau of~~  
10 ~~the Budget~~ and the General Assembly regarding installment  
11 purchases or lease purchases of buildings, land, or  
12 facilities that were entered into during the preceding  
13 calendar year. The report shall include a summary statement  
14 of the aggregate amount of the State's obligations under  
15 those purchases; specific details pertaining to each  
16 purchase, including the amounts, purposes, and financing  
17 terms and payment schedule for each purchase; and any other  
18 matter that the Department deems advisable.

19 The requirement for reporting to the General Assembly  
20 shall be satisfied by filing copies of the report with the  
21 Auditor General, the Speaker, the Minority Leader, and the  
22 Clerk of the House of Representatives and the President,  
23 the Minority Leader, and the Secretary of the Senate, the  
24 Chairs of the Appropriations Committees, and the  
25 Legislative Research Unit, as required by Section 3.1 of  
26 the General Assembly Organization Act, and filing  
27 additional copies with the State Government Report  
28 Distribution Center for the General Assembly as is required  
29 under paragraph (t) of Section 7 of the State Library Act.

30 (Source: P.A. 90-520, eff. 6-1-98; 91-239, eff. 1-1-00; revised  
31 8-23-03.)

32 (20 ILCS 405/405-500)

33 Sec. 405-500. Matters relating to the Office of the  
34 Lieutenant Governor.

35 (a) It is the purpose of this Section to provide for the

1 administration of the affairs of the Office of the Lieutenant  
2 Governor during a period when the Office of Lieutenant Governor  
3 is vacant.

4 It is the intent of the General Assembly that all powers  
5 and duties of the Lieutenant Governor assumed and exercised by  
6 the Director of Central Management Services, the Department of  
7 Central Management Services, or another Director, State  
8 employee, or State agency designated by the Governor under the  
9 provisions of Public Act 90-609 be reassumed by the Lieutenant  
10 Governor on January 11, 1999.

11 (b) Until January 11, 1999, while the office of Lieutenant  
12 Governor is vacant, the Director of Central Management Services  
13 shall assume and exercise the powers and duties given to the  
14 Lieutenant Governor under the Illinois Commission on Community  
15 Service Act, Section 46.53 of the Civil Administrative Code of  
16 Illinois (renumbered; now Section 605-75 of the Department of  
17 Commerce and Economic Opportunity ~~Community Affairs~~ Law, 20  
18 ILCS 605/605-75) (relating to the Keep Illinois Beautiful  
19 program), Section 12-1 of the State Finance Act, the Gifts and  
20 Grants to Government Act, and the Illinois Distance Learning  
21 Foundation Act.

22 The Director of Central Management Services shall not  
23 assume or exercise the powers and duties given to the  
24 Lieutenant Governor under the Rural Bond Bank Act.

25 (c) Until January 11, 1999, while the office of Lieutenant  
26 Governor is vacant, the Department of Central Management  
27 Services shall assume and exercise the powers and duties given  
28 to the Office of the Lieutenant Governor under Section 2-3.112  
29 of the School Code, the Illinois River Watershed Restoration  
30 Act, the Illinois Wildlife Prairie Park Act, Section 12-1 of  
31 the State Finance Act, and the Illinois Distance Learning  
32 Foundation Act.

33 (c-5) Notwithstanding subsection (c): (i) the Governor  
34 shall appoint an interim member, who shall be interim  
35 chairperson, of the Illinois River Coordinating Council while  
36 the office of the Lieutenant Governor is vacant until January

1 11, 1999 and (ii) the Governor shall appoint an interim member,  
2 who shall be interim chairperson, of the Illinois Wildlife  
3 Prairie Park Commission while the office of the Lieutenant  
4 Governor is vacant until January 11, 1999.

5 (d) Until January 11, 1999, while the office of Lieutenant  
6 Governor is vacant, the Department of Central Management  
7 Services may assume and exercise the powers and duties that  
8 have been delegated to the Lieutenant Governor by the Governor.

9 (e) Until January 11, 1999, while the office of Lieutenant  
10 Governor is vacant, appropriations to the Office of the  
11 Lieutenant Governor may be obligated and expended by the  
12 Department of Central Management Services, with the  
13 authorization of the Director of Central Management Services,  
14 for the purposes specified in those appropriations. These  
15 obligations and expenditures shall continue to be accounted for  
16 as obligations and expenditures of the Office of the Lieutenant  
17 Governor.

18 (f) Until January 11, 1999, while the office of Lieutenant  
19 Governor is vacant, all employees of the Office of the  
20 Lieutenant Governor who are needed to carry out the  
21 responsibilities of the Office are temporarily reassigned to  
22 the Department of Central Management Services. This  
23 reassignment shall not be deemed to constitute new employment  
24 or to change the terms or conditions of employment or the  
25 qualifications required of the employees, except that the  
26 reassigned employees shall be subject to supervision by the  
27 Department during the temporary reassignment period.

28 (g) Until January 11, 1999, while the office of Lieutenant  
29 Governor is vacant, the Department of Central Management  
30 Services shall temporarily assume and exercise the powers and  
31 duties of the Office of the Lieutenant Governor under contracts  
32 to which the Office of the Lieutenant Governor is a party. The  
33 assumption of rights and duties under this subsection shall not  
34 be deemed to change the terms or conditions of the contract.

35 The Department of Central Management Services may amend,  
36 extend, or terminate any such contract in accordance with its

1 terms; may agree to terminate a contract at the request of the  
2 other party; and may, with the approval of the Governor, enter  
3 into new contracts on behalf of the Office of the Lieutenant  
4 Governor.

5 (h) The Governor may designate a State employee or director  
6 other than the Director of Central Management Services or a  
7 State agency other than the Department of Central Management  
8 Services to assume and exercise any particular power or duty  
9 that would otherwise be assumed and exercised by the Director  
10 of Central Management Services or the Department of Central  
11 Management Services under subsection (b), (c), or (d) of this  
12 Section.

13 Except as provided below, if the Governor designates a  
14 State employee or director other than the Director of Central  
15 Management Services or a State agency other than the Department  
16 of Central Management Services, that person or agency shall be  
17 responsible for those duties set forth in subsections (e), (f),  
18 and (g) that directly relate to the designation of duties under  
19 subsections (b), (c), and (d).

20 If the Governor's designation relates to duties of the  
21 Commission on Community Service or the Distance Learning  
22 Foundation, the Director of Central Management Services and the  
23 Department of Central Management Services may, if so directed  
24 by the Governor, continue to be responsible for those duties  
25 set forth in subsections (e), (f), and (g) relating to that  
26 designation.

27 (i) Business transacted under the authority of this Section  
28 by entities other than the Office of the Lieutenant Governor  
29 shall be transacted on behalf of and in the name of the Office  
30 of the Lieutenant Governor. Property of the Office of the  
31 Lieutenant Governor shall remain the property of that Office  
32 and may continue to be used by persons performing the functions  
33 of that Office during the vacancy period, except as otherwise  
34 directed by the Governor.

35 (Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00;  
36 revised 1-17-04.)

1 Section 75. The Personnel Code is amended by changing  
2 Section 8a as follows:

3 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

4 Sec. 8a. Jurisdiction A - Classification and pay. For  
5 positions in the State service subject to the jurisdiction of  
6 the Department of Central Management Services with respect to  
7 the classification and pay:

8 (1) For the preparation, maintenance, and revision by the  
9 Director, subject to approval by the Commission, of a position  
10 classification plan for all positions subject to this Act,  
11 based upon similarity of duties performed, responsibilities  
12 assigned, and conditions of employment so that the same  
13 schedule of pay may be equitably applied to all positions in  
14 the same class. However, the pay of an employee whose position  
15 is reduced in rank or grade by reallocation because of a loss  
16 of duties or responsibilities after his appointment to such  
17 position shall not be required to be lowered for a period of  
18 one year after the reallocation of his position. Conditions of  
19 employment shall not be used as a factor in the classification  
20 of any position heretofore paid under the provisions of Section  
21 1.22 of "An Act to standardize position titles and salary  
22 rates", approved June 30, 1943, as amended. Unless the  
23 Commission disapproves such classification plan within 60  
24 days, or any revision thereof within 30 days, the Director  
25 shall allocate every such position to one of the classes in the  
26 plan. Any employee affected by the allocation of a position to  
27 a class shall, after filing with the Director of Central  
28 Management Services a written request for reconsideration  
29 thereof in such manner and form as the Director may prescribe,  
30 be given a reasonable opportunity to be heard by the Director.  
31 If the employee does not accept the allocation of the position,  
32 he shall then have the right of appeal to the Civil Service  
33 Commission.

34 (2) For a pay plan to be prepared by the Director for all



1 employees subject to this Act after consultation with operating  
2 agency heads and the Director of the Governor's Office of  
3 Management and Budget ~~Bureau of the Budget~~. Such pay plan may  
4 include provisions for uniformity of starting pay, an increment  
5 plan, area differentials, a delay not to exceed one year prior  
6 to the reduction of the pay of employees whose positions are  
7 reduced in rank or grade by reallocation because of a loss of  
8 duties or responsibilities after their appointments to such  
9 positions, prevailing rates of wages in those classifications  
10 in which employers are now paying or may hereafter pay such  
11 rates of wage and other provisions. Such pay plan shall become  
12 effective only after it has been approved by the Governor.  
13 Amendments to the pay plan shall be made in the same manner.  
14 Such pay plan shall provide that each employee shall be paid at  
15 one of the rates set forth in the pay plan for the class of  
16 position in which he is employed, subject to delay in the  
17 reduction of pay of employees whose positions are reduced in  
18 rank or grade by allocation as above set forth in this Section.  
19 Such pay plan shall provide for a fair and reasonable  
20 compensation for services rendered.

21 This section is inapplicable to the position of Assistant  
22 Director of Public Aid in the Department of Public Aid. The  
23 salary for this position shall be as established in "The Civil  
24 Administrative Code of Illinois", approved March 7, 1917, as  
25 amended.

26 (Source: P.A. 82-789; revised 8-23-03.)

27 Section 80. The Children and Family Services Act is amended  
28 by changing Section 34.10 as follows:

29 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

30 Sec. 34.10. Home child care demonstration project;  
31 conversion and renovation grants; Department of Human  
32 Services.

33 (a) The legislature finds that the demand for quality child  
34 care far outweighs the number of safe, quality spaces for our

1 children. The purpose of this Section is to increase the number  
2 of child care providers by:

3 (1) developing a demonstration project to train  
4 individuals to become home child care providers who are  
5 able to establish and operate their own child care  
6 facility; and

7 (2) providing grants to convert and renovate existing  
8 facilities.

9 (b) The Department of Human Services may from  
10 appropriations from the Child Care Development Block Grant  
11 establish a demonstration project to train individuals to  
12 become home child care providers who are able to establish and  
13 operate their own home-based child care facilities. The  
14 Department of Human Services is authorized to use funds for  
15 this purpose from the child care and development funds  
16 deposited into the Special Purposes Trust Fund as described in  
17 Section 12-10 of the Illinois Public Aid Code and, until  
18 October 1, 1998, the Child Care and Development Fund created by  
19 the 87th General Assembly. As an economic development program,  
20 the project's focus is to foster individual self-sufficiency  
21 through an entrepreneurial approach by the creation of new jobs  
22 and opening of new small home-based child care businesses. The  
23 demonstration project shall involve coordination among State  
24 and county governments and the private sector, including but  
25 not limited to: the community college system, the Departments  
26 of Labor and Commerce and Economic Opportunity ~~Community~~  
27 ~~Affairs~~, the State Board of Education, large and small private  
28 businesses, nonprofit programs, unions, and child care  
29 providers in the State.

30 The Department shall submit:

31 (1) a progress report on the demonstration project to  
32 the legislature by one year after the effective date of  
33 this amendatory Act of 1991; and

34 (2) a final evaluation report on the demonstration  
35 project, including findings and recommendations, to the  
36 legislature by one year after the due date of the progress

1 report.

2 (c) The Department of Human Services may from  
3 appropriations from the Child Care Development Block Grant  
4 provide grants to family child care providers and center based  
5 programs to convert and renovate existing facilities, to the  
6 extent permitted by federal law, so additional family child  
7 care homes and child care centers can be located in such  
8 facilities.

9 (1) Applications for grants shall be made to the  
10 Department and shall contain information as the Department  
11 shall require by rule. Every applicant shall provide  
12 assurance to the Department that:

13 (A) the facility to be renovated or improved shall  
14 be used as family child care home or child care center  
15 for a continuous period of at least 5 years;

16 (B) any family child care home or child care center  
17 program located in a renovated or improved facility  
18 shall be licensed by the Department;

19 (C) the program shall comply with applicable  
20 federal and State laws prohibiting discrimination  
21 against any person on the basis of race, color,  
22 national origin, religion, creed, or sex;

23 (D) the grant shall not be used for purposes of  
24 entertainment or perquisites;

25 (E) the applicant shall comply with any other  
26 requirement the Department may prescribe to ensure  
27 adherence to applicable federal, State, and county  
28 laws;

29 (F) all renovations and improvements undertaken  
30 with funds received under this Section shall comply  
31 with all applicable State and county statutes and  
32 ordinances including applicable building codes and  
33 structural requirements of the Department; and

34 (G) the applicant shall indemnify and save  
35 harmless the State and its officers, agents, and  
36 employees from and against any and all claims arising

1 out of or resulting from the renovation and  
2 improvements made with funds provided by this Section,  
3 and, upon request of the Department, the applicant  
4 shall procure sufficient insurance to provide that  
5 indemnification.

6 (2) To receive a grant under this Section to convert an  
7 existing facility into a family child care home or child  
8 care center facility, the applicant shall:

9 (A) agree to make available to the Department of  
10 Human Services all records it may have relating to the  
11 operation of any family child care home and child care  
12 center facility, and to allow State agencies to monitor  
13 its compliance with the purpose of this Section;

14 (B) agree that, if the facility is to be altered or  
15 improved, or is to be used by other groups, moneys  
16 appropriated by this Section shall be used for  
17 renovating or improving the facility only to the  
18 proportionate extent that the floor space will be used  
19 by the child care program; and

20 (C) establish, to the satisfaction of the  
21 Department that sufficient funds are available for the  
22 effective use of the facility for the purpose for which  
23 it is being renovated or improved.

24 (3) In selecting applicants for funding, the  
25 Department shall make every effort to ensure that family  
26 child care home or child care center facilities are  
27 equitably distributed throughout the State according to  
28 demographic need. The Department shall give priority  
29 consideration to rural/Downstate areas of the State that  
30 are currently experiencing a shortage of child care  
31 services.

32 (4) In considering applications for grants to renovate  
33 or improve an existing facility used for the operations of  
34 a family child care home or child care center, the  
35 Department shall give preference to applications to  
36 renovate facilities most in need of repair to address

1 safety and habitability concerns. No grant shall be  
2 disbursed unless an agreement is entered into between the  
3 applicant and the State, by and through the Department. The  
4 agreement shall include the assurances and conditions  
5 required by this Section and any other terms which the  
6 Department may require.

7 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised  
8 12-6-03.)

9 Section 85. The Department of Commerce and Economic  
10 Opportunity Law of the Civil Administrative Code of Illinois is  
11 amended by changing Sections 605-75, 605-105, 605-112,  
12 605-332, 605-360, 605-415, 605-512, 605-707, 605-855, and  
13 605-865 as follows:

14 (20 ILCS 605/605-75)

15 Sec. 605-75. Keep Illinois Beautiful.

16 (a) There is created the Keep Illinois Beautiful Program  
17 Advisory Board consisting of 7 members appointed by the  
18 Director of Commerce and Economic Opportunity ~~Community~~  
19 ~~Affairs~~. Of those 7, 4 shall be appointed from a list of at  
20 least 10 names submitted by the boards of directors from the  
21 various certified community programs. Each certified community  
22 program may submit only one recommendation to be considered by  
23 the Director. The Director of Commerce and Economic Opportunity  
24 ~~Community Affairs~~ or his or her designee shall be a member and  
25 serve as Chairman. The Board shall meet at least annually at  
26 the discretion of the Chairman and at such other times as the  
27 Chairman or any 4 members consider necessary. Four members  
28 shall constitute a quorum.

29 (b) The purpose of the Board shall be to assist local  
30 governments and community organizations in:

31 (1) Educating the public about the need for recycling  
32 and reducing solid waste.

33 (2) Promoting the establishment of recycling and  
34 programs that reduce litter and other solid waste through

1 re-use and diversion.

2 (3) Developing local markets for recycled products.

3 (4) Cooperating with other State agencies and with  
4 local governments having environmental responsibilities.

5 (5) Seeking funding from governmental and  
6 non-governmental sources.

7 (6) Beautification projects.

8 (c) The Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ shall assist local governments and community  
10 organizations that plan to implement programs set forth in  
11 subsection (b). The Department shall establish guidelines for  
12 the certification of local governments and community  
13 organizations.

14 The Department may encourage local governments and  
15 community organizations to apply for certification of programs  
16 by the Board. However, the Department shall give equal  
17 consideration to newly certified programs and older certified  
18 programs.

19 (d) The Keep Illinois Beautiful Fund is created as a  
20 special fund in the State treasury. Moneys from any public or  
21 private source may be deposited into the Keep Illinois  
22 Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund  
23 shall be appropriated only for the purposes of this Section.  
24 Pursuant to action by the Board, the Department of Commerce and  
25 Economic Opportunity ~~Community Affairs~~ may authorize grants  
26 from moneys appropriated from the Keep Illinois Beautiful Fund  
27 for certified community based programs for up to 50% of the  
28 cash needs of the program; provided, that at least 50% of the  
29 needs of the program shall be contributed to the program in  
30 cash, and not in kind, by local sources.

31 Moneys appropriated for certified community based programs  
32 in municipalities of more than 1,000,000 population shall be  
33 itemized separately and may not be disbursed to any other  
34 community.

35 (e) On the effective date of this amendatory Act of the  
36 91st General Assembly, the Lieutenant Governor shall transfer

1 to the Department of Commerce and Community Affairs (now  
2 Department of Commerce and Economic Opportunity), and the  
3 Department shall receive, all assets and property possessed by  
4 the Lieutenant Governor under this Section and all liabilities  
5 and obligations for which the Lieutenant Governor was  
6 responsible under this Section. Nothing in this subsection  
7 affects the validity of certifications and grants issued under  
8 this Section before the effective date of this amendatory Act  
9 of the 91st General Assembly.

10 (Source: P.A. 91-239, eff. 1-1-00; 91-853, eff. 7-1-00; 92-490,  
11 eff. 8-23-01; revised 12-6-03.)

12 (20 ILCS 605/605-105) (was 20 ILCS 605/46.35)

13 Sec. 605-105. Transfer from Department of Local Government  
14 Affairs.

15 (a) To assume all rights, powers, duties, and  
16 responsibilities of the former Department of Local Government  
17 Affairs not pertaining to its property taxation related  
18 functions. Personnel, books, records, property and funds  
19 pertaining to those non-taxation related functions are  
20 transferred to the Department, but any rights of employees or  
21 the State under the "Personnel Code" or any other contract or  
22 plan shall be unaffected by this transfer.

23 (b) After August 31, 1984 (the effective date of Public Act  
24 83-1302), the power, formerly vested in the Department of Local  
25 Government Affairs and transferred to the Department of  
26 Commerce and Community Affairs (now Department of Commerce and  
27 Economic Opportunity), to administer the distribution of funds  
28 from the State treasury to reimburse counties where State penal  
29 institutions are located for the payment of assistant State's  
30 Attorneys' salaries under Section 7 of "An act concerning fees  
31 and salaries, and to classify the several counties of this  
32 state with reference thereto", approved March 29, 1872, as  
33 amended (repealed; now Section 4-2001 of the Counties Code, 55  
34 ILCS 5/4-2001), shall be vested in the Department of  
35 Corrections pursuant to Section 3-2-2 of the Unified Code of

1 Corrections.

2 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

3 (20 ILCS 605/605-112) (was 20 ILCS 605/46.34b)

4 Sec. 605-112. Transfer relating to the State Data Center.  
5 To assume from the Executive Office of the Governor, Bureau of  
6 the Budget (now Governor's Office of Management and Budget), on  
7 July 1, 1999, all personnel, books, records, papers, documents,  
8 property both real and personal, and pending business in any  
9 way pertaining to the State Data Center, established pursuant  
10 to a Memorandum of Understanding entered into with the Census  
11 Bureau pursuant to 15 U.S.C. Section 1525. All personnel  
12 transferred pursuant to this Section shall receive certified  
13 status under the Personnel Code.

14 (Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01; revised  
15 8-23-03.)

16 (20 ILCS 605/605-332)

17 Sec. 605-332. Financial assistance to energy generation  
18 facilities.

19 (a) As used in this Section:

20 "New electric generating facility" means a  
21 newly-constructed electric generation plant or a newly  
22 constructed generation capacity expansion at an existing  
23 facility, including the transmission lines and associated  
24 equipment that transfers electricity from points of supply to  
25 points of delivery, and for which foundation construction  
26 commenced not sooner than July 1, 2001, which is designed to  
27 provide baseload electric generation operating on a continuous  
28 basis throughout the year; and which has an aggregate rated  
29 generating capacity of at least 400 megawatts for all new units  
30 at one site, uses coal or gases derived from coal as its  
31 primary fuel source, and supports the creation of at least 150  
32 new Illinois coal mining jobs.

33 "Eligible business" means an entity that proposes to  
34 construct a new electric generating facility and that has



1 applied to the Department to receive financial assistance  
2 pursuant to this Section. With respect to use and occupation  
3 taxes, wherever there is a reference to taxes, that reference  
4 means only those taxes paid on Illinois-mined coal used in a  
5 new electric generating facility.

6 "Department" means the Illinois Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~.

8 (b) The Department is authorized to provide financial  
9 assistance to eligible businesses for new electric generating  
10 facilities from funds appropriated by the General Assembly as  
11 further provided in this Section.

12 An eligible business seeking qualification for financial  
13 assistance for a new electric generating facility, for purposes  
14 of this Section only, shall apply to the Department in the  
15 manner specified by the Department. Any projections provided by  
16 an eligible business as part of the application shall be  
17 independently verified in a manner as set forth by the  
18 Department. An application shall include, but not be limited  
19 to:

20 (1) the projected or actual completion date of the new  
21 electric generating facility for which financial  
22 assistance is sought;

23 (2) copies of documentation deemed acceptable by the  
24 Department establishing either (i) the total State  
25 occupation and use taxes paid on Illinois-mined coal used  
26 at the new electric generating facility for a minimum of 4  
27 preceding calendar quarters or (ii) the projected amount of  
28 State occupation and use taxes paid on Illinois-mined coal  
29 used at the new electric generating facility in 4 calendar  
30 year quarters after completion of the new electric  
31 generating facility. Bond proceeds subject to this Section  
32 shall not be allocated to an eligible business until the  
33 eligible business has demonstrated the revenue stream  
34 sufficient to service the debt on the bonds; and

35 (3) the actual or projected amount of capital  
36 investment by the eligible business in the new electric

1 generating facility.

2 The Department shall determine the maximum amount of  
3 financial assistance for eligible businesses in accordance  
4 with this paragraph. The Department shall not provide financial  
5 assistance from general obligation bond funds to any eligible  
6 business unless it receives a written certification from the  
7 Director of the Bureau of the Budget (now Governor's Office of  
8 Management and Budget) that 80% of the State occupation and use  
9 tax receipts for a minimum of the preceding 4 calendar quarters  
10 for all eligible businesses or as included in projections on  
11 approved applications by eligible businesses equal or exceed  
12 110% of the maximum annual debt service required with respect  
13 to general obligation bonds issued for that purpose. The  
14 Department may provide financial assistance not to exceed the  
15 amount of State general obligation debt calculated as above,  
16 the amount of actual or projected capital investment in the  
17 energy generation facility, or \$100,000,000, whichever is  
18 less. Financial assistance received pursuant to this Section  
19 may be used for capital facilities consisting of buildings,  
20 structures, durable equipment, and land at the new electric  
21 generating facility. Subject to the provisions of the agreement  
22 covering the financial assistance, a portion of the financial  
23 assistance may be required to be repaid to the State if certain  
24 conditions for the governmental purpose of the assistance were  
25 not met.

26 An eligible business shall file a monthly report with the  
27 Illinois Department of Revenue stating the amount of  
28 Illinois-mined coal purchased during the previous month for use  
29 in the new electric generating facility, the purchase price of  
30 that coal, the amount of State occupation and use taxes paid on  
31 that purchase to the seller of the Illinois-mined coal, and  
32 such other information as that Department may reasonably  
33 require. In sales of Illinois-mined coal between related  
34 parties, the purchase price of the coal must have been  
35 determined in an arms-length transaction. The report shall be  
36 filed with the Illinois Department of Revenue on or before the

1 20th day of each month on a form provided by that Department.  
2 However, no report need be filed by an eligible business in a  
3 month when it made no reportable purchases of coal in the  
4 previous month. The Illinois Department of Revenue shall  
5 provide a summary of such reports to the Governor's Office of  
6 Management and Budget ~~Bureau of the Budget~~.

7 Upon granting financial assistance to an eligible  
8 business, the Department shall certify the name of the eligible  
9 business to the Illinois Department of Revenue. Beginning with  
10 the receipt of the first report of State occupation and use  
11 taxes paid by an eligible business and continuing for a 25-year  
12 period, the Illinois Department of Revenue shall each month pay  
13 into the Energy Infrastructure Fund 80% of the net revenue  
14 realized from the 6.25% general rate on the selling price of  
15 Illinois-mined coal that was sold to an eligible business.

16 (Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; revised  
17 8-23-03.)

18 (20 ILCS 605/605-360) (was 20 ILCS 605/46.19a in part)

19 Sec. 605-360. Technology Innovation and Commercialization  
20 Grants-In-Aid Council. There is created within the Department a  
21 Technology Innovation and Commercialization Grants-in-Aid  
22 Council, which shall consist of 2 representatives of the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~, appointed by the Department; one representative of the  
25 Illinois Board of Higher Education, appointed by the Board; one  
26 representative of science or engineering, appointed by the  
27 Governor; two representatives of business, appointed by the  
28 Governor; one representative of small business, appointed by  
29 the Governor; one representative of the Department of  
30 Agriculture, appointed by the Director of Agriculture; and one  
31 representative of agribusiness, appointed by the Director of  
32 Agriculture. The Director of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ shall appoint one of the Department's  
34 representatives to serve as chairman of the Council. The  
35 Council members shall receive no compensation for their

1 services but shall be reimbursed for their expenses actually  
2 incurred by them in the performance of their duties under this  
3 Section. The Department shall provide staff services to the  
4 Council. The Council shall provide for review and evaluation of  
5 all applications received by the Department under Section  
6 605-355 and make recommendations on those projects to be  
7 funded. The Council shall also assist the Department in  
8 monitoring the projects and in evaluating the impact of the  
9 program on technological innovation and business development  
10 within the State.

11 (Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00;  
12 revised 12-6-03.)

13 (20 ILCS 605/605-415)

14 Sec. 605-415. Job Training and Economic Development Grant  
15 Program.

16 (a) Legislative findings. The General Assembly finds that:

17 (1) Despite the large number of unemployed job seekers,  
18 many employers are having difficulty matching the skills  
19 they require with the skills of workers; a similar problem  
20 exists in industries where overall employment may not be  
21 expanding but there is an acute need for skilled workers in  
22 particular occupations.

23 (2) The State of Illinois should foster local economic  
24 development by linking the job training of unemployed  
25 disadvantaged citizens with the workforce needs of local  
26 business and industry.

27 (3) Employers often need assistance in developing  
28 training resources that will provide work opportunities  
29 for disadvantaged populations.

30 (b) Definitions. As used in this Section:

31 "Community based provider" means a not-for-profit  
32 organization, with local boards of directors, that directly  
33 provides job training services.

34 "Disadvantaged persons" has the same meaning as in Titles  
35 II-A and II-C of the federal Job Training Partnership Act.

1 "Training partners" means a community-based provider and  
2 one or more employers who have established training and  
3 placement linkages.

4 (c) From funds appropriated for that purpose, the  
5 Department of Commerce and Economic Opportunity ~~Community~~  
6 ~~Affairs~~ shall administer a Job Training and Economic  
7 Development Grant Program. The Director shall make grants to  
8 community-based providers. The grants shall be made to support  
9 the following:

10 (1) Partnerships between community-based providers and  
11 employers for the customized training of existing  
12 low-skilled, low-wage employees and newly hired  
13 disadvantaged persons.

14 (2) Partnerships between community-based providers and  
15 employers to develop and operate training programs that  
16 link the work force needs of local industry with the job  
17 training of disadvantaged persons.

18 (d) For projects created under paragraph (1) of subsection  
19 (c):

20 (1) The Department shall give a priority to projects  
21 that include an in-kind match by an employer in partnership  
22 with a community-based provider and projects that use  
23 instructional materials and training instructors directly  
24 used in the specific industry sector of the partnership  
25 employer.

26 (2) The partnership employer must be an active  
27 participant in the curriculum development and train  
28 primarily disadvantaged populations.

29 (e) For projects created under paragraph (2) of subsection  
30 (c):

31 (1) Community based organizations shall assess the  
32 employment barriers and needs of local residents and work  
33 in partnership with local economic development  
34 organizations to identify the priority workforce needs of  
35 the local industry.

36 (2) Training partners (that is, community-based

1 organizations and employers) shall work together to design  
2 programs with maximum benefits to local disadvantaged  
3 persons and local employers.

4 (3) Employers must be involved in identifying specific  
5 skill-training needs, planning curriculum, assisting in  
6 training activities, providing job opportunities, and  
7 coordinating job retention for people hired after training  
8 through this program and follow-up support.

9 (4) The community-based organizations shall serve  
10 disadvantaged persons, including welfare recipients.

11 (f) The Department shall adopt rules for the grant program  
12 and shall create a competitive application procedure for those  
13 grants to be awarded beginning in fiscal year 1998. Grants  
14 shall be based on a performance based contracting system. Each  
15 grant shall be based on the cost of providing the training  
16 services and the goals negotiated and made a part of the  
17 contract between the Department and the training partners. The  
18 goals shall include the number of people to be trained, the  
19 number who stay in the program, the number who complete the  
20 program, the number who enter employment, their wages, and the  
21 number who retain employment. The level of success in achieving  
22 employment, wage, and retention goals shall be a primary  
23 consideration for determining contract renewals and subsequent  
24 funding levels. In setting the goals, due consideration shall  
25 be given to the education, work experience, and job readiness  
26 of the trainees; their barriers to employment; and the local  
27 job market. Periodic payments under the contracts shall be  
28 based on the degree to which the relevant negotiated goals have  
29 been met during the payment period.

30 (Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; 92-16,  
31 eff. 6-28-01; revised 12-6-03.)

32 (20 ILCS 605/605-512) (was 20 ILCS 605/46.70)

33 (Section scheduled to be repealed on December 31, 2004)

34 Sec. 605-512. Small business incubator grants.

35 (a) Subject to availability of funds in the Small Business

1 Incubator Fund, the Director of Commerce and Economic  
2 Opportunity ~~Community Affairs~~ may make grants to eligible small  
3 business incubators in an amount not to exceed 50% of State  
4 income taxes paid in the previous calendar year by qualified  
5 tenant businesses subject to the restrictions of this Section.

6 (b) There is created a special fund in the State Treasury  
7 known as the Small Business Incubator Fund. The money in the  
8 Fund may be used only for making grants under subsection (a) of  
9 this Section. The Department of Revenue shall certify by March  
10 1 of each year to the General Assembly the amount of State  
11 income taxes paid by qualified tenant businesses in the  
12 previous year. The Department of Revenue may, by rule,  
13 prescribe forms necessary to identify qualified tenant  
14 businesses under this Section. An amount equal to 50% of the  
15 amount certified by the Department of Revenue shall be  
16 appropriated into the Fund annually.

17 (c) Eligible small business incubators that receive a grant  
18 under this Section may use the grant only for capital  
19 improvements on the building housing the eligible small  
20 business incubator. Each small business incubator shall be  
21 eligible for a grant equal to no more than 50% of the amount of  
22 State income taxes paid in the previous year by qualified  
23 tenant businesses of the small business incubator, minus  
24 administrative costs. The eligible small business incubator  
25 must keep written records of the use of the grant money for a  
26 period of 5 years from disbursement.

27 (d) By April 1 of each year, an eligible small business  
28 incubator may apply for a grant under this Section on forms  
29 developed by the Department. The Department may require  
30 applicants to provide proof of eligibility. Upon review of the  
31 applications, the Director of Commerce and Economic  
32 Opportunity ~~Community Affairs~~ shall approve or disapprove the  
33 application. At the start of each fiscal year or upon approval  
34 of the budget for that fiscal year, whichever is later, the  
35 Director shall determine the amount of funds available for  
36 grants under this Section and shall then approve the grants.

1 (e) For purposes of this Section:

2 (1) "Eligible small business incubator" means an  
3 entity that is dedicated to the successful development of  
4 entrepreneurial companies, has a specific written policy  
5 identifying requirements for a business "to graduate" from  
6 the incubator, either owns or leases real estate in which  
7 qualified tenant businesses operate, and provides all of  
8 the following services: management guidance, rental  
9 spaces, shared basic business equipment, technology  
10 support services, and assistance in obtaining financing.

11 (2) "Qualified tenant business" means a business that  
12 currently leases space from an eligible small business  
13 incubator, is less than 5 years old, and either has not  
14 fulfilled the eligible small business incubator's  
15 graduation requirements or has fulfilled these  
16 requirements within the last 5 years.

17 (f) Five percent of the amount that is appropriated  
18 annually into the Small Business Incubator Fund shall be  
19 allotted to the Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ for the purpose of administering,  
21 overseeing, and evaluating the grant process and outcome.

22 (g) This Section is repealed on December 31, 2004.

23 The evaluation of the effectiveness of the grant process  
24 and subsequent outcome of job and business creation shall  
25 recommend the continuation or the repeal of this Section and  
26 shall be submitted to the Governor and the General Assembly  
27 before December 31, 2003.

28 (Source: P.A. 91-592, eff. 8-14-99; 92-16, eff. 6-28-01;  
29 revised 12-6-03.)

30 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

31 Sec. 605-707. International Tourism Program.

32 (a) The Department of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ must establish a program for international  
34 tourism. The Department shall develop and implement the program  
35 on January 1, 2000 by rule. As part of the program, the



1 Department may work in cooperation with local convention and  
2 tourism bureaus in Illinois in the coordination of  
3 international tourism efforts at the State and local level. The  
4 Department may (i) work in cooperation with local convention  
5 and tourism bureaus for efficient use of their international  
6 tourism marketing resources, (ii) promote Illinois in  
7 international meetings and tourism markets, (iii) work with  
8 convention and tourism bureaus throughout the State to increase  
9 the number of international tourists to Illinois, (iv) provide  
10 training, research, technical support, and grants to certified  
11 convention and tourism bureaus, (v) provide staff,  
12 administration, and related support required to manage the  
13 programs under this Section, and (vi) provide grants for the  
14 development of or the enhancement of international tourism  
15 attractions.

16 (b) The Department shall make grants for expenses related  
17 to international tourism and pay for the staffing,  
18 administration, and related support from the International  
19 Tourism Fund, a special fund created in the State Treasury. Of  
20 the amounts deposited into the Fund in fiscal year 2000 after  
21 January 1, 2000, 55% shall be used for grants to convention and  
22 tourism bureaus in Chicago (other than the City of Chicago's  
23 Office of Tourism) and 45% shall be used for development of  
24 international tourism in areas outside of Chicago. Of the  
25 amounts deposited into the Fund in fiscal year 2001 and  
26 thereafter, 55% shall be used for grants to convention and  
27 tourism bureaus in Chicago, and of that amount not less than  
28 27.5% shall be used for grants to convention and tourism  
29 bureaus in Chicago other than the City of Chicago's Office of  
30 Tourism, and 45% shall be used for administrative expenses  
31 authorized under this Section and development of international  
32 tourism in areas outside of Chicago, of which not less than  
33 \$1,000,000 shall be used annually to make grants to convention  
34 and tourism bureaus in cities other than Chicago that  
35 demonstrate their international tourism appeal and request to  
36 develop or expand their international tourism marketing

1 program, and may also be used to provide grants under item (vi)  
2 of subsection (a) of this Section.

3 (c) A convention and tourism bureau is eligible to receive  
4 grant moneys under this Section if the bureau is certified to  
5 receive funds under Title 14 of the Illinois Administrative  
6 Code, Section 550.35. To be eligible for a grant, a convention  
7 and tourism bureau must provide matching funds equal to the  
8 grant amount. In certain circumstances as determined by the  
9 Director of Commerce and Economic Opportunity Community  
10 ~~Affairs~~, however, the City of Chicago's Office of Tourism or  
11 any other convention and tourism bureau may provide matching  
12 funds equal to no less than 50% of the grant amount to be  
13 eligible to receive the grant. One-half of this 50% may be  
14 provided through in-kind contributions. Grants received by the  
15 City of Chicago's Office of Tourism and by convention and  
16 tourism bureaus in Chicago may be expended for the general  
17 purposes of promoting conventions and tourism.

18 (Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00;  
19 92-38, eff. 6-28-01; revised 12-6-03.)

20 (20 ILCS 605/605-855) (was 20 ILCS 605/46.32a in part)

21 Sec. 605-855. Grants to local coalitions and  
22 labor-management-community committees.

23 (a) The Director, with the advice of the  
24 Labor-Management-Community Cooperation Committee, shall have  
25 the authority to provide grants to employee coalitions or other  
26 coalitions that enhance or promote work and family programs and  
27 address specific community concerns, and to provide matching  
28 grants, grants, and other resources to establish or assist area  
29 labor-management-community committees and other projects that  
30 serve to enhance labor-management-community relations. The  
31 Department shall have the authority, with the advice of the  
32 Labor-Management-Community Cooperation Committee, to award  
33 grants or matching grants in the areas provided in subsections  
34 (b) through (g).

35 (b) Matching grants to existing local

1 labor-management-community committees. To be eligible for  
2 matching grants pursuant to this subsection, local  
3 labor-management-community committees shall meet all of the  
4 following criteria:

5 (1) Be a formal, not-for-profit organization  
6 structured for continuing service with voluntary  
7 membership.

8 (2) Be composed of labor, management, and community  
9 representatives.

10 (3) Service a distinct and identifiable geographic  
11 region.

12 (4) Be staffed by a professional chief executive  
13 officer.

14 (5) Have been established with the Department for at  
15 least 2 years.

16 (6) Operate in compliance with rules set forth by the  
17 Department with the advice of the  
18 Labor-Management-Community Cooperation Committee.

19 (7) Ensure that their efforts and activities are  
20 coordinated with relevant agencies, including but not  
21 limited to the following:

22 Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~

24 Illinois Department of Labor

25 Economic development agencies

26 Planning agencies

27 Colleges, universities, and community colleges

28 U.S. Department of Labor

29 Statewide Job Training Partnership Act entities or  
30 entities under any successor federal workforce  
31 training and development legislation.

32 Further, the purpose of the local  
33 labor-management-community committees will include, but not be  
34 limited to, the following:

35 (i) Enhancing the positive labor-management-community  
36 relationship within the State, region, community, and/or

1 work place.

2 (ii) Assisting in the retention, expansion, and  
3 attraction of businesses and jobs within the State through  
4 special training programs, gathering and disseminating  
5 information, and providing assistance in local economic  
6 development efforts as appropriate.

7 (iii) Creating and maintaining a regular  
8 nonadversarial forum for ongoing dialogue between labor,  
9 management, and community representatives to discuss and  
10 resolve issues of mutual concern outside the realm of the  
11 traditional collective bargaining process.

12 (iv) Acting as an intermediary for initiating local  
13 programs between unions and employers that would generally  
14 improve economic conditions in a region.

15 (v) Encouraging, assisting, and facilitating the  
16 development of work-site and industry  
17 labor-management-community committees in the region.

18 Any local labor-management-community committee meeting  
19 these criteria may apply to the Department for annual matching  
20 grants, provided that the local committee contributes at least  
21 25% in matching funds, of which no more than 50% shall be  
22 "in-kind" services. Funds received by a local committee  
23 pursuant to this subsection shall be used for the ordinary  
24 operating expenses of the local committee.

25 (c) Matching grants to local labor-management-community  
26 committees that do not meet all of the eligibility criteria set  
27 forth in subsection (b). However, to be eligible to apply for a  
28 grant under this subsection (c), the local  
29 labor-management-community committee, at a minimum, shall meet  
30 all of the following criteria:

31 (1) Be composed of labor, management, and community  
32 representatives.

33 (2) Service a distinct and identifiable geographic  
34 region.

35 (3) Operate in compliance with the rules set forth by  
36 the Department with the advice of the

1 Labor-Management-Community Cooperation Committee.

2 (4) Ensure that its efforts and activities are directed  
3 toward enhancing the labor-management-community  
4 relationship within the State, region, community, and/or  
5 work place.

6 Any local labor-management-community committee meeting  
7 these criteria may apply to the Department for an annual  
8 matching grant, provided that the local committee contributes  
9 at least 25% in matching funds of which no more than 50% shall  
10 be "in-kind" services. Funds received by a local committee  
11 pursuant to this subsection (c) shall be used for the ordinary  
12 and operating expenses of the local committee. Eligible  
13 committees shall be limited to 3 years of funding under this  
14 subsection. With respect to those committees participating in  
15 this program prior to enactment of this amendatory Act of 1988  
16 that fail to qualify under paragraph (1) of this subsection  
17 (c), previous years' funding shall be counted in determining  
18 whether those committees have reached their funding limit under  
19 this subsection (c).

20 (d) Grants to develop and conduct specialized education and  
21 training programs of direct benefit to representatives of  
22 labor, management, labor-management-community committees  
23 and/or their staff. The type of education and training programs  
24 to be developed and offered will be determined and prioritized  
25 annually by the Department, with the advice of the  
26 Labor-Management-Community Cooperation Committee. The  
27 Department will develop and issue an annual request for  
28 proposals detailing the program specifications.

29 (e) Grants for research and development projects related to  
30 labor-management-community or employment-related family  
31 issues. The Department, with the advice of the  
32 Labor-Management-Community Cooperation Committee, will develop  
33 and prioritize annually the type and scope of the research and  
34 development projects deemed necessary.

35 (f) Grants of up to a maximum of \$5,000 to support the  
36 planning of regional work, family, and community planning

1 conferences that will be based on specific community concerns.

2 (g) Grants to initiate or support recently created  
3 employer-led coalitions to establish pilot projects that  
4 promote the understanding of the work and family issues and  
5 support local workforce dependent care services.

6 (h) The Department is authorized to establish applications  
7 and application procedures and promulgate any rules deemed  
8 necessary in the administration of the grants.

9 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
10 91-476, eff. 8-11-99; 92-16, eff. 6-28-01; revised 12-6-03.)

11 (20 ILCS 605/605-865)

12 Sec. 605-865. Family-friendly workplace initiative. The  
13 Department of Commerce and Economic Opportunity ~~Community~~  
14 ~~Affairs~~, with the advice of members of the business community,  
15 may establish a family-friendly workplace initiative. The  
16 Department may develop a program to annually collect  
17 information regarding the State's private eligible employers  
18 with 50 or fewer employees and private eligible employers with  
19 51 or more employees in the State providing the most  
20 family-friendly benefits to their employees. The same program  
21 may be established for public employers. The criteria for  
22 determining eligible employers includes, but is not limited to,  
23 the following:

24 (1) consideration of the dependent care scholarship or  
25 discounts given by the employer;

26 (2) flexible work hours and schedules;

27 (3) time off for caring for sick or injured dependents;

28 (4) the provision of onsite or nearby dependent care;

29 (5) dependent care referral services; and

30 (6) in-kind contributions to community dependent care  
31 programs.

32 Those employers chosen by the Department may be recognized  
33 with annual "family-friendly workplace" awards and a Statewide  
34 information and advertising campaign publicizing the  
35 employers' awards, their contributions to family-friendly

1 child care, and the methods they used to improve the dependent  
2 care experiences of their employees' families.

3 (Source: P.A. 93-478, eff. 8-8-03; revised 12-6-03.)

4 Section 90. The Business Assistance and Regulatory Reform  
5 Act is amended by changing Section 10 as follows:

6 (20 ILCS 608/10)

7 Sec. 10. Executive Office. There is created an Office of  
8 Business Permits and Regulatory Assistance (hereinafter  
9 referred to as "office") within the Department of Commerce and  
10 Community Affairs (now Department of Commerce and Community  
11 Opportunity) which shall consolidate existing programs  
12 throughout State government, provide assistance to businesses  
13 with fewer than 500 employees in meeting State requirements for  
14 doing business and perform other functions specified in this  
15 Act. By March 1, 1994, the office shall complete and file with  
16 the Governor and the General Assembly a plan for the  
17 implementation of this Act. Thereafter, the office shall carry  
18 out the provisions of this Act, subject to funding through  
19 appropriation.

20 (Source: P.A. 88-404; revised 12-6-03.)

21 Section 95. The Center for Business Ownership Succession  
22 and Employee Ownership Act is amended by changing Section 2 as  
23 follows:

24 (20 ILCS 609/2)

25 Sec. 2. Center for Business Ownership Succession and  
26 Employee Ownership.

27 (a) There is created within the Department of Commerce and  
28 Community Affairs (now Department of Commerce and Economic  
29 Opportunity) the Center for Business Ownership Succession and  
30 Employee Ownership.

31 The purpose of the Center is to foster greater awareness of  
32 the most effective techniques that facilitate business

1 ownership succession and employee ownership with an emphasis on  
2 the retention and creation of job opportunities.

3 (b) The Center shall have the authority to do the  
4 following:

5 (1) Develop and disseminate materials to promote  
6 effective business ownership succession and employee  
7 ownership strategies.

8 (2) Provide counseling to individual companies and  
9 referral services to provide professional advisors expert  
10 in the field of business ownership succession and employee  
11 ownership.

12 (3) Plan, organize, sponsor, or conduct conferences  
13 and workshops on business ownership succession and  
14 employee ownership issues.

15 (4) Network and contract with local economic  
16 development agencies, business organizations, and  
17 professional advisors to accomplish the goals of the  
18 Center.

19 (5) Raise money from private sources to support the  
20 work of the Center.

21 (c) (Blank).

22 (Source: P.A. 91-583, eff. 1-1-00; revised 12-6-03.)

23 Section 100. The Corporate Headquarters Relocation Act is  
24 amended by changing Section 10 as follows:

25 (20 ILCS 611/10)

26 Sec. 10. Definitions. As used in this Act:

27 "Corporate headquarters" means the building or buildings  
28 that the principal executive officers of an eligible business  
29 have designated as their principal offices and that has at  
30 least 250 employees who are principally located in that  
31 building or those buildings. The principal executive officers  
32 may include, by way of example and not of limitation, the chief  
33 executive officer, the chief operating officer, and other  
34 senior officer-level employees of the eligible business.



1 "Corporate headquarters" may also include ancillary  
2 transportation facilities owned or leased by the eligible  
3 business whether or not physically adjacent to the principal  
4 office building or buildings used by the principal executive  
5 officers. The ancillary transportation facilities may include,  
6 but are not limited to, airplane hangars, helipads or  
7 heliports, fixed base operations, maintenance facilities, and  
8 other aviation-related facilities. All employees of the  
9 eligible business may count toward the satisfaction of the  
10 numeric requirement of this definition, including but not  
11 limited to support staff and other personnel who work in or  
12 from the office building or buildings or transportation  
13 facilities.

14 "Department" means the Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~.

16 "Director" means the Director of Commerce and Economic  
17 Opportunity ~~Community Affairs~~.

18 "Eligible business" means a business that: (i) is engaged  
19 in interstate or intrastate commerce; (ii) maintains its  
20 corporate headquarters in a state other than Illinois as of the  
21 effective date of this Act; (iii) had annual worldwide revenues  
22 of at least \$25,000,000,000 for the year immediately preceding  
23 its application to the Department for the benefits authorized  
24 by this Act; and (iv) is prepared to commit contractually to  
25 relocating its corporate headquarters to the State of Illinois  
26 in consideration of the benefits authorized by this Act.

27 "Fund" means the Corporate Headquarters Relocation  
28 Assistance Fund.

29 "Qualifying project" means the relocation of the corporate  
30 headquarters of an eligible business from a location outside of  
31 Illinois to a location within Illinois, whether to an existing  
32 structure or otherwise. When the relocation involves an initial  
33 interim facility within Illinois and a subsequent further  
34 relocation within 5 years after the effective date of this Act  
35 to a permanent facility also within Illinois, all those  
36 activities collectively constitute a "qualifying project"

1 under this Act.

2 "Relocation costs" means the expenses incurred by an  
3 eligible business for a qualifying project, including, but not  
4 limited to, the following: moving costs and related expenses;  
5 purchase of new or replacement equipment; outside professional  
6 fees and commissions; premiums for property and casualty  
7 insurance coverage; capital investment costs; financing costs;  
8 property assembly and development costs, including, but not  
9 limited to, the purchase, lease, and construction of equipment,  
10 buildings, and land, infrastructure improvements and site  
11 development costs, leasehold improvements costs,  
12 rehabilitation costs, and costs of studies, surveys,  
13 development of plans, and professional services costs such as  
14 architectural, engineering, legal, financial, planning, or  
15 other related services; "relocation costs", however, does not  
16 include moving costs associated with the relocation of the  
17 personal residences of the employees of the eligible business  
18 and does not include any costs that do not directly result from  
19 the relocation of the business to a location within Illinois.  
20 In determining whether costs directly result from the  
21 relocation of the business, the Department shall consider  
22 whether the costs would likely have been incurred by the  
23 business if it had not relocated from its original location.

24 (Source: P.A. 92-207, eff. 8-1-01; revised 12-6-03.)

25 Section 105. The Displaced Homemakers Assistance Act is  
26 amended by changing Sections 3 and 8 as follows:

27 (20 ILCS 615/3) (from Ch. 23, par. 3453)

28 Sec. 3. As used in this Act, unless the context clearly  
29 indicates otherwise:

30 (a) "Displaced homemaker" means a person who (1) has worked  
31 in the home for a substantial number of years providing unpaid  
32 household services for family members; (2) is not gainfully  
33 employed; (3) has difficulty in securing employment; and (4)  
34 was dependent on the income of another family member but is no

1 longer supported by such income, or was dependent on federal  
2 assistance but is no longer eligible for such assistance.

3 (b) "Director" means the Director of Commerce and Economic  
4 Opportunity ~~Community Affairs~~ or its successor agency.

5 (Source: P.A. 81-1509; revised 12-6-03.)

6 (20 ILCS 615/8) (from Ch. 23, par. 3458)

7 Sec. 8. Transfer of powers and duties to the Department of  
8 Labor. On July 1, 1992, all powers and duties of the Department  
9 of Commerce and Community Affairs (now Department of Commerce  
10 and Economic Opportunity) under this Act shall be transferred  
11 to the Department of Labor, and references in other Sections of  
12 this Act to the Department of Commerce and Community Affairs  
13 (now Department of Commerce and Economic Opportunity) shall be  
14 deemed to refer to the Department of Labor. All rules,  
15 standards and procedures adopted by the Department of Commerce  
16 and Community Affairs (now Department of Commerce and Economic  
17 Opportunity) shall continue in effect as the rules, standards  
18 and procedures of the Department of Labor, until they are  
19 modified or abolished by that Department.

20 (Source: P.A. 87-878; revised 12-6-03.)

21 Section 110. The Economic Development Area Tax Increment  
22 Allocation Act is amended by changing Section 3 as follows:

23 (20 ILCS 620/3) (from Ch. 67 1/2, par. 1003)

24 Sec. 3. Definitions. In this Act, words or terms shall have  
25 the following meanings unless the context or usage clearly  
26 indicates that another meaning is intended.

27 (a) "Department" means the Department of Commerce and  
28 Economic Opportunity ~~Community Affairs~~.

29 (b) "Economic development plan" means the written plan of a  
30 municipality which sets forth an economic development program  
31 for an economic development project area. Each economic  
32 development plan shall include but not be limited to (1)  
33 estimated economic development project costs, (2) the sources

1 of funds to pay such costs, (3) the nature and term of any  
2 obligations to be issued by the municipality to pay such costs,  
3 (4) the most recent equalized assessed valuation of the  
4 economic development project area, (5) an estimate of the  
5 equalized assessed valuation of the economic development  
6 project area after completion of an economic development  
7 project, (6) the estimated date of completion of any economic  
8 development project proposed to be undertaken, (7) a general  
9 description of any proposed developer, user, or tenant of any  
10 property to be located or improved within the economic  
11 development project area, (8) a description of the type,  
12 structure and general character of the facilities to be  
13 developed or improved in the economic development project area,  
14 (9) a description of the general land uses to apply in the  
15 economic development project area, (10) a description of the  
16 type, class and number of employees to be employed in the  
17 operation of the facilities to be developed or improved in the  
18 economic development project area, and (11) a commitment by the  
19 municipality to fair employment practices and an affirmative  
20 action plan with respect to any economic development program to  
21 be undertaken by the municipality.

22 (c) "Economic development project" means any development  
23 project in furtherance of the objectives of this Act.

24 (d) "Economic development project area" means any improved  
25 or vacant area which (1) is located within or partially within  
26 or partially without the territorial limits of a municipality,  
27 provided that no area without the territorial limits of a  
28 municipality shall be included in an economic development  
29 project area without the express consent of the Department,  
30 acting as agent for the State, (2) is contiguous, (3) is not  
31 less in the aggregate than three hundred twenty acres, (4) is  
32 suitable for siting by any commercial, manufacturing,  
33 industrial, research or transportation enterprise of  
34 facilities to include but not be limited to commercial  
35 businesses, offices, factories, mills, processing plants,  
36 assembly plants, packing plants, fabricating plants,

1 industrial or commercial distribution centers, warehouses,  
2 repair overhaul or service facilities, freight terminals,  
3 research facilities, test facilities or transportation  
4 facilities, whether or not such area has been used at any time  
5 for such facilities and whether or not the area has been used  
6 or is suitable for other uses, including commercial  
7 agricultural purposes, and (5) which has been approved and  
8 certified by the Department pursuant to this Act.

9 (e) "Economic development project costs" mean and include  
10 the sum total of all reasonable or necessary costs incurred by  
11 a municipality incidental to an economic development project,  
12 including, without limitation, the following:

13 (1) Costs of studies, surveys, development of plans and  
14 specifications, implementation and administration of an  
15 economic development plan, personnel and professional service  
16 costs for architectural, engineering, legal, marketing,  
17 financial, planning, police, fire, public works or other  
18 services, provided that no charges for professional services  
19 may be based on a percentage of incremental tax revenues;

20 (2) Property assembly costs within an economic development  
21 project area, including but not limited to acquisition of land  
22 and other real or personal property or rights or interests  
23 therein, and specifically including payments to developers or  
24 other nongovernmental persons as reimbursement for property  
25 assembly costs incurred by such developer or other  
26 nongovernmental person;

27 (3) Site preparation costs, including but not limited to  
28 clearance of any area within an economic development project  
29 area by demolition or removal of any existing buildings,  
30 structures, fixtures, utilities and improvements and clearing  
31 and grading; and including installation, repair, construction,  
32 reconstruction, or relocation of public streets, public  
33 utilities, and other public site improvements within or without  
34 an economic development project area which are essential to the  
35 preparation of the economic development project area for use in  
36 accordance with an economic development plan; and specifically

1 including payments to developers or other nongovernmental  
2 persons as reimbursement for site preparation costs incurred by  
3 such developer or nongovernmental person;

4 (4) Costs of renovation, rehabilitation, reconstruction,  
5 relocation, repair or remodeling of any existing buildings,  
6 improvements, and fixtures within an economic development  
7 project area, and specifically including payments to  
8 developers or other nongovernmental persons as reimbursement  
9 for such costs incurred by such developer or nongovernmental  
10 person;

11 (5) Costs of construction within an economic development  
12 project area of public improvements, including but not limited  
13 to, buildings, structures, works, utilities or fixtures;

14 (6) Financing costs, including but not limited to all  
15 necessary and incidental expenses related to the issuance of  
16 obligations, payment of any interest on any obligations issued  
17 hereunder which accrues during the estimated period of  
18 construction of any economic development project for which such  
19 obligations are issued and for not exceeding 36 months  
20 thereafter, and any reasonable reserves related to the issuance  
21 of such obligations;

22 (7) All or a portion of a taxing district's capital costs  
23 resulting from an economic development project necessarily  
24 incurred or estimated to be incurred by a taxing district in  
25 the furtherance of the objectives of an economic development  
26 project, to the extent that the municipality by written  
27 agreement accepts and approves such costs;

28 (8) Relocation costs to the extent that a municipality  
29 determines that relocation costs shall be paid or is required  
30 to make payment of relocation costs by federal or State law;

31 (9) The estimated tax revenues from real property in an  
32 economic development project area acquired by a municipality  
33 which, according to the economic development plan, is to be  
34 used for a private use and which any taxing district would have  
35 received had the municipality not adopted tax increment  
36 allocation financing for an economic development project area

1 and which would result from such taxing district's levies made  
2 after the time of the adoption by the municipality of tax  
3 increment allocation financing to the time the current  
4 equalized assessed value of real property in the economic  
5 development project area exceeds the total initial equalized  
6 value of real property in said area;

7 (10) Costs of job training, advanced vocational or career  
8 education, including but not limited to courses in  
9 occupational, semi-technical or technical fields leading  
10 directly to employment, incurred by one or more taxing  
11 districts, provided that such costs are related to the  
12 establishment and maintenance of additional job training,  
13 advanced vocational education or career education programs for  
14 persons employed or to be employed by employers located in an  
15 economic development project area, and further provided that  
16 when such costs are incurred by a taxing district or taxing  
17 districts other than the municipality they shall be set forth  
18 in a written agreement by or among the municipality and the  
19 taxing district or taxing districts, which agreement describes  
20 the program to be undertaken, including but not limited to the  
21 number of employees to be trained, a description of the  
22 training and services to be provided, the number and type of  
23 positions available or to be available, itemized costs of the  
24 program and sources of funds to pay the same, and the term of  
25 the agreement. Such costs include, specifically, the payment by  
26 community college districts of costs pursuant to Sections 3-37,  
27 3-38, 3-40 and 3-40.1 of the Public Community College Act and  
28 by school districts of costs pursuant to Sections 10-22.20a and  
29 10-23.3a of The School Code;

30 (11) Private financing costs incurred by developers or  
31 other nongovernmental persons in connection with an economic  
32 development project, and specifically including payments to  
33 developers or other nongovernmental persons as reimbursement  
34 for such costs incurred by such developer or other  
35 nongovernmental person, provided that:

36 (A) private financing costs shall be paid or reimbursed by

1 a municipality only pursuant to the prior official action of  
2 the municipality evidencing an intent to pay or reimburse such  
3 private financing costs;

4 (B) except as provided in subparagraph (D), the aggregate  
5 amount of such costs paid or reimbursed by a municipality in  
6 any one year shall not exceed 30% of such costs paid or  
7 incurred by the developer or other nongovernmental person in  
8 that year;

9 (C) private financing costs shall be paid or reimbursed by  
10 a municipality solely from the special tax allocation fund  
11 established pursuant to this Act and shall not be paid or  
12 reimbursed from the proceeds of any obligations issued by a  
13 municipality;

14 (D) if there are not sufficient funds available in the  
15 special tax allocation fund in any year to make such payment or  
16 reimbursement in full, any amount of such interest cost  
17 remaining to be paid or reimbursed by a municipality shall  
18 accrue and be payable when funds are available in the special  
19 tax allocation fund to make such payment; and

20 (E) in connection with its approval and certification of an  
21 economic development project pursuant to Section 5 of this Act,  
22 the Department shall review any agreement authorizing the  
23 payment or reimbursement by a municipality of private financing  
24 costs in its consideration of the impact on the revenues of the  
25 municipality and the affected taxing districts of the use of  
26 tax increment allocation financing.

27 (f) "Municipality" means a city, village or incorporated  
28 town.

29 (g) "Obligations" means any instrument evidencing the  
30 obligation of a municipality to pay money, including without  
31 limitation, bonds, notes, installment or financing contracts,  
32 certificates, tax anticipation warrants or notes, vouchers,  
33 and any other evidence of indebtedness.

34 (h) "Taxing districts" means counties, townships,  
35 municipalities, and school, road, park, sanitary, mosquito  
36 abatement, forest preserve, public health, fire protection,



1 river conservancy, tuberculosis sanitarium and any other  
2 municipal corporations or districts with the power to levy  
3 taxes.

4 (Source: P.A. 86-38; revised 12-6-03.)

5 Section 115. The Illinois Economic Opportunity Act is  
6 amended by changing Section 2 as follows:

7 (20 ILCS 625/2) (from Ch. 127, par. 2602)

8 Sec. 2. (a) The Director of Commerce and Economic  
9 Opportunity ~~the Department of Commerce & Community Affairs~~ is  
10 authorized to administer the federal community services block  
11 program, low-income home energy assistance program,  
12 weatherization assistance program, emergency community  
13 services homeless grant program, and other federal programs  
14 that require or give preference to community action agencies  
15 for local administration in accordance with federal laws and  
16 regulations as amended. The Director shall provide financial  
17 assistance to community action agencies from community service  
18 block grant funds and other federal funds requiring or giving  
19 preference to community action agencies for local  
20 administration for the programs described in Section 4.

21 (b) Funds appropriated for use by community action agencies  
22 in community action programs shall be allocated annually to  
23 existing community action agencies or newly formed community  
24 action agencies by the Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~. Allocations will be made  
26 consistent with duly enacted departmental rules.

27 (Source: P.A. 87-926; revised 12-6-03.)

28 Section 120. The Illinois Emergency Employment Development  
29 Act is amended by changing Sections 2, 3, 5, and 7 as follows:

30 (20 ILCS 630/2) (from Ch. 48, par. 2402)

31 Sec. 2. For the purposes of this Act, the following words  
32 have the meanings ascribed to them in this Section.

1 (a) "Coordinator" means the Illinois Emergency Employment  
2 Development Coordinator appointed under Section 3.

3 (b) "Eligible business" means a for-profit business.

4 (c) "Eligible employer" means an eligible nonprofit  
5 agency, or an eligible business.

6 (d) "Eligible job applicant" means a person who:

7 A. (1) has been a resident of this State for at least one  
8 year; and (2) is unemployed; and (3) is not receiving and is  
9 not qualified to receive unemployment compensation or workers'  
10 compensation; and (4) is determined by the employment  
11 administrator to be likely to be available for employment by an  
12 eligible employer for the duration of the job; or

13 B. Is otherwise eligible for services under the Job  
14 Training Partnership Act (29 USCA 1501 et seq.).

15 In addition, a farmer who resides in a county qualified  
16 under Federal Disaster Relief and who can demonstrate severe  
17 financial need may be considered unemployed under this  
18 subsection.

19 (e) "Eligible nonprofit agency" means an organization  
20 exempt from taxation under the Internal Revenue Code of 1954,  
21 Section 501(c)(3).

22 (f) "Employment administrator" means the Manager of the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~ Job Training Programs Division or his or her designee.

25 (g) "Household" means a group of persons living at the same  
26 residence consisting of, at a maximum, spouses and the minor  
27 children of each.

28 (h) "Program" means the Illinois Emergency Employment  
29 Development Program created by this Act consisting of temporary  
30 work relief projects in nonprofit agencies and new job creation  
31 in the private sector.

32 (i) "Service Delivery Area" means that unit or units of  
33 local government designated by the Governor pursuant to Title  
34 I, Part A, Section 102 of the Job Training Partnership Act (29  
35 USCA et seq.).

36 (j) "Excess unemployed" means the number of unemployed in

1 excess of 6.5% of the service delivery area population.

2 (k) "Private industry council" means governing body of each  
3 service delivery area created pursuant to Title I, Section 102  
4 of the Job Training Partnership Act (29 USC 1501 et seq.).

5 (Source: P.A. 84-1399; revised 12-6-03.)

6 (20 ILCS 630/3) (from Ch. 48, par. 2403)

7 Sec. 3. (a) The governor shall appoint an Illinois  
8 Emergency Employment Development Coordinator to administer the  
9 provisions of this Act. The coordinator shall be within the  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~, but shall be responsible directly to the governor. The  
12 coordinator shall have the powers necessary to carry out the  
13 purpose of the program.

14 (b) The coordinator shall:

15 (1) Coordinate the Program with other State agencies;

16 (2) Coordinate administration of the program with the  
17 general assistance program;

18 (3) Set policy regarding disbursement of program funds; and

19 (4) Perform general program marketing and monitoring  
20 functions.

21 (c) The coordinator shall administer the program within the  
22 Department of Commerce and Economic Opportunity ~~Community~~  
23 ~~Affairs~~. The Director of Commerce and Economic Opportunity  
24 ~~Community Affairs~~ shall provide administrative support  
25 services to the coordinator for the purposes of the program.

26 (d) The coordinator shall report to the Governor, the  
27 Illinois Job Training Coordinating Council and the General  
28 Assembly on a quarterly basis concerning (1) the number of  
29 persons employed under the program; (2) the number and type of  
30 employers under the program; (3) the amount of money spent in  
31 each service delivery area for wages for each type of  
32 employment and each type of other expenses; (4) the number of  
33 persons who have completed participation in the program and  
34 their current employment, educational or training status; and  
35 (5) any information requested by the General Assembly or

1 governor or deemed pertinent by the coordinator. Each report  
2 shall include cumulative information, as well as information  
3 for each quarter.

4 (e) Rules. The Director of Commerce and Economic  
5 Opportunity ~~Community Affairs~~, with the advice of the  
6 coordinator, shall adopt rules for the administration and  
7 enforcement of this Act.

8 (Source: P.A. 84-1399; revised 12-6-03.)

9 (20 ILCS 630/5) (from Ch. 48, par. 2405)

10 Sec. 5. (a) Allocation of funds among eligible job  
11 applicants within a service delivery area shall be determined  
12 by the Private Industry Council for each such service delivery  
13 area. The Private Industry Council shall give priority to

14 (1) applicants living in households with no other income  
15 source; and

16 (2) applicants who would otherwise be eligible to receive  
17 general assistance.

18 (b) Allocation of funds among eligible employers within  
19 each service delivery area shall be determined by the Private  
20 Industry Council for each such area according to the priorities  
21 which the Director of Commerce and Economic Opportunity  
22 ~~Community Affairs~~, upon recommendation of the coordinator,  
23 shall by rule establish. The Private Industry Council shall  
24 give priority to funding private sector jobs to the extent that  
25 businesses apply for funds.

26 (Source: P.A. 84-1399; revised 12-6-03.)

27 (20 ILCS 630/7) (from Ch. 48, par. 2407)

28 Sec. 7. (a) The Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ shall publicize the program and  
30 shall provide staff assistance as requested by employment  
31 administrators in the screening of businesses and the  
32 collection of data.

33 (b) The Director of Children and Family Services shall  
34 provide to each employment administrator lists of currently

1 licensed local day care facilities, updated quarterly, to be  
2 available to all persons employed under the program.

3 (c) The Secretary of Human Services shall take all steps  
4 necessary to inform each applicant for public aid of the  
5 availability of the program.

6 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

7 Section 125. The Illinois Enterprise Zone Act is amended by  
8 changing Sections 3 and 12-2 as follows:

9 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

10 Sec. 3. Definition. As used in this Act, the following  
11 words shall have the meanings ascribed to them, unless the  
12 context otherwise requires:

13 (a) "Department" means the Department of Commerce and  
14 Economic Opportunity ~~Community Affairs~~.

15 (b) "Enterprise Zone" means an area of the State certified  
16 by the Department as an Enterprise Zone pursuant to this Act.

17 (c) "Depressed Area" means an area in which pervasive  
18 poverty, unemployment and economic distress exist.

19 (d) "Designated Zone Organization" means an association or  
20 entity: (1) the members of which are substantially all  
21 residents of the Enterprise Zone; (2) the board of directors of  
22 which is elected by the members of the organization; (3) which  
23 satisfies the criteria set forth in Section 501(c) (3) or  
24 501(c) (4) of the Internal Revenue Code; and (4) which exists  
25 primarily for the purpose of performing within such area or  
26 zone for the benefit of the residents and businesses thereof  
27 any of the functions set forth in Section 8 of this Act.

28 (e) "Agency" means each officer, board, commission and  
29 agency created by the Constitution, in the executive branch of  
30 State government, other than the State Board of Elections; each  
31 officer, department, board, commission, agency, institution,  
32 authority, university, body politic and corporate of the State;  
33 and each administrative unit or corporate outgrowth of the  
34 State government which is created by or pursuant to statute,

1 other than units of local government and their officers, school  
2 districts and boards of election commissioners; each  
3 administrative unit or corporate outgrowth of the above and as  
4 may be created by executive order of the Governor. No entity  
5 shall be considered an "agency" for the purposes of this Act  
6 unless authorized by law to make rules or regulations.

7 (f) "Rule" means each agency statement of general  
8 applicability that implements, applies, interprets or  
9 prescribes law or policy, but does not include (i) statements  
10 concerning only the internal management of an agency and not  
11 affecting private rights or procedures available to persons or  
12 entities outside the agency, (ii) intra-agency memoranda, or  
13 (iii) the prescription of standardized forms.

14 (Source: P.A. 85-162; revised 12-6-03.)

15 (20 ILCS 655/12-2) (from Ch. 67 1/2, par. 619)

16 Sec. 12-2. Definitions. Unless the context clearly  
17 requires otherwise:

18 (a) "Financial institution" means a trust company, a bank,  
19 a savings bank, a credit union, an investment bank, a broker,  
20 an investment trust, a pension fund, a building and loan  
21 association, a savings and loan association, an insurance  
22 company or any venture capital company which is authorized to  
23 do business in the State.

24 (b) "Participating lender" means any trust company, bank,  
25 savings bank, credit union, investment bank, broker,  
26 investment trust, pension fund, building and loan association,  
27 savings and loan association, insurance company or venture  
28 capital company approved by the Department which assumes a  
29 portion of the financing for a business project.

30 (c) "Department" means the Illinois Department of Commerce  
31 and Economic Opportunity ~~Community Affairs~~.

32 (d) "Business" means a for-profit, legal entity located in  
33 an Illinois Enterprise Zone including, but not limited to, any  
34 sole proprietorship, partnership, corporation, joint venture,  
35 association or cooperative.

1 (e) "Loan" means an agreement or contract to provide a loan  
2 or other financial aid to a business.

3 (f) "Project" means any specific economic development  
4 activity of a commercial, industrial, manufacturing,  
5 agricultural, scientific, service or other business in an  
6 Enterprise Zone, the result of which yields an increase in jobs  
7 and may include the purchase or lease of machinery and  
8 equipment, the lease or purchase of real property or funds for  
9 infrastructure necessitated by site preparation, building  
10 construction or related purposes but does not include  
11 refinancing current debt.

12 (g) "Fund" means the Enterprise Zone Loan Fund created in  
13 Section 12-6.

14 (Source: P.A. 84-165; revised 12-6-03.)

15 Section 130. The Family Farm Assistance Act is amended by  
16 changing Section 15 as follows:

17 (20 ILCS 660/15) (from Ch. 5, par. 2715)

18 Sec. 15. Definitions. In this Act:

19 "Department" means the Illinois Department of Commerce and  
20 Economic Opportunity ~~Community Affairs~~.

21 "Director" means the Director of Commerce and Economic  
22 Opportunity ~~Community Affairs~~.

23 "Eligible farmer" means a person who is a resident of  
24 Illinois and has had more than \$40,000 in gross sales of  
25 agricultural products during any one of the preceding 5  
26 calendar years, and at that time owned or leased 60 acres or  
27 more of land used as a "farm" as that term is defined in  
28 Section 1-60 of the Property Tax Code.

29 "Farm family" means the eligible person, his or her legal  
30 spouse, and the eligible person's dependent children under the  
31 age of 19.

32 "Farm Worker" means an individual (including migrant and  
33 seasonal farm workers) who has worked on a farm on a full-time  
34 basis for at least one year and has been laid off due to

1 reduced farm income.

2 "Program" means the Farm Family Assistance Program  
3 established under this Act.

4 (Source: P.A. 87-170; 88-670, eff. 12-2-94; revised 12-6-03.)

5 Section 135. The Local Planning Technical Assistance Act is  
6 amended by changing Section 10 as follows:

7 (20 ILCS 662/10)

8 Sec. 10. Definitions. In this Act:

9 "Comprehensive plan" means a regional plan adopted under  
10 Section 5-14001 of the Counties Code, an official comprehensive  
11 plan adopted under Section 11-12-6 of the Illinois Municipal  
12 Code, or a local land resource management plan adopted under  
13 Section 4 of the Local Land Resource Management Planning Act.

14 "Department" means the Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~.

16 "Land development regulation" means any development or  
17 land use ordinance or regulation of a county or municipality  
18 including zoning and subdivision ordinances.

19 "Local government" or "unit of local government" means any  
20 city, village, incorporated town, or county.

21 "Subsidiary plan" means any portion of a comprehensive plan  
22 that guides development, land use, or infrastructure for a  
23 county or municipality or a portion of a county or  
24 municipality.

25 (Source: P.A. 92-768, eff. 8-6-02; revised 12-6-03.)

26 Section 140. The Illinois Promotion Act is amended by  
27 changing Sections 3 and 4b as follows:

28 (20 ILCS 665/3) (from Ch. 127, par. 200-23)

29 Sec. 3. Definitions. The following words and terms,  
30 whenever used or referred to in this Act, shall have the  
31 following meanings, except where the context may otherwise  
32 require:



1 (a) "Department" means the Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~ of the State of  
3 Illinois.

4 (b) "Local promotion group" means any non-profit  
5 corporation, organization, association, agency or committee  
6 thereof formed for the primary purpose of publicizing,  
7 promoting, advertising or otherwise encouraging the  
8 development of tourism in any municipality, county, or region  
9 of Illinois.

10 (c) "Promotional activities" means preparing, planning and  
11 conducting campaigns of information, advertising and publicity  
12 through such media as newspapers, radio, television,  
13 magazines, trade journals, moving and still photography,  
14 posters, outdoor signboards and personal contact within and  
15 without the State of Illinois; dissemination of information,  
16 advertising, publicity, photographs and other literature and  
17 material designed to carry out the purpose of this Act; and  
18 participation in and attendance at meetings and conventions  
19 concerned primarily with tourism, including travel to and from  
20 such meetings.

21 (d) "Municipality" means "municipality" as defined in  
22 Section 1-1-2 of the Illinois Municipal Code, as heretofore and  
23 hereafter amended.

24 (e) "Tourism" means travel 50 miles or more one-way or an  
25 overnight trip outside of a person's normal routine.

26 (Source: P.A. 92-38, eff. 6-28-01; revised 12-6-03.)

27 (20 ILCS 665/4b)

28 Sec. 4b. Coordinating Committee. There is created a  
29 Coordinating Committee of State agencies involved with tourism  
30 in the State of Illinois. The Committee shall consist of the  
31 Director of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ as chairman, the Lieutenant Governor, the Secretary of  
33 Transportation or his or her designee, and the head executive  
34 officer or his or her designee of the following: the Lincoln  
35 Presidential Library; the Department of Natural Resources; the

1 Department of Agriculture; the Illinois Arts Council; the  
2 Illinois Community College Board; the Board of Higher  
3 Education; and the Grape and Wine Resources Council. The  
4 Committee shall also include 4 members of the Illinois General  
5 Assembly, one of whom shall be named by the Speaker of the  
6 House of Representatives, one of whom shall be named by the  
7 Minority Leader of the House of Representatives, one of whom  
8 who shall be named by the President of the Senate, and one of  
9 whom shall be named by the Minority Leader of the Senate. The  
10 Committee shall meet at least quarterly and at other times as  
11 called by the chair. The Committee shall coordinate the  
12 promotion and development of tourism activities throughout  
13 State government.

14 (Source: P.A. 91-473, eff. 1-1-00; 92-600, eff. 7-1-02; revised  
15 12-6-03.)

16 Section 145. The Particle Accelerator Land Acquisition Act  
17 is amended by changing Sections 1 and 3 as follows:

18 (20 ILCS 685/1) (from Ch. 127, par. 47.21)

19 Sec. 1. The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ is authorized, with the consent in writing of  
21 the Governor, to acquire and accept by gift, grant, purchase,  
22 or in the manner provided for the exercise of the right of  
23 eminent domain under Article VII of the Code of Civil  
24 Procedure, as heretofore or hereafter amended, the fee simple  
25 title or such lesser interest as may be desired to any and all  
26 lands, buildings and grounds, including lands, buildings and  
27 grounds already devoted to public use, required for  
28 construction, maintenance and operation of a high energy BEV  
29 Particle Accelerator by the United States Atomic Energy  
30 Commission, and for such other supporting land and facilities  
31 as may be required or useful for such construction, and to take  
32 whatever action may be necessary or desirable in connection  
33 with such acquisition or in connection with preparing the  
34 property acquired for transfer as provided in Section 3.

1 (Source: P.A. 82-783; revised 12-6-03.)

2 (20 ILCS 685/3) (from Ch. 127, par. 47.23)

3 Sec. 3. The Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~ is authorized to lease, sell, give, donate,  
5 convey or otherwise transfer the property acquired under this  
6 Act to the United States Atomic Energy Commission.

7 No conveyance of real property or instrument transferring  
8 property by the Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ to the United States Atomic Energy  
10 Commission, shall be executed by the Department without the  
11 prior written approval of the Governor.

12 (Source: P.A. 81-1509; revised 12-6-03.)

13 Section 150. The Renewable Energy, Energy Efficiency, and  
14 Coal Resources Development Law of 1997 is amended by changing  
15 Sections 6-3 and 6-6 as follows:

16 (20 ILCS 687/6-3)

17 (Section scheduled to be repealed on December 16, 2007)

18 Sec. 6-3. Renewable energy resources program.

19 (a) The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~, to be called the "Department" hereinafter in  
21 this Law, shall administer the Renewable Energy Resources  
22 Program to provide grants, loans, and other incentives to  
23 foster investment in and the development and use of renewable  
24 energy resources.

25 (b) The Department shall establish eligibility criteria  
26 for grants, loans, and other incentives to foster investment in  
27 and the development and use of renewable energy resources.  
28 These criteria shall be reviewed annually and adjusted as  
29 necessary. The criteria should promote the goal of fostering  
30 investment in and the development and use, in Illinois, of  
31 renewable energy resources.

32 (c) The Department shall accept applications for grants,  
33 loans, and other incentives to foster investment in and the

1 development and use of renewable energy resources.

2 (d) To the extent that funds are available and  
3 appropriated, the Department shall provide grants, loans, and  
4 other incentives to applicants that meet the criteria specified  
5 by the Department.

6 (e) The Department shall conduct an annual study on the use  
7 and availability of renewable energy resources in Illinois.  
8 Each year, the Department shall submit a report on the study to  
9 the General Assembly. This report shall include suggestions for  
10 legislation which will encourage the development and use of  
11 renewable energy resources.

12 (f) As used in this Law, "renewable energy resources"  
13 includes energy from wind, solar thermal energy, photovoltaic  
14 cells and panels, dedicated crops grown for energy production  
15 and organic waste biomass, hydropower that does not involve new  
16 construction or significant expansion of hydropower dams, and  
17 other such alternative sources of environmentally preferable  
18 energy. "Renewable energy resources" does not include,  
19 however, energy from the incineration, burning or heating of  
20 waste wood, tires, garbage, general household, institutional  
21 and commercial waste, industrial lunchroom or office waste,  
22 landscape waste, or construction or demolition debris.

23 (g) There is created the Energy Efficiency Investment Fund  
24 as a special fund in the State Treasury, to be administered by  
25 the Department to support the development of technologies for  
26 wind, biomass, and solar power in Illinois. The Department may  
27 accept private and public funds, including federal funds, for  
28 deposit into the Fund.

29 (Source: P.A. 92-12, eff. 7-1-01; revised 12-6-03.)

30 (20 ILCS 687/6-6)

31 (Section scheduled to be repealed on December 16, 2007)

32 Sec. 6-6. Energy efficiency program.

33 (a) For the year beginning January 1, 1998, and thereafter  
34 as provided in this Section, each electric utility as defined  
35 in Section 3-105 of the Public Utilities Act and each

1 alternative retail electric supplier as defined in Section  
2 16-102 of the Public Utilities Act supplying electric power and  
3 energy to retail customers located in the State of Illinois  
4 shall contribute annually a pro rata share of a total amount of  
5 \$3,000,000 based upon the number of kilowatt-hours sold by each  
6 such entity in the 12 months preceding the year of  
7 contribution. On or before May 1 of each year, the Illinois  
8 Commerce Commission shall determine and notify the Department  
9 of Commerce and Economic Opportunity ~~Community Affairs~~ of the  
10 pro rata share owed by each electric utility and each  
11 alternative retail electric supplier based upon information  
12 supplied annually to the Illinois Commerce Commission. On or  
13 before June 1 of each year, the Department of Commerce and  
14 Economic Opportunity ~~Community Affairs~~ shall send written  
15 notification to each electric utility and each alternative  
16 retail electric supplier of the amount of pro rata share they  
17 owe. These contributions shall be remitted to the Department of  
18 Revenue on or before June 30 of each year the contribution is  
19 due on a return prescribed and furnished by the Department of  
20 Revenue showing such information as the Department of Revenue  
21 may reasonably require. The funds received pursuant to this  
22 Section shall be subject to the appropriation of funds by the  
23 General Assembly. The Department of Revenue shall place the  
24 funds remitted under this Section in a trust fund, that is  
25 hereby created in the State Treasury, called the Energy  
26 Efficiency Trust Fund. If an electric utility or alternative  
27 retail electric supplier does not remit its pro rata share to  
28 the Department of Revenue, the Department of Revenue must  
29 inform the Illinois Commerce Commission of such failure. The  
30 Illinois Commerce Commission may then revoke the certification  
31 of that electric utility or alternative retail electric  
32 supplier. The Illinois Commerce Commission may not renew the  
33 certification of any electric utility or alternative retail  
34 electric supplier that is delinquent in paying its pro rata  
35 share.

36 (b) The Department of Commerce and Economic Opportunity

1 ~~Community Affairs~~ shall disburse the moneys in the Energy  
2 Efficiency Trust Fund to benefit residential electric  
3 customers through projects which the Department of Commerce and  
4 Economic Opportunity ~~Community Affairs~~ has determined will  
5 promote energy efficiency in the State of Illinois. The  
6 Department of Commerce and Economic Opportunity ~~Community~~  
7 ~~Affairs~~ shall establish a list of projects eligible for grants  
8 from the Energy Efficiency Trust Fund including, but not  
9 limited to, supporting energy efficiency efforts for  
10 low-income households, replacing energy inefficient windows  
11 with more efficient windows, replacing energy inefficient  
12 appliances with more efficient appliances, replacing energy  
13 inefficient lighting with more efficient lighting, insulating  
14 dwellings and buildings, using market incentives to encourage  
15 energy efficiency, and such other projects which will increase  
16 energy efficiency in homes and rental properties.

17 (c) The Department of Commerce and Economic Opportunity  
18 ~~Community Affairs~~ shall establish criteria and an application  
19 process for this grant program.

20 (d) The Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~ shall conduct a study of other possible  
22 energy efficiency improvements and evaluate methods for  
23 promoting energy efficiency and conservation, especially for  
24 the benefit of low-income customers.

25 (e) The Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~ shall submit an annual report to the General  
27 Assembly evaluating the effectiveness of the projects and  
28 programs provided in this Section, and recommending further  
29 legislation which will encourage additional development and  
30 implementation of energy efficiency projects and programs in  
31 Illinois and other actions that help to meet the goals of this  
32 Section.

33 (Source: P.A. 92-707, eff. 7-19-02; revised 12-6-03.)

34 Section 155. The Illinois Resource Development and Energy  
35 Security Act is amended by changing Section 10 as follows:

1 (20 ILCS 688/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Department" means the Illinois Department of Commerce and  
4 Economic Opportunity ~~Community Affairs~~.

5 (Source: P.A. 92-12, eff. 7-1-01; revised 12-6-03.)

6 Section 160. The Illinois Renewable Fuels Development  
7 Program Act is amended by changing Section 10 as follows:

8 (20 ILCS 689/10)

9 Sec. 10. Definitions. As used in this Act:

10 "Biodiesel" means a renewable diesel fuel derived from  
11 biomass that is intended for use in diesel engines.

12 "Biodiesel blend" means a blend of biodiesel with  
13 petroleum-based diesel fuel in which the resultant product  
14 contains no less than 1% and no more than 99% biodiesel.

15 "Biomass" means non-fossil organic materials that have an  
16 intrinsic chemical energy content. "Biomass" includes, but is  
17 not limited to, soybean oil, other vegetable oils, and ethanol.

18 "Department" means the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~.

20 "Diesel fuel" means any product intended for use or offered  
21 for sale as a fuel for engines in which the fuel is injected  
22 into the combustion chamber and ignited by pressure without  
23 electric spark.

24 "Director" means the Director of Commerce and Economic  
25 Opportunity ~~Community Affairs~~.

26 "Ethanol" means a product produced from agricultural  
27 commodities or by-products used as a fuel or to be blended with  
28 other fuels for use in motor vehicles.

29 "Fuel" means fuel as defined in Section 1.19 of the Motor  
30 Fuel Tax Law.

31 "Gasohol" means motor fuel that is no more than 90%  
32 gasoline and at least 10% denatured ethanol that contains no  
33 more than 1.25% water by weight.

1 "Gasoline" means all products commonly or commercially  
2 known or sold as gasoline (including casing head and absorption  
3 or natural gasoline).

4 "Illinois agricultural product" means any agricultural  
5 commodity grown in Illinois that is used by a production  
6 facility to produce renewable fuel in Illinois, including, but  
7 not limited to, corn, barley, and soy beans.

8 "Labor Organization" means any organization defined as a  
9 "labor organization" under Section 2 of the National Labor  
10 Relations Act (29 U.S.C. 152).

11 "Majority blended ethanol fuel" means motor fuel that  
12 contains no less than 70% and no more than 90% denatured  
13 ethanol and no less than 10% and no more than 30% gasoline.

14 "Motor vehicles" means motor vehicles as defined in the  
15 Illinois Vehicle Code and watercraft propelled by an internal  
16 combustion engine.

17 "Owner" means any individual, sole proprietorship, limited  
18 partnership, co-partnership, joint venture, corporation,  
19 cooperative, or other legal entity, including its agents, that  
20 operates or will operate a plant located within the State of  
21 Illinois.

22 "Plant" means a production facility that produces a  
23 renewable fuel. "Plant" includes land, any building or other  
24 improvement on or to land, and any personal properties deemed  
25 necessary or suitable for use, whether or not now in existence,  
26 in the processing of fuel from agricultural commodities or  
27 by-products.

28 "Renewable fuel" means ethanol, gasohol, majority blended  
29 ethanol fuel, biodiesel blend fuel, and biodiesel.

30 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;  
31 revised 12-6-03.)

32 Section 165. The Rural Diversification Act is amended by  
33 changing Sections 2 and 3 as follows:

34 (20 ILCS 690/2) (from Ch. 5, par. 2252)



1           Sec. 2. Findings and declaration of policy. The General  
2 Assembly hereby finds, determines and declares:

3           (a) That Illinois is a state of diversified economic  
4 strength and that an important economic strength in Illinois is  
5 derived from rural business production and the agribusiness  
6 industry;

7           (b) That the Illinois rural economy is in a state of  
8 transition, which presents a unique opportunity for the State  
9 to act on its growth and development;

10          (c) That full and continued growth and development of  
11 Illinois' rural economy, especially in the small towns and farm  
12 communities, is vital for Illinois;

13          (d) That by encouraging the development of diversified  
14 rural business and agricultural production, nonproduction and  
15 processing activities in Illinois, the State creates a  
16 beneficial climate for new and improved job opportunities for  
17 its citizens and expands jobs and job training opportunities;

18          (e) That in order to cultivate strong rural economic growth  
19 and development in Illinois, it is necessary to proceed with a  
20 plan which encourages Illinois rural businesses and  
21 agribusinesses to expand business employment opportunities  
22 through diversification of business and industries, offers  
23 managerial, technical and financial assistance to or on behalf  
24 of rural businesses and agribusiness, and works in a  
25 cooperative venture and spirit with Illinois' business, labor,  
26 local government, educational and scientific communities;

27          (f) That dedication of State resources over a multi-year  
28 period targeted to promoting the growth and development of one  
29 or more classes of diversified rural products, particularly new  
30 agricultural products, is an effective use of State funds;

31          (g) That the United States Congress, having identified  
32 similar needs and purposes has enacted legislation creating the  
33 United States Department of Agriculture/Farmers Home  
34 Administration Non-profit National Finance Corporations Loan  
35 and Grant Program and made funding available to the states  
36 consistent with the purposes of this Act.

1 (h) That the Illinois General Assembly has enacted "Rural  
2 Revival" and a series of "Harvest the Heartland" initiatives  
3 which create within the Illinois Finance Authority a "Seed  
4 Capital Fund" to provide venture capital for emerging new  
5 agribusinesses, and to help coordinate cooperative research  
6 and development on new agriculture technologies in conjunction  
7 with the Agricultural Research and Development Consortium in  
8 Peoria, the United State Department of Agriculture Northern  
9 Regional Research Laboratory in Peoria, the institutions of  
10 higher learning in Illinois, and the agribusiness community of  
11 this State, identify the need for enhanced efforts by the State  
12 to promote the use of fuels utilizing ethanol made from  
13 Illinois grain, and promote forestry development in this State;  
14 and

15 (i) That there is a need to coordinate the many programs  
16 offered by the State of Illinois Departments of Agriculture,  
17 Commerce and Economic Opportunity ~~Community Affairs~~, and  
18 Natural Resources, and the Illinois Finance Authority that are  
19 targeted to agriculture and the rural community with those  
20 offered by the federal government. Therefore it is desirable  
21 that the fullest measure of coordination and integration of the  
22 programs offered by the various state agencies and the federal  
23 government be achieved.

24 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

25 (20 ILCS 690/3) (from Ch. 5, par. 2253)

26 Sec. 3. Definitions. The following words and phrases shall  
27 have the meaning ascribed to each of them in this Section  
28 unless the context clearly indicates otherwise:

29 (a) "Office" means the Office of Rural Community  
30 Development within the Illinois Department of Commerce and  
31 Economic Opportunity ~~Community Affairs~~.

32 (b) "Rural business" means a business, including a  
33 cooperative, proprietorship, partnership, corporation or other  
34 entity, that is located in a municipality of 20,000 population  
35 or less, or in an unincorporated area of a county with a

1 population of less than 350,000, but not in a municipality  
2 which is contiguous to a municipality or municipalities with a  
3 population greater than 20,000. The business must also be  
4 engaged in manufacturing, mining, agriculture, wholesale,  
5 transportation, tourism, or utilities or in research and  
6 development or services to these basic industrial sectors.

7 (c) "Agribusiness", for purpose of this Act, means a rural  
8 business that is defined as an agribusiness pursuant to the  
9 Illinois Finance Authority Act.

10 (d) "Rural diversification project" means financing to a  
11 rural business for a specific activity undertaken to promote:  
12 (i) the improvement and expansion of business and industry in  
13 rural areas; (ii) creation of entrepreneurial and  
14 self-employment businesses; (iii) industry or region wide  
15 research directed to profit oriented uses of rural resources,  
16 and (iv) value added agricultural supply, production  
17 processing or reprocessing facilities or operations and shall  
18 include but not be limited to agricultural diversification  
19 projects.

20 (e) "Financing" means direct loans at market or below  
21 market rate interest, grants, technical assistance contracts,  
22 or other means whereby monetary assistance is provided to or on  
23 behalf of rural business or agribusinesses for purposes of  
24 rural diversification.

25 (f) "Agricultural diversification project" means financing  
26 awarded to a rural business for a specific activity undertaken  
27 to promote diversification of the farm economy of this State  
28 through (i) profit oriented nonproduction uses of Illinois land  
29 resources, (ii) growth and development of new crops or  
30 livestock not customarily grown or produced in this State, or  
31 (iii) developments which emphasize a vertical integration of  
32 grain or livestock produced or raised in this State into a  
33 finished product for consumption or use. "New crops or  
34 livestock not customarily grown or produced in this State" does  
35 not include corn, soybeans, wheat, swine, or beef or dairy  
36 cattle. "Vertical integration of grain or livestock produced or

1 raised in this State" includes any new or existing grain or  
2 livestock grown or produced in this State.

3 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

4 Section 170. The Small Business Advisory Act is amended by  
5 changing Section 5 as follows:

6 (20 ILCS 692/5)

7 Sec. 5. Definitions. In this Act:

8 "Agency" means the same as in Section 1-20 of the Illinois  
9 Administrative Procedure Act.

10 "Joint Committee" means the Joint Committee on  
11 Administrative Rules.

12 "Small business" means any for profit entity,  
13 independently owned and operated, that grosses less than  
14 \$4,000,000 per year or that has 50 or fewer full-time  
15 employees. For the purposes of this Act, a "small business" has  
16 its principal office in Illinois.

17 "Department" means the Department of Commerce and Economic  
18 Opportunity ~~Community Affairs~~.

19 (Source: P.A. 93-318, eff. 1-1-04; revised 12-6-03.)

20 Section 175. The State and Regional Development Strategy  
21 Act is amended by changing Section 20-10 as follows:

22 (20 ILCS 695/20-10)

23 Sec. 20-10. Strategic Planning. The Department of Commerce  
24 and Economic Opportunity ~~Community Affairs~~ may prepare an  
25 economic development strategy for Illinois. By no later than  
26 February 1, 2001 and biennially thereafter, the Department may  
27 make modifications in the economic development strategy as the  
28 modifications are warranted by changes in economic conditions  
29 or by other factors, including changes in policy. In preparing  
30 the strategy and in making modifications to the strategy, the  
31 Department may take cognizance of the special economic  
32 attributes of the various component areas of the State.

1           (1) The "component areas" shall be determined by the  
2 Department and may group counties that are close in  
3 geographical proximity and share common economic traits  
4 such as commuting zones, labor market areas, or other  
5 economically integrated regions.

6           (2) The strategy may recommend actions for promoting  
7 sustained economic growth at or above national rates of  
8 economic growth.

9           (3) The strategy may include an assessment of  
10 historical patterns of economic activity for the State and  
11 projections of future economic trends using national  
12 economic trends and projections for comparative purposes.  
13 All assumptions made in the formulation of the economic  
14 projections shall be clearly and explicitly set forth in  
15 the strategy.

16           (4) The strategy may identify those community economic  
17 improvement characteristics that will positively influence  
18 the rate of overall State economic growth.

19           (5) The strategy may recommend actions to foster and  
20 promote economic growth, taking into account indigenous  
21 resources and prevalent economic factors.

22           (A) The strategy may identify the critical  
23 business development approaches being considered or to  
24 be considered. The approaches may include, but are not  
25 limited to: investment recruitment, such as industry  
26 attraction, expansion and retention; trade development  
27 efforts including international trade, support for  
28 small businesses' efforts to export products and  
29 services, tourism attraction and development including  
30 cultural tourism; technology development efforts  
31 including technology commercialization and  
32 manufacturing modernization; and business development  
33 efforts, including entrepreneurship and  
34 entrepreneurial education, small business management  
35 assistance, and business financing.

36           (B) The strategy may identify for the State and

1 each region the critical workforce training and  
2 development approaches being considered or to be  
3 considered. The approaches may include, but are not  
4 limited to: customized job training, retraining and  
5 skill upgrading, economic adjustment, job creation and  
6 addressing labor shortages in areas of high demand; the  
7 market for and quality of the local labor force; the  
8 quality of the education and workforce infrastructure;  
9 and related issues.

10 (C) The strategy may identify the critical  
11 community development approaches being considered or  
12 to be considered. The approaches may include, but are  
13 not limited to: community growth management such as  
14 regional planning and smart growth; area  
15 revitalization including brownfields redevelopment and  
16 facility reuse; and family self-sufficiency such as  
17 through housing conservation and economic opportunity.

18 (D) The strategy may identify the critical public  
19 facilities development approaches being considered or  
20 to be considered. The approaches may include, but are  
21 not limited to: local public services; the local,  
22 regional, and State tax and regulatory climate; the  
23 physical infrastructure, including communications and  
24 transportation systems; the capacity of area  
25 utilities; and the quality of public institutions such  
26 as schools.

27 (E) The strategy may identify the other critical  
28 marketplace systems, including: the financial  
29 marketplace; the competitive advantages of the area in  
30 terms of natural resources, capital resources or  
31 technology resources; and other factors affecting area  
32 development.

33 (6) In preparing the strategy or modifications to the  
34 strategy, the Department may work with State agencies,  
35 boards, and commissions whose programs and activities  
36 significantly affect economic activity in the State as

1 appropriate. The Directors of the agencies, boards, and  
2 commissions shall provide the assistance to the Department  
3 as the Governor deems appropriate.

4 (7) In preparing the strategy or the modifications to  
5 the strategy, the Department may consult with local and  
6 regional economic development organizations, local elected  
7 officials, community-based organizations, service delivery  
8 providers, and other organizations whose programs and  
9 activities significantly affect economic activity.

10 (8) In preparing the strategy or the modifications to  
11 the strategy, the Department may take into consideration  
12 any decisions or recommendations related to programs,  
13 services, and government regulations that have been  
14 rendered as a result of a Statewide Performance Review.

15 (9) The strategy shall be presented to the Governor,  
16 the President and Minority Leader of the Senate, the  
17 Speaker and Minority Leader of the House of  
18 Representatives, the members of the Illinois Economic  
19 Development Board, and the Chair of the Economic and Fiscal  
20 Commission on February 1, 2001 and biennially thereafter,  
21 as warranted by changes in economic conditions or by other  
22 factors, including changes in policy.

23 (10) The strategy shall be published and made available  
24 to the public in both paper and electronic media.

25 (Source: P.A. 91-476, eff. 8-11-99; 92-490, eff. 8-23-01;  
26 revised 12-6-03.)

27 Section 180. The Technology Advancement and Development  
28 Act is amended by changing Sections 1003 and 1004 as follows:

29 (20 ILCS 700/1003) (from Ch. 127, par. 3701-3)

30 Sec. 1003. Definitions. The following words and phrases,  
31 for the purposes of this Act, shall have the meanings  
32 respectively ascribed to them, except when the context  
33 otherwise requires, or except as otherwise provided in this  
34 Act:

1 "Advanced technology project" means any area of basic or  
2 applied research or development which is designed to foster  
3 greater knowledge or understanding, or which is designed for  
4 the purposes of improving, designing, developing, prototyping,  
5 producing or commercializing new products, techniques,  
6 processes or technical devices in present or emerging fields of  
7 health care and biomedical research, information and  
8 communication systems, computing and computer services,  
9 electronics, manufacturing, robotics and materials research,  
10 transportation and aerospace, agriculture and biotechnology,  
11 and finance and services.

12 "Business expense" includes working capital financing, the  
13 purchase or lease of machinery and equipment, or the lease or  
14 purchase of real property, including construction, renovation,  
15 or leasehold improvements, but does not include refinancing  
16 current debt.

17 "Business project" means any specific economic development  
18 activity of a commercial, industrial, manufacturing,  
19 agricultural, scientific, financial, service or other  
20 not-for-profit nature, which is expected to yield an increase  
21 in jobs or to result in the retention of jobs or an improvement  
22 in production efficiency.

23 "Department" means the Illinois Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~.

25 "Director" means the Director of ~~the Illinois Department of~~  
26 Commerce and Economic Opportunity ~~Community Affairs~~.

27 "Financial assistance" means a loan, investment, grant or  
28 the purchase of qualified securities or other means whereby  
29 financial aid is made to or on behalf of a business project or  
30 advanced technology project.

31 "Intermediary organization" means any participating  
32 organization including not-for-profit entities, for-profit  
33 entities, State development authorities, institutions of  
34 higher education, other public or private corporations, which  
35 may include the Illinois Coalition, or other entities necessary  
36 or desirable to further the purpose of this Act engaged by the



1 Department through any contract, agreement, memoranda of  
2 understanding, or other cooperative arrangement to deliver  
3 programs authorized under this Act.

4 "Investment loan" means any loan structured so that the  
5 applicant repays the principal and interest and provides a  
6 qualified security investment to serve both as additional loan  
7 security and as an additional source of repayment.

8 "Loan" means acceptance of any note, bond, debenture, or  
9 evidence of indebtedness, whether unsecured or secured by a  
10 mortgage, pledge, deed of trust, or other lien on any property,  
11 or any certificate of, receipt for, participation in, or an  
12 option to any of the foregoing. A loan shall bear such interest  
13 rate, with such terms of repayment, secured by such collateral,  
14 with other terms and conditions, as the Department shall deem  
15 necessary or appropriate.

16 "Participating lender or investor" means any trust  
17 company, bank, savings bank, credit union, merchant bank,  
18 investment bank, broker, investment trust, pension fund,  
19 building and loan association, savings and loan association,  
20 insurance company, venture capital company or other  
21 institution, community or State development corporation,  
22 development authority authorized to do business by an Act of  
23 this State, or other public or private financing intermediary  
24 approved by the Department whose purposes include financing,  
25 promoting, or encouraging economic development financing.

26 "Qualified security investments" means any stock,  
27 convertible security, treasury stock, limited partnership  
28 interest, certificate of interest or participation in any  
29 profit sharing agreement, preorganization certificate or  
30 subscription, transferable share, investment contract,  
31 certificate of interest or participation in a patent or  
32 application or, in general, any interest or instrument commonly  
33 known as a "security" or any certificate for, receipt for,  
34 guarantee of, or option, warrant or right to subscribe to or  
35 purchase any of the foregoing, but not including any instrument  
36 which contains voting rights or which can be converted to

1 contain voting rights in the possession of the Department.

2 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

3 (20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

4 Sec. 1004. Duties and powers. The Department of Commerce  
5 and Economic Opportunity ~~Community Affairs~~ shall establish and  
6 administer any of the programs authorized under this Act  
7 subject to the availability of funds appropriated by the  
8 General Assembly. The Department may make awards from general  
9 revenue fund appropriations, federal reimbursement funds, the  
10 Technology Cooperation Fund, and the New Technology Recovery  
11 Fund as provided under the provisions of this Act. The  
12 Department, in addition to those powers granted under the Civil  
13 Administrative Code of Illinois, is granted the following  
14 powers to help administer the provisions of this Act:

15 (a) To provide financial assistance as direct or  
16 participation grants, loans or qualified security investments  
17 to, or on behalf of, eligible applicants. Loans, grants and  
18 investments shall be made for the purpose of increasing  
19 research and development, commercializing technology, adopting  
20 advanced production and processing techniques, and promoting  
21 job creation and retention within Illinois;

22 (b) To enter into agreements, accept funds or grants, and  
23 engage in cooperation with agencies of the federal government,  
24 local units of government, universities, research foundations  
25 or institutions, regional economic development corporations or  
26 other organizations for the purposes of this Act;

27 (c) To enter into contracts, agreements, and memoranda of  
28 understanding; and to provide funds for participation  
29 agreements or to make any other agreements or contracts or to  
30 invest, grant, or loan funds to any participating intermediary  
31 organizations including, not-for-profit entities, for-profit  
32 entities, State agencies or authorities, government owned and  
33 contract operated facilities, institutions of higher  
34 education, other public or private development corporations,  
35 or other entities necessary or desirable to further the purpose

1 of this Act. Any such agreement or contract by an intermediary  
2 organization to deliver programs authorized under this Act may  
3 include terms and provisions including, but not limited to  
4 organization and development of documentation, review and  
5 approval of projects, servicing and disbursement of funds and  
6 other related activities;

7 (d) To fix, determine, charge and collect any premiums,  
8 fees, charges, costs and expenses, including without  
9 limitation, any application fees, commitment fees, program  
10 fees, financing charges, or publication fees in connection with  
11 the Department's activities under this Act;

12 (e) To establish forms for applications, notifications,  
13 contracts, or any other agreements, and to promulgate  
14 procedures, rules or regulations deemed necessary and  
15 appropriate;

16 (f) To establish and regulate the terms and conditions of  
17 the Department's agreements and to consent, subject to the  
18 provisions of any agreement with another party, to the  
19 modification or restructuring of any agreement to which the  
20 Department is a party;

21 (g) To require that recipients of financial assistance  
22 shall at all times keep proper books of record and account in  
23 accordance with generally accepted accounting principles  
24 consistently applied, with such books open for reasonable  
25 Department inspection and audits, including, without  
26 limitation, the making of copies thereof;

27 (h) To require applicants or grantees receiving funds under  
28 this Act to permit the Department to: (i) inspect and audit any  
29 books, records or papers related to the project in the custody  
30 or control of the applicant, including the making of copies or  
31 extracts thereof, and (ii) inspect or appraise any of the  
32 applicant's or grantee's business assets;

33 (i) To require applicants or grantees, upon written request  
34 by the Department, to issue any necessary authorization to the  
35 appropriate federal, State or local authority for the release  
36 of information concerning a business or business project

1 financed under the provisions of this Act, with the information  
2 requested to include, but not be limited to, financial reports,  
3 returns, or records relating to that business or business  
4 project;

5 (i-5) To provide staffing, administration, and related  
6 support required to manage the programs authorized under this  
7 Act and to pay for staffing and administration from the New  
8 Technology Recovery Fund as appropriated by the General  
9 Assembly. Administrative responsibilities may include, but are  
10 not limited to, research and identification of the needs of  
11 commerce and industry in this State; design of comprehensive  
12 statewide plans and programs; direction, management, and  
13 control of specific projects; and communication and  
14 cooperation with entities about technology commercialization  
15 and business modernization;

16 (j) To take whatever actions are necessary or appropriate  
17 to protect the State's interest in the event of bankruptcy,  
18 default, foreclosure or noncompliance with the terms and  
19 conditions of financial assistance or participation required  
20 under this Act, including the power to sell, dispose, lease or  
21 rent, upon terms and conditions determined by the Director to  
22 be appropriate, real or personal property which the Department  
23 may receive as a result thereof; and

24 (k) Exercise such other powers as are necessary to carry  
25 out the purposes of this Act.

26 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

27 Section 185. The High Technology School-to-Work Act is  
28 amended by changing Section 10 as follows:

29 (20 ILCS 701/10)

30 Sec. 10. Definitions. In this Act:

31 "Department" means the Department of Commerce and Economic  
32 Opportunity ~~Community Affairs~~.

33 "Director" means the Director of Commerce and Economic  
34 Opportunity ~~Community Affairs~~.

1 "High technology occupations" mean scientific, technical,  
2 and engineering occupations including, but not limited to, the  
3 following occupational groups and detailed occupations:  
4 engineers; life and physical scientists; mathematical  
5 specialists; engineering and science technicians; computer  
6 specialists; and engineering, scientific, and computer  
7 managers.

8 "Local partnership" means a cooperative agreement between  
9 one or more employers, including employer associations, and one  
10 or more secondary or postsecondary schools established to  
11 operate a high technology school-to-work project. The  
12 partnerships must be employer-led and designed to respond to  
13 the high technology skill requirements of participating  
14 employers.

15 (Source: P.A. 92-250, eff. 8-3-01; revised 12-6-03.)

16 Section 190. The Women's Business Ownership Act is amended  
17 by changing Section 5 as follows:

18 (20 ILCS 705/5)

19 (Section scheduled to be repealed on September 1, 2004)

20 Sec. 5. Women's Business Ownership Council. There is  
21 created within the Department of Commerce and Community Affairs  
22 (now Department of Commerce and Economic Opportunity) the  
23 Women's Business Ownership Council. The Council shall consist  
24 of 9 members, with 5 persons appointed by the Governor, one of  
25 whom shall be the Director of ~~the Department of~~ Commerce and  
26 Economic Opportunity ~~Community Affairs~~ or his or her designee,  
27 one person appointed by the President of the Senate, one person  
28 appointed by the Minority Leader of the Senate, one person  
29 appointed by the Speaker of the House of Representatives, and  
30 one person appointed by the Minority Leader of the House of  
31 Representatives.

32 Appointed members shall be uniquely qualified by  
33 education, professional knowledge, or experience to serve on  
34 the Council and shall reflect the ethnic, cultural, and

1 geographic diversity of the State. Of the 9 members, at least 5  
2 shall be women business owners. For purposes of this Act, a  
3 woman business owner shall be defined as a woman who is either:

4 (a) the principal of a company or business concern, 51% of  
5 which is owned, operated, and controlled by women; or

6 (b) a senior officer or director of a company or business  
7 concern who also has either:

8 (1) material responsibility for the daily operations  
9 and management of the overall company or business concern;

10 or

11 (2) material responsibility for the policy making of  
12 the company or business concern.

13 Of the initial appointments, members shall be randomly  
14 assigned to staggered terms; 3 members shall be appointed for a  
15 term of 3 years, 3 members shall be appointed for a term of 2  
16 years, and 3 members shall be appointed for a term of 1 year.  
17 Upon the expiration of each member's term, a successor shall be  
18 appointed for a term of 3 years. In the case of a vacancy in the  
19 office of any member, a successor shall be appointed for the  
20 remainder of the unexpired term by the person designated as  
21 responsible for making the appointment. No member shall serve  
22 more than 3 consecutive terms. Members shall serve without  
23 compensation but shall be reimbursed for expenses incurred in  
24 connection with the performance of their duties as members.

25 One of the members shall be designated as Chairperson by  
26 the Governor. In the event the Governor does not appoint the  
27 Chairperson within 60 days after the effective date of this  
28 Act, the Council shall convene and elect a Chairperson by a  
29 simple majority vote. Upon a vacancy in the position of  
30 Chairperson, the Governor shall have 30 days from the date of  
31 the resignation to appoint a new Chairperson. In the event the  
32 Governor does not appoint a new Chairperson within 30 days, the  
33 Council shall convene and elect a new Chairperson by a simple  
34 majority vote.

35 The first meeting of the Council shall be held within 90  
36 days after the effective date of this Act. The Council shall

1 meet quarterly and may hold other meetings on the call of the  
2 Chairperson. Five members shall constitute a quorum. The  
3 Council may adopt rules it deems necessary to govern its own  
4 procedures. The Department of Commerce and Economic  
5 Opportunity ~~Community Affairs~~ shall cooperate with the Council  
6 to fulfill the purposes of this Act and shall provide the  
7 Council with necessary staff and administrative support. The  
8 Council may apply for grants from the public and private sector  
9 and is authorized to accept grants, gifts, and donations, which  
10 shall be deposited into the Women's Business Ownership Fund.

11 (Source: P.A. 88-597, eff. 8-28-94; revised 12-6-03.)

12 Section 195. The Illinois Commission on Volunteerism and  
13 Community Service Act is amended by changing Section 7 as  
14 follows:

15 (20 ILCS 710/7)

16 Sec. 7. On the effective date of this amendatory Act of the  
17 91st General Assembly, the authority, powers, and duties in  
18 this Act of the Department of Commerce and Community Affairs  
19 (now Department of Commerce and Economic Opportunity) are  
20 transferred to the Department of Human Services.

21 (Source: P.A. 91-798, eff. 7-9-00; revised 12-6-03.)

22 Section 200. The Corporate Accountability for Tax  
23 Expenditures Act is amended by changing Section 5 as follows:

24 (20 ILCS 715/5)

25 Sec. 5. Definitions. As used in this Act:

26 "Base years" means the first 2 complete calendar years  
27 following the effective date of a recipient receiving  
28 development assistance.

29 "Date of assistance" means the commencement date of the  
30 assistance agreement, which date triggers the period during  
31 which the recipient is obligated to create or retain jobs and  
32 continue operations at the specific project site.

1 "Default" means that a recipient has not achieved its job  
2 creation, job retention, or wage or benefit goals, as  
3 applicable, during the prescribed period therefor.

4 "Department" means, unless otherwise noted, the Department  
5 of Commerce and Economic Opportunity ~~Community Affairs~~ or any  
6 successor agency.

7 "Development assistance" means (1) tax credits and tax  
8 exemptions (other than given under tax increment financing)  
9 given as an incentive to a recipient business organization  
10 pursuant to an initial certification or an initial designation  
11 made by the Department under the Economic Development for a  
12 Growing Economy Tax Credit Act and the Illinois Enterprise Zone  
13 Act, including the High Impact Business program, (2) grants or  
14 loans given to a recipient as an incentive to a business  
15 organization pursuant to the Large Business Development  
16 Program, the Business Development Public Infrastructure  
17 Program, or the Industrial Training Program, (3) the State  
18 Treasurer's Economic Program Loans, (4) the Illinois  
19 Department of Transportation Economic Development Program, and  
20 (5) all successor and subsequent programs and tax credits  
21 designed to promote large business relocations and expansions.

22 "Development assistance" does not include tax increment  
23 financing, assistance provided under the Illinois Enterprise  
24 Zone Act pursuant to local ordinance, participation loans, or  
25 financial transactions through statutorily authorized  
26 financial intermediaries in support of small business loans and  
27 investments or given in connection with the development of  
28 affordable housing.

29 "Development assistance agreement" means any agreement  
30 executed by the State granting body and the recipient setting  
31 forth the terms and conditions of development assistance to be  
32 provided to the recipient consistent with the final application  
33 for development assistance, including but not limited to the  
34 date of assistance, submitted to and approved by the State  
35 granting body.

36 "Full-time, permanent job" means either: (1) the



1 definition therefor in the legislation authorizing the  
2 programs described in the definition of development assistance  
3 in the Act or (2) if there is no such definition, then as  
4 defined in administrative rules implementing such legislation,  
5 provided the administrative rules were in place prior to the  
6 effective date of this Act. On and after the effective date of  
7 this Act, if there is no definition of "full-time, permanent  
8 job" in either the legislation authorizing a program that  
9 constitutes economic development assistance under this Act or  
10 in any administrative rule implementing such legislation that  
11 was in place prior to the effective date of this Act, then  
12 "full-time, permanent job" means a job in which the new  
13 employee works for the recipient at a rate of at least 35 hours  
14 per week.

15 "New employee" means either: (1) the definition therefor in  
16 the legislation authorizing the programs described in the  
17 definition of development assistance in the Act or (2) if there  
18 is no such definition, then as defined in administrative rules  
19 implementing such legislation, provided the administrative  
20 rules were in place prior to the effective date of this Act. On  
21 and after the effective date of this Act, if there is no  
22 definition of "new employee" in either the legislation  
23 authorizing a program that constitutes economic development  
24 assistance under this Act nor in any administrative rule  
25 implementing such legislation that was in place prior to the  
26 effective date of this Act, then "new employee" means a  
27 full-time, permanent employee who represents a net increase in  
28 the number of the recipient's employees statewide. "New  
29 employee" includes an employee who previously filled a new  
30 employee position with the recipient who was rehired or called  
31 back from a layoff that occurs during or following the base  
32 years.

33 The term "New Employee" does not include any of the  
34 following:

- 35 (1) An employee of the recipient who performs a job  
36 that was previously performed by another employee in this

1 State, if that job existed in this State for at least 6  
2 months before hiring the employee.

3 (2) A child, grandchild, parent, or spouse, other than  
4 a spouse who is legally separated from the individual, of  
5 any individual who has a direct or indirect ownership  
6 interest of at least 5% in the profits, capital, or value  
7 of any member of the recipient.

8 "Part-time job" means either: (1) the definition therefor  
9 in the legislation authorizing the programs described in the  
10 definition of development assistance in the Act or (2) if there  
11 is no such definition, then as defined in administrative rules  
12 implementing such legislation, provided the administrative  
13 rules were in place prior to the effective date of this Act. On  
14 and after the effective date of this Act, if there is no  
15 definition of "part-time job" in either the legislation  
16 authorizing a program that constitutes economic development  
17 assistance under this Act or in any administrative rule  
18 implementing such legislation that was in place prior to the  
19 effective date of this Act, then "part-time job" means a job in  
20 which the new employee works for the recipient at a rate of  
21 less than 35 hours per week.

22 "Recipient" means any business that receives economic  
23 development assistance. A business is any corporation, limited  
24 liability company, partnership, joint venture, association,  
25 sole proprietorship, or other legally recognized entity.

26 "Retained employee" means either: (1) the definition  
27 therefor in the legislation authorizing the programs described  
28 in the definition of development assistance in the Act or (2)  
29 if there is no such definition, then as defined in  
30 administrative rules implementing such legislation, provided  
31 the administrative rules were in place prior to the effective  
32 date of this Act. On and after the effective date of this Act,  
33 if there is no definition of "retained employee" in either the  
34 legislation authorizing a program that constitutes economic  
35 development assistance under this Act or in any administrative  
36 rule implementing such legislation that was in place prior to

1 the effective date of this Act, then "retained employee" means  
2 any employee defined as having a full-time or full-time  
3 equivalent job preserved at a specific facility or site, the  
4 continuance of which is threatened by a specific and  
5 demonstrable threat, which shall be specified in the  
6 application for development assistance.

7 "Specific project site" means that distinct operational  
8 unit to which any development assistance is applied.

9 "State granting body" means the Department, any State  
10 department or State agency that provides development  
11 assistance that has reporting requirements under this Act, and  
12 any successor agencies to any of the preceding.

13 "Temporary job" means either: (1) the definition therefor  
14 in the legislation authorizing the programs described in the  
15 definition of development assistance in the Act or (2) if there  
16 is no such definition, then as defined in administrative rules  
17 implementing such legislation, provided the administrative  
18 rules were in place prior to the effective date of this Act. On  
19 and after the effective date of this Act, if there is no  
20 definition of "temporary job" in either the legislation  
21 authorizing a program that constitutes economic development  
22 assistance under this Act or in any administrative rule  
23 implementing such legislation that was in place prior to the  
24 effective date of this Act, then "temporary job" means a job in  
25 which the new employee is hired for a specific duration of time  
26 or season.

27 "Value of assistance" means the face value of any form of  
28 development assistance.

29 (Source: P.A. 93-552, eff. 8-20-03; revised 12-6-03.)

30 Section 205. The Department of Natural Resources Act is  
31 amended by changing Sections 1-5, 80-20, 80-25, 80-30, and  
32 80-35 as follows:

33 (20 ILCS 801/1-5)

34 Sec. 1-5. Purpose. It is the purpose of this Act to change

1 the name of the Department of Conservation to the Department of  
2 Natural Resources and to transfer to it various rights, powers,  
3 duties, and functions of the Department of Energy and Natural  
4 Resources, the Department of Mines and Minerals, the Abandoned  
5 Mined Lands Reclamation Council, and the Division of Water  
6 Resources of the Department of Transportation. This Act also  
7 transfers certain recycling, energy, and oil overcharge  
8 functions of the Department of Energy and Natural Resources to  
9 the Department of Commerce and Community Affairs (now  
10 Department of Commerce and Economic Opportunity) and certain  
11 functions of the Department of Conservation related to the  
12 Lincoln Monument to the Historic Preservation Agency. This Act  
13 consolidates and centralizes the programs and services now  
14 offered to citizens by these governmental bodies, resulting in  
15 more effective operation of these programs and services.

16 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised  
17 12-6-03.)

18 (20 ILCS 801/80-20)

19 Sec. 80-20. Transfer of powers.

20 (a) Except as otherwise provided in this Act, all of the  
21 rights, powers, and duties vested by law in the Department of  
22 Conservation or in any office, division, or bureau thereof are  
23 retained by the Department of Natural Resources.

24 All of the rights, powers, and duties vested by law in the  
25 Department of Conservation, or in any office, division, or  
26 bureau thereof, pertaining to the Lincoln Monument are  
27 transferred to the Historic Preservation Agency.

28 (b) Except as otherwise provided in this Act, all of the  
29 rights, powers, and duties vested by law in the Department of  
30 Energy and Natural Resources or in any office, division, or  
31 bureau thereof are transferred to the Department of Natural  
32 Resources.

33 All of the rights, powers, and duties vested by law in the  
34 Department of Energy and Natural Resources, or in any office,  
35 division, or bureau thereof, pertaining to recycling programs

1 and solid waste management, energy conservation and  
2 alternative energy programs, coal development and marketing  
3 programs, and Exxon overcharge matters are transferred to the  
4 Department of Commerce and Community Affairs (now Department of  
5 Commerce and Economic Opportunity).

6 (c) All of the rights, powers, and duties vested by law in  
7 the Department of Mines and Minerals or in any office,  
8 division, or bureau thereof are transferred to the Department  
9 of Natural Resources.

10 (d) All of the rights, powers, and duties vested by law in  
11 the Abandoned Mined Lands Reclamation Council or in any office,  
12 division, or bureau thereof are transferred to the Department  
13 of Natural Resources.

14 (e) All of the rights, powers, and duties vested by law in  
15 the Division of Water Resources of the Department of  
16 Transportation or in any office, division, or bureau thereof  
17 are transferred to the Department of Natural Resources.

18 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised  
19 12-6-03.)

20 (20 ILCS 801/80-25)

21 Sec. 80-25. Transfer of personnel.

22 (a) Personnel employed by the Department of Conservation to  
23 perform functions that are retained within the Department of  
24 Natural Resources shall continue their service within the  
25 renamed Department.

26 (b) Personnel employed by the Department of Energy and  
27 Natural Resources, the Department of Mines and Minerals, the  
28 Abandoned Mined Lands Reclamation Council, or the Division of  
29 Water Resources of the Department of Transportation to perform  
30 functions that are transferred by this Act to the Department of  
31 Natural Resources are transferred to the Department of Natural  
32 Resources.

33 (c) Personnel employed by the Department of Energy and  
34 Natural Resources to perform functions that are transferred by  
35 this Act to the Department of Commerce and Community Affairs

1 (now Department of Commerce and Economic Opportunity) are  
2 transferred to the Department of Commerce and Community Affairs  
3 (now Department of Commerce and Economic Opportunity).

4 (d) Personnel employed by the abolished departments to  
5 perform functions that are not clearly classifiable within the  
6 areas referred to in this Section or who are employed to  
7 perform complex functions that are transferred in part to  
8 different departments under this Act shall be assigned and  
9 transferred to appropriate departments by the Director of  
10 Natural Resources, in consultation with the Director of Central  
11 Management Services.

12 (e) The rights of State employees, the State, and its  
13 agencies under the Personnel Code and applicable collective  
14 bargaining agreements and retirement plans are not affected by  
15 this Act.

16 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised  
17 12-6-03.)

18 (20 ILCS 801/80-30) (from 20 ILCS 801/35)

19 Sec. 80-30. Transfer of property.

20 (a) All books, records, documents, property (real and  
21 personal), unexpended appropriations, and pending business  
22 pertaining to the rights, powers, and duties transferred by  
23 this Act from the Department of Energy and Natural Resources,  
24 the Department of Mines and Minerals, the Abandoned Mined Lands  
25 Reclamation Council, and the Division of Water Resources of the  
26 Department of Transportation to the Department of Natural  
27 Resources shall be delivered and transferred to the Department  
28 of Natural Resources.

29 All books, records, documents, property (real and  
30 personal), unexpended appropriations, and pending business  
31 pertaining to the rights, powers, and duties retained from the  
32 Department of Conservation by the Department of Natural  
33 Resources shall be retained by the Department of Natural  
34 Resources.

35 (b) All books, records, documents, property (real and

1 personal), unexpended appropriations, and pending business  
2 pertaining to the rights, powers, and duties transferred by  
3 this Act from the Department of Energy and Natural Resources to  
4 the Department of Commerce and Community Affairs (now  
5 Department of Commerce and Economic Opportunity) shall be  
6 delivered and transferred to the Department of Commerce and  
7 Community Affairs (now Department of Commerce and Economic  
8 Opportunity).

9 (c) All books, records, documents, property (real and  
10 personal), unexpended appropriations, and pending business  
11 pertaining to the rights, powers, and duties transferred by  
12 this Act from the Department of Conservation to the Historic  
13 Preservation Agency shall be delivered and transferred to the  
14 Historic Preservation Agency.

15 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; 90-14,  
16 eff. 7-1-97; revised 12-6-03.)

17 (20 ILCS 801/80-35)

18 Sec. 80-35. Savings provisions.

19 (a) The rights, powers, and duties transferred to or  
20 retained in the Department of Natural Resources, the Department  
21 of Commerce and Community Affairs (now Department of Commerce  
22 and Economic Opportunity), and the Historic Preservation  
23 Agency by this Act shall be vested in and shall be exercised by  
24 them subject to the provisions of this Act.

25 (b) An act done by a successor department or agency, or an  
26 officer or employee thereof, in the exercise of the rights,  
27 powers, and duties transferred by this Act shall have the same  
28 legal effect as if done by the former department or division or  
29 the officers or employees thereof.

30 (c) The transfer of rights, powers, and duties to the  
31 Department of Natural Resources, the Department of Commerce and  
32 Community Affairs (now Department of Commerce and Economic  
33 Opportunity), and the Historic Preservation Agency under this  
34 Act does not invalidate any previous action taken by or in  
35 respect to any of their predecessor departments or divisions or

1 their officers or employees. References to these predecessor  
2 departments or divisions or their officers or employees in any  
3 document, contract, agreement, or law shall, in appropriate  
4 contexts, be deemed to refer to the successor department,  
5 agency, officer, or employee.

6 (d) The transfer of powers and duties to the Department of  
7 Natural Resources, the Department of Commerce and Community  
8 Affairs (now Department of Commerce and Economic Opportunity),  
9 and the Historic Preservation Agency under this Act does not  
10 affect any person's rights, obligations, or duties, including  
11 any civil or criminal penalties applicable thereto, arising out  
12 of those transferred powers and duties.

13 (e) Whenever reports or notices are now required to be made  
14 or given or documents furnished or served by any person to or  
15 upon the departments or divisions, officers and employees  
16 transferred by this Act, they shall be made, given, furnished,  
17 or served in the same manner to or upon the successor  
18 department or agency, officer or employee.

19 (f) This Act does not affect any act done, ratified, or  
20 cancelled, any right occurring or established, or any action or  
21 proceeding had or commenced in an administrative, civil, or  
22 criminal cause before this Act takes effect. Any such action or  
23 proceeding still pending may be prosecuted and continued by the  
24 Department of Natural Resources, the Department of Commerce and  
25 Community Affairs (now Department of Commerce and Economic  
26 Opportunity), or the Historic Preservation Agency, as the case  
27 may be.

28 (g) This Act does not affect the legality of any rules that  
29 are in force on the effective date of this Act that have been  
30 duly adopted by any of the agencies reorganized under this Act.  
31 Those rules shall continue in effect until amended or repealed,  
32 except that references to a predecessor department shall, in  
33 appropriate contexts, be deemed to refer to the successor  
34 department or agency under this Act.

35 As soon as practicable after the effective date of this  
36 Act, the Department of Natural Resources, the Department of



1 Commerce and Community Affairs (now Department of Commerce and  
2 Economic Opportunity), and the Historic Preservation Agency  
3 shall each propose and adopt under the Illinois Administrative  
4 Procedure Act any rules that may be necessary to consolidate  
5 and clarify the rules of their predecessor departments relating  
6 to matters transferred to them under this Act.

7 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised  
8 12-6-03.)

9 Section 210. The Department of Natural Resources  
10 (Conservation) Law of the Civil Administrative Code of Illinois  
11 is amended by changing Section 805-435 as follows:

12 (20 ILCS 805/805-435) (was 20 ILCS 805/63b2.5)

13 Sec. 805-435. Office of Conservation Resource Marketing.  
14 The Department shall maintain an Office of Conservation  
15 Resource Marketing. The Office shall conduct a program for  
16 marketing and promoting the use of conservation resources in  
17 Illinois with emphasis on recreation and tourism facilities.  
18 The Office shall coordinate its tourism promotion efforts with  
19 local community events and shall include a field staff which  
20 shall work with the Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~ and local officials to  
22 coordinate State and local activities for the purpose of  
23 expanding tourism and local economies. The Office shall  
24 develop, review, and coordinate brochures and information  
25 pamphlets for promoting the use of conservation resources. The  
26 Office shall conduct marketing research to identify  
27 organizations and target populations that can be encouraged to  
28 use Illinois recreation facilities for group events and the  
29 many tourist sites.

30 The Director shall submit an annual report to the Governor  
31 and the General Assembly summarizing the Office's activities  
32 and including its recommendations for improving the  
33 Department's tourism promotion and marketing programs for  
34 conservation resources.

1 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

2 Section 215. The Interagency Wetland Policy Act of 1989 is  
3 amended by changing Section 2-1 as follows:

4 (20 ILCS 830/2-1) (from Ch. 96 1/2, par. 9702-1)

5 Sec. 2-1. Interagency Wetlands Committee. An Interagency  
6 Wetlands Committee, chaired by the Director of Natural  
7 Resources or his or her representative, is established. The  
8 Directors of the following agencies, or their respective  
9 representatives, shall serve as members of the Committee:

10 Capital Development Board,

11 Department of Agriculture,

12 Department of Commerce and Economic Opportunity ~~Community~~  
13 ~~Affairs~~,

14 Environmental Protection Agency,

15 Department of Transportation, and

16 Historic Preservation Agency.

17 The Interagency Wetlands Committee shall also include 2  
18 additional persons with relevant expertise designated by the  
19 Director of Natural Resources.

20 The Interagency Wetlands Committee shall advise the  
21 Director in the administration of this Act. This will include:

22 (a) Developing rules and regulations for the  
23 implementation and administration of this Act.

24 (b) Establishing guidelines for developing individual  
25 Agency Action Plans.

26 (c) Developing and adopting technical procedures for  
27 the consistent identification, delineation and evaluation  
28 of existing wetlands and quantification of their  
29 functional values and the evaluation of wetland  
30 restoration or creation projects.

31 (d) Developing a research program for wetland  
32 function, restoration and creation.

33 (e) Preparing reports, including:

34 (1) A biennial report to the Governor and the

1 General Assembly on the impact of State supported  
2 activities on wetlands.

3 (2) A comprehensive report on the status of the  
4 State's wetland resources, including recommendations  
5 for additional programs, by January 15, 1991.

6 (f) Development of educational materials to promote  
7 the protection of wetlands.

8 (Source: P.A. 92-651, eff. 7-11-02; revised 12-6-03.)

9 Section 220. The Outdoor Recreation Resources Act is  
10 amended by changing Sections 2 and 2a as follows:

11 (20 ILCS 860/2) (from Ch. 105, par. 532)

12 Sec. 2. The Department of Natural Resources is authorized  
13 to have prepared, with the Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~, and to maintain and keep  
15 up-to-date a comprehensive plan for the development of the  
16 outdoor recreation resources of the State.

17 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

18 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

19 Sec. 2a. The Historic Preservation Agency is authorized to  
20 have prepared with the Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~ and to maintain, and keep  
22 up-to-date a comprehensive plan for the preservation of the  
23 historically significant properties and interests of the  
24 State.

25 (Source: P.A. 84-25; revised 12-6-03.)

26 Section 225. The Energy Conservation and Coal Development  
27 Act is amended by changing Sections 1 and 8 as follows:

28 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

29 Sec. 1. Definitions; transfer of duties.

30 (a) For the purposes of this Act, unless the context  
31 otherwise requires:

1 "Department" means the Department of Commerce and  
2 Economic Opportunity Community Affairs.

3 "Director" means the Director of Commerce and Economic  
4 Opportunity Community Affairs.

5 (b) As provided in Section 80-20 of the Department of  
6 Natural Resources Act, the Department of Commerce and Community  
7 Affairs (now Department of Commerce and Economic Opportunity)  
8 shall assume the rights, powers, and duties of the former  
9 Department of Energy and Natural Resources under this Act,  
10 except as those rights, powers, and duties are otherwise  
11 allocated or transferred by law.

12 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

13 (20 ILCS 1105/8) (from Ch. 96 1/2, par. 7408)

14 Sec. 8. Illinois Coal Development Board.

15 (a) There shall be established as an advisory board to the  
16 Department, the Illinois Coal Development Board, hereinafter  
17 in this Section called the Board. The Board shall be composed  
18 of the following voting members: the Director of the  
19 Department, who shall be Chairman thereof; the Deputy Director  
20 of the Bureau of Business Development within the Department of  
21 Commerce and Economic Opportunity Community Affairs; the  
22 Director of Natural Resources or that Director's designee; the  
23 Director of the Office of Mines and Minerals within the  
24 Department of Natural Resources; 4 members of the General  
25 Assembly (one each appointed by the President of the Senate,  
26 the Senate Minority Leader, the Speaker of the House, and the  
27 House Minority Leader); and 8 persons appointed by the  
28 Governor, with the advice and consent of the Senate, including  
29 representatives of Illinois industries that are involved in the  
30 extraction, utilization or transportation of Illinois coal,  
31 persons representing financial or banking interests in the  
32 State, and persons experienced in international business and  
33 economic development. These members shall be chosen from  
34 persons of recognized ability and experience in their  
35 designated field. The members appointed by the Governor shall

1 serve for terms of 4 years, unless otherwise provided in this  
2 subsection. The initial terms of the original appointees shall  
3 expire on July 1, 1985, except that the Governor shall  
4 designate 3 of the original appointees to serve initial terms  
5 that shall expire on July 1, 1983. The initial term of the  
6 member appointed by the Governor to fill the office created  
7 after July 1, 1985 shall expire on July 1, 1989. The initial  
8 terms of the members appointed by the Governor to fill the  
9 offices created by this amendatory Act of 1993 shall expire on  
10 July 1, 1995, and July 1, 1997, as determined by the Governor.  
11 A member appointed by a Legislative Leader shall serve for the  
12 duration of the General Assembly for which he or she is  
13 appointed, so long as the member remains a member of that  
14 General Assembly.

15 The Board shall meet at least annually or at the call of  
16 the Chairman. At any time the majority of the Board may  
17 petition the Chairman for a meeting of the Board. Nine members  
18 of the Board shall constitute a quorum. Members of the Board  
19 shall be reimbursed for actual and necessary expenses incurred  
20 while performing their duties as members of the Board from  
21 funds appropriated to the Department for such purpose.

22 (b) The Board shall provide advice and make recommendations  
23 on the following Department powers and duties:

24 (1) To develop an annual agenda which may include but  
25 is not limited to research and methodologies conducted for  
26 the purpose of increasing the utilization of Illinois' coal  
27 and other fossil fuel resources, with emphasis on high  
28 sulfur coal, in the following areas: coal extraction,  
29 preparation and characterization; coal technologies  
30 (combustion, gasification, liquefaction, and related  
31 processes); marketing; public awareness and education, as  
32 those terms are used in the Illinois Coal Technology  
33 Development Assistance Act; transportation; procurement of  
34 sites and issuance of permits; and environmental impacts.

35 (2) To support and coordinate Illinois coal research,  
36 and to approve projects consistent with the annual agenda

1 and budget for coal research and the purposes of this Act  
2 and to approve the annual budget and operating plan for  
3 administration of the Board.

4 (3) To promote the coordination of available research  
5 information on the production, preparation, distribution  
6 and uses of Illinois coal. The Board shall advise the  
7 existing research institutions within the State on areas  
8 where research may be necessary.

9 (4) To cooperate to the fullest extent possible with  
10 State and federal agencies and departments, independent  
11 organizations, and other interested groups, public and  
12 private, for the purposes of promoting Illinois coal  
13 resources.

14 (5) To submit an annual report to the Governor and the  
15 General Assembly outlining the progress and  
16 accomplishments made in the year, providing an accounting  
17 of funds received and disbursed, reviewing the status of  
18 research contracts, and furnishing other relevant  
19 information.

20 (6) To focus on existing coal research efforts in  
21 carrying out its mission; to make use of existing research  
22 facilities in Illinois or other institutions carrying out  
23 research on Illinois coal; as far as practicable, to make  
24 maximum use of the research facilities available at the  
25 Illinois State Geological Survey, the Coal Extraction and  
26 Utilization Research Center, the Illinois Coal Development  
27 Park and universities and colleges located within the State  
28 of Illinois; and to create a consortium or center which  
29 conducts, coordinates and supports coal research  
30 activities in the State of Illinois. Programmatic  
31 activities of such a consortium or center shall be subject  
32 to approval by the Department and shall be consistent with  
33 the purposes of this Act. The Department may authorize  
34 expenditure of funds in support of the administrative and  
35 programmatic operations of such a center or consortium  
36 consistent with its statutory authority. Administrative

1 actions undertaken by or for such a center or consortium  
2 shall be subject to the approval of the Department.

3 (7) To make a reasonable attempt, before initiating any  
4 research under this Act, to avoid duplication of effort and  
5 expense by coordinating the research efforts among various  
6 agencies, departments, universities or organizations, as  
7 the case may be.

8 (8) To adopt, amend and repeal rules, regulations and  
9 bylaws governing the Board's organization and conduct of  
10 business.

11 (9) To authorize the expenditure of monies from the  
12 Coal Technology Development Assistance Fund, the Public  
13 Utility Fund and other funds in the State Treasury  
14 appropriated to the Department, consistent with the  
15 purposes of this Act.

16 (10) To seek, accept, and expend gifts or grants in any  
17 form, from any public agency or from any other source. Such  
18 gifts and grants may be held in trust by the Department and  
19 expended at the direction of the Department and in the  
20 exercise of the Department's powers and performance of the  
21 Department's duties.

22 (11) To publish, from time to time, the results of  
23 Illinois coal research projects funded through the  
24 Department.

25 (12) To authorize loans from appropriations from the  
26 Build Illinois Bond Purposes Fund, the Build Illinois Bond  
27 Fund and the Illinois Industrial Coal Utilization Fund.

28 (13) To authorize expenditures of monies for coal  
29 development projects under the authority of Section 13 of  
30 the General Obligation Bond Act.

31 (c) The Board shall also provide advice and make  
32 recommendations on the following Department powers and duties:

33 (1) To create and maintain thorough, current and  
34 accurate records on all markets for and actual uses of coal  
35 mined in Illinois, and to make such records available to  
36 the public upon request.

1           (2) To identify all current and anticipated future  
2 technical, economic, institutional, market, environmental,  
3 regulatory and other impediments to the utilization of  
4 Illinois coal.

5           (3) To monitor and evaluate all proposals and plans of  
6 public utilities related to compliance with the  
7 requirements of Title IV of the federal Clean Air Act  
8 Amendments of 1990, or with any other law which might  
9 affect the use of Illinois coal, for the purposes of (i)  
10 determining the effects of such proposals or plans on the  
11 use of Illinois coal, and (ii) identifying alternative  
12 plans or actions which would maintain or increase the use  
13 of Illinois coal.

14           (4) To develop strategies and to propose policies to  
15 promote environmentally responsible uses of Illinois coal  
16 for meeting electric power supply requirements and for  
17 other purposes.

18           (5) (Blank).

19 (Source: P.A. 89-445, eff. 2-7-96; 90-348, eff. 1-1-98; 90-454,  
20 eff. 8-16-97; revised 12-6-03.)

21           Section 230. The Illinois Coal and Energy Development Bond  
22 Act is amended by changing Sections 3, 3.1, 6, 8, 10, and 11 as  
23 follows:

24           (20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)

25           Sec. 3. The Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~ shall have the following powers and duties:

27           (a) To solicit, accept and expend gifts, grants or any form  
28 of assistance, from any source, including but not limited to,  
29 the federal government or any agency thereof;

30           (b) To enter into contracts, including, but not limited to,  
31 service contracts, with business, industrial, university,  
32 governmental or other qualified individuals or organizations  
33 to promote development of coal and other energy resources. Such  
34 contracts may be for, but are not limited to, the following



1 purposes: (1) the commercial application of existing  
2 technology for development of coal resources, (2) to initiate  
3 or complete development of new technology for development of  
4 coal resources, and (3) for planning, design, acquisition,  
5 development, construction, improvement and financing a site or  
6 sites and facilities for establishing plants, projects or  
7 demonstrations for development of coal resources and research,  
8 development and demonstration of alternative forms of energy;  
9 and

10 (c) In the exercise of other powers granted it under this  
11 Act, to acquire property, real, personal or mixed, including  
12 any rights therein, by exercise of the power of condemnation in  
13 accordance with the procedures provided for the exercise of  
14 eminent domain under Article VII of the Code of Civil  
15 Procedure, as amended, provided, however, the power of  
16 condemnation shall be exercised solely for the purposes of  
17 siting and/or rights of way and/or easements appurtenant to  
18 coal utilization and/or coal conversion projects. The  
19 Department shall not exercise its powers of condemnation until  
20 it has used reasonable good faith efforts to acquire such  
21 property before filing a petition for condemnation and may  
22 thereafter use such powers when it determines that such  
23 condemnation of property rights is necessary to avoid  
24 unreasonable delay or economic hardship to the progress of  
25 activities carried out in the exercise of powers granted under  
26 this Act. After June 30, 1985, the Department shall not  
27 exercise its power of condemnation for a project which does not  
28 receive State or U.S. Government funding. Before use of the  
29 power of condemnation for projects not receiving State or U.S.  
30 Government funding, the Department shall hold a public hearing  
31 to receive comments on the exercise of the power of  
32 condemnation. The Department shall use the information  
33 received at hearing in making its final decision on the  
34 exercise of the power of condemnation. The hearing shall be  
35 held in a location reasonably accessible to the public  
36 interested in the decision. The Department shall promulgate

1 guidelines for the conduct of the hearing.

2 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

3 (20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

4 Sec. 3.1. The Department of Commerce and Economic  
5 Opportunity ~~Community Affairs~~ is authorized to enter into  
6 agreements with a county or counties and expend funds  
7 authorized by this Act for purposes set forth in the County  
8 Coal Processing Act.

9 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

10 (20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

11 Sec. 6. The Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ is authorized to use \$120,000,000 for the  
13 purposes specified in this Act. These funds shall be expended  
14 only for a grant to the owner of a generating station located  
15 in Illinois and having at least three coal-fired generating  
16 units with accredited summer capacity greater than 500  
17 megawatts each at such generating station as specifically  
18 authorized by this paragraph. Notwithstanding any of the other  
19 provisions of this Act, in considering the approval of projects  
20 to be funded under this Act, the Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~ shall give special  
22 consideration to projects which are designed to remove sulfur  
23 and other pollutants in the preparation and utilization of  
24 coal, and in the use and operation of electric utility  
25 generating plants and industrial facilities which utilize  
26 Illinois coal as their primary source of fuel. The Department  
27 of Commerce and Community Affairs (now Department of Commerce  
28 and Economic Opportunity) is directed to enter into a contract  
29 with the owner of a generating station located in Illinois and  
30 having at least three coal-fired generating units with  
31 accredited summer capability greater than 500 megawatts each at  
32 such generating station for a grant of \$35,000,000 to be made  
33 by the State of Illinois to such owner to be used to pay costs  
34 of designing, acquiring, constructing, installing and testing

1 facilities to reduce sulfur dioxide emissions at one such  
2 generating unit to allow that unit to meet the requirements of  
3 the Federal Clean Air Act Amendments of 1990 (P.L. 101-549)  
4 while continuing to use coal mined in Illinois as its source of  
5 fuel.

6 (Source: P.A. 91-583, eff. 1-1-00; revised 12-6-03.)

7 (20 ILCS 1110/8) (from Ch. 96 1/2, par. 4108)

8 Sec. 8. Sale of bonds. The bonds shall be issued and sold  
9 from time to time in such amounts as directed by the Governor,  
10 upon recommendation by the Director of the Governor's Office of  
11 Management and Budget ~~Bureau of the Budget~~. The bonds shall be  
12 serial bonds in the denomination of \$5,000 or some multiple  
13 thereof, shall be payable within 30 years from their date,  
14 shall bear interest payable annually or semiannually from their  
15 date at the rate of not more than 15% per annum, or such higher  
16 maximum rate as may be authorized by "An Act to authorize  
17 public corporations to issue bonds, other evidences of  
18 indebtedness and tax anticipation warrants subject to interest  
19 rate limitations set forth therein", approved May 26, 1970, as  
20 amended, shall be dated, and shall be in such form as the  
21 Director of the Governor's Office of Management and Budget  
22 ~~Bureau of the Budget~~ shall fix and determine in the order  
23 authorizing the issuance and sale of the bonds, which order  
24 shall be approved by the Governor prior to the giving of notice  
25 of the sale of any of the bonds. These bonds shall be payable  
26 as to both principal and interest at such place or places,  
27 within or without the State of Illinois, and may be made  
28 registrable as to either principal or as to both principal and  
29 interest, as shall be fixed and determined by the Director of  
30 the Governor's Office of Management and Budget ~~Bureau of the~~  
31 ~~Budget~~ in the order authorizing the issuance and sale of such  
32 bonds. The bonds may be callable as fixed and determined by the  
33 Director of the Governor's Office of Management and Budget  
34 ~~Bureau of the Budget~~ in the order authorizing the issuance and  
35 sale of the bonds; provided, however, that the State shall not

1 pay a premium of more than 3% of the principal of any bonds so  
2 called.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 8-23-03.)

4 (20 ILCS 1110/10) (from Ch. 96 1/2, par. 4110)

5 Sec. 10. Bond Proceeds.

6 The Bonds shall be sold from time to time by the Director  
7 of the Governor's Office of Management and Budget ~~Bureau of the~~  
8 ~~Budget~~ to the highest and best bidders, for not less than their  
9 par value, upon sealed bids, at not exceeding the maximum  
10 interest rate fixed in the order authorizing the issuance of  
11 the Bonds. The right to reject any and all bids may be  
12 reserved. The Secretary of State shall, from time to time, as  
13 the Bonds are to be sold, advertise in at least two daily  
14 newspapers, one of which is published in the City of  
15 Springfield and one in the City of Chicago, for proposals to  
16 purchase the Bonds. Each of such advertisements for proposals  
17 shall be published once at least 10 days prior to the date of  
18 the opening of the bids. The executed Bonds shall, upon payment  
19 therefor, be delivered to the purchaser, and the proceeds of  
20 the Bonds shall be paid into the State Treasury. The proceeds  
21 of the Bonds shall be deposited in a separate fund known as the  
22 "Coal Development Fund", which separate fund is hereby created.

23 (Source: P.A. 78-1122; revised 8-23-03.)

24 (20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)

25 Sec. 11. Expenditure of funds. At all times, the proceeds  
26 from the sale of Bonds are subject to appropriation by the  
27 General Assembly and may be expended in such amounts and at  
28 such times as the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~, with the approval of the  
30 Illinois Energy Resources Commission, may deem necessary or  
31 desirable for the specific purposes contemplated by this Act.

32 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

33 Section 235. The Energy Conservation Act is amended by

1 changing Section 4 as follows:

2 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

3 Sec. 4. Technical Assistance Programs.

4 (a) The Department of Commerce and Economic Opportunity  
5 ~~Community Affairs~~ shall provide technical assistance in the  
6 development of thermal efficiency standards and lighting  
7 efficiency standards to units of local government, upon request  
8 by such unit.

9 (b) The Department shall provide technical assistance in  
10 the development of a program for energy efficiency in  
11 procurement to units of local government, upon request by such  
12 unit.

13 (c) The Technical Assistance Programs provided in this  
14 Section shall be supported by funds provided to the State  
15 pursuant to the federal "Energy Policy and Conservation Act of  
16 1975" or other federal acts that provide funds for energy  
17 conservation efforts through the use of building codes.

18 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

19 Section 240. The Illinois Geographic Information Council  
20 Act is amended by changing Section 5-5 as follows:

21 (20 ILCS 1128/5-5)

22 Sec. 5-5. Council. The Illinois Geographic Information  
23 Council, hereinafter called the "Council", is created within  
24 the Department of Natural Resources.

25 The Council shall consist of 17 voting members, as follows:  
26 the Illinois Secretary of State, the Illinois Secretary of  
27 Transportation, the Directors of the Illinois Departments of  
28 Agriculture, Central Management Services, Commerce and  
29 Economic Opportunity ~~Community Affairs~~, Nuclear Safety, Public  
30 Health, Natural Resources, and Revenue, the Directors of the  
31 Illinois Emergency Management Agency and the Illinois  
32 Environmental Protection Agency, the President of the  
33 University of Illinois, the Chairman of the Illinois Commerce

1 Commission, plus 4 members of the General Assembly, one each  
2 appointed by the Speaker and Minority Leader of the House and  
3 the President and Minority Leader of the Senate. An ex officio  
4 voting member may designate another person to carry out his or  
5 her duties on the Council.

6 In addition to the above members, the Governor may appoint  
7 up to 10 additional voting members, representing local,  
8 regional, and federal agencies, professional organizations,  
9 academic institutions, public utilities, and the private  
10 sector.

11 Members appointed by the Governor shall serve at the  
12 pleasure of the Governor.

13 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;  
14 89-445, eff. 2-7-96; revised 12-6-03.)

15 Section 245. The Department of Human Services Act is  
16 amended by changing Sections 1-25, 10-22, and 80-5 as follows:

17 (20 ILCS 1305/1-25)

18 Sec. 1-25. Unified electronic management and intake  
19 information and reporting system.

20 (a) The Department of Human Services shall implement and  
21 use a unified electronic management and intake information and  
22 reporting system. The Department may own and operate the system  
23 itself or use equipment, services, or facilities provided by  
24 private or other governmental entities under contract or  
25 agreement. The system shall be implemented as expeditiously as  
26 may be practical and, as originally implemented, shall comply  
27 as closely as possible with the plan approved by the Task Force  
28 on Human Services Consolidation under this Section.

29 (b) The Director of the Bureau of the Budget (now  
30 Governor's Office of Management and Budget), in consultation  
31 with the Task Force on Human Services Consolidation and the  
32 directors of the departments reorganized under this Act, shall  
33 prepare and submit to the Task Force by January 1, 1997 a plan  
34 for the development and implementation of the unified

1 electronic management and intake information and reporting  
2 system.

3 The Task Force shall review the plan and, by February 1,  
4 1997, shall either approve the plan in accordance with  
5 subsection (c) or return it to the Director of the Bureau of  
6 the Budget (now Governor's Office of Management and Budget)  
7 with the Task Force's recommendations for change. If the plan  
8 is returned for change, the Director of the Bureau of the  
9 Budget (now Governor's Office of Management and Budget) shall  
10 revise the plan and, by March 1, 1997, shall submit the revised  
11 plan to the Task Force for review and approval. If the Task  
12 Force does not approve the revised plan as submitted by the  
13 Director of the Bureau of the Budget (now Governor's Office of  
14 Management and Budget), it may continue to work with the  
15 Director on a further revision of the plan or it may adopt and  
16 approve a plan of its own.

17 (c) To approve a plan under this Section, the Task Force  
18 shall file with the Secretary of State a certified copy of the  
19 plan and a certified copy of a resolution approving the plan,  
20 adopted with the affirmative vote of at least 4 of the voting  
21 members of the Task Force.

22 (d) Until the Task Force on Human Services Consolidation  
23 approves a plan for the development and implementation of the  
24 unified electronic management and intake information and  
25 reporting system, no additional powers or duties (other than  
26 those provided in House Bill 2632 of the 89th General Assembly  
27 or this amendatory Act of 1996) shall be statutorily  
28 transferred from any agency to the Department.

29 (Source: P.A. 89-506, eff. 7-3-96; revised 8-23-03.)

30 (20 ILCS 1305/10-22)

31 Sec. 10-22. Great START program.

32 (a) Beginning October 1, 2000 and until July 1, 2004, the  
33 Department of Human Services shall, subject to a specific  
34 appropriation for this purpose, operate a Great START (Strategy  
35 To Attract and Retain Teachers) program. The goal of the

1 program is to improve children's developmental and educational  
2 outcomes in child care by encouraging increased professional  
3 preparation by staff and staff retention. The Great START  
4 program shall coordinate with the TEACH professional  
5 development program.

6 The program shall provide wage supplements and may include  
7 other incentives to licensed child care center personnel,  
8 including early childhood teachers, school-age workers, early  
9 childhood assistants, school-age assistants, and directors, as  
10 such positions are defined by administrative rule of the  
11 Department of Children and Family Services. The program shall  
12 provide wage supplements and may include other incentives to  
13 licensed family day care home personnel and licensed group day  
14 care home personnel, including caregivers and assistants as  
15 such positions are defined by administrative rule of the  
16 Department of Children and Family Services. Individuals will  
17 receive supplements commensurate with their qualifications.

18 (b) The Department shall convene a working committee of its  
19 standing Child and Development Advisory Council to make  
20 recommendations by October 1, 2000 on the components of the  
21 Great START program. The working committee shall consist of  
22 experts from the child care and early childhood education  
23 field. In addition, the working committee shall include, when  
24 necessary, the Secretary of Human Services, the Director of  
25 Children and Family Services, the Director of Commerce and  
26 Economic Opportunity ~~Community Affairs~~, the Director of  
27 Employment Security, the Superintendent of the State Board of  
28 Education, the Chair of the Community College Board, and the  
29 Chair of the Executive Committee of the Board of Higher  
30 Education, or their designees.

31 (c) The Department shall, by rule, define the scope and  
32 operation of the program, including a wage supplement scale.  
33 The scale shall pay increasing amounts for higher levels of  
34 educational attainment beyond minimum qualifications and shall  
35 recognize longevity of employment. Subject to the availability  
36 of sufficient appropriation, the wage supplements shall be paid



1 to child care personnel in the form of bonuses at 6 month  
2 intervals. Six months of continuous service with a single  
3 employer is required to be eligible to receive a wage  
4 supplement bonus. Wage supplements shall be paid directly to  
5 individual day care personnel, not to their employers. Eligible  
6 individuals must provide to the Department or its agent all  
7 information and documentation, including but not limited to  
8 college transcripts, to demonstrate their qualifications for a  
9 particular wage supplement level.

10 If appropriations permit, the Department may include  
11 one-time signing bonuses or other incentives to help providers  
12 attract staff, provided that the signing bonuses are less than  
13 the supplement staff would have received if they had remained  
14 employed with another day care center or family day care home.

15 If appropriations permit, the Department may include  
16 one-time longevity bonuses or other incentives to recognize  
17 staff who have remained with a single employer.

18 (d) The Department shall evaluate the Great START program,  
19 gather data on turnover rates, educational attainment, and  
20 other relevant issues, and submit a report to the General  
21 Assembly on the Great START program by December 31, 2002.

22 (Source: P.A. 91-831, eff. 6-15-00; revised 12-6-03.)

23 (20 ILCS 1305/80-5)

24 Sec. 80-5. Task Force on Human Services Consolidation.

25 (a) There is hereby established a Task Force on Human  
26 Services Consolidation.

27 (b) The Task Force shall consist of 7 voting members, as  
28 follows: one person appointed by the Governor, who shall serve  
29 as chair of the Task Force; 2 members appointed by the  
30 President of the Senate, one of whom shall be designated a vice  
31 chair at the time of appointment; one member appointed by the  
32 Senate Minority Leader; 2 members appointed by the Speaker of  
33 the House of Representatives, one of whom shall be designated a  
34 vice chair at the time of appointment; and one member appointed  
35 by the House Minority Leader.

1 Members appointed by the legislative leaders shall be  
2 appointed for the duration of the Task Force; in the event of a  
3 vacancy, the appointment to fill the vacancy shall be made by  
4 the legislative leader of the same house and party as the  
5 leader who made the original appointment. The Governor may at  
6 any time terminate the service of the person appointed by the  
7 Governor and reappoint a different person to serve as chair of  
8 the Task Force.

9 The following persons (or their designees) shall serve, ex  
10 officio, as nonvoting members of the Task Force: the Director  
11 of Public Health, the Director of Public Aid, the Director of  
12 Children and Family Services, the Director of the Governor's  
13 Office of Management and Budget ~~Bureau of the Budget~~, and,  
14 until their offices are abolished, the Director of Mental  
15 Health and Developmental Disabilities, the Director of  
16 Rehabilitation Services, and the Director of Alcoholism and  
17 Substance Abuse. The Governor may appoint up to 3 additional  
18 persons to serve as nonvoting members of the Task Force; such  
19 persons shall be officers or employees of a constitutional  
20 office or of a department or agency of the executive branch.

21 The Task Force may begin to conduct business upon the  
22 appointment of a majority of the voting members. If the chair  
23 has not been appointed but both vice chairs have been  
24 appointed, the 2 vice chairs shall preside jointly. If the  
25 chair has not been appointed and only one vice chair has been  
26 appointed, that vice chair shall preside.

27 Members shall serve without compensation but may be  
28 reimbursed for their expenses.

29 (c) The Task Force shall gather information and make  
30 recommendations relating to the planning, organization, and  
31 implementation of human services consolidation. The Task Force  
32 shall work to assure that the human services delivery system  
33 meets and adheres to the goals of quality, efficiency,  
34 accountability, and financial responsibility; to make  
35 recommendations in keeping with those goals concerning the  
36 design, operation, and organizational structure of the new

1 Department of Human Services; and to recommend any necessary  
2 implementing legislation.

3 The Task Force shall monitor the implementation of human  
4 service program reorganization and shall study its effect on  
5 the delivery of services to the citizens of Illinois. The Task  
6 Force shall make recommendations to the Governor and the  
7 General Assembly regarding future consolidation of human  
8 service programs and functions.

9 (d) The Task Force shall:

10 (1) review and make recommendations on the  
11 organizational structure of the new Department of Human  
12 Services;

13 (2) review and approve plans for a unified electronic  
14 management and intake information and reporting system as  
15 provided in Section 1-25, and monitor and guide the  
16 implementation of the system;

17 (3) review and make recommendations on the  
18 consolidation or elimination of fragmented or duplicative  
19 programs;

20 (4) monitor and make recommendations on how best to  
21 maximize future federal funding for the new Department of  
22 Human Services, specifically including consideration of  
23 any federal Medicaid, welfare, or block grant reform;

24 (5) review and make recommendations on geographic  
25 regionalization;

26 (6) review and make recommendations on development of  
27 common intake and client confidentiality processes;

28 (7) review and make recommendations to foster  
29 effective community-based privatization;

30 (8) obtain a management audit of the Department of  
31 Children and Family Services, to be completed and submitted  
32 to the Task Force no later than July 1, 1997; and

33 (9) review any other appropriate matter and make  
34 recommendations to assure a high quality, efficient,  
35 accountable, and financially responsible system for the  
36 delivery of human services to the people of Illinois.

1 (e) The Task Force may hire any necessary staff or  
2 consultants, enter into contracts, and make any expenditures  
3 necessary for carrying out its duties, all out of moneys  
4 appropriated for that purpose. Staff support services may be  
5 provided to the Task Force by the Office of the Governor, the  
6 agencies of State government directly involved in the  
7 reorganization of the delivery of human services, and  
8 appropriate legislative staff.

9 (f) The Task Force may establish an advisory committee to  
10 ensure maximum public participation in the Task Force's  
11 planning, organization, and implementation review process. If  
12 established, the advisory committee shall (1) advise and assist  
13 the Task Force in its duties, (2) help the Task Force to  
14 identify issues of public concern, and (3) meet at least  
15 quarterly.

16 (g) The Task Force shall submit preliminary reports of its  
17 findings and recommendations to the Governor and the General  
18 Assembly by February 1, 1997 and February 1, 1998 and a final  
19 report by January 1, 1999. It may submit other reports as it  
20 deems appropriate.

21 (h) The Task Force is abolished on February 1, 1999.

22 (Source: P.A. 89-506, eff. 7-3-96; revised 8-23-03.)

23 Section 250. The Illinois Guaranteed Job Opportunity Act is  
24 amended by changing Section 10 as follows:

25 (20 ILCS 1510/10)

26 Sec. 10. Definitions. As used in this Act:

27 "Department" means the Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~.

29 "Eligible area" means a county, township, municipality, or  
30 ward or precinct of a municipality.

31 "Participant" means an individual who is determined to be  
32 eligible under Section 25.

33 "Project" means the definable task or group of tasks which:

34 (1) will be carried out by a public agency, a private

1 nonprofit organization, a private contractor, or a  
2 cooperative,

3 (2) (blank),

4 (3) will result in a specific product or  
5 accomplishment, and

6 (4) would not otherwise be conducted with existing  
7 funds.

8 "Director" means the Director of Commerce and Economic  
9 Opportunity ~~Community Affairs~~.

10 (Source: P.A. 93-46, eff. 7-1-03; revised 12-6-03.)

11 Section 255. The Department of Revenue Law of the Civil  
12 Administrative Code of Illinois is amended by changing Section  
13 2505-550 as follows:

14 (20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)

15 Sec. 2505-550. Jobs Impact Committee and report. With  
16 respect to the credits provided for by Sections 209 and 210 of  
17 the Illinois Income Tax Act, Section 3-50 of the Use Tax Act,  
18 Section 2 of the Service Use Tax Act, Section 2 of the Service  
19 Occupation Tax Act, and Section 2-45 of the Retailers'  
20 Occupation Tax Act, there is hereby created a Jobs Impact  
21 Committee, which shall consist of the Director or the person or  
22 persons the Director may designate, and the representative or  
23 representatives that shall be designated to serve on the  
24 Committee by the Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~, the Governor's Office of  
26 Management and Budget ~~Bureau of the Budget~~, and the Economic  
27 and Fiscal Commission. The Committee, so assembled, shall  
28 invite and appoint 2 members of the businesses that are  
29 eligible for the credits provided by those Sections. The  
30 Committee shall study the use and effectiveness of these  
31 credits with regard to job creation relative to the revenue  
32 loss to the State from the provision of these credits. The  
33 Director shall, on behalf of the Committee, submit the  
34 Committee's report to the General Assembly on or before June

1 30, 1998.

2 (Source: P.A. 90-552, eff. 12-12-97; 91-239, eff. 1-1-00;  
3 revised 8-23-03.)

4 Section 260. The Department of State Police Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Sections 2605-45 and 2605-555 as follows:

7 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

8 Sec. 2605-45. Division of Administration. The Division of  
9 Administration shall exercise the following functions:

10 (1) Exercise the rights, powers, and duties vested in  
11 the Department by the Governor's Office of Management and  
12 Budget Bureau of the Budget Act.

13 (2) Pursue research and the publication of studies  
14 pertaining to local law enforcement activities.

15 (3) Exercise the rights, powers, and duties vested in  
16 the Department by the Personnel Code.

17 (4) Operate an electronic data processing and computer  
18 center for the storage and retrieval of data pertaining to  
19 criminal activity.

20 (5) Exercise the rights, powers, and duties vested in  
21 the former Division of State Troopers by Section 17 of the  
22 State Police Act.

23 (6) Exercise the rights, powers, and duties vested in  
24 the Department by "An Act relating to internal auditing in  
25 State government", approved August 11, 1967 (repealed; now  
26 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

27 (6.5) Exercise the rights, powers, and duties vested in  
28 the Department by the Firearm Owners Identification Card  
29 Act.

30 (7) Exercise other duties that may be assigned by the  
31 Director to fulfill the responsibilities and achieve the  
32 purposes of the Department.

33 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised  
34 8-23-03.)

1 (20 ILCS 2605/2605-555)

2 Sec. 2605-555. Pilot program; Project Exile.

3 (a) The Department shall establish a Project Exile pilot  
4 program to combat gun violence.

5 (b) Through the pilot program, the Department, in  
6 coordination with local law enforcement agencies, State's  
7 Attorneys, and United States Attorneys, shall, to the extent  
8 possible, encourage the prosecution in federal court of all  
9 persons who illegally use, attempt to use, or threaten to use  
10 firearms against the person or property of another, of all  
11 persons who use or possess a firearm in connection with a  
12 violation of the Cannabis Control Act or the Illinois  
13 Controlled Substances Act, all persons who have been convicted  
14 of a felony under the laws of this State or any other  
15 jurisdiction who possess any weapon prohibited under Section  
16 24-1 of the Criminal Code of 1961 or any firearm or any firearm  
17 ammunition, and of all persons who use or possess a firearm in  
18 connection with a violation of an order of protection issued  
19 under the Illinois Domestic Violence Act of 1986 or Article  
20 112A of the Code of Criminal Procedure of 1963 or in connection  
21 with the offense of domestic battery. The program shall also  
22 encourage public outreach by law enforcement agencies.

23 (c) There is created the Project Exile Fund, a special fund  
24 in the State treasury. Moneys appropriated for the purposes of  
25 Project Exile and moneys from any other private or public  
26 source, including without limitation grants from the  
27 Department of Commerce and Economic Opportunity ~~Community~~  
28 ~~Affairs~~, shall be deposited into the Fund. Moneys in the Fund,  
29 subject to appropriation, may be used by the Department of  
30 State Police to develop and administer the Project Exile pilot  
31 program.

32 (d) The Department shall report to the General Assembly by  
33 March 1, 2003 regarding the implementation and effects of the  
34 Project Exile pilot program and shall by that date make  
35 recommendations to the General Assembly for changes in the

1 program that the Department deems appropriate.

2 The requirement for reporting to the General Assembly shall  
3 be satisfied by filing copies of the report with the Speaker,  
4 the Minority Leader, and the Clerk of the House of  
5 Representatives, with the President, the Minority Leader, and  
6 the Secretary of the Senate, and with the Legislative Research  
7 Unit, as required by Section 3.1 of the General Assembly  
8 Organization Act, and filing such additional copies with the  
9 State Government Report Distribution Center for the General  
10 Assembly as is required under paragraph (t) of Section 7 of the  
11 State Library Act.

12 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;  
13 92-651, eff. 7-11-02; revised 12-6-03.)

14 Section 265. The Department of Transportation Law of the  
15 Civil Administrative Code of Illinois is amended by changing  
16 Sections 2705-255, 2705-285, 2705-405, and 2705-435 as  
17 follows:

18 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

19 Sec. 2705-255. Appropriations from Build Illinois Bond  
20 Fund and Build Illinois Purposes Fund. Any expenditure of funds  
21 by the Department for interchanges, for access roads to and  
22 from any State or local highway in Illinois, or for other  
23 transportation capital improvements related to an economic  
24 development project pursuant to appropriations to the  
25 Department from the Build Illinois Bond Fund and the Build  
26 Illinois Purposes Fund shall be used for funding improvements  
27 related to existing or planned scientific, research,  
28 manufacturing, or industrial development or expansion in  
29 Illinois. In addition, the Department may use those funds to  
30 encourage and maximize public and private participation in  
31 those improvements. The Department shall consult with the  
32 Department of Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~ prior to expending any funds for those purposes  
34 pursuant to appropriations from the Build Illinois Bond Fund



1 and the Build Illinois Purposes Fund.

2 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

3 (20 ILCS 2705/2705-285) (was 20 ILCS 2705/49.06b)

4 Sec. 2705-285. Ports and waterways. The Department has the  
5 power to undertake port and waterway development planning and  
6 studies of port and waterway development problems and to  
7 provide technical assistance to port districts and units of  
8 local government in connection with port and waterway  
9 development activities. The Department may provide financial  
10 assistance for the ordinary and contingent expenses of port  
11 districts upon the terms and conditions that the Department  
12 finds necessary to aid in the development of those districts.

13 The Department shall coordinate all its activities under  
14 this Section with the Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~.

16 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

17 (20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

18 Sec. 2705-405. Preparation of State Rail Plan. In  
19 preparation of the State Rail Plan under Section 2705-400, the  
20 Department shall consult with recognized railroad labor  
21 organizations, the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~, railroad management, affected  
23 units of local government, affected State agencies, and  
24 affected shipping interests.

25 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

26 (20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

27 Sec. 2705-435. Loans, grants, or contracts to  
28 rehabilitate, improve, or construct rail facilities; State  
29 Rail Freight Loan Repayment Fund. In addition to the powers  
30 under Section 105-430, the Department shall have the power to  
31 enter into agreements to loan or grant State funds to any  
32 railroad, unit of local government, rail user, or owner or  
33 lessee of a railroad right of way to rehabilitate, improve, or

1 construct rail facilities.

2 For each project proposed for funding under this Section  
3 the Department shall, to the extent possible, give preference  
4 to cost effective projects that facilitate continuation of  
5 existing rail freight service. In the exercise of its powers  
6 under this Section, the Department shall coordinate its program  
7 with the industrial retention and attraction programs of the  
8 Department of Commerce and Economic Opportunity ~~Community~~  
9 ~~Affairs~~. No funds provided under this Section shall be expended  
10 for the acquisition of a right of way or rolling stock or for  
11 operating subsidies. The costs of a project funded under this  
12 Section shall be apportioned in accordance with the agreement  
13 of the parties for the project. Projects are eligible for a  
14 loan or grant under this Section only when the Department  
15 determines that the transportation, economic, and public  
16 benefits associated with a project are greater than the capital  
17 costs of that project incurred by all parties to the agreement  
18 and that the project would not have occurred without its  
19 participation. In addition, a project to be eligible for  
20 assistance under this Section must be included in a State plan  
21 for rail transportation and local rail service prepared by the  
22 Department. The Department may also expend State funds for  
23 professional engineering services to conduct feasibility  
24 studies of projects proposed for funding under this Section, to  
25 estimate the costs and material requirements for those  
26 projects, to provide for the design of those projects,  
27 including plans and specifications, and to conduct  
28 investigations to ensure compliance with the project  
29 agreements.

30 The Department, acting through the Department of Central  
31 Management Services, shall also have the power to let contracts  
32 for the purchase of railroad materials and supplies. The  
33 Department shall also have the power to let contracts for the  
34 rehabilitation, improvement, or construction of rail  
35 facilities. Any such contract shall be let, after due public  
36 advertisement, to the lowest responsible bidder or bidders,

1 upon terms and conditions to be fixed by the Department. With  
2 regard to rehabilitation, improvement, or construction  
3 contracts, the Department shall also require the successful  
4 bidder or bidders to furnish good and sufficient bonds to  
5 ensure proper and prompt completion of the work in accordance  
6 with the provisions of the contracts.

7 In the case of an agreement under which State funds are  
8 loaned under this Section, the agreement shall provide the  
9 terms and conditions of repayment. The agreement shall provide  
10 for the security that the Department shall determine to protect  
11 the State's interest. The funds may be loaned with or without  
12 interest. Loaned funds that are repaid to the Department shall  
13 be deposited in a special fund in the State treasury to be  
14 known as the State Rail Freight Loan Repayment Fund. In the  
15 case of repaid funds deposited in the State Rail Freight Loan  
16 Repayment Fund, the Department shall, subject to  
17 appropriation, have the reuse of those funds and the interest  
18 accrued thereon, which shall also be deposited by the State  
19 Treasurer in the Fund, as the State share in other eligible  
20 projects under this Section. However, no expenditures from the  
21 State Rail Freight Loan Repayment Fund for those projects shall  
22 at any time exceed the total sum of funds repaid and deposited  
23 in the State Rail Freight Loan Repayment Fund and interest  
24 earned by investment by the State Treasurer which the State  
25 Treasurer shall have deposited in that Fund.

26 For the purposes of promoting efficient rail freight  
27 service, the Department may also provide technical assistance  
28 to railroads, units of local government or rail users, or  
29 owners or lessees of railroad rights-of-way.

30 The Department shall take whatever actions are necessary or  
31 appropriate to protect the State's interest in the event of  
32 bankruptcy, default, foreclosure, or noncompliance with the  
33 terms and conditions of financial assistance or participation  
34 provided hereunder, including the power to sell, dispose,  
35 lease, or rent, upon terms and conditions determined by the  
36 Secretary to be appropriate, real or personal property that the

1 Department may receive as a result thereof.

2 The Department is authorized to make reasonable rules and  
3 regulations consistent with law necessary to carry out the  
4 provisions of this Section.

5 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

6 Section 270. The Illinois Capital Budget Act is amended by  
7 changing Sections 1, 4, and 6 as follows:

8 (20 ILCS 3010/1) (from Ch. 127, par. 3101)

9 Sec. 1. The Governor's Office of Management and Budget  
10 ~~Bureau of the Budget~~ shall coordinate the preparation of  
11 annually updated 5 year capital improvement programs and yearly  
12 capital budgets based on those programs, in cooperation with  
13 all State agencies requesting a capital appropriation.

14 (Source: P.A. 84-838; revised 8-23-03.)

15 (20 ILCS 3010/4) (from Ch. 127, par. 3104)

16 Sec. 4. (a) The Governor's Office of Management and Budget  
17 ~~Bureau of the Budget~~ shall be responsible for integrating the  
18 long range program plans of State agencies which request  
19 capital appropriations into capital plans. The Capital  
20 Development Board shall be responsible for developing needs  
21 based physical plant plans and technical review and survey of  
22 facilities. The Governor's Office of Management and Budget  
23 ~~Bureau of the Budget~~ shall also be responsible for providing  
24 funding and expenditure projections.

25 (b) The Capital Development Board shall be responsible for  
26 development and maintenance of a facility inventory of each  
27 State agency which requests a capital appropriation.

28 (c) Recommendations for capital funding shall be included  
29 in the annual budget based on the capital improvement project.

30 (d) The capital improvement program shall be submitted to  
31 the General Assembly by the Governor as part of the annual  
32 State budget.

33 (Source: P.A. 84-838; revised 8-23-03.)

1 (20 ILCS 3010/6) (from Ch. 127, par. 3106)

2 Sec. 6. The Governor's Office of Management and Budget  
3 ~~Bureau of the Budget~~ shall prepare and submit an assessment of  
4 the State's capital project needs to the following: the Speaker  
5 and Minority Leader of the House of Representatives, the  
6 President and Minority Leader of the Senate and the Illinois  
7 Economic and Fiscal Commission. The assessment shall be  
8 included in the Governor's annual State budget and shall  
9 discuss the State's needs in the next fiscal year and in the  
10 next 5 fiscal years.

11 (Source: P.A. 86-192; revised 8-23-03.)

12 Section 275. The Capital Development Board Act is amended  
13 by changing Sections 10.04 and 10.09-5 as follows:

14 (20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)

15 Sec. 10.04. To construct and repair, or contract for and  
16 supervise the construction and repair of, buildings under the  
17 control of or for the use of any State agency, as authorized by  
18 the General Assembly. To the maximum extent feasible, any  
19 construction or repair work shall utilize the best available  
20 technologies for minimizing building energy costs as  
21 determined through consultation with the Department of  
22 Commerce and Economic Opportunity ~~Community Affairs~~.

23 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

24 (20 ILCS 3105/10.09-5)

25 Sec. 10.09-5. Standards for an energy code. To adopt rules,  
26 by January 1, 2004, implementing a statewide energy code for  
27 the construction or repair of State facilities described in  
28 Section 4.01. The energy code adopted by the Board shall  
29 incorporate standards promulgated by the American Society of  
30 Heating, Refrigerating and Air-conditioning Engineers, Inc.,  
31 (ASHRAE). In proposing rules, the Board shall consult with the  
32 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs.~~

2 (Source: P.A. 93-190, eff. 7-14-03; revised 12-6-03.)

3 Section 280. The Historic Preservation Agency Act is  
4 amended by changing Section 20 as follows:

5 (20 ILCS 3405/20)

6 Sec. 20. Freedom Trail Commission.

7 (a) Creation. The Freedom Trail Commission is created  
8 within the Agency. The budgeting, procurement, and related  
9 functions of the commission and administrative  
10 responsibilities for the staff of the commission shall be  
11 performed under the direction and supervision of the Agency.

12 (b) Membership. The commission shall consist of 16 members,  
13 appointed as soon as possible after the effective date of this  
14 amendatory Act of the 93rd General Assembly. The members shall  
15 be appointed as follows:

16 (1) one member appointed by the President of the  
17 Senate;

18 (2) one member appointed by the Senate Minority Leader;

19 (3) one member appointed by the Speaker of the House;

20 (4) one member appointed by the House Minority Leader;

21 (5) 9 members appointed by the Governor as follows:

22 (i) 3 members from the academic community who are  
23 knowledgeable concerning African-American history;

24 (ii) one public member who is actively involved in  
25 civil rights issues; (iii) one public member who is

26 knowledgeable in the field of historic preservation;

27 (iv) one public member who represents local  
28 communities in which the underground railroad had a  
29 significant presence; and (v) 3 members at large, one

30 of whom shall be a representative of the DuSable Museum

31 and one of whom shall be a representative of the  
32 Chicago Historical Society;

33 (6) the Director of Commerce and Economic Opportunity  
34 ~~Community Affairs~~, ex officio, or a designee of the

1 Director;

2 (7) the State Librarian, ex officio, or a designee of  
3 the State Library; and

4 (8) the Director of the Historic Preservation Agency,  
5 ex officio, or a designee of that Agency.

6 Appointed members shall serve at the pleasure of the  
7 appointing authority.

8 (c) Election of chairperson; meetings. At its first  
9 meeting, the commission shall elect from among its members a  
10 chairperson and other officers it considers necessary or  
11 appropriate. After its first meeting, the commission shall meet  
12 at least quarterly, or more frequently at the call of the  
13 chairperson or if requested by 7 or more members.

14 (d) Quorum. A majority of the members of the commission  
15 constitute a quorum for the transaction of business at a  
16 meeting of the commission. A majority of the members present  
17 and serving is required for official action of the commission.

18 (e) Public meeting. The business that the commission may  
19 perform shall be conducted at a public meeting of the  
20 commission held in compliance with the Open Meetings Act.

21 (f) Freedom of information. A writing prepared, owned,  
22 used, in the possession of, or retained by the commission in  
23 the performance of an official function is subject to the  
24 Freedom of Information Act.

25 (g) Compensation. Members of the commission shall serve  
26 without compensation. However, members of the commission may be  
27 reimbursed for their actual and necessary expenses incurred in  
28 the performance of their official duties as members of the  
29 commission.

30 (h) Duties. The commission shall do the following:

31 (1) Prepare a master plan to promote and preserve the  
32 history of the freedom trail and underground railroad in  
33 the State.

34 (2) Work in conjunction with State and federal  
35 authorities to sponsor commemorations, linkages, seminars,  
36 and public forums on the freedom trail and underground

1 railroad in the State and in neighboring states.

2 (3) Assist in and promote the making of applications  
3 for inclusion in the national and State registers of  
4 historic places for significant historic places related to  
5 the freedom trail and the underground railroad in the  
6 State.

7 (4) Assist in developing and develop partnerships to  
8 seek public and private funds to carry out activities to  
9 protect, preserve, and promote the legacy of the freedom  
10 trail and the underground railroad in the State.

11 (5) Work with the Illinois State Board of Education to  
12 evaluate, conduct research concerning, and develop a  
13 curriculum for use in Illinois public schools regarding the  
14 underground railroad, with emphasis on the activities of  
15 the underground railroad within the State.

16 (i) Report. The commission shall report its activities and  
17 findings to the General Assembly by February 1, 2004.

18 (Source: P.A. 93-487, eff. 8-8-03; revised 12-6-03.)

19 Section 285. The Small Business Surety Bond Guaranty Act is  
20 amended by changing Section 5 as follows:

21 (20 ILCS 3520/5)

22 Sec. 5. Definitions.

23 "Contract term" means the term of the private sector,  
24 government, or utility contract, including a maintenance or  
25 warranty period of up to 2 years from the date on which final  
26 payment under the contract is due.

27 "Department" means the Illinois Department of Commerce and  
28 Economic Opportunity ~~Community Affairs~~.

29 "Fund" means the Small Business Surety Bond Guaranty Fund.

30 "Principal" means (i) in the case of a bid bond, a person  
31 bidding for the award of a contract, or (ii) the person  
32 primarily liable to complete a contract for the obligee, or to  
33 make payments to other persons in respect of the contract, and  
34 for whose performance of his obligation the surety is bound



1 under the terms of a payment or performance bond. A principal  
2 may be a prime contractor or a subcontractor.

3 "Program" means the Small Business Surety Bond Guaranty  
4 Program created by this Act.

5 (Source: P.A. 88-407; 88-665, eff. 9-16-94; revised 12-6-03.)

6 Section 290. The Illinois Investment and Development  
7 Authority Act is amended by changing Section 15 as follows:

8 (20 ILCS 3820/15)

9 Sec. 15. Creation of Illinois Investment and Development  
10 Authority; members.

11 (a) There is created a political subdivision, body politic  
12 and corporate, to be known as the Illinois Investment and  
13 Development Authority. The exercise by the Authority of the  
14 powers conferred by law shall be an essential public function.  
15 The governing powers of the Authority shall be vested in a body  
16 consisting of 11 members, including, as ex officio members, the  
17 Commissioner of Banks and Real Estate and the Director of  
18 Commerce and Economic Opportunity ~~Community Affairs~~ or their  
19 designees. The other 9 members of the Authority shall be  
20 appointed by the Governor, with the advice and consent of the  
21 Senate, and shall be designated "public members". The public  
22 members shall include representatives from banks and other  
23 private financial services industries, community development  
24 finance experts, small business development experts, and other  
25 community leaders. Not more than 6 members of the Authority may  
26 be of the same political party. The Chairperson of the  
27 Authority shall be designated by the Governor from among its  
28 public members.

29 (b) Six members of the Authority shall constitute a quorum.  
30 However, when a quorum of members of the Authority is  
31 physically present at the meeting site, other Authority members  
32 may participate in and act at any meeting through the use of a  
33 conference telephone or other communications equipment by  
34 means of which all persons participating in the meeting can

1 hear each other. Participation in such meeting shall constitute  
2 attendance and presence in person at the meeting of the person  
3 or persons so participating. All official acts of the Authority  
4 shall require the approval of at least 5 members.

5 (c) Of the members initially appointed by the Governor  
6 pursuant to this Act, 3 shall serve until the third Monday in  
7 January, 2004, 3 shall serve until the third Monday in January,  
8 2005, and 3 shall serve until the third Monday in January, 2006  
9 and all shall serve until their successors are appointed and  
10 qualified. All successors shall hold office for a term of 3  
11 years commencing on the third Monday in January of the year in  
12 which their term commences, except in case of an appointment to  
13 fill a vacancy. Each member appointed under this Section who is  
14 confirmed by the Senate shall hold office during the specified  
15 term and until his or her successor is appointed and qualified.  
16 In case of vacancy in the office when the Senate is not in  
17 session, the Governor may make a temporary appointment until  
18 the next meeting of the Senate, when the Governor shall  
19 nominate such person to fill the office, and any person so  
20 nominated who is confirmed by the Senate, shall hold his or her  
21 office during the remainder of the term and until his or her  
22 successor is appointed and qualified.

23 (d) Members of the Authority shall not be entitled to  
24 compensation for their services as members, but shall be  
25 entitled to reimbursement for all necessary expenses incurred  
26 in connection with the performance of their duties as members.

27 (e) The Governor may remove any public member of the  
28 Authority in case of incompetency, neglect of duty, or  
29 malfeasance in office, after service on the member of a copy of  
30 the written charges against him or her and an opportunity to be  
31 publicly heard in person or by counsel in his or her own  
32 defense upon not less than 10 days notice.

33 (Source: P.A. 92-864, eff. 6-1-03; revised 12-6-03.)

34 Section 295. The Illinois Building Commission Act is  
35 amended by changing Section 35 as follows:

1 (20 ILCS 3918/35)

2 Sec. 35. Administration and enforcement of State building  
3 requirements. The Commission shall also suggest a long-term  
4 plan to improve administration and enforcement of State  
5 building requirements statewide. The plan shall include (i)  
6 recommendations for ways the Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~ could create a  
8 consolidated clearinghouse on all information concerning  
9 existing State building requirements, (ii) recommendations for  
10 a consistent format for State building requirements, (iii)  
11 recommendations for a system or procedure for updating existing  
12 State building requirements that shall include a procedure for  
13 input from the public, (iv) recommendations for a system or  
14 procedure for the review, approval, and appeal of building  
15 plans, and (v) recommendations for a system or procedure to  
16 enforce the State building requirements. The Commission shall  
17 submit its suggestions for creating the consolidated  
18 clearinghouse to the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ as soon as practical after the  
20 effective date of this Act.

21 (Source: P.A. 90-269, eff. 1-1-98; revised 12-6-03.)

22 Section 300. The Government Buildings Energy Cost  
23 Reduction Act of 1991 is amended by changing Sections 10 and 15  
24 as follows:

25 (20 ILCS 3953/10) (from Ch. 96 1/2, par. 9810)

26 Sec. 10. Definitions. "Energy conservation project" and  
27 "project designed to reduce energy consumption and costs" mean  
28 any improvement, repair, alteration or betterment of any  
29 building or facility or any equipment, fixture or furnishing to  
30 be added to or used in any building or facility that the  
31 Director of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ has determined will be a cost effective energy related  
33 project that will lower energy or utility costs in connection

1 with the operation or maintenance of such building or facility,  
2 and will achieve energy cost savings sufficient to cover bond  
3 debt service and other project costs within 7 years from the  
4 date of project installation.

5 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

6 (20 ILCS 3953/15) (from Ch. 96 1/2, par. 9815)

7 Sec. 15. Creation. There is created within State government  
8 the Interagency Energy Conservation Committee, hereinafter  
9 referred to as the Committee. The Committee shall be composed  
10 of the Secretary of Human Services and the Directors of the  
11 Department of Commerce and Economic Opportunity ~~Community~~  
12 ~~Affairs~~, the Department of Central Management Services, the  
13 Department of Corrections, the Illinois Board of Higher  
14 Education, and the Capital Development Board, or their  
15 designees. The Director of ~~the Department of~~ Commerce and  
16 Economic Opportunity ~~Community Affairs~~ shall serve as  
17 Committee chairman, and the Committee's necessary staff and  
18 resources shall be drawn from the Department of Commerce and  
19 Economic Opportunity ~~Community Affairs~~.

20 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97; revised  
21 12-6-03.)

22 Section 305. The Illinois Economic Development Board Act is  
23 amended by changing Sections 2, 3, and 4.5 as follows:

24 (20 ILCS 3965/2) (from Ch. 127, par. 3952)

25 Sec. 2. The Illinois Economic Development Board, referred  
26 to in this Act as the board, is hereby created within the  
27 Department of Commerce and Economic Opportunity ~~Community~~  
28 ~~Affairs~~. The board is charged with the responsibility of  
29 assisting the Department with creating a long-term economic  
30 development strategy for the State, designed to spur economic  
31 growth, enhance opportunities for core Illinois industries,  
32 encourage new job creation and investment, that is consistent  
33 with the preservation of the State's quality of life and

1 environment.

2 (Source: P.A. 86-1430; revised 12-6-03.)

3 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

4 Sec. 3. The board shall be composed of citizens from both  
5 the private and public sectors who are actively engaged in  
6 organizations and businesses that support economic expansion,  
7 industry enhancement and job creation. The board shall be  
8 composed of the following persons:

9 (a) the Governor or his or her designee;

10 (b) four members of the General Assembly, one each  
11 appointed by the President of the Senate, the Speaker of  
12 the House of Representatives, and the minority leaders of  
13 the Senate and House of Representatives;

14 (c) 20 members appointed by the Governor including  
15 representatives of small business, minority owned  
16 companies, women owned companies, manufacturing, economic  
17 development professionals, and citizens at large.

18 (d) (blank);

19 (e) (blank);

20 (f) (blank);

21 (g) (blank);

22 (h) (blank);

23 (i) (blank);

24 (j) (blank);

25 (k) (blank);

26 (l) (blank);

27 (m) (blank).

28 The Director of ~~the Department of~~ Commerce and Economic  
29 Opportunity ~~Community Affairs~~ shall serve as an ex officio  
30 member of the board.

31 The Governor shall appoint the members of the board  
32 specified in subsections (c) through (m) of this Section,  
33 subject to the advice and consent of the Senate, within 30 days  
34 after the effective date of this Act. The first meeting of the  
35 board shall occur within 60 days after the effective date of

1 this Act.

2 The Governor shall appoint a chairperson and a vice  
3 chairperson of the board. Members shall serve 2-year terms. The  
4 position of a legislative member shall become vacant if the  
5 member ceases to be a member of the General Assembly. A vacancy  
6 in a board position shall be filled by the original appointing  
7 authority.

8 The board shall include representation from each of the  
9 State's geographic areas.

10 The board shall meet quarterly or at the call of the chair  
11 and shall create subcommittees as needed to deal with specific  
12 issues and concerns. Members shall serve without compensation  
13 but may be reimbursed for expenses.

14 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

15 (20 ILCS 3965/4.5)

16 Sec. 4.5. Additional duties. In addition to those duties  
17 granted under Section 4, the Illinois Economic Development  
18 Board shall:

19 (1) Establish a Business Investment Location  
20 Development Committee for the purpose of making  
21 recommendations for designated economic development  
22 projects. At the request of the Board, the Director of  
23 Commerce and Economic Opportunity ~~Community Affairs~~ or his  
24 or her designee; the Director of the Governor's Office of  
25 Management and Budget ~~Bureau of the Budget~~, or his or her  
26 designee; the Director of Revenue, or his or her designee;  
27 the Director of Employment Security, or his or her  
28 designee; and an elected official of the affected locality,  
29 such as the chair of the county board or the mayor, may  
30 serve as members of the Committee to assist with its  
31 analysis and deliberations.

32 (2) Establish a Business Regulatory Review Committee  
33 to generate private sector analysis, input, and guidance on  
34 methods of regulatory assistance and review. At the  
35 determination of the Board, individual small business

1 owners and operators; national, State, and regional  
2 organizations representative of small firms; and  
3 representatives of existing State or regional councils of  
4 business may be designated as members of this Business  
5 Regulatory Review Committee.

6 (Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

7 Section 310. The Illinois Business Regulatory Review Act is  
8 amended by changing Sections 15-30 and 15-35 as follows:

9 (20 ILCS 3966/15-30)

10 Sec. 15-30. Advisory responsibilities of the Business  
11 Regulatory Review Committee. At the direction and request of  
12 the Board, the Committee shall provide the following advisory  
13 assistance:

14 (1) To advise the Office of the Governor regarding  
15 agency rulemaking and to offer recommendations that  
16 improve the State rulemaking process, which may include  
17 alternative standards that might be set for enforcement by  
18 regulatory agencies.

19 (2) To advise the General Assembly about whether the  
20 State should adopt small business regulatory enforcement  
21 fairness legislation modeled after the equivalent federal  
22 legislation and regarding how Illinois laws compare with  
23 those of other states and how Illinois might implement  
24 reforms adopting the better or best practices of these  
25 other states.

26 (3) To advise the Department of Commerce and Economic  
27 Opportunity ~~Community Affairs~~ with the operations of the  
28 First Stop, small business regulatory review, and similar  
29 department programs.

30 (4) To advise relevant State agencies on the  
31 formulation of federally required State rules.

32 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

33 (20 ILCS 3966/15-35)

1           Sec. 15-35. Support for Committee. The Committee shall be  
2 provided staff support services by the Department of Commerce  
3 and Economic Opportunity ~~Community Affairs~~, the Office of the  
4 Governor, and various regulatory agencies. Members of the  
5 Committee shall serve without compensation, but may be  
6 reimbursed for expenses.

7 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

8           Section 315. The Illinois River Watershed Restoration Act  
9 is amended by changing Section 15 as follows:

10           (20 ILCS 3967/15)

11           Sec. 15. Illinois River Coordinating Council.

12           (a) There is established the Illinois River Coordinating  
13 Council, consisting of 13 voting members to be appointed by the  
14 Governor. One member shall be the Lieutenant Governor who shall  
15 serve as a voting member and as chairperson of the Council. The  
16 Agency members of the Council shall include the Director, or  
17 his or her designee, of each of the following agencies: the  
18 Department of Agriculture, the Department of Commerce and  
19 Economic Opportunity ~~Community Affairs~~, the Illinois  
20 Environmental Protection Agency, the Department of Natural  
21 Resources, and the Department of Transportation. In addition,  
22 the Council shall include one member representing Soil and  
23 Water Conservation Districts located within the Watershed of  
24 the Illinois River and its tributaries and 6 members  
25 representing local communities, not-for-profit organizations  
26 working to protect the Illinois River Watershed, business,  
27 agriculture, recreation, conservation, and the environment.  
28 The Governor may, at his or her discretion, appoint individuals  
29 representing federal agencies to serve as ex officio,  
30 non-voting members.

31           (b) Members of the Council shall serve 2-year terms, except  
32 that of the initial appointments, 5 members shall be appointed  
33 to serve 3-year terms and 4 members to serve one-year terms.

34           (c) The Council shall meet at least quarterly.



1 (d) The Office of the Lieutenant Governor shall be  
2 responsible for the operations of the Council. The Office may  
3 reimburse members of the Council for ordinary and contingent  
4 expenses incurred in the performance of Council duties.

5 (e) This Section is subject to the provisions of Section  
6 405-500 of the Department of Central Management Services Law  
7 (20 ILCS 405/405-500).

8 (Source: P.A. 90-120, eff. 7-16-97; 90-609, eff. 6-30-98;  
9 91-239, eff. 1-1-00; revised 12-6-03.)

10 Section 320. The Interagency Coordinating Committee on  
11 Transportation Act is amended by changing Section 15 as  
12 follows:

13 (20 ILCS 3968/15)

14 Sec. 15. Committee. The Illinois Coordinating Committee on  
15 Transportation is created and shall consist of the following  
16 members:

17 (1) The Governor or his or her designee.

18 (2) The Secretary of Transportation or his or her designee.

19 (3) The Secretary of Human Services or his or her designee.

20 (4) The Director of Aging or his or her designee.

21 (5) The Director of Public Aid or his or her designee.

22 (6) The Director of Commerce and Economic Opportunity  
23 ~~Community Affairs~~ or his or her designee.

24 (7) A representative of the Illinois Rural Transit  
25 Assistance Center.

26 (8) A person who is a member of a recognized statewide  
27 organization representing older residents of Illinois.

28 (9) A representative of centers for independent living.

29 (10) A representative of the Illinois Public  
30 Transportation Association.

31 (11) A representative of an existing transportation system  
32 that coordinates and provides transit services in a  
33 multi-county area for the Department of Transportation,  
34 Department of Human Services, Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~, or Department on  
2 Aging.

3 (12) A representative of a statewide organization of  
4 rehabilitation facilities or other providers of services for  
5 persons with one or more disabilities.

6 (13) A representative of a community-based organization.

7 (14) A representative of the Department of Public Health.

8 (15) A representative of the Rural Partners.

9 (16) The Director of Employment Security or his or her  
10 designee.

11 (17) A representative of a statewide business association.

12 (18) A representative of the Illinois Council on  
13 Developmental Disabilities.

14 The Governor shall appoint the members of the Committee  
15 other than those named in paragraphs (1) through (6) and  
16 paragraph (16) of this Section. The Governor or his or her  
17 designee shall serve as chairperson of the Committee and shall  
18 convene the meetings of the Committee. The Secretary of  
19 Transportation and a representative of a community-based  
20 organization involved in transportation or their designees,  
21 shall serve as co-vice-chairpersons and shall be responsible  
22 for staff support for the committee.

23 (Source: P.A. 93-185, eff. 7-11-03; revised 12-6-03.)

24 Section 325. The Interagency Coordinating Council Act is  
25 amended by changing Section 2 as follows:

26 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

27 Sec. 2. Interagency Coordinating Council. There is hereby  
28 created an Interagency Coordinating Council which shall be  
29 composed of the Directors, or their designees, of the Illinois  
30 Department of Children and Family Services, Illinois  
31 Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~, Illinois Department of Corrections, Illinois  
33 Department of Employment Security, and Illinois Department of  
34 Public Aid; the Secretary of Human Services or his or her

1 designee; the Executive Director, or a designee, of the  
2 Illinois Community College Board, the Board of Higher  
3 Education, and the Illinois Planning Council on Developmental  
4 Disabilities; the State Superintendent of Education, or a  
5 designee; and a designee representing the University of  
6 Illinois - Division of Specialized Care for Children. The  
7 Secretary of Human Services (or the member who is the designee  
8 for the Secretary of Human Services) and the State  
9 Superintendent of Education (or the member who is the designee  
10 for the State Superintendent of Education) shall be co-chairs  
11 of the Council. The co-chairs shall be responsible for ensuring  
12 that the functions described in Section 3 of this Act are  
13 carried out.

14 (Source: P.A. 92-452, eff. 8-21-01; revised 12-6-03.)

15 Section 330. The Illinois Manufacturing Technology  
16 Alliance Act is amended by changing Sections 4 and 15 as  
17 follows:

18 (20 ILCS 3990/4) (from Ch. 48, par. 2604)

19 Sec. 4. Board of Directors.

20 (a) The Illinois Manufacturing Technology Alliance shall  
21 be governed and operated by a Board of Directors consisting of  
22 11 members: 5 public members who shall be representative of  
23 industries to be served by the Alliance; 2 public members who  
24 shall be researchers in manufacturing technologies; and 4 ex  
25 officio members who shall be the Director of ~~the Department of~~  
26 Commerce and Economic Opportunity ~~Community Affairs~~, the Chief  
27 Executive Officer of the Prairie State 2000 Authority, the  
28 Executive Director of the Board of Higher Education and the  
29 Executive Director of the Illinois Community College Board. An  
30 ex officio member may designate a representative to serve as a  
31 substitute when such member is unable to attend a meeting of  
32 the Board.

33 (b) The Governor, by and with the advice and consent of the  
34 Senate, shall appoint the 5 public members who are

1 representative of industries to be served by the Alliance and  
2 the 2 public members who are researchers in manufacturing  
3 technologies. To the extent possible, 4 members of the 5 public  
4 members who are representatives of industries to be served by  
5 the Alliance shall be members of trade associations that are  
6 Alliance Partners.

7 A vacancy in the position of Board member shall occur upon  
8 resignation, death, conviction of a felony, or removal from  
9 office of a Director. The Governor may remove any public member  
10 from office on a formal finding of incompetence, neglect of  
11 duty or malfeasance in office. Within 30 days after the office  
12 of any appointed member becomes vacant for any reason, the  
13 Governor shall fill the vacancy for the unexpired term in the  
14 same manner as that in which appointments are made. If the  
15 Senate is not in session when the first appointments are made  
16 or when the Governor fills a vacancy, the Governor shall make  
17 temporary appointments until the next meeting of the Senate,  
18 when he shall nominate persons to be confirmed by the Senate.

19 (c) No more than 4 public members shall be of the same  
20 political party.

21 (d) Of those public members initially appointed to the  
22 Board, 4 Directors, no more than 2 of the same political party,  
23 shall be appointed to serve until July 1, 1993, and 3  
24 Directors, not more than 2 of the same political party, shall  
25 be appointed to serve until July 1, 1991. Thereafter, each  
26 public member shall be appointed for a 4 year term, or until  
27 his successor is appointed and qualified. The terms of the  
28 public members initially appointed shall commence upon the  
29 appointment of all 7 public members.

30 (e) No public member may serve as a Director for an  
31 aggregate of more than 10 years.

32 (Source: P.A. 86-1015; revised 12-6-03.)

33 (20 ILCS 3990/15) (from Ch. 48, par. 2615)

34 Sec. 15. Relationship with other Agencies. The Alliance  
35 shall cooperate with the Department of Commerce and Economic

1 ~~Opportunity Community Affairs~~, the Board of Higher Education,  
2 the Illinois Community College Board, the Prairie State 2000  
3 Authority and any other agency or authority of the State on any  
4 project or program that improves the competitiveness of small  
5 and medium size Illinois manufacturers. The policies and  
6 programs of the Alliance shall be consistent with economic  
7 development policies of this State.

8 (Source: P.A. 86-1015; revised 12-6-03.)

9 Section 335. The Illinois Council on Developmental  
10 Disabilities Law is amended by changing Sections 2004 and  
11 2004.5 as follows:

12 (20 ILCS 4010/2004) (from Ch. 91 1/2, par. 1954)

13 Sec. 2004. Council membership.

14 (a) The council shall be composed of 38 voting members, 27  
15 of whom shall be appointed by the Governor from residents of  
16 the State so as to ensure that the membership reasonably  
17 represents consumers of services to persons with developmental  
18 disabilities.

19 (b) Eleven voting members shall be the Directors of Public  
20 Aid, Public Health, Aging, Children and Family Services, the  
21 Guardianship and Advocacy Commission, the State protection and  
22 advocacy agency, the State Board of Education, the Division of  
23 Specialized Care for Children of the University of Illinois,  
24 and the State University Affiliated Program, or their  
25 designees, plus the Secretary of Human Services (or his or her  
26 designee) and one additional representative of the Department  
27 of Human Services designated by the Secretary.

28 (c) Nineteen voting members shall be persons with  
29 developmental disabilities, parents or guardians of such  
30 persons, or immediate relatives or guardians of persons with  
31 mentally impairing developmental disabilities. None of these  
32 members shall be employees of a State agency which receives  
33 funds or provides services under the federal Developmental  
34 Disabilities Assistance and Bill of Rights Act Amendments of

1 1987, managing employees of any other entity which services  
2 funds or provides services under the federal Developmental  
3 Disabilities Assistance and Bill of Rights Act Amendments of  
4 1987, or persons with an ownership or control interest in such  
5 an entity. Of these members:

6 (1) At least 6 shall be persons with developmental  
7 disabilities and at least 6 shall be immediate relatives or  
8 guardians of persons with mentally impairing developmental  
9 disabilities; and

10 (2) One member shall be an immediate relative or  
11 guardian of an institutionalized or previously  
12 institutionalized person with a developmental disability.

13 (d) Eight voting members shall be representatives of local  
14 agencies, nongovernmental agencies and groups concerned with  
15 services to persons with developmental disabilities.

16 (e) The Governor shall consider nominations made by  
17 advocacy and community-based organizations.

18 (f) Of the initial members appointed by the Governor, 8  
19 shall be appointed for terms of one year, 9 shall be appointed  
20 for terms of 2 years, and 9 shall be appointed for terms of 3  
21 years. Thereafter, all members shall be appointed for terms of  
22 3 years. No member shall serve more than 2 successive terms.

23 (g) Individual terms of office shall be chosen by lot at  
24 the initial meeting of the council.

25 (h) Vacancies in the membership shall be filled in the same  
26 manner as initial appointments. Appointments to fill vacancies  
27 occurring before the expiration of a term shall be for the  
28 remainder of the unexpired term.

29 (i) Members shall not receive compensation for their  
30 services, but shall be reimbursed for their actual expenses  
31 plus up to \$50 a day for any loss of wages incurred in the  
32 performance of their duties.

33 (j) Total membership consists of the number of voting  
34 members, as defined in this Section, excluding any vacant  
35 positions. A quorum shall consist of a simple majority of total  
36 membership and shall be sufficient to constitute the

1 transaction of business of the council unless stipulated  
2 otherwise in the bylaws of the council.

3 (k) The council shall meet at least quarterly.

4 (l) The Director of the Governor's Office of Management and  
5 Budget ~~Bureau of the Budget~~, or his or her designee, shall  
6 serve as a nonvoting member of the council.

7 (Source: P.A. 89-507, eff. 7-1-97; revised 8-23-03.)

8 (20 ILCS 4010/2004.5)

9 Sec. 2004.5. Council membership. The General Assembly  
10 intends that the reduction in the membership of the Council  
11 shall occur through attrition between the effective date of  
12 this amendatory Act of the 91st General Assembly and January 1,  
13 2001. In the event that the terms of 10 voting members have not  
14 expired by January 1, 2001, members of the Council serving on  
15 that date shall continue to serve until their terms expire.

16 (a) The membership of the Council must reasonably represent  
17 the diversity of this State. Not less than 60% of the Council's  
18 membership must be individuals with developmental  
19 disabilities, parents or guardians of children with  
20 developmental disabilities, or immediate relatives or  
21 guardians of adults with developmental disabilities who cannot  
22 advocate for themselves.

23 The Council must also include representatives of State  
24 agencies that administer moneys under federal laws that relate  
25 to individuals with developmental disabilities; the State  
26 University Center for Excellence in Developmental Disabilities  
27 Education, Research, and Service; the State protection and  
28 advocacy system; and representatives of local and  
29 non-governmental agencies and private non-profit groups  
30 concerned with services for individuals with developmental  
31 disabilities. The members described in this paragraph must have  
32 sufficient authority to engage in policy-making, planning, and  
33 implementation on behalf of the department, agency, or program  
34 that they represent. Those members may not take part in any  
35 discussion of grants or contracts for which their departments,

1 agencies, or programs are grantees, contractors, or applicants  
2 and must comply with any other relevant conflict of interest  
3 provisions in the Council's policies or bylaws.

4 (b) Seventeen voting members, appointed by the Governor,  
5 must be persons with developmental disabilities, parents or  
6 guardians of persons with developmental disabilities, or  
7 immediate relatives or guardians of persons with  
8 mentally-impairing developmental disabilities. None of these  
9 members may be employees of a State agency that receives funds  
10 or provides services under the federal Developmental  
11 Disabilities Assistance and Bill of Rights Act of 1996 (42  
12 U.S.C. 6000 et seq.), as now or hereafter amended, managing  
13 employees of any other entity that receives moneys or provides  
14 services under the federal Developmental Disabilities  
15 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et  
16 seq.), as now or hereafter amended, or persons with an  
17 ownership interest in or a controlling interest in such an  
18 entity. Of the members appointed under this subsection (b):

19 (1) at least 6 must be persons with developmental  
20 disabilities;

21 (2) at least 6 must be parents, immediate relatives, or  
22 guardians of children and adults with developmental  
23 disabilities, including individuals with  
24 mentally-impairing developmental disabilities who cannot  
25 advocate for themselves; and

26 (3) 5 members must be a combination of persons  
27 described in paragraphs (1) and (2); at least one of whom  
28 must be (i) an immediate relative or guardian of an  
29 individual with a developmental disability who resides or  
30 who previously resided in an institution or (ii) an  
31 individual with a developmental disability who resides or  
32 who previously resided in an institution.

33 (c) Two voting members, appointed by the Governor, must be  
34 representatives of local and non-governmental agencies and  
35 private non-profit groups concerned with services for  
36 individuals with developmental disabilities.



1 (d) Nine voting members shall be the Director of Public  
2 Aid, or his or her designee; the Director of Aging, or his or  
3 her designee; the Director of Children and Family Services, or  
4 his or her designee; a representative of the State Board of  
5 Education; a representative of the State protection and  
6 advocacy system; a representative of the State University  
7 Center for Excellence in Developmental Disabilities Education,  
8 Research, and Service; representatives of the Office of  
9 Developmental Disabilities and the Office of Community Health  
10 and Prevention of the Department of Human Services (as the  
11 State's lead agency for Title V of the Social Security Act, 42  
12 U.S.C. 701 et seq.) designated by the Secretary of Human  
13 Services; and a representative of the State entity that  
14 administers federal moneys under the federal Rehabilitation  
15 Act.

16 (e) The Director of the Governor's Office of Management and  
17 Budget ~~Bureau of the Budget~~, or his or her designee, shall be a  
18 non-voting member of the Council.

19 (f) The Governor must provide for the timely rotation of  
20 members.

21 Appointments to the Council shall be for terms of 3 years.  
22 Appointments to fill vacancies occurring before the expiration  
23 of a term shall be for the remainder of the term. Members shall  
24 serve until their successors are appointed.

25 The Council, at the discretion of the Governor, may  
26 coordinate and provide recommendations for new members to the  
27 Governor based upon their review of the Council's composition  
28 and on input received from other organizations and individuals  
29 representing persons with developmental disabilities,  
30 including the non-State agency members of the Council. The  
31 Council must, at least once each year, advise the Governor on  
32 the Council's membership requirements and vacancies, including  
33 rotation requirements.

34 No member may serve for more than 2 successive terms.

35 (g) Members may not receive compensation for their  
36 services, but shall be reimbursed for their reasonable expenses

1 plus up to \$50 per day for any loss of wages incurred in the  
2 performance of their duties.

3 (h) The total membership of the Council consists of the  
4 number of voting members, as defined in this Section, excluding  
5 any vacant positions. A quorum is a simple majority of the  
6 total membership and is sufficient to constitute the  
7 transaction of the business of the Council unless otherwise  
8 stipulated in the bylaws of the Council.

9 (i) The Council must meet at least quarterly.

10 (Source: P.A. 91-798, eff. 7-9-00; revised 8-23-03.)

11 Section 340. The Prairie State 2000 Authority Act is  
12 amended by changing Sections 7 and 12 as follows:

13 (20 ILCS 4020/7) (from Ch. 48, par. 1507)

14 Sec. 7. (a) The Prairie State 2000 Authority shall be  
15 governed and operated by a Board of Directors consisting of the  
16 State Treasurer, the Director of ~~the Department of~~ Commerce and  
17 Economic Opportunity ~~Community Affairs~~ and the Director of ~~the~~  
18 ~~Department of~~ Employment Security, or their respective  
19 designees, as ex officio members, and 4 public members who  
20 shall be appointed by the Governor with the advice and consent  
21 of the Senate and who shall be of high moral character and  
22 expert in educational or vocational training matters, employee  
23 benefits, or finance. Each public member shall be appointed for  
24 an initial term as provided in paragraph (b) of this Section.  
25 Thereafter, each public member shall hold office for a term of  
26 4 years and until his successor has been appointed and assumes  
27 office. The Board shall elect a public member to be Chairman. A  
28 vacancy shall occur upon resignation, death, conviction of a  
29 felony, or removal from office of a Director. The Governor may  
30 remove any public member from office on a formal finding of  
31 incompetence, neglect of duty or malfeasance in office. Within  
32 30 days after the office of any appointed member becomes vacant  
33 for any reason, the Governor shall fill the vacancy for the  
34 unexpired term in the same manner as that in which appointments

1 are made. If the Senate is not in session when the first  
2 appointments are made or when the Governor fills a vacancy, the  
3 Governor shall make temporary appointments until the next  
4 meeting of the Senate, when he shall nominate persons to be  
5 confirmed by the Senate. No more than 2 public members shall be  
6 members of the same political party. Every public member's term  
7 shall commence on July 1, except for the terms of the public  
8 members initially appointed, whose terms shall commence upon  
9 the appointment of all 4 public members.

10 (b) The initial terms of public members shall be as  
11 follows:

12 (i) Two Directors not members of the same political party  
13 shall be appointed to serve until July 1, 1987;

14 (ii) Two Directors not members of the same political party  
15 shall be appointed to serve until July 1, 1985.

16 No public member may serve as a Director for an aggregate  
17 of more than 8 years. A Director appointed under this paragraph  
18 (b) shall serve until his successor shall have been appointed  
19 and assumes office.

20 (Source: P.A. 84-1090; revised 12-6-03.)

21 (20 ILCS 4020/12) (from Ch. 48, par. 1512)

22 Sec. 12. General Powers and Duties of the Board. Except as  
23 otherwise limited by this Act, the Board shall have all powers  
24 necessary to meet its responsibilities and to carry out its  
25 purposes, including but not limited to the following powers:

26 (a) To sue and be sued.

27 (b) To establish and maintain petty cash funds as provided  
28 in Section 13.3 of "An Act in relation to State finance",  
29 approved June 10, 1919, as amended.

30 (c) To make, amend and repeal bylaws, rules, regulations  
31 and resolutions consistent with this Act.

32 (d) To make and execute all contracts and instruments  
33 necessary or convenient to the exercise of its powers.

34 (e) To exclusively control and manage the Authority and all  
35 monies donated, paid or appropriated for the relief or benefit

1 of unemployed or inappropriately skilled workers.

2 (f) To order and direct the issuance of benefit vouchers  
3 provided for by this Act, signed by the Chairman and the Chief  
4 Executive Officer, to persons entitled thereto in amounts to  
5 which such persons are entitled under Section 14. The Board may  
6 designate any of its members, or any officer or employee of the  
7 Authority, to affix the signature of the Chairman and another  
8 to affix the signature of the Chief Executive Officer to the  
9 benefit vouchers.

10 (g) Upon determining that appropriate and sufficient  
11 educational or vocational training services are being provided  
12 by a participating educational or vocational training  
13 institution to the bearer of a voucher, to cause prompt payment  
14 of the amount stated on the face of the voucher to such  
15 participating educational or vocational training institution,  
16 on the condition that such amount shall not exceed the benefit  
17 levels to which the bearer is entitled.

18 (h) To undertake such studies with respect to job training  
19 which will assist the Authority in carrying out the purposes of  
20 this Act. The Board shall prepare a report on the feasibility  
21 of individual training accounts.

22 (i) To annually review the Prairie State 2000 Authority  
23 Program and the provisions of this Act and to make  
24 recommendations to the Governor and the General Assembly  
25 regarding changes to this Act or some other Act to make  
26 improvements in the Program.

27 (j) To have an audit of the accounts of the Authority made  
28 annually by persons competent to perform such work and to  
29 provide a copy of such audit to the Auditor General who shall  
30 review such audit and make such other investigations and audits  
31 as he deems necessary, on the condition that the Auditor  
32 General shall each biennium conduct an audit independent of the  
33 audit conducted by the persons retained by the Board. The Board  
34 and the Auditor General shall report the findings revealed by  
35 their audits to the Governor, the President of the Senate, the  
36 Speaker of the House of Representatives and the Minority

1 Leaders of each house of the General Assembly.

2 (k) To prepare and submit a budget and request for  
3 appropriations for the necessary and contingent operating  
4 expenses of the Authority.

5 (l) To encourage participation in the Program by means of  
6 advertising, incentives, and other marketing devices with  
7 special attention to geographic areas with levels of  
8 unemployment or underemployment which are substantially above  
9 the statewide level of unemployment.

10 (m) To adopt, alter and use a corporate seal.

11 (n) To accept appropriations, grants and funds from the  
12 federal and State governments and any agency thereof and expend  
13 those monies in accordance with, and in furtherance of the  
14 purposes of, this Act.

15 (o) To enter into intergovernmental agreements with other  
16 governmental entities, including the Department of Employment  
17 Security and the Department of Commerce and Economic  
18 Opportunity ~~Community Affairs~~, in order to implement and  
19 execute the powers and duties set forth in this Section and all  
20 other Sections of this Act.

21 (Source: P.A. 84-1090; revised 12-6-03.)

22 Section 345. The Fiscal Note Act is amended by changing  
23 Sections 1 and 2 as follows:

24 (25 ILCS 50/1) (from Ch. 63, par. 42.31)

25 Sec. 1. Every bill, except those bills making a direct  
26 appropriation, (1) the purpose or effect of which is (i) to  
27 expend any State funds or to increase or decrease the revenues  
28 of the State, either directly or indirectly, or (ii) to require  
29 the expenditure of their own funds by, or to increase or  
30 decrease the revenues of, units of local government, school  
31 districts or community college districts, or to revise the  
32 distribution of State funds among units of local government,  
33 school districts, or community college districts, either  
34 directly or indirectly, or (2) that amends the Mental Health

1 and Developmental Disabilities Code or the Developmental  
2 Disability and Mental Disability Services Act shall have  
3 prepared for it prior to second reading in the house of  
4 introduction a brief explanatory statement or note which, for a  
5 bill under item (1), shall include a reliable estimate of the  
6 anticipated change in State, local governmental, school  
7 district, or community college district expenditures or  
8 revenues under its provisions and, for a bill under item (2),  
9 shall include a reliable estimate of the fiscal impact of its  
10 provisions upon community agencies. For purposes of this Act,  
11 indirect revenues include, but are not limited to, increased  
12 tax revenues or other increased revenues resulting from  
13 economic development, job creation, or cost reduction. The  
14 statement or note shall also include an explanation of the  
15 methodology used to determine the estimated direct and indirect  
16 costs or estimated impact on community agencies. Any notes for  
17 bills having a fiscal impact on units of local government,  
18 school districts or community college districts shall include  
19 such cost estimates as may be required under the State Mandates  
20 Act.

21 If a bill authorizes capital expenditures or appropriates  
22 funds for capital expenditures, a statement shall be prepared  
23 by the Governor's Office of Management and Budget ~~Bureau of the~~  
24 ~~Budget~~ specifying by year any principal and interest payments  
25 required to finance such capital expenditures.

26 These statements or notes shall be known as "fiscal notes".  
27 (Source: P.A. 92-567, eff. 1-1-03; revised 8-23-03.)

28 (25 ILCS 50/2) (from Ch. 63, par. 42.32)

29 Sec. 2. The sponsor of each bill, referred to in Section 1,  
30 shall present a copy of the bill, with his request for a fiscal  
31 note, to the board, commission, department, agency, or other  
32 entity of the State which is to receive or expend the  
33 appropriation proposed or which is responsible for collection  
34 of the revenue proposed to be increased or decreased, or to be  
35 levied or provided for. The sponsor of a bill that amends the

1 Mental Health and Developmental Disabilities Code or the  
2 Developmental Disability and Mental Disability Services Act  
3 shall present a copy of the bill, with his or her request for a  
4 fiscal note, to the Department of Human Services. The fiscal  
5 note shall be prepared by such board, commission, department,  
6 agency, or other entity and furnished to the sponsor of the  
7 bill within 5 calendar days thereafter; except that whenever,  
8 because of the complexity of the measure, additional time is  
9 required for preparation of the fiscal note, the board,  
10 commission, department, agency, or other entity may so inform  
11 the sponsor of the bill and he may approve an extension of the  
12 time within which the note is to be furnished, not to extend,  
13 however, beyond June 15, following the date of the request.  
14 Whenever any measure for which a fiscal note is required  
15 affects more than one State board, commission, department,  
16 agency, or other entity, the board, commission, department,  
17 agency, or other entity most affected by its provisions  
18 according to the sponsor shall be responsible for preparation  
19 of the fiscal note. Whenever any measure for which a fiscal  
20 note is required does not affect a specific board, commission,  
21 department, agency or other such entity, or does not amend the  
22 Mental Health and Developmental Disabilities Code or the  
23 Developmental Disability and Mental Disability Services Act,  
24 the sponsor of the measure shall be responsible for preparation  
25 of the fiscal note.

26 In the case of bills having a potential fiscal impact on  
27 units of local government, the fiscal note shall be prepared by  
28 the Department of Commerce and Economic Opportunity ~~Community~~  
29 ~~Affairs~~. In the case of bills having a potential fiscal impact  
30 on school districts, the fiscal note shall be prepared by the  
31 State Superintendent of Education. In the case of bills having  
32 a potential fiscal impact on community college districts, the  
33 fiscal note shall be prepared by the Illinois Community College  
34 Board.

35 (Source: P.A. 92-567, eff. 1-1-03; revised 12-6-03.)

1 Section 350. The Home Rule Note Act is amended by changing  
2 Sections 10 and 40 as follows:

3 (25 ILCS 75/10) (from Ch. 63, par. 42.91-10)

4 Sec. 10. Preparation of the note. Upon the request of the  
5 sponsor of a bill described in Section 5, the Director of  
6 Commerce and Economic Opportunity ~~Community Affairs~~ or some  
7 person within the Department designated by the Director shall  
8 prepare a written note setting forth the information required  
9 by Section 5. The note shall be designated a home rule note and  
10 shall be furnished to the sponsor within 10 calendar days after  
11 the request, except that whenever, because of the complexity of  
12 the bill, additional time is required for the preparation of  
13 the note, the Department may so notify the sponsor and request  
14 an extension of time not to exceed 5 additional days within  
15 which to furnish the note. An extension may not, however, be  
16 beyond June 15 following the date of the request.

17 (Source: P.A. 87-229; revised 12-6-03.)

18 (25 ILCS 75/40) (from Ch. 63, par. 42.91-40)

19 Sec. 40. Confidentiality. The subject matter of bills  
20 submitted to the Director shall be kept in strict confidence by  
21 the Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~, and no information relating to the bill or its home  
23 rule impact shall be divulged by any official or employee of  
24 the Department, except to the bill's sponsor or the sponsor's  
25 designee, before the bill's introduction in the General  
26 Assembly.

27 (Source: P.A. 87-229; revised 12-6-03.)

28 Section 355. The Fiscal Control and Internal Auditing Act  
29 is amended by changing Section 2004 as follows:

30 (30 ILCS 10/2004) (from Ch. 15, par. 2004)

31 Sec. 2004. Consultations by internal auditor. Each chief  
32 internal auditor may consult with the Auditor General, the



1 Department of Central Management Services, the Economic and  
2 Fiscal Commission, the appropriations committees of the  
3 General Assembly, the Governor's Office of Management and  
4 Budget Bureau of the Budget, or the Internal Audit Advisory  
5 Board on matters affecting the duties or responsibilities of  
6 the chief internal auditor under this Act.

7 (Source: P.A. 86-936; revised 8-23-03.)

8 Section 360. The State Finance Act is amended by changing  
9 Sections 6b-3, 6z-27, 6z-39, 6z-54, 8.12, 8.14, 8.22, 8.23, 8h,  
10 9, 9.03, and 9.04 as follows:

11 (30 ILCS 105/6b-3) (from Ch. 127, par. 142b3)

12 Sec. 6b-3. There shall be paid into the State Housing Fund  
13 the moneys recovered from Land Clearance Commissions and  
14 Housing Authorities under the provisions of (1) Section 32 of  
15 the "Housing Authorities Act", approved March 19, 1934, as  
16 amended; (2) Section 9a of "An Act to facilitate the  
17 development and construction of housing, to provide  
18 governmental assistance therefor, and to repeal an Act herein  
19 named," approved July 2, 1947, as amended; and (3) Section 25a  
20 of the "Blighted Areas Redevelopment Act of 1947", approved  
21 July 2, 1947, as amended.

22 The moneys in the State Housing Fund shall be used for  
23 grants in aid of housing, development, redevelopment projects,  
24 and any other programs compatible with the duties and  
25 obligations of the Department of Commerce and Economic  
26 Opportunity Community Affairs and local housing authorities or  
27 land clearance commissions and such funds may be allocated to  
28 those authorities and/or programs in accordance with the  
29 judgment of the Department of Commerce and Economic Opportunity  
30 Community Affairs except that no moneys may be retained in the  
31 fund beyond a period 36 months following their deposit. In any  
32 instance where moneys are accumulated in the State Housing Fund  
33 and not distributed in accordance with determination made by  
34 the Department of Commerce and Economic Opportunity Community

1 ~~Affairs~~ within 36 months then such moneys shall be returned to  
2 the General Revenue Fund.

3 (Source: P.A. 81-1509; revised 12-6-03.)

4 (30 ILCS 105/6z-27)

5 Sec. 6z-27. All moneys in the Audit Expense Fund shall be  
6 transferred, appropriated and used only for the purposes  
7 authorized by, and subject to the limitations and conditions  
8 prescribed by, the State Auditing Act.

9 Within 30 days after the effective date of this amendatory  
10 Act of 2003, the State Comptroller shall order transferred and  
11 the State Treasurer shall transfer from the following funds  
12 moneys in the specified amounts for deposit into the Audit  
13 Expense Fund:

14	The Agricultural Premium Fund .....	44,087
15	Capital Litigation Fund .....	1,627
16	Care Provider Fund for Persons with	
17	Developmental Disability .....	10,681
18	Child Labor Enforcement Fund .....	989
19	Common School Fund .....	126,724
20	The Communications Revolving Fund .....	6,214
21	Community MH/DD Service Provider	
22	Participation Fee Fund .....	3,970
23	Conservation 2000 Fund .....	11,882
24	Conservation 2000 Projects Fund .....	5,446
25	DCFS Children's Services Fund .....	67,776
26	Department of Business Services	
27	Special Operations Fund .....	710
28	Department of Children and Family	
29	Services Training Fund .....	2,109
30	Design Professionals Administration	
31	and Investigation Fund .....	6,058
32	The Downstate Public Transportation	
33	Fund .....	2,470
34	Drivers Education Fund .....	579
35	Drug Rebate Fund .....	7,711

1	Drug Treatment Fund .....	884
2	Drycleaner Environmental Response	
3	Trust Fund .....	18,890
4	The Education Assistance Fund .....	323,233
5	Estate Tax Collection Distributive	
6	Fund .....	2,423
7	Fair and Exposition Fund .....	2,830
8	Feed Control Fund .....	1,573
9	Fertilizer Control Fund .....	1,011
10	The Fire Prevention Fund .....	952
11	Food and Drug Safety Fund .....	1,177
12	General Professions Dedicated Fund .....	22,998
13	The General Revenue Fund .....	9,217,872
14	Grade Crossing Protection Fund .....	2,488
15	Group Workers Compensation	
16	Pool Insolvency Fund .....	2,266
17	Guardianship and Advocacy Fund .....	741
18	Health Facility Plan Review Fund .....	2,059
19	Illinois Affordable Housing	
20	Trust Fund .....	2,143
21	Illinois Aquaculture Development Fund .....	1,980
22	Illinois Department of Agriculture	
23	Laboratory Services Revolving Fund .....	1,314
24	Illinois Health Facilities Planning Fund .....	1,284
25	Illinois School Asbestos Abatement Fund .....	712
26	Illinois Standardbred Breeders Fund .....	3,243
27	Illinois State Dental Disciplinary Fund .....	5,237
28	Illinois State Fair Fund .....	10,727
29	Illinois State Medical Disciplinary Fund .....	28,116
30	Illinois State Pharmacy Disciplinary Fund .....	9,438
31	Illinois Tax Increment Fund .....	707
32	Illinois Thoroughbred Breeders Fund .....	4,836
33	Illinois Veterans Rehabilitation Fund .....	1,184
34	IMSA Income Fund .....	1,576
35	Income Tax Refund Fund .....	42,284
36	Insurance Financial Regulation Fund .....	41,327

1	Insurance Premium Tax Refund Fund .....	5,292
2	Insurance Producer Administration Fund .....	31,663
3	Juvenile Accountability Incentive	
4	Block Grant Fund .....	15,782
5	Lead Poisoning, Screening, Prevention,	
6	and Abatement Fund .....	3,036
7	Live and Learn Fund .....	7,240
8	The Local Government Distributive	
9	Fund .....	39,478
10	The Local Initiative Fund .....	6,370
11	Long Term Care Provider Fund .....	20,462
12	Mandatory Arbitration Fund .....	2,710
13	Mental Health Fund .....	7,718
14	Metabolic Screening and Treatment Fund .....	6,017
15	Metro-East Public Transportation Fund .....	1,176
16	Monetary Award Program Reserve Fund .....	995
17	The Motor Fuel Tax Fund .....	48,580
18	Motor Vehicle License Plate Fund .....	7,538
19	Motor Vehicle Theft Prevention	
20	Trust Fund .....	9,201
21	Nuclear Safety Emergency	
22	Preparedness Fund .....	92,062
23	Nursing Dedicated and Professional	
24	Fund .....	10,806
25	Optometric Licensing and Disciplinary	
26	Committee Fund .....	3,072
27	Penny Severns Breast and	
28	Cervical Cancer Research Fund .....	622
29	The Personal Property Tax	
30	Replacement Fund .....	35,901
31	Pesticide Control Fund .....	4,221
32	Plumbing Licensure and Program Fund .....	1,452
33	Prevention and Treatment of	
34	Alcoholism and Substance Abuse	
35	Block Grant Fund .....	20,480
36	Professional Regulation Evidence Fund .....	718

1	Professions Indirect Cost Fund .....	91,814
2	Public Health Services Revolving Fund .....	1,372
3	Public Pension Regulation Fund .....	1,185
4	The Public Transportation Fund .....	15,793
5	Public Utility Fund .....	54,976
6	Radiation Protection Fund .....	27,193
7	Radioactive Waste Facility Development	
8	and Operation Fund .....	3,363
9	The Road Fund .....	177,650
10	Regional Transportation Authority Occupation	
11	and Use Tax Replacement Fund .....	818
12	Secretary of State Special	
13	Services Fund .....	6,899
14	Securities Audit and	
15	Enforcement Fund .....	1,671
16	Special Education Medicaid	
17	Matching Fund .....	6,082
18	State and Local Sales Tax	
19	Reform Fund .....	1,696
20	State Construction Account	
21	Fund .....	62,967
22	The State Gaming Fund .....	5,745
23	The State Garage	
24	Revolving Fund .....	1,777
25	The State Lottery Fund .....	35,933
26	State Treasurer's Bank Services	
27	Trust Fund .....	755
28	The Statistical Services	
29	Revolving Fund .....	4,470
30	Tobacco Settlement Recovery Fund .....	65,706
31	Transportation Regulatory Fund .....	36,606
32	Trauma Center Fund .....	4,859
33	U of I Hospital Services Fund .....	5,927
34	The Vehicle Inspection Fund .....	887
35	Weights and Measures Fund .....	4,765
36	Wireless Service Emergency Fund .....	1,447

1 The Working Capital Revolving  
 2 Fund ..... 62,229

3 Notwithstanding any provision of the law to the contrary,  
 4 the General Assembly hereby authorizes the use of such funds  
 5 for the purposes set forth in this Section.

6 These provisions do not apply to funds classified by the  
 7 Comptroller as federal trust funds or State trust funds. The  
 8 Audit Expense Fund may receive transfers from those trust funds  
 9 only as directed herein, except where prohibited by the terms  
 10 of the trust fund agreement. The Auditor General shall notify  
 11 the trustees of those funds of the estimated cost of the audit  
 12 to be incurred under the Illinois State Auditing Act for the  
 13 fund. The trustees of those funds shall direct the State  
 14 Comptroller and Treasurer to transfer the estimated amount to  
 15 the Audit Expense Fund.

16 The Auditor General may bill entities that are not subject  
 17 to the above transfer provisions, including private entities,  
 18 related organizations and entities whose funds are  
 19 locally-held, for the cost of audits, studies, and  
 20 investigations incurred on their behalf. Any revenues received  
 21 under this provision shall be deposited into the Audit Expense  
 22 Fund.

23 In the event that moneys on deposit in any fund are  
 24 unavailable, by reason of deficiency or any other reason  
 25 preventing their lawful transfer, the State Comptroller shall  
 26 order transferred and the State Treasurer shall transfer the  
 27 amount deficient or otherwise unavailable from the General  
 28 Revenue Fund for deposit into the Audit Expense Fund.

29 On or before December 1, 1992, and each December 1  
 30 thereafter, the Auditor General shall notify the Governor's  
 31 Office of Management and Budget (formerly Bureau of the Budget)  
 32 of the amount estimated to be necessary to pay for audits,  
 33 studies, and investigations in accordance with the Illinois  
 34 State Auditing Act during the next succeeding fiscal year for  
 35 each State fund for which a transfer or reimbursement is  
 36 anticipated.

1 Beginning with fiscal year 1994 and during each fiscal year  
2 thereafter, the Auditor General may direct the State  
3 Comptroller and Treasurer to transfer moneys from funds  
4 authorized by the General Assembly for that fund. In the event  
5 funds, including federal and State trust funds but excluding  
6 the General Revenue Fund, are transferred, during fiscal year  
7 1994 and during each fiscal year thereafter, in excess of the  
8 amount to pay actual costs attributable to audits, studies, and  
9 investigations as permitted or required by the Illinois State  
10 Auditing Act or specific action of the General Assembly, the  
11 Auditor General shall, on September 30, or as soon thereafter  
12 as is practicable, direct the State Comptroller and Treasurer  
13 to transfer the excess amount back to the fund from which it  
14 was originally transferred.

15 (Source: P.A. 92-494, eff. 8-23-01; 92-746, eff. 7-25-02;  
16 93-452, eff. 8-7-03; revised 8-23-03.)

17 (30 ILCS 105/6z-39)

18 Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The  
19 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
20 shall be the State coordinator and representative with the  
21 United States Department of the Treasury for purposes of  
22 implementing the federal Cash Management Improvement Act of  
23 1990.

24 The Governor's Office of Management and Budget ~~Bureau of~~  
25 ~~the Budget~~ shall: negotiate Treasury-State agreements; develop  
26 and file annual reports; establish the net State liability;  
27 determine State agency shares of the net State liability;  
28 direct State agencies to pay or transfer moneys into the  
29 Federal Financing Cost Reimbursement Fund; and initiate  
30 payments of the net State liability to the U.S. Treasury out of  
31 the Federal Financing Cost Reimbursement Fund. Agencies shall  
32 make payments or transfers to the Federal Financing Cost  
33 Reimbursement Fund as directed by the Governor's Office of  
34 Management and Budget ~~Bureau of the Budget~~ and shall otherwise  
35 cooperate with the Governor's Office of Management and Budget

1 ~~Bureau of the Budget~~ to implement the federal Cash Management  
2 Improvement Act of 1990.

3 (Source: P.A. 89-21, eff. 7-1-95; revised 8-23-03.)

4 (30 ILCS 105/6z-54)

5 Sec. 6z-54. The Energy Infrastructure Fund.

6 (a) The Energy Infrastructure Fund is created as a special  
7 fund in the State treasury.

8 (b) Money in the Energy Infrastructure Fund shall, if and  
9 when the State of Illinois issues any bonded indebtedness for  
10 financial assistance to new electric generating facilities, as  
11 provided in Section 605-332 of the Department of Commerce and  
12 Economic Opportunity ~~Community Affairs~~ Law of the Civil  
13 Administrative Code of Illinois, be set aside and used for the  
14 purpose of paying and discharging annually the principal and  
15 interest on that bonded indebtedness then due and payable, and  
16 for no other purpose.

17 In addition to other transfers to the General Obligation  
18 Bond Retirement and Interest Fund made pursuant to Section 15  
19 of the General Obligation Bond Act, upon each delivery of bonds  
20 issued for financial assistance to new electric generating  
21 facilities under Section 605-332 of the Department of Commerce  
22 and Economic Opportunity ~~Community Affairs~~ Law of the Civil  
23 Administrative Code of Illinois, the State Comptroller shall  
24 compute and certify to the State Treasurer the total amount of  
25 principal and interest, and premium, if any, on such bonds  
26 during the then current and each succeeding fiscal year. On or  
27 before the last day of each month, the State Treasurer and the  
28 State Comptroller shall transfer from the Energy  
29 Infrastructure Fund to the General Obligation Bond Retirement  
30 and Interest Fund an amount sufficient to pay the aggregate of  
31 the principal of, interest on, and premium, if any, on the  
32 bonds payable on their next payment date, divided by the number  
33 of monthly transfers occurring between the last previous  
34 payment date (or the delivery date if no payment date has yet  
35 occurred) and the next succeeding payment date.



1 (c) To the extent that moneys in the Energy Infrastructure  
2 Fund, in the opinion of the Governor and the Director of the  
3 Governor's Office of Management and Budget Bureau of the  
4 ~~Budget~~, are in excess of 125% of the maximum debt service in  
5 any fiscal year, such surplus shall, subject to appropriation,  
6 be used by the Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~ for financial assistance under other coal  
8 development programs administered by the Department, in  
9 accordance with the rules of the Department or for other State  
10 purposes subject to appropriation.

11 (Source: P.A. 92-12, eff. 7-1-01; 92-651, eff. 7-11-02; revised  
12 8-23-03.)

13 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

14 Sec. 8.12. State Pensions Fund.

15 (a) The moneys in the State Pensions Fund shall be used  
16 exclusively for the administration of the Uniform Disposition  
17 of Unclaimed Property Act and for the payment of a portion of  
18 the required State contributions to the designated retirement  
19 systems.

20 "Designated retirement systems" means:

21 (1) the State Employees' Retirement System of  
22 Illinois;

23 (2) the Teachers' Retirement System of the State of  
24 Illinois;

25 (3) the State Universities Retirement System;

26 (4) the Judges Retirement System of Illinois; and

27 (5) the General Assembly Retirement System.

28 (b) Each year the General Assembly may make appropriations  
29 from the State Pensions Fund for the administration of the  
30 Uniform Disposition of Unclaimed Property Act.

31 Each month, the Commissioner of the Office of Banks and  
32 Real Estate shall certify to the State Treasurer the actual  
33 expenditures that the Office of Banks and Real Estate incurred  
34 conducting unclaimed property examinations under the Uniform  
35 Disposition of Unclaimed Property Act during the immediately

1 preceding month. Within a reasonable time following the  
2 acceptance of such certification by the State Treasurer, the  
3 State Treasurer shall pay from its appropriation from the State  
4 Pensions Fund to the Bank and Trust Company Fund and the  
5 Savings and Residential Finance Regulatory Fund an amount equal  
6 to the expenditures incurred by each Fund for that month.

7 Each month, the Director of Financial Institutions shall  
8 certify to the State Treasurer the actual expenditures that the  
9 Department of Financial Institutions incurred conducting  
10 unclaimed property examinations under the Uniform Disposition  
11 of Unclaimed Property Act during the immediately preceding  
12 month. Within a reasonable time following the acceptance of  
13 such certification by the State Treasurer, the State Treasurer  
14 shall pay from its appropriation from the State Pensions Fund  
15 to the Financial Institutions Fund and the Credit Union Fund an  
16 amount equal to the expenditures incurred by each Fund for that  
17 month.

18 (c) Each year the General Assembly shall appropriate a  
19 total amount equal to the balance in the State Pensions Fund at  
20 the close of business on June 30 of the preceding fiscal year,  
21 less \$5,000,000, as part of the required State contributions to  
22 the designated retirement systems. The amount of the  
23 appropriation to each designated retirement system shall  
24 constitute a portion of the total appropriation under this  
25 subsection for that fiscal year which is the same as that  
26 retirement system's portion of the total actuarial reserve  
27 deficiency of the systems, as most recently determined by the  
28 Governor's Office of Management and Budget Bureau of the  
29 Budget.

30 (d) The Governor's Office of Management and Budget Bureau  
31 of the Budget shall determine the individual and total reserve  
32 deficiencies of the designated retirement systems. For this  
33 purpose, the Governor's Office of Management and Budget Bureau  
34 of the Budget shall utilize the latest available audit and  
35 actuarial reports of each of the retirement systems and the  
36 relevant reports and statistics of the Public Employee Pension

1 Fund Division of the Department of Insurance.

2 (e) The changes to this Section made by this amendatory Act  
3 of 1994 shall first apply to distributions from the Fund for  
4 State fiscal year 1996.

5 (Source: P.A. 91-16, eff. 7-1-99; revised 8-23-03.)

6 (30 ILCS 105/8.14) (from Ch. 127, par. 144.14)

7 Sec. 8.14. Appropriations from the Public Utility Fund  
8 shall be made only to the Illinois Commerce Commission for  
9 ordinary and contingent expenses of the Commission in the  
10 administration of the Public Utilities Act, in the  
11 administration of the Electric Supplier Act, and in the  
12 administration of the Illinois Gas Pipeline Safety Act; to the  
13 Department of Natural Resources for the purpose of conducting  
14 studies concerning environmental pollution problems caused or  
15 contributed to by public utilities and the means for  
16 eliminating or abating those problems, in accordance with the  
17 functions of the Department as specified in the Environmental  
18 Protection Act; and to the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ for administration of energy  
20 programs, including those specified in the Comprehensive Solar  
21 Energy Act of 1977 and the Illinois Coal and Energy Development  
22 Bond Act. No money shall be transferred from the Public Utility  
23 Fund to any other fund.

24 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

25 (30 ILCS 105/8.22) (from Ch. 127, par. 144.22)

26 Sec. 8.22. Appropriations for the ordinary and contingent  
27 expenses of the Department of Commerce and Economic Opportunity  
28 ~~Community Affairs~~ may be made from the Intra-Agency Services  
29 Fund, provided that the State Comptroller and the State  
30 Treasurer shall, within a reasonable time after July 1 of each  
31 year, upon the direction of the Governor, transfer from the  
32 Intra-Agency Services Fund to the General Revenue Fund such  
33 amounts as the Governor has determined to be in excess of the  
34 amount required to meet the obligations of the Intra-Agency

1 Services Fund.

2 (Source: P.A. 82-790; revised 12-6-03.)

3 (30 ILCS 105/8.23) (from Ch. 127, par. 144.23)

4 Sec. 8.23. Until October 30, 1983, all moneys held in the  
5 following Federal trust funds as of the effective date of this  
6 amendatory Act of 1982, for expenditures by the Department of  
7 Commerce and Community Affairs (now Department of Commerce and  
8 Economic Opportunity) for general administration, shall be  
9 transferred to the Intra-Agency Services Trust Fund by the  
10 State Comptroller and the State Treasurer at the direction of  
11 the Department and with the approval of the Governor:

12 (1) The Urban Planning Assistance Fund.

13 (2) The Economic Opportunity Fund.

14 (3) The Federal Labor Projects Fund.

15 (4) The Federal Industrial Services Fund.

16 (5) The Federal Energy Administration Fund.

17 (6) The Economic Development Services Fund.

18 (7) The Human Services Support Fund.

19 (8) The Local Government Affairs Federal Trust Fund.

20 (9) The Federal Moderate Rehabilitation Housing Fund.

21 (Source: P.A. 82-790; revised 12-6-03.)

22 (30 ILCS 105/8h)

23 Sec. 8h. Transfers to General Revenue Fund.  
24 Notwithstanding any other State law to the contrary, the  
25 Director of the Governor's Office of Management and Budget  
26 ~~Bureau of the Budget~~ may from time to time direct the State  
27 Treasurer and Comptroller to transfer a specified sum from any  
28 fund held by the State Treasurer to the General Revenue Fund in  
29 order to help defray the State's operating costs for the fiscal  
30 year. The total transfer under this Section from any fund in  
31 any fiscal year shall not exceed the lesser of 8% of the  
32 revenues to be deposited into the fund during that year or 25%  
33 of the beginning balance in the fund. No transfer may be made  
34 from a fund under this Section that would have the effect of

1 reducing the available balance in the fund to an amount less  
2 than the amount remaining unexpended and unreserved from the  
3 total appropriation from that fund for that fiscal year. This  
4 Section does not apply to any funds that are restricted by  
5 federal law to a specific use or to any funds in the Motor Fuel  
6 Tax Fund. Notwithstanding any other provision of this Section,  
7 the total transfer under this Section from the Road Fund or the  
8 State Construction Account Fund shall not exceed 5% of the  
9 revenues to be deposited into the fund during that year.

10 In determining the available balance in a fund, the  
11 Director of the Governor's Office of Management and Budget  
12 ~~Bureau of the Budget~~ may include receipts, transfers into the  
13 fund, and other resources anticipated to be available in the  
14 fund in that fiscal year.

15 The State Treasurer and Comptroller shall transfer the  
16 amounts designated under this Section as soon as may be  
17 practicable after receiving the direction to transfer from the  
18 Director of the Governor's Office of Management and Budget  
19 ~~Bureau of the Budget~~.

20 (Source: P.A. 93-32, eff. 6-20-03; revised 8-21-03.)

21 (30 ILCS 105/9) (from Ch. 127, par. 145)

22 Sec. 9. (a) No disbursements from appropriations shall be  
23 made for rental or purchase of office or other space, buildings  
24 or land, except in pursuance of a written lease or purchase  
25 contract entered into by the proper State authority and the  
26 owner or authorized agent of the property. Such lease shall not  
27 exceed 5 years unless a greater term is authorized by law, but  
28 such lease may contain a renewal clause subject to acceptance  
29 by the State after that date or an option to purchase. Such  
30 purchase contract may provide for the title to the property to  
31 transfer immediately to the State or a trustee or nominee for  
32 the benefit of the State and for the consideration to be paid  
33 in installments to be made at stated intervals during a certain  
34 term not to exceed 30 years from the date of the contract and  
35 may provide for the payment of interest on the unpaid balance

1 at a rate that does not exceed a rate determined by adding 3  
2 percentage points to the annual yield on United States Treasury  
3 obligations of comparable maturity as most recently published  
4 in the Wall Street Journal at the time such contract is signed.  
5 Such lease or purchase contract shall be and shall recite that  
6 it is subject to termination and cancellation in any year for  
7 which the General Assembly fails to make an appropriation to  
8 pay the rent or purchase installments payable under the terms  
9 of such lease or purchase contract. Additionally such purchase  
10 contract shall specify that title to the office and storage  
11 space, buildings, land and other facilities being acquired  
12 under such a contract shall revert to the Seller in the event  
13 of the failure of the General Assembly to appropriate suitable  
14 funds. This limitation does not apply to leases for office or  
15 other space, buildings, or land, where such leases or purchase  
16 contracts contain a provision limiting the liability for the  
17 payment of the rental or installments thereunder solely to  
18 funds received from the Federal Government. A copy of each such  
19 lease or purchase contract shall be filed in the office of the  
20 Secretary of State within 15 days after execution.

21 (b) The State, through the Governor's Office of Management  
22 and Budget Bureau ~~Bureau of the Budget~~ for real property and  
23 improvements and personal property related thereto, and  
24 through the Department of Central Management Services for  
25 personal property, may issue or cause to be issued certificates  
26 of participation or similar instruments representing the right  
27 to receive a proportionate share in lease-purchase or  
28 installment purchase payments to be made by or for the benefit  
29 of one or more State agencies for the acquisition or  
30 improvement of real or personal property, or refinancing of  
31 such property or payment of expenses related to the issuance.  
32 The total principal amount of the certificates issued or caused  
33 to be issued pursuant to this Section for acquisition of real  
34 property shall not exceed \$125,000,000. Certificates issued or  
35 caused to be issued pursuant to this Section shall mean  
36 certificates heretofore or hereafter signed and delivered by

1 the State or signed and delivered by a trustee or fiscal agent  
2 pursuant to the written direction of the State. Nothing in this  
3 Section shall (i) prohibit or restrict the issuance of or  
4 affect the validity or enforceability of certificates  
5 heretofore or hereafter signed and delivered by any lessor or  
6 seller or an assignee of either under a lease purchase or  
7 installment purchase contract with the State or signed and  
8 delivered by a trustee or fiscal agent pursuant to the written  
9 direction of such lessor or seller or an assignee of either, or  
10 (ii) affect the validity or enforceability of any such lease  
11 purchase or installment purchase contract.

12 (1) Certificates may be issued or caused to be issued  
13 pursuant to this Section if the Director of the Governor's  
14 Office of Management and Budget ~~Bureau of the Budget~~  
15 determines that it is financially desirable and in the best  
16 interest of the State to use certificates of participation  
17 to finance or refinance installment purchase or lease  
18 purchase contracts entered into by State departments,  
19 agencies, or universities or to refund or advance refund  
20 prior issuances of certificates of participation or  
21 similar instruments including certificates of  
22 participation issued under this Section and certificates  
23 of participation issued before the effective date of this  
24 amendatory Act of 1997. The State, through the Governor's  
25 Office of Management and Budget ~~Bureau of the Budget~~ for  
26 real property and improvements and personal property  
27 related thereto, and through the Department of Central  
28 Management Services for personal property, may enter into  
29 arrangements for issuing, securing, and marketing  
30 certificates of participation, including agreements, trust  
31 indentures and other arrangements necessary or desirable  
32 to carry out the foregoing, and any reserve funds or other  
33 amounts securing the certificates may be held and invested  
34 as provided in such agreements and trust indentures.

35 (2) Certificates of participation or similar  
36 instruments issued or caused to be issued pursuant to this

1 Section and the underlying lease purchase or installment  
2 purchase contracts shall not constitute or create debt of  
3 the State as defined in the Illinois Constitution, nor a  
4 contractual obligation in excess of the amounts  
5 appropriated therefor, and the State shall have no  
6 continuing obligation to appropriate money for said  
7 payments or other obligations due under the lease purchase  
8 or installment purchase contracts; provided, however, that  
9 the Governor shall include in the annual budget request to  
10 the General Assembly for each relevant fiscal year  
11 appropriations sufficient to permit payment of all amounts  
12 which will be due and payable during the fiscal year with  
13 respect to certificates of participation issued or caused  
14 to be issued pursuant to this Section.

15 (3) The maximum term of certificates of participation  
16 issued to finance personal property shall be 10 years. The  
17 maximum term of certificates of participation to finance  
18 the acquisition or improvement of real property shall be 25  
19 years. In no event, however, shall the term exceed the  
20 expected useful life of the property being financed, with  
21 the term calculated from the date of delivery, with respect  
22 to personal property, and the date of occupancy, with  
23 respect to real property.

24 (4) Ten days before the issuance of certificates of  
25 participation under this Section, the Director of the  
26 Governor's Office of Management and Budget ~~Bureau of the~~  
27 ~~Budget~~ for real property and improvements and personal  
28 property related thereto and the Department of Central  
29 Management Services for personal property shall transmit  
30 to the Executive Director of the Economic and Fiscal  
31 Commission, to the Auditor General, to the President of the  
32 Senate, the Minority Leader of the Senate, the Speaker of  
33 the House of Representatives, and the Minority Leader of  
34 the House of Representatives, to the Chairs of the  
35 Appropriations Committees, and to the Secretary of the  
36 Senate and Clerk of the House a notice providing the



1 following information pertaining to the property to be  
2 financed by the certificates:

3 (1) The agency and program procuring the property.

4 (2) A brief description of the property.

5 (3) The estimated cost of the property if purchased  
6 outright.

7 (4) The estimated terms of the financings.

8 (5) The estimated total lease or installment  
9 purchase payments for property.

10 (6) The estimated lease or installment purchase  
11 payments by fiscal year for the current fiscal year and  
12 the next 5 fiscal years.

13 (7) The anticipated source of funds to make lease  
14 or installment purchase payments.

15 (8) Those items not anticipated to be financed upon  
16 enactment of the budget for the fiscal year.

17 A copy of the Preliminary Official Statement shall also be  
18 transmitted to the Executive Director of the Economic and  
19 Fiscal Commission, to the Auditor General, to the President of  
20 the Senate, the Minority Leader of the Senate, the Speaker of  
21 the House of Representatives, the Minority Leader of the House  
22 of Representatives, to the Chairs of the Appropriations  
23 Committees, and to the Secretary of the Senate and Clerk of the  
24 House at the time it is submitted for publication. After the  
25 issuance of the certificates, a copy of the final official  
26 statement accompanying the issuance shall be filed with the  
27 Economic and Fiscal Commission, with the Auditor General, with  
28 the President of the Senate, the Minority Leader of the Senate,  
29 the Speaker of the House of Representatives, and the Minority  
30 Leader of the House of Representatives, with the Chairs of the  
31 Appropriations Committees, and with the Secretary of the Senate  
32 and Clerk of the House.

33 (5) The Governor's Office of Management and Budget  
34 ~~Bureau of the Budget~~ may, based on a cost benefit analysis,  
35 issue general obligation bonds to finance or refinance  
36 installment purchase or lease purchase contracts entered

1 into by State departments, agencies, or universities or to  
2 refund or advance refund prior issuances of certificates of  
3 participation or similar instruments, including  
4 certificates of participation issued under this Section  
5 and certificates of participation issued before the  
6 effective date of this amendatory Act of 1997.

7 (6) The Department of Central Management Services may  
8 promulgate rules governing its issuance and conditions of  
9 use of certificates of participation and similar  
10 instruments.

11 (c) Amounts paid from appropriations for personal service  
12 of any officer or employee of the State, either temporary or  
13 regular, shall be considered as full payment for all services  
14 rendered between the dates specified in the payroll or other  
15 voucher and no additional sum shall be paid to such officer or  
16 employee from any lump sum appropriation, appropriation for  
17 extra help or other purpose or any accumulated balances in  
18 specific appropriations, which payments would constitute in  
19 fact an additional payment for work already performed and for  
20 which remuneration had already been made, except that wage  
21 payments made pursuant to the application of the prevailing  
22 rate principle or based upon the effective date of a collective  
23 bargaining agreement between the State, or a State agency and  
24 an employee group, or payment of funds as an adjustment to  
25 wages paid employees or officers of the State for the purpose  
26 of correcting a clerical or administrative error or oversight  
27 or pursuant to a backpay order issued by an appropriate State  
28 or federal administrative or judicial body or officer shall not  
29 be construed as an additional payment for work already  
30 performed.

31 (d) Disbursements from appropriations which are subject to  
32 the approval or certification of the Department of Central  
33 Management Services are subject to the following restrictions.

34 Payments for personal service except for positions  
35 specified in all appropriation Acts shall be made in conformity  
36 with schedules and amendments thereto submitted by the

1       respective officers and approved by the Department of Central  
2       Management Services before becoming effective. Such schedules  
3       and amendments thereto may set up groups of employment showing  
4       the approximate number to be employed, with fixed or minimum  
5       and maximum salary rates.

6               This Section is subject to the provisions of Section 9.02.  
7       (Source: P.A. 90-520, eff. 6-1-98; revised 8-23-03.)

8               (30 ILCS 105/9.03) (from Ch. 127, par. 145d)

9               Sec. 9.03. The certification on every State payroll voucher  
10       shall be as follows:

11              "I certify that the employees named, their respective  
12       indicated positions and service times, and appropriation to be  
13       charged, as shown on the accompanying payroll sheets are true,  
14       complete, correct and according to the provisions of law; that  
15       such employees are involved in decision making or have direct  
16       line responsibility to a person who has decision making  
17       authority concerning the objectives, functions, goals and  
18       policies of the organizational unit for which the appropriation  
19       was made; that the results of the work performed by these  
20       employees and that substantially all of their working time is  
21       directly related to the objectives, functions, goals, and  
22       policies of the organizational unit for which the appropriation  
23       is made; that all working time was expended in the service of  
24       the State; and that the employees named are entitled to payment  
25       in the amounts indicated. If applicable, the reporting  
26       requirements of Section 5.1 of the Governor's Office of  
27       Management and Budget Act ~~'an Act to create the Bureau of the~~  
28       ~~Budget and to define its powers and duties and to make an~~  
29       ~~appropriation', approved April 16, 1969, as amended,~~ have been  
30       met.

31       \_\_\_\_\_                               \_\_\_\_\_

32                               (Date)                               (Signature)"

33              For departments under the Civil Administrative Code, the  
34       foregoing certification shall be executed by the Chief  
35       Executive Officer of the department from whose appropriation

1 the payment will be made or his designee, in addition to any  
2 other certifications or approvals which may be required by law.

3 The foregoing certification shall not be required for  
4 expenditures from amounts appropriated to the Comptroller for  
5 payment of the salaries of State officers.

6 (Source: P.A. 82-790; revised 8-23-03.)

7 (30 ILCS 105/9.04) (from Ch. 127, par. 145e)

8 Sec. 9.04. The certification on behalf of the State agency  
9 on every State voucher for goods and services other than a  
10 payroll or travel voucher shall be as follows:

11 "I certify that the goods or services specified on this  
12 voucher were for the use of this agency and that the  
13 expenditure for such goods or services was authorized and  
14 lawfully incurred; that such goods or services meet all the  
15 required standards set forth in the purchase agreement or  
16 contract to which this voucher relates; and that the amount  
17 shown on this voucher is correct and is approved for payment.  
18 If applicable, the reporting requirements of Section 5.1 of the  
19 Governor's Office of Management and Budget Act ~~'An Act to~~  
20 ~~create the Bureau of the Budget and to define its powers and~~  
21 ~~duties and to make an appropriation', approved April 16, 1969,~~  
22 ~~as amended,~~ have been met.

23 .....  
24 (Date) (Signature)"

25 For departments under the Civil Administrative Code, the  
26 foregoing certification shall be executed by the Chief  
27 Executive Officer of the department from whose appropriation  
28 the payment will be made or his designee, in addition to any  
29 other certifications or approvals which may be required by law.

30 (Source: P.A. 82-790; revised 8-23-03.)

31 Section 365. The Federal Commodity Disbursement Act is  
32 amended by changing Section 1 as follows:

33 (30 ILCS 255/1) (from Ch. 127, par. 176b)

1           Sec. 1. The Governor may receive and disburse funds and  
2 commodities made available by the federal government, or any  
3 agency thereof. In any case where such funds or commodities are  
4 made available to the State but no designation has been made by  
5 the federal government, or agency thereof, of the officer,  
6 department or agency of this State who or which shall be the  
7 receiving agency, the Governor may make such designation, and  
8 thereupon such officer, department or agency shall be  
9 authorized to receive and expend such funds and commodities for  
10 the purpose or purposes for which they are made available  
11 providing such officer, department or agency complies with the  
12 applicable requirements of Section 5.1 of the Governor's Office  
13 of Management and Budget Act ~~"An Act to create a Bureau of the~~  
14 ~~Budget and to define its powers and duties and to make an~~  
15 ~~appropriation", approved April 16, 1969, as now or hereafter~~  
16 ~~amended.~~

17           (Source: P.A. 80-1029; revised 8-23-03.)

18           Section 370. The General Obligation Bond Act is amended by  
19 changing Sections 7, 7.2, 9, 11, 12, 13, 14, 15, and 16 as  
20 follows:

21           (30 ILCS 330/7) (from Ch. 127, par. 657)

22           Sec. 7. Coal and Energy Development. The amount of  
23 \$663,200,000 is authorized to be used by the Department of  
24 Commerce and Economic Opportunity (formerly Department of  
25 Commerce and Community Affairs) for coal and energy development  
26 purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois  
27 Coal and Energy Development Bond Act, for the purposes  
28 specified in Section 8.1 of the Energy Conservation and Coal  
29 Development Act, and for the purposes specified in Section  
30 605-332 of the Department of Commerce and Economic Opportunity  
31 Law ~~Community Affairs~~ of the Civil Administrative Code of  
32 Illinois. Of this amount:

33           (a) \$115,000,000 is for the specific purposes of  
34 acquisition, development, construction, reconstruction,

1 improvement, financing, architectural and technical planning  
2 and installation of capital facilities consisting of  
3 buildings, structures, durable equipment, and land for the  
4 purpose of capital development of coal resources within the  
5 State and for the purposes specified in Section 8.1 of the  
6 Energy Conservation and Coal Development Act;

7 (b) \$35,000,000 is for the purposes specified in Section  
8 8.1 of the Energy Conservation and Coal Development Act and  
9 making a grant to the owner of a generating station located in  
10 Illinois and having at least three coal-fired generating units  
11 with accredited summer capability greater than 500 megawatts  
12 each at such generating station as provided in Section 6 of  
13 that Bond Act;

14 (c) \$13,200,000 is for research, development and  
15 demonstration of forms of energy other than that derived from  
16 coal, either on or off State property; and

17 (d) \$500,000,000 is for the purpose of providing financial  
18 assistance to new electric generating facilities as provided in  
19 Section 605-332 of the Department of Commerce and Economic  
20 Opportunity ~~Community Affairs~~ Law of the Civil Administrative  
21 Code of Illinois.

22 (Source: P.A. 92-13, eff. 6-22-01; revised 12-6-03.)

23 (30 ILCS 330/7.2)

24 Sec. 7.2. State pension funding.

25 (a) The amount of \$10,000,000,000 is authorized to be used  
26 for the purpose of making contributions to the designated  
27 retirement systems. For the purposes of this Section,  
28 "designated retirement systems" means the State Employees'  
29 Retirement System of Illinois; the Teachers' Retirement System  
30 of the State of Illinois; the State Universities Retirement  
31 System; the Judges Retirement System of Illinois; and the  
32 General Assembly Retirement System.

33 (b) The Pension Contribution Fund is created as a special  
34 fund in the State Treasury.

35 The proceeds of the additional \$10,000,000,000 of Bonds

1 authorized by this amendatory Act of the 93rd General Assembly,  
2 less the amounts authorized in the Bond Sale Order to be  
3 deposited directly into the capitalized interest account of the  
4 General Obligation Bond Retirement and Interest Fund or  
5 otherwise directly paid out for bond sale expenses under  
6 Section 8, shall be deposited into the Pension Contribution  
7 Fund and used as provided in this Section.

8 (c) Of the amount of Bond proceeds first deposited into the  
9 Pension Contribution Fund, there shall be reserved for  
10 transfers under this subsection the sum of \$300,000,000,  
11 representing the required State contributions to the  
12 designated retirement systems for the last quarter of State  
13 fiscal year 2003, plus the sum of \$1,860,000,000, representing  
14 the required State contributions to the designated retirement  
15 systems for State fiscal year 2004.

16 Upon the deposit of sufficient moneys into the Pension  
17 Contribution Fund, the Comptroller and Treasurer shall  
18 immediately transfer the sum of \$300,000,000 from the Pension  
19 Contribution Fund to the General Revenue Fund.

20 Whenever any payment of required State contributions for  
21 State fiscal year 2004 is made to one of the designated  
22 retirement systems, the Comptroller and Treasurer shall, as  
23 soon as practicable, transfer from the Pension Contribution  
24 Fund to the General Revenue Fund an amount equal to the amount  
25 of that payment to the designated retirement system. If the  
26 amount reserved for these transfers exceeds the total amount of  
27 fiscal year 2004 payments of required State contributions to  
28 the designated retirement systems, the Comptroller and  
29 Treasurer shall continue to make such transfers based on fiscal  
30 year 2005 payments until the entire amount reserved has been  
31 transferred.

32 (d) All amounts deposited into the Pension Contribution  
33 Fund, other than the amounts reserved for the transfers under  
34 subsection (c), shall be appropriated to the designated  
35 retirement systems to reduce their actuarial reserve  
36 deficiencies. The amount of the appropriation to each

1 designated retirement system shall constitute a portion of the  
2 total appropriation under this subsection that is the same as  
3 that retirement system's portion of the total actuarial reserve  
4 deficiency of the systems, as most recently determined by the  
5 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
6 under Section 8.12 of the State Finance Act.

7 Within 15 days after any Bond proceeds in excess of the  
8 amounts initially reserved under subsection (c) are deposited  
9 into the Pension Contribution Fund, the Governor's Office of  
10 Management and Budget ~~Bureau of the Budget~~ shall (i) allocate  
11 those proceeds among the designated retirement systems in  
12 proportion to their respective actuarial reserve deficiencies,  
13 as most recently determined under Section 8.12 of the State  
14 Finance Act, and (ii) certify those allocations to the  
15 designated retirement systems and the Comptroller.

16 Upon receiving certification of an allocation under this  
17 subsection, a designated retirement system shall submit to the  
18 Comptroller a voucher for the amount of its allocation. The  
19 voucher shall be paid out of the amount appropriated to that  
20 designated retirement system from the Pension Contribution  
21 Fund pursuant to this subsection.

22 (Source: P.A. 93-2, eff. 4-7-03; revised 8-23-03.)

23 (30 ILCS 330/9) (from Ch. 127, par. 659)

24 Sec. 9. Conditions for Issuance and Sale of Bonds -  
25 Requirements for Bonds.

26 (a) Bonds shall be issued and sold from time to time, in  
27 one or more series, in such amounts and at such prices as may  
28 be directed by the Governor, upon recommendation by the  
29 Director of the Governor's Office of Management and Budget  
30 ~~Bureau of the Budget~~. Bonds shall be in such form (either  
31 coupon, registered or book entry), in such denominations,  
32 payable within 30 years from their date, subject to such terms  
33 of redemption with or without premium, bear interest payable at  
34 such times and at such fixed or variable rate or rates, and be  
35 dated as shall be fixed and determined by the Director of the



1 Governor's Office of Management and Budget ~~Bureau of the Budget~~

2 in the order authorizing the issuance and sale of any series of  
3 Bonds, which order shall be approved by the Governor and is  
4 herein called a "Bond Sale Order"; provided however, that  
5 interest payable at fixed or variable rates shall not exceed  
6 that permitted in the Bond Authorization Act, as now or  
7 hereafter amended. Bonds shall be payable at such place or  
8 places, within or without the State of Illinois, and may be  
9 made registrable as to either principal or as to both principal  
10 and interest, as shall be specified in the Bond Sale Order.  
11 Bonds may be callable or subject to purchase and retirement or  
12 tender and remarketing as fixed and determined in the Bond Sale  
13 Order.

14 In the case of any series of Bonds bearing interest at a  
15 variable interest rate ("Variable Rate Bonds"), in lieu of  
16 determining the rate or rates at which such series of Variable  
17 Rate Bonds shall bear interest and the price or prices at which  
18 such Variable Rate Bonds shall be initially sold or remarketed  
19 (in the event of purchase and subsequent resale), the Bond Sale  
20 Order may provide that such interest rates and prices may vary  
21 from time to time depending on criteria established in such  
22 Bond Sale Order, which criteria may include, without  
23 limitation, references to indices or variations in interest  
24 rates as may, in the judgment of a remarketing agent, be  
25 necessary to cause Variable Rate Bonds of such series to be  
26 remarketable from time to time at a price equal to their  
27 principal amount, and may provide for appointment of a bank,  
28 trust company, investment bank, or other financial institution  
29 to serve as remarketing agent in that connection. The Bond Sale  
30 Order may provide that alternative interest rates or provisions  
31 for establishing alternative interest rates, different  
32 security or claim priorities, or different call or amortization  
33 provisions will apply during such times as Variable Rate Bonds  
34 of any series are held by a person providing credit or  
35 liquidity enhancement arrangements for such Bonds as  
36 authorized in subsection (b) of this Section. The Bond Sale

1 Order may also provide for such variable interest rates to be  
2 established pursuant to a process generally known as an auction  
3 rate process and may provide for appointment of one or more  
4 financial institutions to serve as auction agents and  
5 broker-dealers in connection with the establishment of such  
6 interest rates and the sale and remarketing of such Bonds.

7 (b) In connection with the issuance of any series of Bonds,  
8 the State may enter into arrangements to provide additional  
9 security and liquidity for such Bonds, including, without  
10 limitation, bond or interest rate insurance or letters of  
11 credit, lines of credit, bond purchase contracts, or other  
12 arrangements whereby funds are made available to retire or  
13 purchase Bonds, thereby assuring the ability of owners of the  
14 Bonds to sell or redeem their Bonds. The State may enter into  
15 contracts and may agree to pay fees to persons providing such  
16 arrangements, but only under circumstances where the Director  
17 of the Governor's Office of Management and Budget ~~Bureau of the~~  
18 ~~Budget~~ certifies that he or she reasonably expects the total  
19 interest paid or to be paid on the Bonds, together with the  
20 fees for the arrangements (being treated as if interest), would  
21 not, taken together, cause the Bonds to bear interest,  
22 calculated to their stated maturity, at a rate in excess of the  
23 rate that the Bonds would bear in the absence of such  
24 arrangements.

25 The State may, with respect to Bonds issued or anticipated  
26 to be issued, participate in and enter into arrangements with  
27 respect to interest rate protection or exchange agreements,  
28 guarantees, or financial futures contracts for the purpose of  
29 limiting or restricting interest rate risk. The arrangements  
30 may be executed and delivered by the Director of the Governor's  
31 Office of Management and Budget ~~Bureau of the Budget~~ on behalf  
32 of the State. Net payments for such arrangements shall  
33 constitute interest on the Bonds and shall be paid from the  
34 General Obligation Bond Retirement and Interest Fund. The  
35 Director of the Governor's Office of Management and Budget  
36 ~~Bureau of the Budget~~ shall at least annually certify to the

1 Governor and the State Comptroller his or her estimate of the  
2 amounts of such net payments to be included in the calculation  
3 of interest required to be paid by the State.

4 (c) Prior to the issuance of any Variable Rate Bonds  
5 pursuant to subsection (a), the Director of the Governor's  
6 Office of Management and Budget ~~Bureau of the Budget~~ shall  
7 adopt an interest rate risk management policy providing that  
8 the amount of the State's variable rate exposure with respect  
9 to Bonds shall not exceed 20%. This policy shall remain in  
10 effect while any Bonds are outstanding and the issuance of  
11 Bonds shall be subject to the terms of such policy. The terms  
12 of this policy may be amended from time to time by the Director  
13 of the Governor's Office of Management and Budget ~~Bureau of the~~  
14 ~~Budget~~ but in no event shall any amendment cause the permitted  
15 level of the State's variable rate exposure with respect to  
16 Bonds to exceed 20%.

17 (Source: P.A. 92-16, eff. 6-28-01; 93-9, eff. 6-3-03; revised  
18 8-23-03.)

19 (30 ILCS 330/11) (from Ch. 127, par. 661)

20 Sec. 11. Sale of Bonds. Bonds shall be sold from time to  
21 time pursuant to notice of sale and public bid or by negotiated  
22 sale in such amounts and at such times as is directed by the  
23 Governor, upon recommendation by the Director of the Governor's  
24 Office of Management and Budget ~~Bureau of the Budget~~.

25 If any Bonds, including refunding Bonds, are to be sold by  
26 negotiated sale, the Director of the Governor's Office of  
27 Management and Budget ~~Bureau of the Budget~~ shall comply with  
28 the competitive request for proposal process set forth in the  
29 Illinois Procurement Code and all other applicable  
30 requirements of that Code.

31 If Bonds are to be sold pursuant to notice of sale and  
32 public bid, the Director of the Governor's Office of Management  
33 and Budget ~~Bureau of the Budget~~ shall, from time to time, as  
34 Bonds are to be sold, advertise the sale of the Bonds in at  
35 least two daily newspapers, one of which is published in the

1 City of Springfield and one in the City of Chicago. The sale of  
2 the Bonds shall also be advertised in the volume of the  
3 Illinois Procurement Bulletin that is published by the  
4 Department of Central Management Services. Each of the  
5 advertisements for proposals shall be published once at least  
6 10 days prior to the date fixed for the opening of the bids.  
7 The Director of the Governor's Office of Management and Budget  
8 ~~Bureau of the Budget~~ may reschedule the date of sale upon the  
9 giving of such additional notice as the Director deems adequate  
10 to inform prospective bidders of such change; provided,  
11 however, that all other conditions of the sale shall continue  
12 as originally advertised.

13 Executed Bonds shall, upon payment therefor, be delivered  
14 to the purchaser, and the proceeds of Bonds shall be paid into  
15 the State Treasury as directed by Section 12 of this Act.

16 (Source: P.A. 91-39, eff. 6-15-99; revised 8-23-03.)

17 (30 ILCS 330/12) (from Ch. 127, par. 662)

18 Sec. 12. Allocation of Proceeds from Sale of Bonds.

19 (a) Proceeds from the sale of Bonds, authorized by Section  
20 3 of this Act, shall be deposited in the separate fund known as  
21 the Capital Development Fund.

22 (b) Proceeds from the sale of Bonds, authorized by  
23 paragraph (a) of Section 4 of this Act, shall be deposited in  
24 the separate fund known as the Transportation Bond, Series A  
25 Fund.

26 (c) Proceeds from the sale of Bonds, authorized by  
27 paragraphs (b) and (c) of Section 4 of this Act, shall be  
28 deposited in the separate fund known as the Transportation  
29 Bond, Series B Fund.

30 (d) Proceeds from the sale of Bonds, authorized by Section  
31 5 of this Act, shall be deposited in the separate fund known as  
32 the School Construction Fund.

33 (e) Proceeds from the sale of Bonds, authorized by Section  
34 6 of this Act, shall be deposited in the separate fund known as  
35 the Anti-Pollution Fund.

1 (f) Proceeds from the sale of Bonds, authorized by Section  
2 7 of this Act, shall be deposited in the separate fund known as  
3 the Coal Development Fund.

4 (f-2) Proceeds from the sale of Bonds, authorized by  
5 Section 7.2 of this Act, shall be deposited as set forth in  
6 Section 7.2.

7 (f-5) Proceeds from the sale of Bonds, authorized by  
8 Section 7.5 of this Act, shall be deposited as set forth in  
9 Section 7.5.

10 (g) Proceeds from the sale of Bonds, authorized by Section  
11 8 of this Act, shall be deposited in the Capital Development  
12 Fund.

13 (h) Subsequent to the issuance of any Bonds for the  
14 purposes described in Sections 2 through 8 of this Act, the  
15 Governor and the Director of the Governor's Office of  
16 Management and Budget ~~Bureau of the Budget~~ may provide for the  
17 reallocation of unspent proceeds of such Bonds to any other  
18 purposes authorized under said Sections of this Act, subject to  
19 the limitations on aggregate principal amounts contained  
20 therein. Upon any such reallocation, such unspent proceeds  
21 shall be transferred to the appropriate funds as determined by  
22 reference to paragraphs (a) through (g) of this Section.

23 (Source: P.A. 92-596, eff. 6-28-02; 93-2, eff. 4-7-03; revised  
24 8-23-03.)

25 (30 ILCS 330/13) (from Ch. 127, par. 663)

26 Sec. 13. Appropriation of Proceeds from Sale of Bonds.

27 (a) At all times, the proceeds from the sale of Bonds  
28 issued pursuant to this Act are subject to appropriation by the  
29 General Assembly and, except as provided in Section 7.2, may be  
30 obligated or expended only with the written approval of the  
31 Governor, in such amounts, at such times, and for such purposes  
32 as the respective State agencies, as defined in Section 1-7 of  
33 the Illinois State Auditing Act, as amended, deem necessary or  
34 desirable for the specific purposes contemplated in Sections 2  
35 through 8 of this Act.

1 (b) Proceeds from the sale of Bonds for the purpose of  
2 development of coal and alternative forms of energy shall be  
3 expended in such amounts and at such times as the Department of  
4 Commerce and Economic Opportunity ~~Community Affairs~~, with the  
5 advice and recommendation of the Illinois Coal Development  
6 Board for coal development projects, may deem necessary and  
7 desirable for the specific purpose contemplated by Section 7 of  
8 this Act. In considering the approval of projects to be funded,  
9 the Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~ shall give special consideration to projects designed  
11 to remove sulfur and other pollutants in the preparation and  
12 utilization of coal, and in the use and operation of electric  
13 utility generating plants and industrial facilities which  
14 utilize Illinois coal as their primary source of fuel.

15 (c) Any monies received by any officer or employee of the  
16 state representing a reimbursement of expenditures previously  
17 paid from general obligation bond proceeds shall be deposited  
18 into the General Obligation Bond Retirement and Interest Fund  
19 authorized in Section 14 of this Act.

20 (Source: P.A. 93-2, eff. 4-7-03; revised 12-6-03.)

21 (30 ILCS 330/14) (from Ch. 127, par. 664)

22 Sec. 14. Repayment.

23 (a) To provide for the manner of repayment of Bonds, the  
24 Governor shall include an appropriation in each annual State  
25 Budget of monies in such amount as shall be necessary and  
26 sufficient, for the period covered by such budget, to pay the  
27 interest, as it shall accrue, on all Bonds issued under this  
28 Act, to pay and discharge the principal of such Bonds as shall,  
29 by their terms, fall due during such period, and to pay a  
30 premium, if any, on Bonds to be redeemed prior to the maturity  
31 date. Amounts included in such appropriations for the payment  
32 of interest on variable rate bonds shall be the maximum amounts  
33 of interest that may be payable for the period covered by the  
34 budget, after taking into account any credits permitted in the  
35 related indenture or other instrument against the amount of

1 such interest required to be appropriated for such period.  
2 Amounts included in such appropriations for the payment of  
3 interest shall include the amounts certified by the Director of  
4 the Governor's Office of Management and Budget ~~Bureau of the~~  
5 ~~Budget~~ under subsection (b) of Section 9 of this Act.

6 (b) A separate fund in the State Treasury called the  
7 "General Obligation Bond Retirement and Interest Fund" is  
8 hereby created.

9 (c) The General Assembly shall annually make  
10 appropriations to pay the principal of, interest on, and  
11 premium, if any, on Bonds sold under this Act from the General  
12 Obligation Bond Retirement and Interest Fund. Amounts included  
13 in such appropriations for the payment of interest on variable  
14 rate bonds shall be the maximum amounts of interest that may be  
15 payable during the fiscal year, after taking into account any  
16 credits permitted in the related indenture or other instrument  
17 against the amount of such interest required to be appropriated  
18 for such period. Amounts included in such appropriations for  
19 the payment of interest shall include the amounts certified by  
20 the Director of the Governor's Office of Management and Budget  
21 ~~Bureau of the Budget~~ under subsection (b) of Section 9 of this  
22 Act.

23 If for any reason there are insufficient funds in either  
24 the General Revenue Fund or the Road Fund to make transfers to  
25 the General Obligation Bond Retirement and Interest Fund as  
26 required by Section 15 of this Act, or if for any reason the  
27 General Assembly fails to make appropriations sufficient to pay  
28 the principal of, interest on, and premium, if any, on the  
29 Bonds, as the same by their terms shall become due, this Act  
30 shall constitute an irrevocable and continuing appropriation  
31 of all amounts necessary for that purpose, and the irrevocable  
32 and continuing authority for and direction to the State  
33 Treasurer and the Comptroller to make the necessary transfers,  
34 as directed by the Governor, out of and disbursements from the  
35 revenues and funds of the State.

36 (d) If, because of insufficient funds in either the General

1 Revenue Fund or the Road Fund, monies have been transferred to  
2 the General Obligation Bond Retirement and Interest Fund, as  
3 required by subsection (c) of this Section, this Act shall  
4 constitute the irrevocable and continuing authority for and  
5 direction to the State Treasurer and Comptroller to reimburse  
6 these funds of the State from the General Revenue Fund or the  
7 Road Fund, as appropriate, by transferring, at such times and  
8 in such amounts, as directed by the Governor, an amount to  
9 these funds equal to that transferred from them.

10 (Source: P.A. 93-9, eff. 6-3-03; revised 8-23-03.)

11 (30 ILCS 330/15) (from Ch. 127, par. 665)

12 Sec. 15. Computation of Principal and Interest; transfers.

13 (a) Upon each delivery of Bonds authorized to be issued  
14 under this Act, the Comptroller shall compute and certify to  
15 the Treasurer the total amount of principal of, interest on,  
16 and premium, if any, on Bonds issued that will be payable in  
17 order to retire such Bonds and the amount of principal of,  
18 interest on and premium, if any, on such Bonds that will be  
19 payable on each payment date according to the tenor of such  
20 Bonds during the then current and each succeeding fiscal year.  
21 With respect to the interest payable on variable rate bonds,  
22 such certifications shall be calculated at the maximum rate of  
23 interest that may be payable during the fiscal year, after  
24 taking into account any credits permitted in the related  
25 indenture or other instrument against the amount of such  
26 interest required to be appropriated for such period pursuant  
27 to subsection (c) of Section 14 of this Act. With respect to  
28 the interest payable, such certifications shall include the  
29 amounts certified by the Director of the Governor's Office of  
30 Management and Budget ~~Bureau of the Budget~~ under subsection (b)  
31 of Section 9 of this Act.

32 On or before the last day of each month the State Treasurer  
33 and Comptroller shall transfer from (1) the Road Fund with  
34 respect to Bonds issued under paragraph (a) of Section 4 of  
35 this Act or Bonds issued for the purpose of refunding such



1 bonds, and from (2) the General Revenue Fund, with respect to  
2 all other Bonds issued under this Act, to the General  
3 Obligation Bond Retirement and Interest Fund an amount  
4 sufficient to pay the aggregate of the principal of, interest  
5 on, and premium, if any, on Bonds payable, by their terms on  
6 the next payment date divided by the number of full calendar  
7 months between the date of such Bonds and the first such  
8 payment date, and thereafter, divided by the number of months  
9 between each succeeding payment date after the first. Such  
10 computations and transfers shall be made for each series of  
11 Bonds issued and delivered. Interest payable on variable rate  
12 bonds shall be calculated at the maximum rate of interest that  
13 may be payable for the relevant period, after taking into  
14 account any credits permitted in the related indenture or other  
15 instrument against the amount of such interest required to be  
16 appropriated for such period pursuant to subsection (c) of  
17 Section 14 of this Act. Computations of interest shall include  
18 the amounts certified by the Director of the Governor's Office  
19 of Management and Budget ~~Bureau of the Budget~~ under subsection  
20 (b) of Section 9 of this Act. Interest for which moneys have  
21 already been deposited into the capitalized interest account  
22 within the General Obligation Bond Retirement and Interest Fund  
23 shall not be included in the calculation of the amounts to be  
24 transferred under this subsection.

25 The transfer of monies herein and above directed is not  
26 required if monies in the General Obligation Bond Retirement  
27 and Interest Fund are more than the amount otherwise to be  
28 transferred as herein above provided, and if the Governor or  
29 his authorized representative notifies the State Treasurer and  
30 Comptroller of such fact in writing.

31 (b) After the effective date of this Act, the balance of,  
32 and monies directed to be included in the Capital Development  
33 Bond Retirement and Interest Fund, Anti-Pollution Bond  
34 Retirement and Interest Fund, Transportation Bond, Series A  
35 Retirement and Interest Fund, Transportation Bond, Series B  
36 Retirement and Interest Fund, and Coal Development Bond

1 Retirement and Interest Fund shall be transferred to and  
2 deposited in the General Obligation Bond Retirement and  
3 Interest Fund. This Fund shall be used to make debt service  
4 payments on the State's general obligation Bonds heretofore  
5 issued which are now outstanding and payable from the Funds  
6 herein listed as well as on Bonds issued under this Act.

7 (c) The unused portion of federal funds received for a  
8 capital facilities project, as authorized by Section 3 of this  
9 Act, for which monies from the Capital Development Fund have  
10 been expended shall be deposited upon completion of the project  
11 in the General Obligation Bond Retirement and Interest Fund.  
12 Any federal funds received as reimbursement for the completed  
13 construction of a capital facilities project, as authorized by  
14 Section 3 of this Act, for which monies from the Capital  
15 Development Fund have been expended shall be deposited in the  
16 General Obligation Bond Retirement and Interest Fund.

17 (Source: P.A. 93-2, eff. 4-7-03; 93-9, eff. 6-3-03; revised  
18 8-23-03.)

19 (30 ILCS 330/16) (from Ch. 127, par. 666)

20 Sec. 16. Refunding Bonds. The State of Illinois is  
21 authorized to issue, sell, and provide for the retirement of  
22 General Obligation Bonds of the State of Illinois in the amount  
23 of \$2,839,025,000, at any time and from time to time  
24 outstanding, for the purpose of refunding any State of Illinois  
25 general obligation Bonds then outstanding, including the  
26 payment of any redemption premium thereon, any reasonable  
27 expenses of such refunding, any interest accrued or to accrue  
28 to the earliest or any subsequent date of redemption or  
29 maturity of such outstanding Bonds and any interest to accrue  
30 to the first interest payment on the refunding Bonds; provided  
31 that such refunding Bonds shall mature no later than the final  
32 maturity date of Bonds being refunded.

33 Refunding Bonds may be sold from time to time pursuant to  
34 notice of sale and public bid or by negotiated sale in such  
35 amounts and at such times, as directed by the Governor, upon

1 recommendation by the Director of the Governor's Office of  
2 Management and Budget ~~Bureau of the Budget~~. The Governor shall  
3 notify the State Treasurer and Comptroller of such refunding.  
4 The proceeds received from the sale of refunding Bonds shall be  
5 used for the retirement at maturity or redemption of such  
6 outstanding Bonds on any maturity or redemption date and,  
7 pending such use, shall be placed in escrow, subject to such  
8 terms and conditions as shall be provided for in the Bond Sale  
9 Order relating to the Refunding Bonds. Proceeds not needed for  
10 deposit in an escrow account shall be deposited in the General  
11 Obligation Bond Retirement and Interest Fund. This Act shall  
12 constitute an irrevocable and continuing appropriation of all  
13 amounts necessary to establish an escrow account for the  
14 purpose of refunding outstanding general obligation Bonds and  
15 to pay the reasonable expenses of such refunding and of the  
16 issuance and sale of the refunding Bonds. Any such escrowed  
17 proceeds may be invested and reinvested in direct obligations  
18 of the United States of America, maturing at such time or times  
19 as shall be appropriate to assure the prompt payment, when due,  
20 of the principal of and interest and redemption premium, if  
21 any, on the refunded Bonds. After the terms of the escrow have  
22 been fully satisfied, any remaining balance of such proceeds  
23 and interest, income and profits earned or realized on the  
24 investments thereof shall be paid into the General Revenue  
25 Fund. The liability of the State upon the Bonds shall continue,  
26 provided that the holders thereof shall thereafter be entitled  
27 to payment only out of the moneys deposited in the escrow  
28 account.

29 Except as otherwise herein provided in this Section, such  
30 refunding Bonds shall in all other respects be subject to the  
31 terms and conditions of this Act.

32 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-710,  
33 eff. 5-17-00; revised 8-23-03.)

34 Section 375. The Short Term Borrowing Act is amended by  
35 changing Section 2 as follows:

1 (30 ILCS 340/2) (from Ch. 120, par. 407)

2 Sec. 2. Sale of certificates. For borrowing authorized  
3 under Sections 1 and 1.1 of this Act, certificates may be  
4 issued and sold from time to time, in one or more series, in  
5 amounts, at prices and at interest rates, all as directed by  
6 the Governor, Comptroller, and Treasurer. Bidders shall submit  
7 sealed bids to the Director of the Governor's Office of  
8 Management and Budget ~~Bureau of the Budget~~ upon such terms as  
9 shall be approved by the Governor, Comptroller, and Treasurer  
10 after such notice as shall be determined to be reasonable by  
11 the Director of the Governor's Office of Management and Budget  
12 ~~Bureau of the Budget~~. The loan shall be awarded to the bidder  
13 offering the lowest effective rate of interest not exceeding  
14 the maximum rate authorized by the Bond Authorization Act as  
15 amended at the time of the making of the contract.

16 With respect to instruments for the payment of money issued  
17 under this Section either before, on, or after the effective  
18 date of this amendatory Act of 1989, it is and always has been  
19 the intention of the General Assembly (i) that the Omnibus Bond  
20 Acts are and always have been supplementary grants of power to  
21 issue instruments in accordance with the Omnibus Bond Acts,  
22 regardless of any provision of this Act that may appear to be  
23 or to have been more restrictive than those Acts, (ii) that the  
24 provisions of this Section are not a limitation on the  
25 supplementary authority granted by the Omnibus Bond Acts, and  
26 (iii) that instruments issued under this Section within the  
27 supplementary authority granted by the Omnibus Bond Acts are  
28 not invalid because of any provision of this Act that may  
29 appear to be or to have been more restrictive than those Acts.

30 (Source: P.A. 88-669, eff. 11-29-94; revised 8-23-03.)

31 Section 380. The Medicaid Liability Liquidity Borrowing  
32 Act is amended by changing Section 10 as follows:

33 (30 ILCS 342/10)

1           Sec. 10. Advertising for loan. Whenever the borrowing of  
2 money under Section 5 is contemplated, it is the duty of the  
3 Director of the Governor's Office of Management and Budget  
4 ~~Bureau of the Budget~~ acting at the direction of the Governor to  
5 advertise for proposals for the loan in the manner that is  
6 determined by the Director of the Governor's Office of  
7 Management and Budget ~~Bureau of the Budget~~ to give reasonable  
8 notice of the request for proposals. The advertisements shall  
9 set forth the amount of debt proposed to be contracted and the  
10 time and place for the payment of the principal and interest.  
11 The loan shall be awarded to the person or persons agreeing to  
12 take it at the lowest rate of interest not exceeding the  
13 maximum rate authorized by the Bond Authorization Act, as  
14 amended at the time of the making of the contract.

15           (Source: P.A. 88-554, eff. 7-26-94; revised 8-23-03.)

16           Section 385. The Metropolitan Civic Center Support Act is  
17 amended by changing Sections 2, 5, and 7 as follows:

18           (30 ILCS 355/2) (from Ch. 85, par. 1392)

19           Sec. 2. When used in this Act:

20           "Authority" means the River Forest Metropolitan  
21 Exposition, Auditorium and Office Building Authority, the  
22 Village Board of Trustees of the Village of Rosemont for the  
23 sole purposes of rehabilitating, developing and making  
24 improvements to the O'Hare Exposition Center, or any  
25 Metropolitan Exposition Auditorium and Office Building  
26 Authority, Metropolitan Exposition and Auditorium Authority or  
27 Civic Center Authority created prior to the effective date of  
28 this amendatory Act of 1983 or hereafter created pursuant to  
29 the statutes of the State of Illinois, except those created  
30 pursuant to the Metropolitan Pier and Exposition Authority Act.

31           "Bonds" means any limited obligation revenue bonds issued  
32 by the Department before July 1, 1989 and by the Bureau (now  
33 Office) on or after July 1, 1989 pursuant to Section 7 of this  
34 Act.

1 "Bond Fund" means the Illinois Civic Center Bond Fund, as  
2 provided in this Act.

3 "Bond Retirement Fund" means the Illinois Civic Center Bond  
4 Retirement and Interest Fund, as provided in this Act.

5 "Bond Sale Order" means any order authorizing the issuance  
6 and sale of Bonds, which order shall be approved by the  
7 Director of the Governor's Office of Management and Budget  
8 ~~Bureau of the Budget~~.

9 "Budget Director" means the Director of the Governor's  
10 Office of Management and Budget ~~Bureau of the Budget~~.

11 "Bureau" means the Bureau of the Budget, (now Governor's  
12 Office of Management and Budget).

13 "Department" means the Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~.

15 "Director" means the Director of Commerce and Economic  
16 Opportunity ~~Community Affairs~~.

17 "Local Bonds" means any bonds subject to State Financial  
18 Support under subparagraph (i) of paragraph (b) of subsection  
19 (3) of Section 4 of this Act.

20 "MEA OB Fund" means the Metropolitan Exposition, Auditorium  
21 and Office Building Fund, as provided in this Act.

22 "Office" means the Governor's Office of Management and  
23 Budget.

24 "State Financial Support" means either the payment of debt  
25 service on bonds issued by an Authority or a unit of local  
26 government or the grant to an Authority of the proceeds of  
27 Bonds issued by the Department before July 1, 1989 and by the  
28 Bureau (now Office) on or after July 1, 1989, all in accordance  
29 with subsection (3) of Section 4 of this Act.

30 (Source: P.A. 86-44; 87-895; revised 8-23-03.)

31 (30 ILCS 355/5) (from Ch. 85, par. 1395)

32 Sec. 5. To the extent that moneys in the MEAOB Fund, in the  
33 opinion of the Governor and the Director of the Governor's  
34 Office of Management and Budget ~~Bureau of the Budget~~, are in  
35 excess of 125% of the maximum debt service in any fiscal year,

1 the Governor shall notify the Comptroller and the State  
2 Treasurer of that fact, who upon receipt of such notification  
3 shall transfer the excess moneys from the MEAOB Fund to the  
4 General Revenue Fund.

5 (Source: P.A. 84-245; 84-1106; revised 8-23-03.)

6 (30 ILCS 355/7) (from Ch. 85, par. 1397)

7 Sec. 7. The Department before July 1, 1989 and the Bureau  
8 (now Office) on and after July 1, 1989 are authorized to issue  
9 and sell Bonds in the total amount outstanding at any given  
10 time of \$200,000,000, herein called "Bonds". Bonds may be  
11 issued for advance refunding of any or all bonds issued prior  
12 to July 1, 1985 by an Authority or a unit of local government  
13 subject to repayment from State financial support pursuant to  
14 subparagraph (i) of paragraph (b) of subsection (3) of Section  
15 4 of this Act and for the purpose of providing State financial  
16 support to Authorities pursuant to subparagraph (ii) of  
17 paragraph (b) of subsection (3) of Section 4 of this Act.  
18 Notwithstanding the foregoing, Bonds shall be issued in a total  
19 amount outstanding at any given time not to exceed \$10,000,000,  
20 which amount is included within and is not in addition to the  
21 \$200,000,000 bond authorization under this Section, for the  
22 purpose of making construction and improvement grants by the  
23 Secretary of State, as State Librarian, to public libraries and  
24 library systems, and the Secretary of State, as State  
25 Librarian, is authorized to make those grants from moneys  
26 appropriated for those purposes. In addition to the  
27 \$200,000,000 of Bonds authorized above, bonds may be issued by  
28 the Bureau (now Office) on and after July 1, 1989 to refund or  
29 advance refund previously issued Bonds if the Budget Director  
30 determines that the refunding or advance refunding of Bonds  
31 results in debt service savings to the State measured on a  
32 present value basis.

33 (Source: P.A. 86-44; 86-1414; revised 8-23-03.)

34 Section 390. The School Construction Bond Act is amended by

1 changing Sections 4 and 6 as follows:

2 (30 ILCS 390/4) (from Ch. 122, par. 1204)

3 Sec. 4. The Bonds shall be issued and sold from time to  
4 time in such amounts as directed by the Governor, upon  
5 recommendation by the Director of the Governor's Office of  
6 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
7 serial bonds and shall be in such form, in the denomination of  
8 \$5,000 or some multiple thereof, payable within 30 years from  
9 their date, bearing interest payable annually or semi-annually  
10 from their date at the rate of not more than 7% per annum, and  
11 be dated as shall be fixed and determined by the Director of  
12 the Governor's Office of Management and Budget ~~Bureau of the~~  
13 ~~Budget~~ in the order authorizing the issuance and sale of the  
14 Bonds, which order shall be approved by the Governor prior to  
15 the giving of notice of the sale of any of the Bonds. Said  
16 Bonds shall be payable as to both principal and interest at  
17 such place or places, within or without the State of Illinois,  
18 and may be made registrable as to either principal or as to  
19 both principal and interest, as shall be fixed and determined  
20 by the Director of the Governor's Office of Management and  
21 Budget ~~Bureau of the Budget~~ in the order authorizing the  
22 issuance and sale of such Bonds. The Bonds may be callable as  
23 fixed and determined by the Director of the Governor's Office  
24 of Management and Budget ~~Bureau of the Budget~~ in the order  
25 authorizing the issuance and sale of the Bonds; provided  
26 however, that the State shall not pay a premium of more than 3%  
27 of the principal of any Bonds so called.

28 (Source: P.A. 78-220; revised 8-23-03.)

29 (30 ILCS 390/6) (from Ch. 122, par. 1206)

30 Sec. 6. The Bonds shall be sold from time to time by the  
31 Director of the Governor's Office of Management and Budget  
32 ~~Bureau of the Budget~~ to the highest and best bidders, for not  
33 less than their par value, upon sealed bids, at not exceeding  
34 the maximum interest rate fixed in the order authorizing the



1 issuance of the Bonds, provided, that at no one time shall  
2 Bonds in excess of the amount of \$150,000,000 be offered for  
3 sale. The right to reject any and all bids may be reserved. The  
4 Secretary of State shall, from time to time, as the Bonds are  
5 to be sold, advertise in at least two daily newspapers, one of  
6 which is published in the City of Springfield and one in the  
7 City of Chicago, for proposals to purchase the Bonds. Each of  
8 such advertisements for proposals shall be published once at  
9 least 10 days prior to the date of the opening of the bids. The  
10 executed Bonds shall, upon payment therefore, be delivered to  
11 the purchaser, and the proceeds of the Bonds shall be paid into  
12 the State Treasury. The proceeds of the Bonds shall be  
13 deposited in a separate fund known as the "School Construction  
14 Fund", which separate fund is hereby created.

15 (Source: P.A. 78-220; revised 8-23-03.)

16 Section 393. The Transportation Bond Act is amended by  
17 changing Section 5 as follows:

18 (30 ILCS 415/5) (from Ch. 127, par. 705)

19 Sec. 5. Prior to January 1, 1972, the proceeds from the  
20 sale of the Bonds shall be used by and under the direction of  
21 the Department of Aeronautics, the Department of Commerce and  
22 Community Affairs (now Department of Commerce and Economic  
23 Opportunity) and the Department of Public Works and Buildings,  
24 and thereafter such department or agency as shall be designated  
25 by law, subject to appropriation by the General Assembly, in  
26 such amounts and at such times as the respective department  
27 deems necessary or desirable for the purposes provided by  
28 Section 2 of this Act.

29 (Source: P.A. 81-1509; revised 12-6-03.)

30 Section 395. The Capital Development Bond Act of 1972 is  
31 amended by changing Sections 4 and 6 as follows:

32 (30 ILCS 420/4) (from Ch. 127, par. 754)

1           Sec. 4. The Bonds shall be issued and sold from time to  
2 time in such amounts as directed by the Governor, upon  
3 recommendation by the Director of the Governor's Office of  
4 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
5 serial bonds and shall be in such form, in the denomination of  
6 \$5,000 or some multiple thereof, payable within thirty (30)  
7 years from their date, bearing interest payable annually or  
8 semiannually from their date at the rate of not more than seven  
9 per cent (7%) per annum, and be dated as shall be fixed and  
10 determined by the Director of the Governor's Office of  
11 Management and Budget ~~Bureau of the Budget~~ in the order  
12 authorizing the issuance and sale of the Bonds, which order  
13 shall be approved by the Governor prior to the giving of notice  
14 of the sale of any of the Bonds. Said Bonds shall be payable as  
15 to both principal and interest at such place or places, within  
16 or without the State of Illinois, and may be made registrable  
17 as to either principal or as to both principal and interest, as  
18 shall be fixed and determined by the Director of the Governor's  
19 Office of Management and Budget ~~Bureau of the Budget~~ in the  
20 order authorizing the issuance and sale of such Bonds. The  
21 Bonds may be callable as fixed and determined by the Director  
22 of the Governor's Office of Management and Budget ~~Bureau of the~~  
23 ~~Budget~~ in the order authorizing the issuance and sale of the  
24 Bonds; provided however, that the State shall not pay a premium  
25 of more than 3% of the principal of any Bonds so called.

26       (Source: P.A. 77-1916; revised 8-23-03.)

27           (30 ILCS 420/6) (from Ch. 127, par. 756)

28           Sec. 6. The Bonds shall be sold from time to time by the  
29 Director of the Governor's Office of Management and Budget  
30 ~~Bureau of the Budget~~ to the highest and best bidders, for not  
31 less than their par value, upon sealed bids, at not exceeding  
32 the maximum interest rate fixed in the order authorizing the  
33 issuance of the Bonds, provided, that at no one time shall  
34 Bonds in excess of the amount of \$150,000,000 be offered for  
35 sale. The right to reject any and all bids may be reserved. The

1 Secretary of State shall, from time to time, as the Bonds are  
2 to be sold, advertise in at least two daily newspapers, one of  
3 which is published in the City of Springfield and one in the  
4 City of Chicago, for proposals to purchase the Bonds. Each of  
5 such advertisements for proposals shall be published once at  
6 least 10 days prior to the date of the opening of the bids. The  
7 executed Bonds shall, upon payment therefor, be delivered to  
8 the purchaser, and the proceeds of the Bonds shall be paid into  
9 the State Treasury. The proceeds of the Bonds shall be  
10 deposited in a separate fund known as the "Capital Development  
11 Fund", which separate fund is hereby created.

12 (Source: P.A. 77-1916; revised 8-23-03.)

13 Section 400. The Build Illinois Bond Act is amended by  
14 changing Sections 3, 6, 8, 13, and 15 as follows:

15 (30 ILCS 425/3) (from Ch. 127, par. 2803)

16 Sec. 3. Findings. The General Assembly hereby makes the  
17 following findings and determinations:

18 (a) The issuance and sale of Bonds pursuant to this Act is  
19 an economical and efficient method of financing certain of the  
20 purposes of the State, as set forth in Section 4 hereof.

21 (b) This Act will permit the issuance of Bonds, from time  
22 to time, for various purposes and with varying terms, features  
23 and conditions in order to enhance marketability and lower  
24 interest costs incurred by the State. Subsection (a) of Section  
25 6 of this Act authorizes the issuance, from time to time, of  
26 Bonds in one or more series, in such principal amounts, bearing  
27 interest at such fixed rates or variable rates and having such  
28 other terms and provisions as designated State officers may fix  
29 and determine pursuant to the authority delegated under this  
30 Act. Subsection (b) of Section 6 of this Act authorizes, in  
31 connection with the issuance of and as security for any series  
32 of Bonds, the purchase of bond or interest rate insurance, the  
33 establishment of credit and liquidity enhancement arrangements  
34 with financial institutions, and participation in interest

1 rate swaps or guarantee agreements or other arrangements to  
2 limit interest rate risk.

3 (c) The financing of the facilities and other purposes  
4 described in Section 4 of this Act through the issuance of  
5 Bonds will involve numerous expenditures over extended periods  
6 of time, all of which expenditures shall be made only pursuant  
7 to and in conformity with appropriations from Bond proceeds by  
8 the General Assembly prior to the making of such expenditures.

9 (d) Determinations with respect to (i) advantageous timing  
10 and amounts of such expenditures for particular approved  
11 facilities or purposes, (ii) establishing an advantageous mix  
12 of short-term and long-term debt instruments under bond market  
13 conditions prevailing from time to time, and (iii) specific  
14 allocations of Bond proceeds to particular facilities and  
15 purposes should be based upon financial, engineering and  
16 construction management judgments made from time to time.

17 (e) The State's ability to issue Bonds from time to time,  
18 without further action by the General Assembly, in separate  
19 series, in various principal amounts and with various interest  
20 rates, maturities, redemption provisions and other terms will  
21 enhance the State's opportunities to obtain such financing as  
22 needed, upon favorable terms.

23 In order to provide for flexibility in meeting the  
24 financial, engineering and construction needs of the State and  
25 its agencies and departments and in order to provide continuing  
26 and adequate financing for the aforesaid purposes on favorable  
27 terms, the delegations of authority to the Governor, the  
28 Director of the Governor's Office of Management and Budget  
29 ~~Bureau of the Budget~~, the State Comptroller, the State  
30 Treasurer and other officers of the State which are contained  
31 in this Act are necessary and desirable because this General  
32 Assembly cannot itself as understandingly, advantageously,  
33 expeditiously or conveniently exercise such authority and make  
34 such specific determinations.

35 (Source: P.A. 84-111; revised 8-23-03.)

1 (30 ILCS 425/6) (from Ch. 127, par. 2806)

2 Sec. 6. Conditions for Issuance and Sale of Bonds -  
3 Requirements for Bonds - Master and Supplemental Indentures -  
4 Credit and Liquidity Enhancement. (a) Bonds shall be issued and  
5 sold from time to time, in one or more series, in such amounts  
6 and at such prices as directed by the Governor, upon  
7 recommendation by the Director of the Governor's Office of  
8 Management and Budget ~~Bureau of the Budget~~. Bonds shall be  
9 payable only from the specific sources and secured in the  
10 manner provided in this Act. Bonds shall be in such form, in  
11 such denominations, mature on such dates within 30 years from  
12 their date of issuance, be subject to optional or mandatory  
13 redemption, bear interest payable at such times and at such  
14 rate or rates, fixed or variable, and be dated as shall be  
15 fixed and determined by the Director of the Governor's Office  
16 of Management and Budget ~~Bureau of the Budget~~ in an order  
17 authorizing the issuance and sale of any series of Bonds, which  
18 order shall be approved by the Governor and is herein called a  
19 "Bond Sale Order"; provided, however, that interest payable at  
20 fixed rates shall not exceed that permitted in "An Act to  
21 authorize public corporations to issue bonds, other evidences  
22 of indebtedness and tax anticipation warrants subject to  
23 interest rate limitations set forth therein", approved May 26,  
24 1970, as now or hereafter amended, and interest payable at  
25 variable rates shall not exceed the maximum rate permitted in  
26 the Bond Sale Order. Said Bonds shall be payable at such place  
27 or places, within or without the State of Illinois, and may be  
28 made registrable as to either principal only or as to both  
29 principal and interest, as shall be specified in the Bond Sale  
30 Order. Bonds may be callable or subject to purchase and  
31 retirement or remarketing as fixed and determined in the Bond  
32 Sale Order.

33 All Bonds authorized under this Act shall be issued  
34 pursuant to a master trust indenture ("Master Indenture")  
35 executed and delivered on behalf of the State by the Director  
36 of the Governor's Office of Management and Budget ~~Bureau of the~~

1 ~~Budget~~, such Master Indenture to be in substantially the form  
2 approved in the Bond Sale Order authorizing the issuance and  
3 sale of the initial series of Bonds issued under this Act. Such  
4 initial series of Bonds may, and each subsequent series of  
5 Bonds shall, also be issued pursuant to a supplemental trust  
6 indenture ("Supplemental Indenture") executed and delivered on  
7 behalf of the State by the Director of the Governor's Office of  
8 Management and Budget ~~Bureau of the Budget~~, each such  
9 Supplemental Indenture to be in substantially the form approved  
10 in the Bond Sale Order relating to such series. The Master  
11 Indenture and any Supplemental Indenture shall be entered into  
12 with a bank or trust company in the State of Illinois having  
13 trust powers and possessing capital and surplus of not less  
14 than \$100,000,000. Such indentures shall set forth the terms  
15 and conditions of the Bonds and provide for payment of and  
16 security for the Bonds, including the establishment and  
17 maintenance of debt service and reserve funds, and for other  
18 protections for holders of the Bonds. The term "reserve funds"  
19 as used in this Act shall include funds and accounts  
20 established under indentures to provide for the payment of  
21 principal of and premium and interest on Bonds, to provide for  
22 the purchase, retirement or defeasance of Bonds, to provide for  
23 fees of trustees, registrars, paying agents and other  
24 fiduciaries and to provide for payment of costs of and debt  
25 service payable in respect of credit or liquidity enhancement  
26 arrangements, interest rate swaps or guarantees or financial  
27 futures contracts and indexing and remarketing agents'  
28 services.

29 In the case of any series of Bonds bearing interest at a  
30 variable interest rate ("Variable Rate Bonds"), in lieu of  
31 determining the rate or rates at which such series of Variable  
32 Rate Bonds shall bear interest and the price or prices at which  
33 such Variable Rate Bonds shall be initially sold or remarketed  
34 (in the event of purchase and subsequent resale), the Bond Sale  
35 Order may provide that such interest rates and prices may vary  
36 from time to time depending on criteria established in such

1 Bond Sale Order, which criteria may include, without  
2 limitation, references to indices or variations in interest  
3 rates as may, in the judgment of a remarketing agent, be  
4 necessary to cause Bonds of such series to be remarketable from  
5 time to time at a price equal to their principal amount (or  
6 compound accreted value in the case of original issue discount  
7 Bonds), and may provide for appointment of indexing agents and  
8 a bank, trust company, investment bank or other financial  
9 institution to serve as remarketing agent in that connection.  
10 The Bond Sale Order may provide that alternative interest rates  
11 or provisions for establishing alternative interest rates,  
12 different security or claim priorities or different call or  
13 amortization provisions will apply during such times as Bonds  
14 of any series are held by a person providing credit or  
15 liquidity enhancement arrangements for such Bonds as  
16 authorized in subsection (b) of Section 6 of this Act.

17 (b) In connection with the issuance of any series of Bonds,  
18 the State may enter into arrangements to provide additional  
19 security and liquidity for such Bonds, including, without  
20 limitation, bond or interest rate insurance or letters of  
21 credit, lines of credit, bond purchase contracts or other  
22 arrangements whereby funds are made available to retire or  
23 purchase Bonds, thereby assuring the ability of owners of the  
24 Bonds to sell or redeem their Bonds. The State may enter into  
25 contracts and may agree to pay fees to persons providing such  
26 arrangements, but only under circumstances where the Director  
27 of the Bureau of the Budget (now Governor's Office of  
28 Management and Budget) certifies that he reasonably expects the  
29 total interest paid or to be paid on the Bonds, together with  
30 the fees for the arrangements (being treated as if interest),  
31 would not, taken together, cause the Bonds to bear interest,  
32 calculated to their stated maturity, at a rate in excess of the  
33 rate which the Bonds would bear in the absence of such  
34 arrangements. Any bonds, notes or other evidences of  
35 indebtedness issued pursuant to any such arrangements for the  
36 purpose of retiring and discharging outstanding Bonds shall

1 constitute refunding Bonds under Section 15 of this Act. The  
2 State may participate in and enter into arrangements with  
3 respect to interest rate swaps or guarantees or financial  
4 futures contracts for the purpose of limiting or restricting  
5 interest rate risk; provided that such arrangements shall be  
6 made with or executed through banks having capital and surplus  
7 of not less than \$100,000,000 or insurance companies holding  
8 the highest policyholder rating accorded insurers by A.M. Best  
9 && Co. or any comparable rating service or government  
10 bond dealers reporting to, trading with, and recognized as  
11 primary dealers by a Federal Reserve Bank and having capital  
12 and surplus of not less than \$100,000,000, or other persons  
13 whose debt securities are rated in the highest long-term  
14 categories by both Moody's Investors' Services, Inc. and  
15 Standard & Poor's Corporation. Agreements incorporating any of  
16 the foregoing arrangements may be executed and delivered by the  
17 Director of the Governor's Office of Management and Budget  
18 ~~Bureau of the Budget~~ on behalf of the State in substantially  
19 the form approved in the Bond Sale Order relating to such  
20 Bonds.

21 (Source: P.A. 84-111; revised 8-23-03.)

22 (30 ILCS 425/8) (from Ch. 127, par. 2808)

23 Sec. 8. Sale of Bonds. Bonds shall be sold from time to  
24 time pursuant to advertised notice of sale and public bid or by  
25 negotiated sale as the Director of the Governor's Office of  
26 Management and Budget ~~Bureau of the Budget~~ shall, in his sole  
27 discretion, determine in order to market the Bonds in an  
28 economic, effective manner. Executed Bonds shall, upon payment  
29 therefor, be delivered to the purchaser, and the proceeds of  
30 Bonds shall be paid into the State Treasury as directed by  
31 Section 9 of this Act. The Governor or the Director of the  
32 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
33 is hereby authorized and directed to execute and deliver  
34 contracts of sale with underwriters and to execute and deliver  
35 such certificates, indentures, agreements and documents,



1 including any supplements or amendments thereto, and to take  
2 such actions and do such things as shall be necessary or  
3 desirable to carry out the purposes of this Act. Any action  
4 authorized or permitted to be taken by the Director of the  
5 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
6 pursuant to this Act is hereby authorized to be taken by any  
7 person specifically designated by the Governor to take such  
8 action in a certificate signed by the Governor and filed with  
9 the Secretary of State.

10 (Source: P.A. 84-111; revised 8-23-03.)

11 (30 ILCS 425/13) (from Ch. 127, par. 2813)

12 Sec. 13. Computation of Principal and Interest; Transfer  
13 from Build Illinois Bond Account; Payment from Build Illinois  
14 Bond Retirement and Interest Fund. Upon each delivery of Bonds  
15 authorized to be issued under this Act, the trustee under the  
16 Master Indenture shall compute and certify to the Director of  
17 the Governor's Office of Management and Budget ~~Bureau of the~~  
18 ~~Budget~~, the Comptroller and the Treasurer (a) the total amount  
19 of the principal of and the interest and the premium, if any,  
20 on the Bonds then being issued and on Bonds previously issued  
21 and outstanding that will be payable in order to retire such  
22 Bonds at their stated maturities or mandatory sinking fund  
23 payment dates and (b) the amount of principal of and interest  
24 and premium, if any, on such Bonds that will be payable on each  
25 principal, interest and mandatory sinking fund payment date  
26 according to the tenor of such Bonds during the then current  
27 and each succeeding fiscal year. Such certifications shall  
28 include with respect to interest payable on Variable Rate Bonds  
29 the maximum amount of interest which may be payable for the  
30 relevant period after taking into account any credits permitted  
31 in the related indenture against the amount of such interest  
32 required to be appropriated for such period pursuant to  
33 subsection (c) of Section 11 of this Act.

34 On or before June 20, 1993 and on or before each June 20  
35 thereafter so long as Bonds remain outstanding, the trustee

1 under the Master Indenture shall deliver to the Director of the  
2 Governor's Office of Management and Budget (formerly Bureau of  
3 the Budget), the Comptroller and the Treasurer a certificate  
4 setting forth the "Certified Annual Debt Service Requirement"  
5 (hereinafter defined) for the next succeeding fiscal year. If  
6 Bonds are issued subsequent to the delivery of any such  
7 certificate, upon the issuance of such Bonds the trustee under  
8 the Master Indenture shall deliver a supplemental certificate  
9 setting forth the revisions, if any, in the Certified Annual  
10 Debt Service Requirement resulting from the issuance of such  
11 Bonds. The "Certified Annual Debt Service Requirement" for any  
12 fiscal year shall be an amount equal to (a) the aggregate  
13 amount of principal, interest and premium, if any, payable on  
14 outstanding Bonds during such fiscal year plus (b) the amount  
15 required to be deposited into any reserve fund securing such  
16 Bonds or for the purpose of retiring or defeasing such Bonds  
17 plus (c) the amount of any deficiencies in required transfers  
18 of amounts described in clauses (a) and (b) for any prior  
19 fiscal year, minus (d) the amount, if any, of such interest to  
20 be paid from Bond proceeds on deposit under any indenture;  
21 provided, however, that interest payable on Variable Rate Bonds  
22 shall be calculated at the maximum rate of interest which may  
23 be payable during such fiscal year after taking into account  
24 any credits permitted in the related indenture against the  
25 amount of such interest required to be appropriated for such  
26 period pursuant to subsection (c) of Section 11 of this Act.

27 In each month during fiscal years 1986 through 1993, the  
28 State Treasurer and Comptroller shall transfer, on the last day  
29 of such month, from the Build Illinois Bond Account to the  
30 Build Illinois Bond Retirement and Interest Fund and shall make  
31 payment from the Build Illinois Bond Retirement and Interest  
32 Fund to the trustee under the Master Indenture of an amount  
33 equal to 1/12 of 150% of the amount set forth below for each  
34 such fiscal year, plus any cumulative deficiency in such  
35 transfers and payments for prior months; provided that such  
36 transfers shall commence in October, 1985 and such amounts for

1 fiscal year 1986 shall equal 1/9 of 150% of the amount set  
2 forth below for such fiscal year:

3 Fiscal Year	Amount
4 1986	\$15,000,000
5 1987	\$25,000,000
6 1988	\$40,000,000
7 1989	\$54,000,000
8 1990	\$85,400,000
9 1991	\$133,600,000
10 1992	\$164,400,000
11 1993	\$188,900,000

12 provided that payments of such amounts from the Build Illinois  
13 Bond Retirement and Interest Fund to the trustee under the  
14 Master Indenture shall commence on the last day of the month in  
15 which Bonds are initially issued under this Act; and, further  
16 provided, that the first such payment to said trustee shall  
17 equal the entire amount then on deposit in the Build Illinois  
18 Bond Retirement and Interest Fund; and, further provided, that  
19 the aggregate amount of transfers and payments for any such  
20 fiscal year shall not exceed the amount set forth above for  
21 such fiscal year.

22 In each month in which Bonds are outstanding during fiscal  
23 year 1994 and each fiscal year thereafter, the State Treasurer  
24 and Comptroller shall transfer, on the last day of such month,  
25 from the Build Illinois Bond Account to the Build Illinois Bond  
26 Retirement and Interest Fund and shall make payment from the  
27 Build Illinois Bond Retirement and Interest Fund to the trustee  
28 under the Master Indenture of an amount equal to the greater of  
29 (a) 1/12th of 150% of the Certified Annual Debt Service  
30 Requirement or (b) the Tax Act Amount (as defined in Section 3  
31 of the "Retailers' Occupation Tax Act", as amended) deposited  
32 in the Build Illinois Bond Account during such month, plus any  
33 cumulative deficiency in such transfers and payments for prior  
34 months; provided that such transfers and payments for any such  
35 fiscal year shall not exceed the greater of (a) the Certified  
36 Annual Debt Service Requirement or (b) the Tax Act Amount.

1 (Source: P.A. 91-53, eff. 6-30-99; revised 8-23-03.)

2 (30 ILCS 425/15) (from Ch. 127, par. 2815)

3 Sec. 15. Refunding Bonds. Refunding Bonds are hereby  
4 authorized for the purpose of refunding any outstanding Bonds,  
5 including the payment of any redemption premium thereon, any  
6 reasonable expenses of such refunding, and any interest accrued  
7 or to accrue to the earliest or any subsequent date of  
8 redemption or maturity of outstanding Bonds; provided that such  
9 refunding Bonds shall mature no later than the final maturity  
10 date of Bonds being refunded.

11 Refunding Bonds may be sold in such amounts and at such  
12 times, as directed by the Governor upon recommendation by the  
13 Director of the Governor's Office of Management and Budget  
14 ~~Bureau of the Budget~~. The Governor shall notify the State  
15 Treasurer and Comptroller of such refunding. The proceeds  
16 received from the sale of refunding Bonds shall be used for the  
17 retirement at maturity or redemption of such outstanding Bonds  
18 on any maturity or redemption date and, pending such use, shall  
19 be placed in escrow, subject to such terms and conditions as  
20 shall be provided for in the Bond Sale Order relating to the  
21 refunding Bonds. This Act shall constitute an irrevocable and  
22 continuing appropriation of all amounts necessary to establish  
23 an escrow account for the purpose of refunding outstanding  
24 Bonds and to pay the reasonable expenses of such refunding and  
25 of the issuance and sale of the refunding Bonds. Any such  
26 escrowed proceeds may be invested and reinvested in direct  
27 obligations of the United States of America, maturing at such  
28 time or times as shall be appropriate to assure the prompt  
29 payment, when due, of the principal of and interest and  
30 redemption premium, if any, on the refunded Bonds. After the  
31 terms of the escrow have been fully satisfied, any remaining  
32 balance of such proceeds and interest, income and profits  
33 earned or realized on the investments thereof shall be paid  
34 into the General Revenue Fund. The liability of the State upon  
35 the refunded Bonds shall continue, provided that the holders

1       thereof shall thereafter be entitled to payment only out of the  
2       moneys deposited in the escrow account and the refunded Bonds  
3       shall be deemed paid, discharged and no longer to be  
4       outstanding.

5       Except as otherwise herein provided in this Section, such  
6       refunding Bonds shall in all other respects be issued pursuant  
7       to and subject to the terms and conditions of this Act and  
8       shall be secured by and payable from only the funds and sources  
9       which are provided under this Act.

10      (Source: P.A. 84-111; revised 8-23-03.)

11      Section 405. The Retirement Savings Act is amended by  
12      changing Sections 4, 5, and 7 as follows:

13      (30 ILCS 430/4) (from Ch. 127, par. 3754)

14      Sec. 4. In order to provide investors with investment  
15      alternatives suitable for retirement purposes, and in  
16      furtherance of the public policy of this Act, bonds authorized  
17      by the provisions of the General Obligation Bond Act, as now or  
18      hereafter amended, in a total aggregate principal amount not to  
19      exceed \$300,000,000, may be issued and sold from time to time,  
20      and as often as practicable, as Retirement Savings Bonds in  
21      such amounts as directed by the Governor, upon recommendation  
22      by the Director of the Governor's Office of Management and  
23      Budget ~~Bureau of the Budget~~. Bonds to be issued and sold as  
24      Retirement Savings Bonds shall be designated by the Governor  
25      and the Director of the Governor's Office of Management and  
26      Budget ~~Bureau of the Budget~~ as "General Obligation Retirement  
27      Savings Bonds" in the proceedings authorizing the issuance of  
28      such Bonds, and shall be subject to all of the terms and  
29      provisions of the General Obligation Bond Act, as now or  
30      hereafter amended, except that Retirement Savings Bonds may  
31      bear interest payable at such time or times and may be sold at  
32      such prices and in such manner as may be determined by the  
33      Governor and the Director of the Governor's Office of  
34      Management and Budget ~~Bureau of the Budget~~. If Retirement

1 Savings Bonds are sold at public sale, the public sale  
2 procedures shall be as set forth in Section 11 of the General  
3 Obligation Bond Act, as now or hereafter amended. Retirement  
4 Savings Bonds may be sold at negotiated sale if the Director of  
5 the Governor's Office of Management and Budget ~~Bureau of the~~  
6 ~~Budget~~ determines that a negotiated sale will result in either  
7 a more efficient and economic sale of such Bonds or greater  
8 access to such Bonds by investors who are residents of the  
9 State of Illinois. If any Retirement Savings Bonds are sold at  
10 a negotiated sale, the underwriter or underwriters to which  
11 such Bonds are sold shall (a) have an established retail  
12 presence in the State of Illinois or (b) in the judgment of the  
13 Director of the Governor's Office of Management and Budget  
14 ~~Bureau of the Budget~~, have sufficient capability to make a  
15 broad distribution of such Bonds to investors resident in the  
16 State of Illinois. In determining the aggregate original  
17 principal amount of Retirement Savings Bonds that has been  
18 issued pursuant to this Act, the aggregate original principal  
19 amount of such Bonds issued and sold shall be taken into  
20 account. Any bond issued under this Act may be payable in one  
21 payment on a fixed date, or as determined appropriate by the  
22 Governor and Director of the Governor's Office of Management  
23 and Budget ~~Bureau of the Budget~~.

24 (Source: P.A. 86-892; revised 8-23-03.)

25 (30 ILCS 430/5) (from Ch. 127, par. 3755)

26 Sec. 5. Security of Retirement Savings Bonds. Any  
27 Retirement Savings Bonds issued under the General Obligation  
28 Bond Act, as now or hereafter amended, in accordance with this  
29 Act shall be direct, general obligations of the State of  
30 Illinois and subject to repayment as provided in the General  
31 Obligation Bond Act, as now or hereafter amended; however in  
32 the proceedings of the Governor and the Director of the  
33 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
34 authorizing the issuance of Retirement Savings Bonds, such  
35 officials may covenant on behalf of the State with or for the

1 benefit of the holders of such Bonds as to all matters deemed  
2 advisable by such officials, including the terms and conditions  
3 for creating and maintaining sinking funds, reserve funds and  
4 such other special funds as may be created in such proceedings,  
5 separate and apart from all other funds and accounts of the  
6 State, and such officials may make such other covenants as may  
7 be deemed necessary or desirable to assure the prompt payment  
8 of the principal of and interest on such Bonds. The transfers  
9 to and appropriations from the General Obligation Bond  
10 Retirement and Interest Fund required by the General Obligation  
11 Bond Act, as now or hereafter amended, shall be made to and  
12 from any fund or funds created pursuant to this Section for the  
13 payment of the principal of and interest on any Retirement  
14 Savings Bonds.

15 (Source: P.A. 86-892; revised 8-23-03.)

16 (30 ILCS 430/7) (from Ch. 127, par. 3757)

17 Sec. 7. In order to carry out the purposes of this Act, the  
18 Governor and Director of the Governor's Office of Management  
19 and Budget Bureau ~~of the Budget~~ may include within the  
20 proceedings authorizing the issuance of such Bonds, provisions  
21 or features deemed complementary to the purposes herein and to  
22 make such Bonds attractive to investors saving for retirement  
23 purposes. Such features, in the opinion of the Director of the  
24 Governor's Office of Management and Budget Bureau ~~of the~~  
25 ~~Budget~~, shall not adversely impact the State's cost of funds.

26 Since this type of retirement savings bond may not be  
27 appropriate for all persons, any advertisements regarding the  
28 sale of such Bonds, including bond prospectuses shall include  
29 statements to the effect that (a) these bonds may not be  
30 suitable for all investors and, (b) prior to purchase, it is  
31 recommended that all investors consult with a qualified advisor  
32 regarding the suitability of the bonds as investments for  
33 retirement purposes.

34 (Source: P.A. 86-892; revised 8-23-03.)

1 Section 410. The Human Services Provider Bond Reserve  
2 Payment Act is amended by changing Section 25 as follows:

3 (30 ILCS 435/25)

4 Sec. 25. Report. By November 1 of each year, every State  
5 agency shall report to the Governor's Office of Management and  
6 Budget ~~Bureau of the Budget~~ and the Auditor General any direct  
7 payment to a bond paying agent made by the agency under this  
8 Act during the previous fiscal year.

9 (Source: P.A. 88-117; revised 8-23-03.)

10 Section 415. The Business Enterprise for Minorities,  
11 Females, and Persons with Disabilities Act is amended by  
12 changing Section 5 as follows:

13 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

14 (Section scheduled to be repealed on September 6, 2004)

15 Sec. 5. Business Enterprise Council.

16 (1) To help implement, monitor and enforce the goals of  
17 this Act, there is created the Business Enterprise Council for  
18 Minorities, Females, and Persons with Disabilities,  
19 hereinafter referred to as the Council, composed of the  
20 Secretary of Human Services and the Directors of the Department  
21 of Human Rights, the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~, the Department of Central  
23 Management Services, the Department of Transportation and the  
24 Capital Development Board, or their duly appointed  
25 representatives. Ten individuals representing businesses that  
26 are minority or female owned or owned by persons with  
27 disabilities, 2 individuals representing the business  
28 community, and a representative of public universities shall be  
29 appointed by the Governor. These members shall serve 2 year  
30 terms and shall be eligible for reappointment. Any vacancy  
31 occurring on the Council shall also be filled by the Governor.  
32 Any member appointed to fill a vacancy occurring prior to the  
33 expiration of the term for which his predecessor was appointed



1 shall be appointed for the remainder of such term. Members of  
2 the Council shall serve without compensation but shall be  
3 reimbursed for any ordinary and necessary expenses incurred in  
4 the performance of their duties.

5 The Director of the Department of Central Management  
6 Services shall serve as the Council chairperson and shall  
7 select, subject to approval of the council, a Secretary  
8 responsible for the operation of the program who shall serve as  
9 the Division Manager of the Business Enterprise for Minorities,  
10 Females, and Persons with Disabilities Division of the  
11 Department of Central Management Services.

12 The Director of each State agency and the chief executive  
13 officer of each State university shall appoint a liaison to the  
14 Council. The liaison shall be responsible for submitting to the  
15 Council any reports and documents necessary under this Act.

16 (2) The Council's authority and responsibility shall be to:

17 (a) Devise a certification procedure to assure that  
18 businesses taking advantage of this Act are legitimately  
19 classified as businesses owned by minorities, females, or  
20 persons with disabilities.

21 (b) Maintain a list of all businesses legitimately  
22 classified as businesses owned by minorities, females, or  
23 persons with disabilities to provide to State agencies and  
24 State universities.

25 (c) Review rules and regulations for the  
26 implementation of the program for businesses owned by  
27 minorities, females, and persons with disabilities.

28 (d) Review compliance plans submitted by each State  
29 agency and State university pursuant to this Act.

30 (e) Make annual reports as provided in Section 8f to  
31 the Governor and the General Assembly on the status of the  
32 program.

33 (f) Serve as a central clearinghouse for information on  
34 State contracts, including the maintenance of a list of all  
35 pending State contracts upon which businesses owned by  
36 minorities, females, and persons with disabilities may

1 bid. At the Council's discretion, maintenance of the list  
2 may include 24-hour electronic access to the list along  
3 with the bid and application information.

4 (g) Establish a toll free telephone number to  
5 facilitate information requests concerning the  
6 certification process and pending contracts.

7 (3) No premium bond rate of a surety company for a bond  
8 required of a business owned by a minority, female, or person  
9 with a disability bidding for a State contract shall be higher  
10 than the lowest rate charged by that surety company for a  
11 similar bond in the same classification of work that would be  
12 written for a business not owned by a minority, female, or  
13 person with a disability.

14 (4) Any Council member who has direct financial or personal  
15 interest in any measure pending before the Council shall  
16 disclose this fact to the Council and refrain from  
17 participating in the determination upon such measure.

18 (5) The Secretary shall have the following duties and  
19 responsibilities:

20 (a) To be responsible for the day-to-day operation of  
21 the Council.

22 (b) To serve as a coordinator for all of the State's  
23 programs for businesses owned by minorities, females, and  
24 persons with disabilities and as the information and  
25 referral center for all State initiatives for businesses  
26 owned by minorities, females, and persons with  
27 disabilities.

28 (c) To establish an enforcement procedure whereby the  
29 Council may recommend to the appropriate State legal  
30 officer that the State exercise its legal remedies which  
31 shall include (1) termination of the contract involved, (2)  
32 prohibition of participation by the respondent in public  
33 contracts for a period not to exceed one year, (3)  
34 imposition of a penalty not to exceed any profit acquired  
35 as a result of violation, or (4) any combination thereof.  
36 Such procedures shall require prior approval by Council.

1 (d) To devise appropriate policies, regulations and  
2 procedures for including participation by businesses owned  
3 by minorities, females, and persons with disabilities as  
4 prime contractors including, but not limited to, (i)  
5 encouraging the inclusions of qualified businesses owned  
6 by minorities, females, and persons with disabilities on  
7 solicitation lists, (ii) investigating the potential of  
8 blanket bonding programs for small construction jobs,  
9 (iii) investigating and making recommendations concerning  
10 the use of the sheltered market process.

11 (e) To devise procedures for the waiver of the  
12 participation goals in appropriate circumstances.

13 (f) To accept donations and, with the approval of the  
14 Council or the Director of Central Management Services,  
15 grants related to the purposes of this Act; to conduct  
16 seminars related to the purpose of this Act and to charge  
17 reasonable registration fees; and to sell directories,  
18 vendor lists and other such information to interested  
19 parties, except that forms necessary to become eligible for  
20 the program shall be provided free of charge to a business  
21 or individual applying for the program.

22 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff.  
23 7-1-97; revised 12-6-03.)

24 Section 420. The Rural Economic Development Act is amended  
25 by changing Sections 2-2, 2-3, and 2-4 as follows:

26 (30 ILCS 710/2-2) (from Ch. 5, par. 2202-2)

27 Sec. 2-2. The Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~ shall administer programs  
29 providing financial assistance in the form of interest  
30 subsidies or other forms as allowed by federal law or  
31 regulation, court order, or federal administrative order, to  
32 individuals and small businesses in rural areas served by rural  
33 electric cooperatives for weatherization and energy  
34 conservation purposes.

1 For purposes of this Act, weatherization shall include, but  
2 not be limited to, insulation, caulking, or weather stripping,  
3 adding storm doors or storm windows, repairing or replacing  
4 broken windows or doors, cleaning and minor repairs of heating  
5 systems, and installation of set-back thermostats.

6 The Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~ shall administer the interest subsidy  
8 program directed to assist individual consumers. The financial  
9 assistance for individuals shall not exceed \$2,000 and may be  
10 extended to individuals whose household gross income does not  
11 exceed 150 percent of the area median income as defined by the  
12 U.S. Department of Housing and Urban Development.

13 Each Department administering a program under this Section  
14 shall develop the application procedures and terms of the  
15 assistance. Each Department shall make use of existing  
16 administrative procedures where such procedures are  
17 applicable.

18 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

19 (30 ILCS 710/2-3) (from Ch. 5, par. 2202-3)

20 Sec. 2-3. The Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~ shall administer a program  
22 demonstrating various alternative energy or energy  
23 conservation technologies appropriate for the rural areas of  
24 the State. Alternative energy shall include, but not be limited  
25 to, solar heating and cooling systems, photovoltaic systems,  
26 bioconversion, geothermal recycling and reuse of waste heat or  
27 energy, utilization of methane gas derived from industrial and  
28 agricultural by-products and other technologies identified by  
29 the Department.

30 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

31 (30 ILCS 710/2-4) (from Ch. 5, par. 2202-4)

32 Sec. 2-4. The Department of Commerce and Economic  
33 Opportunity ~~Community Affairs~~ shall provide educational  
34 materials, information and technical assistance to support

1 energy conservation education programs designed to assist  
2 Illinois' rural population in dealing with economic problems  
3 due to high energy costs.

4 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

5 Section 425. The Industrial Development Assistance Law is  
6 amended by changing Sections 2 and 3 as follows:

7 (30 ILCS 720/2) (from Ch. 85, par. 892)

8 Sec. 2. Declaration of policy. The General Assembly finds  
9 and declares as follows:

10 (A) That the health, safety, morals and general welfare of  
11 the people of this State are directly dependent upon the  
12 continual encouragement, development, growth and expansion of  
13 business, industry and commerce within the State.

14 (B) That unemployment, the spread of indigency, the heavy  
15 burden of public assistance and unemployment compensation can  
16 best be avoided by the promotion, attraction, stimulation,  
17 development and expansion of business, industry and commerce in  
18 the State.

19 Therefore, it is declared to be the policy of this State to  
20 promote the health, safety, morals and general welfare of its  
21 inhabitants through its Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ by means of grants to be made to  
23 industrial development agencies which are or may be engaged in  
24 planning and promoting programs designed to stimulate the  
25 establishment of new or enlarged industrial, commercial and  
26 manufacturing enterprises within the counties served by such  
27 agencies.

28 (Source: P.A. 81-1509; revised 12-6-03.)

29 (30 ILCS 720/3) (from Ch. 85, par. 893)

30 Sec. 3. Definitions. "Department" means the Department of  
31 Commerce and Economic Opportunity ~~Community Affairs~~.

32 "Governing bodies" means, as to any county, municipality or  
33 township, the body empowered to enact ordinances or to adopt

1 resolutions for the governance of such county, municipality or  
2 township.

3 "Industrial development agency" means any nonprofit  
4 corporation, organization, association or agency which shall  
5 be designated by proper resolution of the governing body of any  
6 county, concurred in by resolution of the governing bodies of  
7 municipalities or townships within said county having in the  
8 aggregate over 50% of the population of said county, as  
9 determined by the last preceding decennial United States  
10 Census, as the agency authorized to make application to and  
11 receive grants from the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ for the purposes specified in  
13 this Act. Any two or more counties may, by the procedures  
14 provided in this Act, designate a single industrial development  
15 agency to represent such counties for the purposes of this Act.  
16 (Source: P.A. 81-1509; revised 12-6-03.)

17 Section 430. The Comprehensive Solar Energy Act of 1977 is  
18 amended by changing Section 1.2 as follows:

19 (30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)

20 Sec. 1.2. Definitions. As used in this Act:

21 (a) "Solar Energy" means radiant energy received from the  
22 sun at wave lengths suitable for heat transfer, photosynthetic  
23 use, or photovoltaic use.

24 (b) "Solar collector" means

25 (1) An assembly, structure, or design, including  
26 passive elements, used for gathering, concentrating, or  
27 absorbing direct or indirect solar energy, specially  
28 designed for holding a substantial amount of useful thermal  
29 energy and to transfer that energy to a gas, solid, or  
30 liquid or to use that energy directly; or

31 (2) A mechanism that absorbs solar energy and converts  
32 it into electricity; or

33 (3) A mechanism or process used for gathering solar  
34 energy through wind or thermal gradients; or

1 (4) A component used to transfer thermal energy to a  
2 gas, solid, or liquid, or to convert it into electricity.

3 (c) "Solar storage mechanism" means equipment or elements  
4 (such as piping and transfer mechanisms, containers, heat  
5 exchangers, or controls thereof, and gases, solids, liquids, or  
6 combinations thereof) that are utilized for storing solar  
7 energy, gathered by a solar collector, for subsequent use.

8 (d) "Solar energy system" means

9 (1) (a) A complete assembly, structure, or design of a  
10 solar collector, or a solar storage mechanism, which uses  
11 solar energy for generating electricity or for heating or  
12 cooling gases, solids, liquids, or other materials;

13 (b) The design, materials, or elements of a system and  
14 its maintenance, operation, and labor components, and the  
15 necessary components, if any, of supplemental conventional  
16 energy systems designed or constructed to interface with a  
17 solar energy system; and

18 (c) Any legal, financial, or institutional orders,  
19 certificates, or mechanisms, including easements, leases,  
20 and agreements, required to ensure continued access to  
21 solar energy, its source, or its use in a solar energy  
22 system, and including monitoring and educational elements  
23 of a demonstration project.

24 (2) "Solar energy system" does not include

25 (a) Distribution equipment that is equally usable  
26 in a conventional energy system except for such  
27 components of such equipment as are necessary for  
28 meeting the requirements of efficient solar energy  
29 utilization; and

30 (b) Components of a solar energy system that serve  
31 structural, insulating, protective, shading,  
32 aesthetic, or other non-solar energy utilization  
33 purposes, as defined in the regulations of the  
34 Department; and

35 (c) Any facilities of a public utility used to  
36 transmit or distribute gas or electricity.

1 (e) "Solar Skyspace" means

2 (1) The maximum three dimensional space extending from  
3 a solar energy collector to all positions of the sun  
4 necessary for efficient use of the collector.

5 (2) Where a solar energy system is used for heating  
6 purposes only, "solar skyspace" means the maximum three  
7 dimensional space extending from a solar energy collector  
8 to all positions of the sun between 9 a.m. and 3 p.m. Local  
9 Apparent Time from September 22 through March 22 of each  
10 year.

11 (3) Where a solar energy system is used for cooling  
12 purposes only, "solar skyspace" means the maximum three  
13 dimensional space extending from a solar energy collector  
14 to all positions of the sun between 8 a.m. and 4 p.m. Local  
15 Apparent Time from March 23 through September 21.

16 (f) "Solar skyspace easement" means

17 (1) a right, whether or not stated in the form of a  
18 restriction, easement, covenant, or condition, in any  
19 deed, will, or other instrument executed by or on behalf of  
20 any owner of land or solar skyspace or in any order of  
21 taking, appropriate to protect the solar skyspace of a  
22 solar collector at a particularly described location to  
23 forbid or limit any or all of the following where  
24 detrimental to access to solar energy.

25 (a) structures on or above ground;

26 (b) vegetation on or above the ground; or

27 (c) other activity;

28 (2) and which shall specifically describe a solar  
29 skyspace in three dimensional terms in which the activity,  
30 structures, or vegetation are forbidden or limited or in  
31 which such an easement shall set performance criteria for  
32 adequate collection of solar energy at a particular  
33 location.

34 (g) "Conventional Energy System" shall mean an energy  
35 system utilizing fossil fuel, nuclear or hydroelectric energy  
36 and the components of such system, including transmission



1 lines, burners, furnaces, tanks, boilers, related controls,  
2 distribution systems, room or area units and other components.

3 (h) "Supplemental Conventional Energy System" shall mean a  
4 conventional energy system utilized for providing energy in  
5 conjunction with a solar energy system that provides not less  
6 than ten percent of the energy for the particular end use.  
7 "Supplemental Conventional Energy System" does not include any  
8 facilities of a public utility used to produce, transmit,  
9 distribute or store gas or electricity.

10 (i) "Joint Solar Energy System" shall mean a solar energy  
11 system that supplies energy for structures or processes on more  
12 than one lot or in more than one condominium unit or leasehold,  
13 but not to the general public and involving at least two owners  
14 or users.

15 (j) "Unit of Local Government" shall mean county,  
16 municipality, township, special districts, including school  
17 districts, and units designated as units of local government by  
18 law, which exercise limited governmental powers.

19 (k) "Department" means the Illinois Department of Commerce  
20 and Economic Opportunity ~~Community Affairs~~ or its successor  
21 agency.

22 (l) "Public Energy Supplier" shall mean

23 (1) A public utility as defined in an Act concerning  
24 Public Utilities, approved June 29, 1921, as amended; or

25 (2) A public utility that is owned or operated by any  
26 political subdivision or municipal corporation of this  
27 State, or owned by such political subdivision or municipal  
28 corporation and operated by any of its lessees or operating  
29 agents; or

30 (3) An electric cooperative as defined in Section 10.19  
31 of An Act concerning Public Utilities, approved June 29,  
32 1921, as amended.

33 (m) "Energy Use Sites" shall mean sites where energy is or  
34 may be used or consumed for generating electricity or for  
35 heating or cooling gases, solids, liquids, or other materials  
36 and where solar energy may be used cost effectively, as defined

1 in the regulations of the Department, consistent with the  
2 purposes of this Act.

3 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

4 Section 435. The Illinois Coal Technology Development  
5 Assistance Act is amended by changing Section 2 as follows:

6 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

7 Sec. 2. As used in this Act:

8 (a) "coal" or "coal resources" means Illinois coal or coal  
9 products extracted from the ground or reclaimed from the waste  
10 material produced by coal extraction operations;

11 (b) "coal demonstration and commercialization" means  
12 projects for the construction and operation of facilities to  
13 prove the scientific and engineering validity or the commercial  
14 application of a coal extraction, preparation, combustion,  
15 gasification, liquefaction or other synthetic process,  
16 environmental control, or transportation method;

17 (c) "coal research" means scientific investigations  
18 conducted for the purpose of increasing the utilization of coal  
19 resources and includes investigations in the areas of  
20 extraction, preparation, characterization, combustion,  
21 gasification, liquefaction and other synthetic processes,  
22 environmental control, marketing, transportation, procurement  
23 of sites, and environmental impacts;

24 (d) "Fund" means the Coal Technology Development  
25 Assistance Fund;

26 (e) "Board" means the Illinois Coal Development Board or  
27 its successor;

28 (f) "Department" means the Department of Commerce and  
29 Economic Opportunity ~~Community Affairs~~;

30 (g) "public awareness and education" means programs of  
31 education, curriculum development, public service  
32 announcements, informational advertising and informing the  
33 news media on issues related to the use of Illinois coal, the  
34 coal industry and related developments. Public awareness and

1 education shall be directed toward school age residents of the  
2 State, the citizens of the State and other interested parties.

3 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

4 Section 440. The Build Illinois Act is amended by changing  
5 Sections 8-2, 9-2, 9-3, 9-4.1, 9-5.1, 9-11, 10-2, and 11-2 as  
6 follows:

7 (30 ILCS 750/8-2) (from Ch. 127, par. 2708-2)

8 Sec. 8-2. Definitions. As used in this Article:

9 (a) "Department" means the Illinois Department of Commerce  
10 and Economic Opportunity ~~Community Affairs~~.

11 (b) "Local government" means any unit of local government  
12 as defined in Article VII, Section 1 of the 1970 Illinois  
13 Constitution.

14 (c) "Business retention, development or expansion project"  
15 means the expansion of an existing, for-profit commercial,  
16 industrial, manufacturing, scientific, agricultural or service  
17 business within Illinois, or the establishment of a new such  
18 business on a site within Illinois, so long as the business to  
19 be established is not relocating from another site within the  
20 State, unless the relocation of such a business will result in  
21 a substantial increase in employment or retention of an  
22 existing such business.

23 (d) "Public infrastructure" means local roads and streets,  
24 access roads, bridges, and sidewalks; waste disposal systems;  
25 water and sewer line extensions and water distribution and  
26 purification facilities, and sewage treatment facilities; rail  
27 or air or water port improvements; gas and electric utility  
28 facilities; transit capital facilities; development and  
29 improvement of publicly owned industrial and commercial sites,  
30 or other public capital improvements which are an essential  
31 precondition to a business retention, development or expansion  
32 project for the purposes of the Business Development Public  
33 Infrastructure Loan and Grant Program. "Public Infrastructure"  
34 also means capital acquisitions, construction, and

1 improvements to other local facilities and sites, and  
2 associated permanent furnishings and equipment that are a  
3 necessary precondition to local health, safety and economic  
4 development for purposes of the Affordable Financing of Public  
5 Infrastructure Loan and Grant Program.

6 (e) "Local public entity" means any entity as defined by  
7 Section 1-206 of the Local Governmental and Governmental  
8 Employees Tort Immunity Act.

9 (f) "Medical facility" and "public health clinic" mean any  
10 entity as defined by subsections (a) and (c), respectively, of  
11 Section 6-101 of the Local Governmental and Governmental  
12 Employees Tort Immunity Act.

13 (Source: P.A. 88-453; revised 12-6-03.)

14 (30 ILCS 750/9-2) (from Ch. 127, par. 2709-2)

15 Sec. 9-2. Definitions. The following terms, whenever used  
16 or referred to in this Article, shall have the following  
17 meanings ascribed to them, except where the context clearly  
18 requires otherwise:

19 (a) "Financial intermediary" means a community development  
20 corporation, a state development credit corporation, a  
21 development authority authorized to do business by an act of  
22 this State, or other public or private financing institution  
23 approved by the Department whose purpose includes financing,  
24 promoting, or encouraging economic development.

25 (b) "Participating lender" means any trust company, bank,  
26 savings bank, credit union, merchant bank, investment bank,  
27 broker, investment trust, pension fund, building and loan  
28 association, savings and loan association, insurance company,  
29 venture capital company or other institution approved by the  
30 Department which assumes a portion of the financing for a  
31 business project.

32 (c) "Department" means the Illinois Department of Commerce  
33 and Economic Opportunity ~~Community Affairs~~.

34 (d) "Small business" means any for-profit business in  
35 Illinois including, but not limited to, any sole

1 proprietorship, partnership, corporation, joint venture,  
2 association or cooperative, which has, including its  
3 affiliates, less than 500 full time employees, or is determined  
4 by the Department to be not dominant in its field.

5 Business concerns are affiliates of one another when either  
6 directly or indirectly (i) one concern controls or has the  
7 power to control the other, or (ii) a third party or parties  
8 controls or has the power to control both. Control can be  
9 exercised through common ownership, common management and  
10 contractual relationships.

11 (e) "Qualified security" means any note, stock,  
12 convertible security, treasury stock, bond, debenture,  
13 evidence of indebtedness, limited partnership interest,  
14 certificate of interest or participation in any profit-sharing  
15 agreement, preorganization certificate or subscription,  
16 transferable share, investment contract, certificate of  
17 deposit for a security, certificate of interest or  
18 participation in a patent or application therefor, or in  
19 royalty or other payments under such a patent or application,  
20 or, in general, any interest or instrument commonly known as a  
21 "security" or any certificate for, receipt for, guarantee of,  
22 or option, warrant or right to subscribe to or purchase any of  
23 the foregoing, but not including any instrument which contains  
24 voting rights or can be converted to contain voting rights in  
25 the possession of the Department.

26 (f) "Loan agreement" means an agreement or contract to  
27 provide a loan or accept a mortgage or to purchase qualified  
28 securities or other means whereby financial aid is made  
29 available to a start-up, expanding, or mature, moderate risk  
30 small business.

31 (g) "Loan" means a loan or acceptance of a mortgage or the  
32 purchase of qualified securities or other means whereby  
33 financial aid is made to a start-up, expanding, or mature,  
34 moderate risk small business.

35 (h) "Equity investment agreement" means an agreement or  
36 contract to provide a loan or accept a mortgage or to purchase

1 qualified securities or other means whereby financial aid is  
2 made available to or on behalf of a young, high risk,  
3 technology based small business.

4 (i) "Equity investment" means a loan or acceptance of a  
5 mortgage or the purchase of qualified securities or other means  
6 whereby financial aid is made to or on behalf of a young, high  
7 risk, technology based small business.

8 (j) "Project" means any specific economic development  
9 activity of a commercial, industrial, manufacturing,  
10 agricultural, scientific, service or other business, the  
11 result of which is expected to yield an increase in or  
12 retention of jobs or the modernization or improvement of  
13 competitiveness of firms and may include working capital  
14 financing, the purchase or lease of machinery and equipment, or  
15 the lease or purchase of real property but does not include  
16 refinancing current debt.

17 (k) "Technical assistance agreement" means an agreement or  
18 contract or other means whereby financial aid is made available  
19 to not-for-profit organizations for the purposes outlined in  
20 Section 9-6 of this Article.

21 (l) "Financial intermediary agreement" means an agreement  
22 or contract to provide a loan, investment, or other financial  
23 aid to a financial intermediary for the purposes outlined in  
24 Section 9-4.4 of this Article.

25 (m) "Equity intermediary agreement" means an agreement or  
26 contract to provide a loan, investment, or other financial aid  
27 to a financial intermediary for the purposes outlined in  
28 Section 9-5.3 of this Article.

29 (n) "Other investor" means a venture capital organization  
30 or association; an investment partnership, trust or bank; an  
31 individual, accounting partnership or corporation that invests  
32 funds, or any other entity which provides debt or equity  
33 financing for a business project.

34 (Source: P.A. 88-422; revised 12-6-03.)

1           Sec. 9-3. Powers and duties. The Department has the power:

2           (a) To make loans or equity investments to small  
3 businesses, and to make loans or grants or investments to or  
4 through financial intermediaries. The loans and investments  
5 shall be made from appropriations from the Build Illinois Bond  
6 Fund, Build Illinois Purposes Fund, Illinois Capital Revolving  
7 Loan Fund or Illinois Equity Revolving Fund for the purpose of  
8 promoting the creation or retention of jobs within small  
9 businesses or to modernize or maintain competitiveness of firms  
10 in Illinois. The grants shall be made from appropriations from  
11 the Build Illinois Bond Fund, Build Illinois Purposes Fund, or  
12 Illinois Capital Revolving Loan Fund for the purpose of  
13 technical assistance.

14           (b) To make loans to or investments in businesses that have  
15 received federal Phase I Small Business Innovation Research  
16 grants as a bridge while awaiting federal Phase II Small  
17 Business Innovation Research grant funds.

18           (c) To enter into interagency agreements, accept funds or  
19 grants, and engage in cooperation with agencies of the federal  
20 government, local units of government, universities, research  
21 foundations, political subdivisions of the State, financial  
22 intermediaries, and regional economic development corporations  
23 or organizations for the purposes of carrying out this Article.

24           (d) To enter into contracts, financial intermediary  
25 agreements, or any other agreements or contracts with financial  
26 intermediaries necessary or desirable to further the purposes  
27 of this Article. Any such agreement or contract may include,  
28 without limitation, terms and provisions including, but not  
29 limited to loan documentation, review and approval procedures,  
30 organization and servicing rights, and default conditions.

31           (e) To fix, determine, charge and collect any premiums,  
32 fees, charges, costs and expenses, including without  
33 limitation, any application fees, commitment fees, program  
34 fees, financing charges, collection fees, training fees, or  
35 publication fees in connection with its activities under this  
36 Article and to accept from any source any gifts, donations, or

1 contributions of money, property, labor, or other things of  
2 value to be held, used, and applied to carry out the purposes  
3 of this Article. All fees, charges, collections, gifts,  
4 donations, or other contributions shall be deposited into the  
5 Illinois Capital Revolving Loan Fund.

6 (f) To establish application, notification, contract, and  
7 other forms, procedures, rules or regulations deemed necessary  
8 and appropriate.

9 (g) To consent, subject to the provisions of any contract  
10 with another person, whenever it deems it necessary or  
11 desirable in the fulfillment of the purposes of this Article,  
12 to the modification or restructuring of any financial  
13 intermediary agreement, loan agreement or any equity  
14 investment agreement to which the Department is a party.

15 (h) To take whatever actions are necessary or appropriate  
16 to protect the State's interest in the event of bankruptcy,  
17 default, foreclosure, or noncompliance with the terms and  
18 conditions of financial assistance or participation provided  
19 hereunder or to otherwise protect or affect the State's  
20 interest, including the power to sell, dispose, lease or rent,  
21 upon terms and conditions determined by the Director to be  
22 appropriate, real or personal property which the Department may  
23 receive as a result thereof.

24 (i) To deposit any "Qualified Securities" which have been  
25 received by the Department as the result of any financial  
26 intermediary agreement, loan, or equity investment agreement  
27 executed in the carrying out of this Act, with the Office of  
28 the State Treasurer and held by that office until agreement to  
29 transfer such qualified security shall be certified by the  
30 Director of ~~the Department of~~ Commerce and Economic Opportunity  
31 ~~Community Affairs~~.

32 (j) To assist small businesses that seek to apply for  
33 public or private capital in preparing the application and to  
34 supply them with grant information, plans, reports,  
35 assistance, or advice on development finance and to assist  
36 financial intermediaries and participating lenders to build



1 capacity to make debt or equity investments through  
2 conferences, workshops, seminars, publications, or any other  
3 media.

4 (k) To provide for staff, administration, and related  
5 support required to manage the programs authorized under this  
6 Article and pay for staffing and administration from the  
7 Illinois Capital Revolving Loan Fund, as appropriated by the  
8 General Assembly. Administration responsibilities may include,  
9 but are not limited to, research and identification of credit  
10 disadvantaged groups; design of comprehensive statewide  
11 capital access plans and programs addressing capital gap and  
12 capital marketplace structure and information barriers;  
13 direction, management, and control of specific projects; and  
14 communicate and cooperation with public development finance  
15 organizations and private debt and equity sources.

16 (l) To exercise such other powers as are necessary or  
17 incidental to the foregoing.

18 (Source: P.A. 88-422; revised 12-6-03.)

19 (30 ILCS 750/9-4.1) (from Ch. 127, par. 2709-4.1)

20 Sec. 9-4.1. Applications for loans. All applications for  
21 loans to small businesses shall be submitted to the Department  
22 on forms and subject to filing fees prescribed by the  
23 Department. The Department shall conduct such investigation  
24 and obtain such information concerning the application as it  
25 considers necessary and diligent. Complete applications  
26 received by the Department shall be forwarded to a credit  
27 review committee consisting of persons experienced in business  
28 financing, and the Director of the Governor's Office of  
29 Management and Budget ~~Bureau of the Budget~~ or his designee, for  
30 a review and report concerning the advisability of approving  
31 the proposed loan. The review and report shall include facts  
32 about the company's history, job opportunities, stability of  
33 employment, past and present condition and structure, actual  
34 and pro-forma income statements, present and future market  
35 prospects and management qualifications, and any other facts

1 deemed material to the financing request. The report shall  
2 include a reasoned opinion as to whether providing the  
3 financing would tend to fulfill the purposes of the Article.  
4 The report shall be advisory in nature only. The credit review  
5 committee shall be of such composition, act for such time, and  
6 have such powers as shall be specified by the Department.

7 After consideration of such report and after such other  
8 action as is deemed appropriate, the Department shall approve  
9 or deny the application. If the Department approves the  
10 application, its approval shall specify the amount of funds to  
11 be provided by the Department loan agreement provisions. The  
12 business applicant shall be promptly notified of such action by  
13 the Department.

14 (Source: P.A. 88-422; revised 8-23-03.)

15 (30 ILCS 750/9-5.1) (from Ch. 127, par. 2709-5.1)

16 Sec. 9-5.1. Applications for Illinois Equity Investments.

17 (a) All applications for the Illinois Equity Investments to  
18 or on behalf of small businesses shall be submitted to the  
19 Department on forms and subject to filing fees prescribed by  
20 the Department. For business project applications, the  
21 Department shall conduct such investigation and obtain such  
22 information concerning the application as it deems necessary  
23 and diligent. Complete applications received by the Department  
24 shall be forwarded to an outside credit review committee  
25 consisting of persons experienced in new venture equity  
26 financing and the Director of the Governor's Office of  
27 Management and Budget ~~Bureau of the Budget~~, or his or her  
28 designee, for small business for a review and report concerning  
29 the advisability of approving the proposed investment. The  
30 review and report shall include facts about the company's  
31 history, job opportunities, stability of employment, past and  
32 present condition and structure, actual and pro-forma income  
33 statements, present and future market prospects and management  
34 qualifications, and any other facts deemed material to the  
35 financing request. The report shall be advisory in nature only

1 and shall include a reasoned opinion as to whether providing  
2 the financing would tend to fulfill this purpose of the Act.  
3 Except for the Director of the Governor's Office of Management  
4 and Budget ~~Bureau of the Budget~~ or his or her designee, the  
5 Department may utilize the services of existing outside  
6 organizations as the credit review committee.

7 (b) For equity intermediary agreements, applications may  
8 include, but shall not be limited to, history and mission of  
9 the applicant; needs to be served, which shall be consistent  
10 with the purpose of this subsection; products, services, and  
11 results expected from the effort; staffing, management, and  
12 operational procedures; and budget request and capitalization  
13 of the effort. The Department shall review the intermediary  
14 applications to determine the viability of the applicant, the  
15 consistency of the proposed project with the purposes of this  
16 Article, the economic benefits expected to be derived  
17 therefrom, the prospects for continuation of the project after  
18 Departmental assistance has been provided, and other issues  
19 that may be considered necessary.

20 (c) The Department shall, on the basis of the application,  
21 the report of the credit review committee, and any other  
22 appropriate information, prepare a report concerning the  
23 credit-worthiness of the proposed borrower or intermediary,  
24 the financial commitment of the participating lender or other  
25 investor, the manner in which the proposed small business or  
26 intermediary project will advance the economy of the State, and  
27 the soundness of the proposed equity investment or intermediary  
28 agreement.

29 After consideration of such report and after such other  
30 action as it deems appropriate, the Department shall approve or  
31 deny the application. If the Department approves the  
32 application, its approval shall specify the amount of funds to  
33 be provided and the Department equity investment agreement  
34 provisions. The small business or intermediary applicant shall  
35 be promptly notified of such action by the Department.

36 (Source: P.A. 88-422; revised 8-23-03.)

1 (30 ILCS 750/9-11)

2 Sec. 9-11. Port Development Revolving Loan Program.

3 (1) There is created in the State Treasury the Port  
4 Development Revolving Loan Fund, referred to in this Section as  
5 the Fund. Moneys in the Fund may be appropriated for the  
6 purposes of the Port Development Revolving Loan Program created  
7 by this Section to be administered by the Department of  
8 Commerce and Economic Opportunity ~~Community Affairs~~ in order to  
9 facilitate and enhance the utilization of Illinois' navigable  
10 waterways or the development of inland intermodal freight  
11 facilities or both. The Department may adopt rules for the  
12 administration of the Program.

13 The General Assembly may make appropriations for the  
14 purposes of the Program. Repayment of loans made to individual  
15 port districts shall be paid back into the Fund to establish an  
16 ongoing revolving loan fund to facilitate continuing port  
17 development activities in the State.

18 (2) Loan funds from the Program shall be made available to  
19 Illinois port districts on a competitive basis. In order to  
20 obtain assistance under the Program, a port district must  
21 submit a comprehensive application to the Department for  
22 consideration.

23 Projects eligible for funding under the Program must be  
24 intermodal facilities and within the scope of powers and  
25 responsibilities as granted in each port district's enabling  
26 legislation. Loan funds shall not be used for working capital  
27 or administrative purposes by the port district.

28 (3) The maximum amount which may be loaned from the Program  
29 to fund any one project is \$3,000,000. Program funds may be  
30 used for up to 50% of an individual project financing. The  
31 balance of financing for an individual project must be secured  
32 by the respective district.

33 The maximum loan term shall be for 20 years with an  
34 interest rate of 5% per annum. Principal and interest payments  
35 shall be made on a semi-annual basis.

1           (4) In order to receive a loan from the Program, a port  
2 district must:

3           (a) demonstrate that the proposed project shall  
4 generate sufficient revenue to support amortization of the  
5 loan and be willing to pledge revenues from the project to  
6 loan repayment or

7           (b) demonstrate that the port district can financially  
8 support debt service payments through general revenue  
9 sources of the port district and pledge the full faith and  
10 credit of the port district to loan repayment.

11           In order to achieve the requirement of paragraph (a) of  
12 this subsection (4), the port district may use guarantees  
13 provided under facility operating agreements or guaranteed  
14 facility use agreements from private concerns to demonstrate  
15 loan repayment ability.

16           Certain infrastructure facilities developed under the  
17 Program may be general use public facilities where there is not  
18 a definitive and guaranteed revenue stream to support the  
19 project, nevertheless the facilities are important to  
20 facilitate overall long term port development objectives. In  
21 such cases, the full faith and credit of the port district may  
22 be used as loan collateral.

23           (5) A loan agreement shall be executed between the port  
24 district and the State stipulating all of the terms and  
25 conditions of the loan. The Department shall release funds on a  
26 reimbursement basis for eligible costs of the project as  
27 incurred. The port district shall certify to the Department  
28 that expenses incurred during construction are in accordance  
29 with plans and specifications as approved by the Department.  
30 Funds may be drawn once per month during construction of the  
31 project.

32           (6) The loan agreement shall contain customary and usual  
33 loan default provisions in the event the port district fails to  
34 make the required payments. The loan agreement shall stipulate  
35 the State's recourse in curing any default.

36           In the event a port district becomes delinquent in payments

1 to the State, that port district shall not be eligible for any  
2 future loans until the delinquency is remedied.

3 (7) Individual port district project applications shall  
4 include the following:

5 (a) Statement of purpose. A description of the project  
6 shall be submitted along with the project's anticipated  
7 overall effect on meeting port district objectives.

8 (b) Project impact. The anticipated net effects of the  
9 project shall be enumerated. These impacts may include the  
10 economic impact to the State, employment impact,  
11 intermodal freight impacts, and environmental impacts.

12 (c) Cost estimates and preliminary project layout. The  
13 overall project development cost estimate and general site  
14 and or facility drawings.

15 (d) Proposed loan amount. A statement as to the amount  
16 proposed from the Program and the port district's  
17 intentions as to the source of other financing for the  
18 project.

19 (e) Business Proforma. A detailed business proforma  
20 must be supplied which estimates facility/project revenues  
21 as well as operating costs and debt service.

22 (f) Loan collateral and guarantees. The port  
23 district's intentions as to how it intends to collateralize  
24 the loan amount, including third party guarantees,  
25 pledging of project and facility revenue, or pledging  
26 general revenues of the district.

27 (8) The Department shall annually invite Illinois port  
28 districts to submit projects for consideration under the  
29 Program. The Department shall perform a cost/benefit analysis  
30 of each project to determine if a project meets minimum  
31 requirements for eligibility. Those applications which meet  
32 minimum criteria shall then be ranked by the overall net  
33 positive impact on the State.

34 (a) Minimum criteria shall include:

35 (i) positive cost/benefit ratio;

36 (ii) demonstrated economic feasibility of the

1 project; and

2 (iii) the ability of the port district to repay the  
3 loan.

4 (b) Ranking criteria may include:

5 (i) a cost/benefit ratio of project in relation to  
6 other projects;

7 (ii) product tonnage to be handled;

8 (iii) product value to be handled;

9 (iv) soundness of business proposition;

10 (v) positive intermodal impacts of Illinois  
11 transportation system;

12 (vi) meets overall State transportation  
13 objectives;

14 (vii) economic impact to the State; or

15 (viii) environmental benefits of the project.

16 Projects shall be selected according to their ranking up to  
17 the limit of available funds. Selected projects shall be  
18 invited to submit detailed plans, specifications, operating  
19 agreements, environmental clearances, evidence of property  
20 title, and other documentation as necessitated by the project.  
21 When the Department determines all necessary requirements are  
22 met and the remainder of the project financing is available, a  
23 loan agreement shall be executed and project development may  
24 commence.

25 (Source: P.A. 90-785, eff. 1-1-99; revised 12-6-03.)

26 (30 ILCS 750/10-2) (from Ch. 127, par. 2710-2)

27 Sec. 10-2. Definitions. Unless the context clearly  
28 requires otherwise:

29 (a) "Financial institution" means a trust company, a bank,  
30 a savings bank, a credit union, an investment bank, a broker,  
31 an investment trust, a pension fund, a building and loan  
32 association, a savings and loan association, an insurance  
33 company or any venture capital company which is authorized to  
34 do business in the State.

35 (b) "Participating lender" means any trust company, bank,

1 savings bank, credit union, investment bank, broker,  
2 investment trust, pension fund, building and loan association,  
3 savings and loan association, insurance company or venture  
4 capital company approved by the Department which assumes a  
5 portion of the financing for a business project.

6 (c) "Department" means the Illinois Department of Commerce  
7 and Economic Opportunity ~~Community Affairs~~.

8 (d) "Business" means a for-profit, legal entity in Illinois  
9 including, but not limited to, any sole proprietorship,  
10 partnership, corporation, joint venture, association or  
11 cooperative.

12 (e) "Loan" means an agreement or contract to provide a loan  
13 or other financial aid to a business.

14 (f) "Project" means any specific economic development  
15 activity of a commercial, industrial, manufacturing,  
16 agricultural, scientific, service or other business, the  
17 result of which yields an increase in jobs and may include the  
18 purchase or lease of machinery and equipment, the lease or  
19 purchase of real property or funds for infrastructure  
20 necessitated by site preparation, building construction or  
21 related purposes but does not include refinancing current debt.

22 (g) "Fund" means the Large Business Attraction Fund created  
23 in Section 10-4.

24 (Source: P.A. 84-109; revised 12-6-03.)

25 (30 ILCS 750/11-2) (from Ch. 127, par. 2711-2)

26 Sec. 11-2. Definitions. As used in this Article:

27 (a) "Small business incubator" or "Incubator" means a  
28 property described in Sections 11-7 and 11-8.

29 (b) "Community Advisory Board" or "Board" means a board  
30 created pursuant to Section 11-4.

31 (c) "Department" means the Illinois Department of Commerce  
32 and Economic Opportunity ~~Community Affairs~~.

33 (d) "Educational institution" means a local school  
34 district, a private junior college or university, or a State  
35 supported community college or university within the State.



1 (e) "Local governmental unit" means a county, township,  
2 city, village or incorporated town within this State.

3 (f) "Non-profit organization" means local chambers of  
4 commerce, business and economic development corporations and  
5 associations, and such other similar organizations so  
6 designated by the Department.

7 (g) "Sponsor" means an educational institution, local  
8 governmental unit or non-profit organization which receives  
9 Department funds under this Article.

10 (h) "Costs of establishment" means the actual costs of  
11 acquisition, whether by lease, purchase or other devices, and  
12 of construction and renovation of the incubator.

13 (i) "Costs of administration" means the costs of wages or  
14 salary for the incubator manager and related clerical and  
15 administrative costs.

16 (Source: P.A. 84-109; revised 12-6-03.)

17 Section 445. The Gang Control Grant Act is amended by  
18 changing Sections 1, 2, and 4 as follows:

19 (30 ILCS 755/1) (from Ch. 127, par. 3301)

20 Sec. 1. The purpose of this Act is to provide for grants to  
21 community groups in order to improve the quality of life in low  
22 and moderate income neighborhoods and to authorize the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~ to administer such grants to such community groups.

25 (Source: P.A. 84-1400; revised 12-6-03.)

26 (30 ILCS 755/2) (from Ch. 127, par. 3302)

27 Sec. 2. Definition. As used in this Act, the terms  
28 specified in this Section have the meanings ascribed to them in  
29 this Section.

30 (a) "Community-based organization" means an organization  
31 certified by the Department as an eligible receiver of grants.

32 (b) "Business entity" means a corporation, partnership or  
33 sole proprietorship engaged in producing goods or selling

1 services or goods for a profit.

2 (c) "Department" means Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~.

4 (d) "Neighborhood" means the area identified by a  
5 community-based organization as its geographically defined  
6 area containing the following characteristics:

7 (1) a sense of belonging or identity that ties the  
8 residents to a given area;

9 (2) social, cultural, political or economic activities  
10 around which residents of the area organize themselves;

11 (3) the existence of cohesive organizations formed by  
12 residents; and

13 (4) a history of acting or being treated as a distinct  
14 cohesive unit.

15 The term neighborhood may include small municipalities of  
16 less than 10,000 population or rural areas which have these  
17 characteristics.

18 (Source: P.A. 84-1400; revised 12-6-03.)

19 (30 ILCS 755/4) (from Ch. 127, par. 3304)

20 Sec. 4. (a) No grants may be authorized unless the project  
21 for which the grant is made has been approved by the  
22 Department.

23 (b) Any community-based organization seeking to have a  
24 project approved for a grant must submit an application to the  
25 Department describing its potential contributors and the  
26 nature and benefit of the project, such as the number of youth  
27 to be served by the project, performance standards or  
28 benchmarks, and monetary benefits of the project such as  
29 additional non-State funds leveraged or new State or local  
30 taxes generated.

31 The application must also address how the following  
32 criteria will be met:

33 (1) The project must contribute to the self help efforts of  
34 the residents of the area involved.

35 (2) The project must involve the residents of the area in

1 planning and implementing the project.

2 (3) The project must lack sufficient resources.

3 (4) The community-based organization must be fiscally  
4 responsible for the project.

5 (c) The project must provide alternatives to participation  
6 in gangs by juveniles in one of the following ways:

7 (1) by creating permanent jobs;

8 (2) by stimulating neighborhood business activity;

9 (3) by providing job training services;

10 (4) by providing youth recreation and athletic activities;

11 or

12 (5) by strengthening any community-based organizations  
13 whose objectives are similar to those listed in items 1 through  
14 4 above.

15 (d) If the community-based organization demonstrates its  
16 ability to meet the criteria in subsection (b), and will  
17 provide juvenile gang alternatives in 1 of the ways listed in  
18 subsection (c), the Department shall approve the  
19 organization's proposed projects and specify the amount of  
20 grant it is eligible to receive for such project. Comments from  
21 State elected officials representing the districts in which the  
22 project is proposed to be located shall be solicited by the  
23 Department in making the decision.

24 (e) Within 45 days of the receipt of an application, the  
25 Department shall give notice to the applicant as to whether the  
26 application has been approved or disapproved. If the Department  
27 disapproves the application, it shall specify the reasons for  
28 this decision and allow 60 days for the applicant to make  
29 amendments. The Department shall provide assistance upon  
30 request to applicants.

31 (f) On an annual basis, the community-based organization  
32 shall furnish a statement to the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~ on the programmatic and  
34 financial status of any approved project and an audited  
35 financial statement of the project.

36 (Source: P.A. 85-633; revised 12-6-03.)

1 Section 450. The Eliminate the Digital Divide Law is  
2 amended by changing Section 5-5 as follows:

3 (30 ILCS 780/5-5)

4 Sec. 5-5. Definitions; descriptions. As used in this  
5 Article:

6 "Community-based organization" means a private  
7 not-for-profit organization that is located in an Illinois  
8 community and that provides services to citizens within that  
9 community and the surrounding area.

10 "Community technology centers" provide computer access and  
11 educational services using information technology. Community  
12 technology centers are diverse in the populations they serve  
13 and programs they offer, but similar in that they provide  
14 technology access to individuals, communities, and populations  
15 that typically would not otherwise have places to use computer  
16 and telecommunications technologies.

17 "Department" means the Department of Commerce and Economic  
18 Opportunity ~~Community Affairs~~.

19 "National school lunch program" means a program  
20 administered by the U.S. Department of Agriculture and state  
21 agencies that provides free or reduced price lunches to  
22 economically disadvantaged children. A child whose family  
23 income is between 130% and 185% of applicable family size  
24 income levels contained in the nonfarm poverty guidelines  
25 prescribed by the Office of Management and Budget is eligible  
26 for a reduced price lunch. A child whose family income is 130%  
27 or less of applicable family size income levels contained in  
28 the nonfarm income poverty guidelines prescribed by the Office  
29 of Management and Budget is eligible for a free lunch.

30 "Telecommunications services" provided by  
31 telecommunications carriers include all commercially available  
32 telecommunications services in addition to all reasonable  
33 charges that are incurred by taking such services, such as  
34 state and federal taxes.

1 "Other special services" provided by telecommunications  
2 carriers include Internet access and installation and  
3 maintenance of internal connections in addition to all  
4 reasonable charges that are incurred by taking such services,  
5 such as state and federal taxes.

6 (Source: P.A. 91-704, eff. 7-1-00; revised 12-6-03.)

7 Section 455. The State Mandates Act is amended by changing  
8 Section 8 as follows:

9 (30 ILCS 805/8) (from Ch. 85, par. 2208)

10 Sec. 8. Exclusions, reimbursement application, review,  
11 appeals, and adjudication.

12 (a) Exclusions: Any of the following circumstances  
13 inherent to, or associated with, a mandate shall exclude the  
14 State from reimbursement liability under this Act. If the  
15 mandate (1) accommodates a request from local governments or  
16 organizations thereof; (2) imposes additional duties of a  
17 nature which can be carried out by existing staff and  
18 procedures at no appreciable net cost increase; (3) creates  
19 additional costs but also provides offsetting savings  
20 resulting in no aggregate increase in net costs; (4) imposes a  
21 cost that is wholly or largely recovered from Federal, State or  
22 other external financial aid; (5) imposes additional annual net  
23 costs of less than \$1,000 for each of the several local  
24 governments affected or less than \$50,000, in the aggregate,  
25 for all local governments affected.

26 The failure of the General Assembly to make necessary  
27 appropriations shall relieve the local government of the  
28 obligation to implement any service mandates, tax exemption  
29 mandates, and personnel mandates, as specified in Section 6,  
30 subsections (b), (c), (d) and (e), unless the exclusion  
31 provided for in this Section are explicitly stated in the Act  
32 establishing the mandate. In the event that funding is not  
33 provided for a State-mandated program by the General Assembly,  
34 the local government may implement or continue the program upon

1 approval of its governing body. If the local government  
2 approves the program and funding is subsequently provided, the  
3 State shall reimburse the local governments only for costs  
4 incurred subsequent to the funding.

5 (b) Reimbursement Estimation and Appropriation Procedure.

6 (1) When a bill is introduced in the General Assembly,  
7 the Legislative Reference Bureau, hereafter referred to as  
8 the Bureau, shall determine whether such bill may require  
9 reimbursement to local governments pursuant to this Act.  
10 The Bureau shall make such determination known in the  
11 Legislative Synopsis and Digest.

12 In making the determination required by this  
13 subsection (b) the Bureau shall disregard any provision in  
14 a bill which would make inoperative the reimbursement  
15 requirements of Section 6 above, including an express  
16 exclusion of the applicability of this Act, and shall make  
17 the determination irrespective of any such provision.

18 (2) Any bill or amended bill which creates or expands a  
19 State mandate shall be subject to the provisions of "An Act  
20 requiring fiscal notes in relation to certain bills",  
21 approved June 4, 1965, as amended. The fiscal notes for  
22 such bills or amended bills shall include estimates of the  
23 costs to local government and the costs of any  
24 reimbursement required under this Act. In the case of bills  
25 having a potential fiscal impact on units of local  
26 government, the fiscal note shall be prepared by the  
27 Department. In the case of bills having a potential fiscal  
28 impact on school districts, the fiscal note shall be  
29 prepared by the State Superintendent of Education. In the  
30 case of bills having a potential fiscal impact on community  
31 college districts, the fiscal note shall be prepared by the  
32 Illinois Community College Board. Such fiscal note shall  
33 accompany the bill that requires State reimbursement and  
34 shall be prepared prior to any final action on such a bill  
35 by the assigned committee. However, if a fiscal note is not  
36 filed by the appropriate agency within 30 days of

1 introduction of a bill, the bill can be heard in committee  
2 and advanced to the order of second reading. The bill shall  
3 then remain on second reading until a fiscal note is filed.  
4 A bill discharged from committee shall also remain on  
5 second reading until a fiscal note is provided by the  
6 appropriate agency.

7 (3) The estimate required by paragraph (2) above, shall  
8 include the amount estimated to be required during the  
9 first fiscal year of a bill's operation in order to  
10 reimburse local governments pursuant to Section 6, for  
11 costs mandated by such bill. In the event that the  
12 effective date of such a bill is not the first day of the  
13 fiscal year the estimate shall also include the amount  
14 estimated to be required for reimbursement for the next  
15 following full fiscal year.

16 (4) For the initial fiscal year, reimbursement funds  
17 shall be provided as follows: (i) any statute mandating  
18 such costs shall have a companion appropriation bill, and  
19 (ii) any executive order mandating such costs shall be  
20 accompanied by a bill to appropriate the funds therefor,  
21 or, alternatively an appropriation for such funds shall be  
22 included in the executive budget for the next following  
23 fiscal year.

24 In subsequent fiscal years appropriations for such  
25 costs shall be included in the Governor's budget or  
26 supplemental appropriation bills.

27 (c) Reimbursement Application and Disbursement Procedure.

28 (1) For the initial fiscal year during which  
29 reimbursement is authorized, each local government, or  
30 more than one local government wishing to join in filing a  
31 single claim, believing itself to be entitled to  
32 reimbursement under this Act shall submit to the  
33 Department, State Superintendent of Education or Illinois  
34 Community College Board within 60 days of the effective  
35 date of the mandate a claim for reimbursement accompanied  
36 by its estimate of the increased costs required by the

1 mandate for the balance of the fiscal year. The Department,  
2 State Superintendent of Education or Illinois Community  
3 College Board shall review such claim and estimate, shall  
4 apportion the claim into 3 equal installments and shall  
5 direct the Comptroller to pay the installments at equal  
6 intervals throughout the remainder of the fiscal year from  
7 the funds appropriated for such purposes, provided that the  
8 Department, State Superintendent of Education or Illinois  
9 Community College Board may (i) audit the records of any  
10 local government to verify the actual amount of the  
11 mandated cost, and (ii) reduce any claim determined to be  
12 excessive or unreasonable.

13 (2) For the subsequent fiscal years, local governments  
14 shall submit claims as specified above on or before October  
15 1 of each year. The Department, State Superintendent of  
16 Education or Illinois Community College Board shall  
17 apportion the claims into 3 equal installments and shall  
18 direct the Comptroller to pay the first installment upon  
19 approval of the claims, with subsequent installments to  
20 follow on January 1 and March 1, such claims to be paid  
21 from funds appropriated therefor, provided that the  
22 Department, State Superintendent of Education or Illinois  
23 Community College Board (i) may audit the records of any  
24 local governments to verify the actual amount of the  
25 mandated cost, (ii) may reduce any claim, determined to be  
26 excessive or unreasonable, and (iii) shall adjust the  
27 payment to correct for any underpayments or overpayments  
28 which occurred in the previous fiscal year.

29 (3) Any funds received by a local government pursuant  
30 to this Act may be used for any public purpose.

31 If the funds appropriated for reimbursement of the  
32 costs of local government resulting from the creation or  
33 expansion of a State mandate are less than the total of the  
34 approved claims, the amount appropriated shall be prorated  
35 among the local governments having approved claims.

36 (d) Appeals and Adjudication.



1           (1) Local governments may appeal determinations made  
2 by State agencies acting pursuant to subsection (c) above.  
3 The appeal must be submitted to the State Mandates Board of  
4 Review created by Section 9.1 of this Act within 60 days  
5 following the date of receipt of the determination being  
6 appealed. The appeal must include evidence as to the extent  
7 to which the mandate has been carried out in an effective  
8 manner and executed without recourse to standards of  
9 staffing or expenditure higher than specified in the  
10 mandatory statute, if such standards are specified in the  
11 statute. The State Mandates Board of Review, after  
12 reviewing the evidence submitted to it, may increase or  
13 reduce the amount of a reimbursement claim. The decision of  
14 the State Mandates Board of Review shall be final subject  
15 to judicial review. However, if sufficient funds have not  
16 been appropriated, the Department shall notify the General  
17 Assembly of such cost, and appropriations for such costs  
18 shall be included in a supplemental appropriation bill.

19           (2) A local government may also appeal directly to the  
20 State Mandates Board of Review in those situations in which  
21 the Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ does not act upon the local government's  
23 application for reimbursement or request for mandate  
24 determination submitted under this Act. The appeal must  
25 include evidence that the application for reimbursement or  
26 request for mandate determination was properly filed and  
27 should have been reviewed by the Department.

28           An appeal may be made to the Board if the Department  
29 does not respond to a local government's application for  
30 reimbursement or request for mandate determination within  
31 120 days after filing the application or request. In no  
32 case, however, may an appeal be brought more than one year  
33 after the application or request is filed with the  
34 Department.

35 (Source: P.A. 89-304, eff. 8-11-95; 89-626, eff. 8-9-96;  
36 revised 12-6-03.)

1 Section 460. The Illinois Income Tax Act is amended by  
2 changing Sections 201, 211, and 213 as follows:

3 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

4 Sec. 201. Tax Imposed.

5 (a) In general. A tax measured by net income is hereby  
6 imposed on every individual, corporation, trust and estate for  
7 each taxable year ending after July 31, 1969 on the privilege  
8 of earning or receiving income in or as a resident of this  
9 State. Such tax shall be in addition to all other occupation or  
10 privilege taxes imposed by this State or by any municipal  
11 corporation or political subdivision thereof.

12 (b) Rates. The tax imposed by subsection (a) of this  
13 Section shall be determined as follows, except as adjusted by  
14 subsection (d-1):

15 (1) In the case of an individual, trust or estate, for  
16 taxable years ending prior to July 1, 1989, an amount equal  
17 to 2 1/2% of the taxpayer's net income for the taxable  
18 year.

19 (2) In the case of an individual, trust or estate, for  
20 taxable years beginning prior to July 1, 1989 and ending  
21 after June 30, 1989, an amount equal to the sum of (i) 2  
22 1/2% of the taxpayer's net income for the period prior to  
23 July 1, 1989, as calculated under Section 202.3, and (ii)  
24 3% of the taxpayer's net income for the period after June  
25 30, 1989, as calculated under Section 202.3.

26 (3) In the case of an individual, trust or estate, for  
27 taxable years beginning after June 30, 1989, an amount  
28 equal to 3% of the taxpayer's net income for the taxable  
29 year.

30 (4) (Blank).

31 (5) (Blank).

32 (6) In the case of a corporation, for taxable years  
33 ending prior to July 1, 1989, an amount equal to 4% of the  
34 taxpayer's net income for the taxable year.

1           (7) In the case of a corporation, for taxable years  
2 beginning prior to July 1, 1989 and ending after June 30,  
3 1989, an amount equal to the sum of (i) 4% of the  
4 taxpayer's net income for the period prior to July 1, 1989,  
5 as calculated under Section 202.3, and (ii) 4.8% of the  
6 taxpayer's net income for the period after June 30, 1989,  
7 as calculated under Section 202.3.

8           (8) In the case of a corporation, for taxable years  
9 beginning after June 30, 1989, an amount equal to 4.8% of  
10 the taxpayer's net income for the taxable year.

11           (c) Personal Property Tax Replacement Income Tax.  
12 Beginning on July 1, 1979 and thereafter, in addition to such  
13 income tax, there is also hereby imposed the Personal Property  
14 Tax Replacement Income Tax measured by net income on every  
15 corporation (including Subchapter S corporations), partnership  
16 and trust, for each taxable year ending after June 30, 1979.  
17 Such taxes are imposed on the privilege of earning or receiving  
18 income in or as a resident of this State. The Personal Property  
19 Tax Replacement Income Tax shall be in addition to the income  
20 tax imposed by subsections (a) and (b) of this Section and in  
21 addition to all other occupation or privilege taxes imposed by  
22 this State or by any municipal corporation or political  
23 subdivision thereof.

24           (d) Additional Personal Property Tax Replacement Income  
25 Tax Rates. The personal property tax replacement income tax  
26 imposed by this subsection and subsection (c) of this Section  
27 in the case of a corporation, other than a Subchapter S  
28 corporation and except as adjusted by subsection (d-1), shall  
29 be an additional amount equal to 2.85% of such taxpayer's net  
30 income for the taxable year, except that beginning on January  
31 1, 1981, and thereafter, the rate of 2.85% specified in this  
32 subsection shall be reduced to 2.5%, and in the case of a  
33 partnership, trust or a Subchapter S corporation shall be an  
34 additional amount equal to 1.5% of such taxpayer's net income  
35 for the taxable year.

36           (d-1) Rate reduction for certain foreign insurers. In the

1 case of a foreign insurer, as defined by Section 35A-5 of the  
2 Illinois Insurance Code, whose state or country of domicile  
3 imposes on insurers domiciled in Illinois a retaliatory tax  
4 (excluding any insurer whose premiums from reinsurance assumed  
5 are 50% or more of its total insurance premiums as determined  
6 under paragraph (2) of subsection (b) of Section 304, except  
7 that for purposes of this determination premiums from  
8 reinsurance do not include premiums from inter-affiliate  
9 reinsurance arrangements), beginning with taxable years ending  
10 on or after December 31, 1999, the sum of the rates of tax  
11 imposed by subsections (b) and (d) shall be reduced (but not  
12 increased) to the rate at which the total amount of tax imposed  
13 under this Act, net of all credits allowed under this Act,  
14 shall equal (i) the total amount of tax that would be imposed  
15 on the foreign insurer's net income allocable to Illinois for  
16 the taxable year by such foreign insurer's state or country of  
17 domicile if that net income were subject to all income taxes  
18 and taxes measured by net income imposed by such foreign  
19 insurer's state or country of domicile, net of all credits  
20 allowed or (ii) a rate of zero if no such tax is imposed on such  
21 income by the foreign insurer's state of domicile. For the  
22 purposes of this subsection (d-1), an inter-affiliate includes  
23 a mutual insurer under common management.

24 (1) For the purposes of subsection (d-1), in no event  
25 shall the sum of the rates of tax imposed by subsections  
26 (b) and (d) be reduced below the rate at which the sum of:

27 (A) the total amount of tax imposed on such foreign  
28 insurer under this Act for a taxable year, net of all  
29 credits allowed under this Act, plus

30 (B) the privilege tax imposed by Section 409 of the  
31 Illinois Insurance Code, the fire insurance company  
32 tax imposed by Section 12 of the Fire Investigation  
33 Act, and the fire department taxes imposed under  
34 Section 11-10-1 of the Illinois Municipal Code,  
35 equals 1.25% for taxable years ending prior to December 31,  
36 2003, or 1.75% for taxable years ending on or after

1 December 31, 2003, of the net taxable premiums written for  
2 the taxable year, as described by subsection (1) of Section  
3 409 of the Illinois Insurance Code. This paragraph will in  
4 no event increase the rates imposed under subsections (b)  
5 and (d).

6 (2) Any reduction in the rates of tax imposed by this  
7 subsection shall be applied first against the rates imposed  
8 by subsection (b) and only after the tax imposed by  
9 subsection (a) net of all credits allowed under this  
10 Section other than the credit allowed under subsection (i)  
11 has been reduced to zero, against the rates imposed by  
12 subsection (d).

13 This subsection (d-1) is exempt from the provisions of  
14 Section 250.

15 (e) Investment credit. A taxpayer shall be allowed a credit  
16 against the Personal Property Tax Replacement Income Tax for  
17 investment in qualified property.

18 (1) A taxpayer shall be allowed a credit equal to .5%  
19 of the basis of qualified property placed in service during  
20 the taxable year, provided such property is placed in  
21 service on or after July 1, 1984. There shall be allowed an  
22 additional credit equal to .5% of the basis of qualified  
23 property placed in service during the taxable year,  
24 provided such property is placed in service on or after  
25 July 1, 1986, and the taxpayer's base employment within  
26 Illinois has increased by 1% or more over the preceding  
27 year as determined by the taxpayer's employment records  
28 filed with the Illinois Department of Employment Security.  
29 Taxpayers who are new to Illinois shall be deemed to have  
30 met the 1% growth in base employment for the first year in  
31 which they file employment records with the Illinois  
32 Department of Employment Security. The provisions added to  
33 this Section by Public Act 85-1200 (and restored by Public  
34 Act 87-895) shall be construed as declaratory of existing  
35 law and not as a new enactment. If, in any year, the  
36 increase in base employment within Illinois over the

1 preceding year is less than 1%, the additional credit shall  
2 be limited to that percentage times a fraction, the  
3 numerator of which is .5% and the denominator of which is  
4 1%, but shall not exceed .5%. The investment credit shall  
5 not be allowed to the extent that it would reduce a  
6 taxpayer's liability in any tax year below zero, nor may  
7 any credit for qualified property be allowed for any year  
8 other than the year in which the property was placed in  
9 service in Illinois. For tax years ending on or after  
10 December 31, 1987, and on or before December 31, 1988, the  
11 credit shall be allowed for the tax year in which the  
12 property is placed in service, or, if the amount of the  
13 credit exceeds the tax liability for that year, whether it  
14 exceeds the original liability or the liability as later  
15 amended, such excess may be carried forward and applied to  
16 the tax liability of the 5 taxable years following the  
17 excess credit years if the taxpayer (i) makes investments  
18 which cause the creation of a minimum of 2,000 full-time  
19 equivalent jobs in Illinois, (ii) is located in an  
20 enterprise zone established pursuant to the Illinois  
21 Enterprise Zone Act and (iii) is certified by the  
22 Department of Commerce and Community Affairs (now  
23 Department of Commerce and Economic Opportunity) as  
24 complying with the requirements specified in clause (i) and  
25 (ii) by July 1, 1986. The Department of Commerce and  
26 Community Affairs (now Department of Commerce and Economic  
27 Opportunity) shall notify the Department of Revenue of all  
28 such certifications immediately. For tax years ending  
29 after December 31, 1988, the credit shall be allowed for  
30 the tax year in which the property is placed in service,  
31 or, if the amount of the credit exceeds the tax liability  
32 for that year, whether it exceeds the original liability or  
33 the liability as later amended, such excess may be carried  
34 forward and applied to the tax liability of the 5 taxable  
35 years following the excess credit years. The credit shall  
36 be applied to the earliest year for which there is a

1 liability. If there is credit from more than one tax year  
2 that is available to offset a liability, earlier credit  
3 shall be applied first.

4 (2) The term "qualified property" means property  
5 which:

6 (A) is tangible, whether new or used, including  
7 buildings and structural components of buildings and  
8 signs that are real property, but not including land or  
9 improvements to real property that are not a structural  
10 component of a building such as landscaping, sewer  
11 lines, local access roads, fencing, parking lots, and  
12 other appurtenances;

13 (B) is depreciable pursuant to Section 167 of the  
14 Internal Revenue Code, except that "3-year property"  
15 as defined in Section 168(c)(2)(A) of that Code is not  
16 eligible for the credit provided by this subsection  
17 (e);

18 (C) is acquired by purchase as defined in Section  
19 179(d) of the Internal Revenue Code;

20 (D) is used in Illinois by a taxpayer who is  
21 primarily engaged in manufacturing, or in mining coal  
22 or fluorite, or in retailing; and

23 (E) has not previously been used in Illinois in  
24 such a manner and by such a person as would qualify for  
25 the credit provided by this subsection (e) or  
26 subsection (f).

27 (3) For purposes of this subsection (e),  
28 "manufacturing" means the material staging and production  
29 of tangible personal property by procedures commonly  
30 regarded as manufacturing, processing, fabrication, or  
31 assembling which changes some existing material into new  
32 shapes, new qualities, or new combinations. For purposes of  
33 this subsection (e) the term "mining" shall have the same  
34 meaning as the term "mining" in Section 613(c) of the  
35 Internal Revenue Code. For purposes of this subsection (e),  
36 the term "retailing" means the sale of tangible personal

1 property or services rendered in conjunction with the sale  
2 of tangible consumer goods or commodities.

3 (4) The basis of qualified property shall be the basis  
4 used to compute the depreciation deduction for federal  
5 income tax purposes.

6 (5) If the basis of the property for federal income tax  
7 depreciation purposes is increased after it has been placed  
8 in service in Illinois by the taxpayer, the amount of such  
9 increase shall be deemed property placed in service on the  
10 date of such increase in basis.

11 (6) The term "placed in service" shall have the same  
12 meaning as under Section 46 of the Internal Revenue Code.

13 (7) If during any taxable year, any property ceases to  
14 be qualified property in the hands of the taxpayer within  
15 48 months after being placed in service, or the situs of  
16 any qualified property is moved outside Illinois within 48  
17 months after being placed in service, the Personal Property  
18 Tax Replacement Income Tax for such taxable year shall be  
19 increased. Such increase shall be determined by (i)  
20 recomputing the investment credit which would have been  
21 allowed for the year in which credit for such property was  
22 originally allowed by eliminating such property from such  
23 computation and, (ii) subtracting such recomputed credit  
24 from the amount of credit previously allowed. For the  
25 purposes of this paragraph (7), a reduction of the basis of  
26 qualified property resulting from a redetermination of the  
27 purchase price shall be deemed a disposition of qualified  
28 property to the extent of such reduction.

29 (8) Unless the investment credit is extended by law,  
30 the basis of qualified property shall not include costs  
31 incurred after December 31, 2003, except for costs incurred  
32 pursuant to a binding contract entered into on or before  
33 December 31, 2003.

34 (9) Each taxable year ending before December 31, 2000,  
35 a partnership may elect to pass through to its partners the  
36 credits to which the partnership is entitled under this



1 subsection (e) for the taxable year. A partner may use the  
2 credit allocated to him or her under this paragraph only  
3 against the tax imposed in subsections (c) and (d) of this  
4 Section. If the partnership makes that election, those  
5 credits shall be allocated among the partners in the  
6 partnership in accordance with the rules set forth in  
7 Section 704(b) of the Internal Revenue Code, and the rules  
8 promulgated under that Section, and the allocated amount of  
9 the credits shall be allowed to the partners for that  
10 taxable year. The partnership shall make this election on  
11 its Personal Property Tax Replacement Income Tax return for  
12 that taxable year. The election to pass through the credits  
13 shall be irrevocable.

14 For taxable years ending on or after December 31, 2000,  
15 a partner that qualifies its partnership for a subtraction  
16 under subparagraph (I) of paragraph (2) of subsection (d)  
17 of Section 203 or a shareholder that qualifies a Subchapter  
18 S corporation for a subtraction under subparagraph (S) of  
19 paragraph (2) of subsection (b) of Section 203 shall be  
20 allowed a credit under this subsection (e) equal to its  
21 share of the credit earned under this subsection (e) during  
22 the taxable year by the partnership or Subchapter S  
23 corporation, determined in accordance with the  
24 determination of income and distributive share of income  
25 under Sections 702 and 704 and Subchapter S of the Internal  
26 Revenue Code. This paragraph is exempt from the provisions  
27 of Section 250.

28 (f) Investment credit; Enterprise Zone.

29 (1) A taxpayer shall be allowed a credit against the  
30 tax imposed by subsections (a) and (b) of this Section for  
31 investment in qualified property which is placed in service  
32 in an Enterprise Zone created pursuant to the Illinois  
33 Enterprise Zone Act. For partners, shareholders of  
34 Subchapter S corporations, and owners of limited liability  
35 companies, if the liability company is treated as a  
36 partnership for purposes of federal and State income

1       taxation, there shall be allowed a credit under this  
2       subsection (f) to be determined in accordance with the  
3       determination of income and distributive share of income  
4       under Sections 702 and 704 and Subchapter S of the Internal  
5       Revenue Code. The credit shall be .5% of the basis for such  
6       property. The credit shall be available only in the taxable  
7       year in which the property is placed in service in the  
8       Enterprise Zone and shall not be allowed to the extent that  
9       it would reduce a taxpayer's liability for the tax imposed  
10      by subsections (a) and (b) of this Section to below zero.  
11      For tax years ending on or after December 31, 1985, the  
12      credit shall be allowed for the tax year in which the  
13      property is placed in service, or, if the amount of the  
14      credit exceeds the tax liability for that year, whether it  
15      exceeds the original liability or the liability as later  
16      amended, such excess may be carried forward and applied to  
17      the tax liability of the 5 taxable years following the  
18      excess credit year. The credit shall be applied to the  
19      earliest year for which there is a liability. If there is  
20      credit from more than one tax year that is available to  
21      offset a liability, the credit accruing first in time shall  
22      be applied first.

23           (2) The term qualified property means property which:

24           (A) is tangible, whether new or used, including  
25           buildings and structural components of buildings;

26           (B) is depreciable pursuant to Section 167 of the  
27           Internal Revenue Code, except that "3-year property"  
28           as defined in Section 168(c)(2)(A) of that Code is not  
29           eligible for the credit provided by this subsection  
30           (f);

31           (C) is acquired by purchase as defined in Section  
32           179(d) of the Internal Revenue Code;

33           (D) is used in the Enterprise Zone by the taxpayer;  
34           and

35           (E) has not been previously used in Illinois in  
36           such a manner and by such a person as would qualify for

1 the credit provided by this subsection (f) or  
2 subsection (e).

3 (3) The basis of qualified property shall be the basis  
4 used to compute the depreciation deduction for federal  
5 income tax purposes.

6 (4) If the basis of the property for federal income tax  
7 depreciation purposes is increased after it has been placed  
8 in service in the Enterprise Zone by the taxpayer, the  
9 amount of such increase shall be deemed property placed in  
10 service on the date of such increase in basis.

11 (5) The term "placed in service" shall have the same  
12 meaning as under Section 46 of the Internal Revenue Code.

13 (6) If during any taxable year, any property ceases to  
14 be qualified property in the hands of the taxpayer within  
15 48 months after being placed in service, or the situs of  
16 any qualified property is moved outside the Enterprise Zone  
17 within 48 months after being placed in service, the tax  
18 imposed under subsections (a) and (b) of this Section for  
19 such taxable year shall be increased. Such increase shall  
20 be determined by (i) recomputing the investment credit  
21 which would have been allowed for the year in which credit  
22 for such property was originally allowed by eliminating  
23 such property from such computation, and (ii) subtracting  
24 such recomputed credit from the amount of credit previously  
25 allowed. For the purposes of this paragraph (6), a  
26 reduction of the basis of qualified property resulting from  
27 a redetermination of the purchase price shall be deemed a  
28 disposition of qualified property to the extent of such  
29 reduction.

30 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade  
31 Zone or Sub-Zone.

32 (1) A taxpayer conducting a trade or business in an  
33 enterprise zone or a High Impact Business designated by the  
34 Department of Commerce and Economic Opportunity Community  
35 ~~Affairs~~ conducting a trade or business in a federally  
36 designated Foreign Trade Zone or Sub-Zone shall be allowed

1 a credit against the tax imposed by subsections (a) and (b)  
2 of this Section in the amount of \$500 per eligible employee  
3 hired to work in the zone during the taxable year.

4 (2) To qualify for the credit:

5 (A) the taxpayer must hire 5 or more eligible  
6 employees to work in an enterprise zone or federally  
7 designated Foreign Trade Zone or Sub-Zone during the  
8 taxable year;

9 (B) the taxpayer's total employment within the  
10 enterprise zone or federally designated Foreign Trade  
11 Zone or Sub-Zone must increase by 5 or more full-time  
12 employees beyond the total employed in that zone at the  
13 end of the previous tax year for which a jobs tax  
14 credit under this Section was taken, or beyond the  
15 total employed by the taxpayer as of December 31, 1985,  
16 whichever is later; and

17 (C) the eligible employees must be employed 180  
18 consecutive days in order to be deemed hired for  
19 purposes of this subsection.

20 (3) An "eligible employee" means an employee who is:

21 (A) Certified by the Department of Commerce and  
22 Economic Opportunity ~~Community Affairs~~ as "eligible  
23 for services" pursuant to regulations promulgated in  
24 accordance with Title II of the Job Training  
25 Partnership Act, Training Services for the  
26 Disadvantaged or Title III of the Job Training  
27 Partnership Act, Employment and Training Assistance  
28 for Dislocated Workers Program.

29 (B) Hired after the enterprise zone or federally  
30 designated Foreign Trade Zone or Sub-Zone was  
31 designated or the trade or business was located in that  
32 zone, whichever is later.

33 (C) Employed in the enterprise zone or Foreign  
34 Trade Zone or Sub-Zone. An employee is employed in an  
35 enterprise zone or federally designated Foreign Trade  
36 Zone or Sub-Zone if his services are rendered there or

1           it is the base of operations for the services  
2           performed.

3           (D) A full-time employee working 30 or more hours  
4           per week.

5           (4) For tax years ending on or after December 31, 1985  
6           and prior to December 31, 1988, the credit shall be allowed  
7           for the tax year in which the eligible employees are hired.  
8           For tax years ending on or after December 31, 1988, the  
9           credit shall be allowed for the tax year immediately  
10          following the tax year in which the eligible employees are  
11          hired. If the amount of the credit exceeds the tax  
12          liability for that year, whether it exceeds the original  
13          liability or the liability as later amended, such excess  
14          may be carried forward and applied to the tax liability of  
15          the 5 taxable years following the excess credit year. The  
16          credit shall be applied to the earliest year for which  
17          there is a liability. If there is credit from more than one  
18          tax year that is available to offset a liability, earlier  
19          credit shall be applied first.

20          (5) The Department of Revenue shall promulgate such  
21          rules and regulations as may be deemed necessary to carry  
22          out the purposes of this subsection (g).

23          (6) The credit shall be available for eligible  
24          employees hired on or after January 1, 1986.

25          (h) Investment credit; High Impact Business.

26          (1) Subject to subsections (b) and (b-5) of Section 5.5  
27          of the Illinois Enterprise Zone Act, a taxpayer shall be  
28          allowed a credit against the tax imposed by subsections (a)  
29          and (b) of this Section for investment in qualified  
30          property which is placed in service by a Department of  
31          Commerce and Economic Opportunity ~~Community Affairs~~  
32          designated High Impact Business. The credit shall be .5% of  
33          the basis for such property. The credit shall not be  
34          available (i) until the minimum investments in qualified  
35          property set forth in subdivision (a)(3)(A) of Section 5.5  
36          of the Illinois Enterprise Zone Act have been satisfied or

1 (ii) until the time authorized in subsection (b-5) of the  
2 Illinois Enterprise Zone Act for entities designated as  
3 High Impact Businesses under subdivisions (a)(3)(B),  
4 (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois  
5 Enterprise Zone Act, and shall not be allowed to the extent  
6 that it would reduce a taxpayer's liability for the tax  
7 imposed by subsections (a) and (b) of this Section to below  
8 zero. The credit applicable to such investments shall be  
9 taken in the taxable year in which such investments have  
10 been completed. The credit for additional investments  
11 beyond the minimum investment by a designated high impact  
12 business authorized under subdivision (a)(3)(A) of Section  
13 5.5 of the Illinois Enterprise Zone Act shall be available  
14 only in the taxable year in which the property is placed in  
15 service and shall not be allowed to the extent that it  
16 would reduce a taxpayer's liability for the tax imposed by  
17 subsections (a) and (b) of this Section to below zero. For  
18 tax years ending on or after December 31, 1987, the credit  
19 shall be allowed for the tax year in which the property is  
20 placed in service, or, if the amount of the credit exceeds  
21 the tax liability for that year, whether it exceeds the  
22 original liability or the liability as later amended, such  
23 excess may be carried forward and applied to the tax  
24 liability of the 5 taxable years following the excess  
25 credit year. The credit shall be applied to the earliest  
26 year for which there is a liability. If there is credit  
27 from more than one tax year that is available to offset a  
28 liability, the credit accruing first in time shall be  
29 applied first.

30 Changes made in this subdivision (h)(1) by Public Act  
31 88-670 restore changes made by Public Act 85-1182 and  
32 reflect existing law.

33 (2) The term qualified property means property which:

34 (A) is tangible, whether new or used, including  
35 buildings and structural components of buildings;

36 (B) is depreciable pursuant to Section 167 of the

1 Internal Revenue Code, except that "3-year property"  
2 as defined in Section 168(c)(2)(A) of that Code is not  
3 eligible for the credit provided by this subsection  
4 (h);

5 (C) is acquired by purchase as defined in Section  
6 179(d) of the Internal Revenue Code; and

7 (D) is not eligible for the Enterprise Zone  
8 Investment Credit provided by subsection (f) of this  
9 Section.

10 (3) The basis of qualified property shall be the basis  
11 used to compute the depreciation deduction for federal  
12 income tax purposes.

13 (4) If the basis of the property for federal income tax  
14 depreciation purposes is increased after it has been placed  
15 in service in a federally designated Foreign Trade Zone or  
16 Sub-Zone located in Illinois by the taxpayer, the amount of  
17 such increase shall be deemed property placed in service on  
18 the date of such increase in basis.

19 (5) The term "placed in service" shall have the same  
20 meaning as under Section 46 of the Internal Revenue Code.

21 (6) If during any taxable year ending on or before  
22 December 31, 1996, any property ceases to be qualified  
23 property in the hands of the taxpayer within 48 months  
24 after being placed in service, or the situs of any  
25 qualified property is moved outside Illinois within 48  
26 months after being placed in service, the tax imposed under  
27 subsections (a) and (b) of this Section for such taxable  
28 year shall be increased. Such increase shall be determined  
29 by (i) recomputing the investment credit which would have  
30 been allowed for the year in which credit for such property  
31 was originally allowed by eliminating such property from  
32 such computation, and (ii) subtracting such recomputed  
33 credit from the amount of credit previously allowed. For  
34 the purposes of this paragraph (6), a reduction of the  
35 basis of qualified property resulting from a  
36 redetermination of the purchase price shall be deemed a

1 disposition of qualified property to the extent of such  
2 reduction.

3 (7) Beginning with tax years ending after December 31,  
4 1996, if a taxpayer qualifies for the credit under this  
5 subsection (h) and thereby is granted a tax abatement and  
6 the taxpayer relocates its entire facility in violation of  
7 the explicit terms and length of the contract under Section  
8 18-183 of the Property Tax Code, the tax imposed under  
9 subsections (a) and (b) of this Section shall be increased  
10 for the taxable year in which the taxpayer relocated its  
11 facility by an amount equal to the amount of credit  
12 received by the taxpayer under this subsection (h).

13 (i) Credit for Personal Property Tax Replacement Income  
14 Tax. For tax years ending prior to December 31, 2003, a credit  
15 shall be allowed against the tax imposed by subsections (a) and  
16 (b) of this Section for the tax imposed by subsections (c) and  
17 (d) of this Section. This credit shall be computed by  
18 multiplying the tax imposed by subsections (c) and (d) of this  
19 Section by a fraction, the numerator of which is base income  
20 allocable to Illinois and the denominator of which is Illinois  
21 base income, and further multiplying the product by the tax  
22 rate imposed by subsections (a) and (b) of this Section.

23 Any credit earned on or after December 31, 1986 under this  
24 subsection which is unused in the year the credit is computed  
25 because it exceeds the tax liability imposed by subsections (a)  
26 and (b) for that year (whether it exceeds the original  
27 liability or the liability as later amended) may be carried  
28 forward and applied to the tax liability imposed by subsections  
29 (a) and (b) of the 5 taxable years following the excess credit  
30 year, provided that no credit may be carried forward to any  
31 year ending on or after December 31, 2003. This credit shall be  
32 applied first to the earliest year for which there is a  
33 liability. If there is a credit under this subsection from more  
34 than one tax year that is available to offset a liability the  
35 earliest credit arising under this subsection shall be applied  
36 first.



1           If, during any taxable year ending on or after December 31,  
2 1986, the tax imposed by subsections (c) and (d) of this  
3 Section for which a taxpayer has claimed a credit under this  
4 subsection (i) is reduced, the amount of credit for such tax  
5 shall also be reduced. Such reduction shall be determined by  
6 recomputing the credit to take into account the reduced tax  
7 imposed by subsections (c) and (d). If any portion of the  
8 reduced amount of credit has been carried to a different  
9 taxable year, an amended return shall be filed for such taxable  
10 year to reduce the amount of credit claimed.

11           (j) Training expense credit. Beginning with tax years  
12 ending on or after December 31, 1986 and prior to December 31,  
13 2003, a taxpayer shall be allowed a credit against the tax  
14 imposed by subsections (a) and (b) under this Section for all  
15 amounts paid or accrued, on behalf of all persons employed by  
16 the taxpayer in Illinois or Illinois residents employed outside  
17 of Illinois by a taxpayer, for educational or vocational  
18 training in semi-technical or technical fields or semi-skilled  
19 or skilled fields, which were deducted from gross income in the  
20 computation of taxable income. The credit against the tax  
21 imposed by subsections (a) and (b) shall be 1.6% of such  
22 training expenses. For partners, shareholders of subchapter S  
23 corporations, and owners of limited liability companies, if the  
24 liability company is treated as a partnership for purposes of  
25 federal and State income taxation, there shall be allowed a  
26 credit under this subsection (j) to be determined in accordance  
27 with the determination of income and distributive share of  
28 income under Sections 702 and 704 and subchapter S of the  
29 Internal Revenue Code.

30           Any credit allowed under this subsection which is unused in  
31 the year the credit is earned may be carried forward to each of  
32 the 5 taxable years following the year for which the credit is  
33 first computed until it is used. This credit shall be applied  
34 first to the earliest year for which there is a liability. If  
35 there is a credit under this subsection from more than one tax  
36 year that is available to offset a liability the earliest

1 credit arising under this subsection shall be applied first. No  
2 carryforward credit may be claimed in any tax year ending on or  
3 after December 31, 2003.

4 (k) Research and development credit.

5 For tax years ending after July 1, 1990 and prior to  
6 December 31, 2003, a taxpayer shall be allowed a credit against  
7 the tax imposed by subsections (a) and (b) of this Section for  
8 increasing research activities in this State. The credit  
9 allowed against the tax imposed by subsections (a) and (b)  
10 shall be equal to 6 1/2% of the qualifying expenditures for  
11 increasing research activities in this State. For partners,  
12 shareholders of subchapter S corporations, and owners of  
13 limited liability companies, if the liability company is  
14 treated as a partnership for purposes of federal and State  
15 income taxation, there shall be allowed a credit under this  
16 subsection to be determined in accordance with the  
17 determination of income and distributive share of income under  
18 Sections 702 and 704 and subchapter S of the Internal Revenue  
19 Code.

20 For purposes of this subsection, "qualifying expenditures"  
21 means the qualifying expenditures as defined for the federal  
22 credit for increasing research activities which would be  
23 allowable under Section 41 of the Internal Revenue Code and  
24 which are conducted in this State, "qualifying expenditures for  
25 increasing research activities in this State" means the excess  
26 of qualifying expenditures for the taxable year in which  
27 incurred over qualifying expenditures for the base period,  
28 "qualifying expenditures for the base period" means the average  
29 of the qualifying expenditures for each year in the base  
30 period, and "base period" means the 3 taxable years immediately  
31 preceding the taxable year for which the determination is being  
32 made.

33 Any credit in excess of the tax liability for the taxable  
34 year may be carried forward. A taxpayer may elect to have the  
35 unused credit shown on its final completed return carried over  
36 as a credit against the tax liability for the following 5

1 taxable years or until it has been fully used, whichever occurs  
2 first; provided that no credit may be carried forward to any  
3 year ending on or after December 31, 2003.

4 If an unused credit is carried forward to a given year from  
5 2 or more earlier years, that credit arising in the earliest  
6 year will be applied first against the tax liability for the  
7 given year. If a tax liability for the given year still  
8 remains, the credit from the next earliest year will then be  
9 applied, and so on, until all credits have been used or no tax  
10 liability for the given year remains. Any remaining unused  
11 credit or credits then will be carried forward to the next  
12 following year in which a tax liability is incurred, except  
13 that no credit can be carried forward to a year which is more  
14 than 5 years after the year in which the expense for which the  
15 credit is given was incurred.

16 No inference shall be drawn from this amendatory Act of the  
17 91st General Assembly in construing this Section for taxable  
18 years beginning before January 1, 1999.

19 (1) Environmental Remediation Tax Credit.

20 (i) For tax years ending after December 31, 1997 and on  
21 or before December 31, 2001, a taxpayer shall be allowed a  
22 credit against the tax imposed by subsections (a) and (b)  
23 of this Section for certain amounts paid for unreimbursed  
24 eligible remediation costs, as specified in this  
25 subsection. For purposes of this Section, "unreimbursed  
26 eligible remediation costs" means costs approved by the  
27 Illinois Environmental Protection Agency ("Agency") under  
28 Section 58.14 of the Environmental Protection Act that were  
29 paid in performing environmental remediation at a site for  
30 which a No Further Remediation Letter was issued by the  
31 Agency and recorded under Section 58.10 of the  
32 Environmental Protection Act. The credit must be claimed  
33 for the taxable year in which Agency approval of the  
34 eligible remediation costs is granted. The credit is not  
35 available to any taxpayer if the taxpayer or any related  
36 party caused or contributed to, in any material respect, a

1 release of regulated substances on, in, or under the site  
2 that was identified and addressed by the remedial action  
3 pursuant to the Site Remediation Program of the  
4 Environmental Protection Act. After the Pollution Control  
5 Board rules are adopted pursuant to the Illinois  
6 Administrative Procedure Act for the administration and  
7 enforcement of Section 58.9 of the Environmental  
8 Protection Act, determinations as to credit availability  
9 for purposes of this Section shall be made consistent with  
10 those rules. For purposes of this Section, "taxpayer"  
11 includes a person whose tax attributes the taxpayer has  
12 succeeded to under Section 381 of the Internal Revenue Code  
13 and "related party" includes the persons disallowed a  
14 deduction for losses by paragraphs (b), (c), and (f)(1) of  
15 Section 267 of the Internal Revenue Code by virtue of being  
16 a related taxpayer, as well as any of its partners. The  
17 credit allowed against the tax imposed by subsections (a)  
18 and (b) shall be equal to 25% of the unreimbursed eligible  
19 remediation costs in excess of \$100,000 per site, except  
20 that the \$100,000 threshold shall not apply to any site  
21 contained in an enterprise zone as determined by the  
22 Department of Commerce and Community Affairs (now  
23 Department of Commerce and Economic Opportunity). The  
24 total credit allowed shall not exceed \$40,000 per year with  
25 a maximum total of \$150,000 per site. For partners and  
26 shareholders of subchapter S corporations, there shall be  
27 allowed a credit under this subsection to be determined in  
28 accordance with the determination of income and  
29 distributive share of income under Sections 702 and 704 and  
30 subchapter S of the Internal Revenue Code.

31 (ii) A credit allowed under this subsection that is  
32 unused in the year the credit is earned may be carried  
33 forward to each of the 5 taxable years following the year  
34 for which the credit is first earned until it is used. The  
35 term "unused credit" does not include any amounts of  
36 unreimbursed eligible remediation costs in excess of the

1 maximum credit per site authorized under paragraph (i).  
2 This credit shall be applied first to the earliest year for  
3 which there is a liability. If there is a credit under this  
4 subsection from more than one tax year that is available to  
5 offset a liability, the earliest credit arising under this  
6 subsection shall be applied first. A credit allowed under  
7 this subsection may be sold to a buyer as part of a sale of  
8 all or part of the remediation site for which the credit  
9 was granted. The purchaser of a remediation site and the  
10 tax credit shall succeed to the unused credit and remaining  
11 carry-forward period of the seller. To perfect the  
12 transfer, the assignor shall record the transfer in the  
13 chain of title for the site and provide written notice to  
14 the Director of the Illinois Department of Revenue of the  
15 assignor's intent to sell the remediation site and the  
16 amount of the tax credit to be transferred as a portion of  
17 the sale. In no event may a credit be transferred to any  
18 taxpayer if the taxpayer or a related party would not be  
19 eligible under the provisions of subsection (i).

20 (iii) For purposes of this Section, the term "site"  
21 shall have the same meaning as under Section 58.2 of the  
22 Environmental Protection Act.

23 (m) Education expense credit. Beginning with tax years  
24 ending after December 31, 1999, a taxpayer who is the custodian  
25 of one or more qualifying pupils shall be allowed a credit  
26 against the tax imposed by subsections (a) and (b) of this  
27 Section for qualified education expenses incurred on behalf of  
28 the qualifying pupils. The credit shall be equal to 25% of  
29 qualified education expenses, but in no event may the total  
30 credit under this subsection claimed by a family that is the  
31 custodian of qualifying pupils exceed \$500. In no event shall a  
32 credit under this subsection reduce the taxpayer's liability  
33 under this Act to less than zero. This subsection is exempt  
34 from the provisions of Section 250 of this Act.

35 For purposes of this subsection:

36 "Qualifying pupils" means individuals who (i) are

1 residents of the State of Illinois, (ii) are under the age of  
2 21 at the close of the school year for which a credit is  
3 sought, and (iii) during the school year for which a credit is  
4 sought were full-time pupils enrolled in a kindergarten through  
5 twelfth grade education program at any school, as defined in  
6 this subsection.

7 "Qualified education expense" means the amount incurred on  
8 behalf of a qualifying pupil in excess of \$250 for tuition,  
9 book fees, and lab fees at the school in which the pupil is  
10 enrolled during the regular school year.

11 "School" means any public or nonpublic elementary or  
12 secondary school in Illinois that is in compliance with Title  
13 VI of the Civil Rights Act of 1964 and attendance at which  
14 satisfies the requirements of Section 26-1 of the School Code,  
15 except that nothing shall be construed to require a child to  
16 attend any particular public or nonpublic school to qualify for  
17 the credit under this Section.

18 "Custodian" means, with respect to qualifying pupils, an  
19 Illinois resident who is a parent, the parents, a legal  
20 guardian, or the legal guardians of the qualifying pupils.

21 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651,  
22 eff. 7-11-02; 92-846, eff. 8-23-02; 93-29, eff. 6-20-03;  
23 revised 12-6-03.)

24 (35 ILCS 5/211)

25 Sec. 211. Economic Development for a Growing Economy Tax  
26 Credit. For tax years beginning on or after January 1, 1999, a  
27 Taxpayer who has entered into an Agreement under the Economic  
28 Development for a Growing Economy Tax Credit Act is entitled to  
29 a credit against the taxes imposed under subsections (a) and  
30 (b) of Section 201 of this Act in an amount to be determined in  
31 the Agreement. If the Taxpayer is a partnership or Subchapter S  
32 corporation, the credit shall be allowed to the partners or  
33 shareholders in accordance with the determination of income and  
34 distributive share of income under Sections 702 and 704 and  
35 subchapter S of the Internal Revenue Code. The Department, in

1 cooperation with the Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~, shall prescribe rules to  
3 enforce and administer the provisions of this Section. This  
4 Section is exempt from the provisions of Section 250 of this  
5 Act.

6 The credit shall be subject to the conditions set forth in  
7 the Agreement and the following limitations:

8 (1) The tax credit shall not exceed the Incremental  
9 Income Tax (as defined in Section 5-5 of the Economic  
10 Development for a Growing Economy Tax Credit Act) with  
11 respect to the project.

12 (2) The amount of the credit allowed during the tax  
13 year plus the sum of all amounts allowed in prior years  
14 shall not exceed 100% of the aggregate amount expended by  
15 the Taxpayer during all prior tax years on approved costs  
16 defined by Agreement.

17 (3) The amount of the credit shall be determined on an  
18 annual basis. Except as applied in a carryover year  
19 pursuant to Section 211(4) of this Act, the credit may not  
20 be applied against any State income tax liability in more  
21 than 10 taxable years; provided, however, that (i) an  
22 eligible business certified by the Department of Commerce  
23 and Economic Opportunity ~~Community Affairs~~ under the  
24 Corporate Headquarters Relocation Act may not apply the  
25 credit against any of its State income tax liability in  
26 more than 15 taxable years and (ii) credits allowed to that  
27 eligible business are subject to the conditions and  
28 requirements set forth in Sections 5-35 and 5-45 of the  
29 Economic Development for a Growing Economy Tax Credit Act.

30 (4) The credit may not exceed the amount of taxes  
31 imposed pursuant to subsections (a) and (b) of Section 201  
32 of this Act. Any credit that is unused in the year the  
33 credit is computed may be carried forward and applied to  
34 the tax liability of the 5 taxable years following the  
35 excess credit year. The credit shall be applied to the  
36 earliest year for which there is a tax liability. If there

1 are credits from more than one tax year that are available  
2 to offset a liability, the earlier credit shall be applied  
3 first.

4 (5) No credit shall be allowed with respect to any  
5 Agreement for any taxable year ending after the  
6 Noncompliance Date. Upon receiving notification by the  
7 Department of Commerce and Economic Opportunity ~~Community~~  
8 ~~Affairs~~ of the noncompliance of a Taxpayer with an  
9 Agreement, the Department shall notify the Taxpayer that no  
10 credit is allowed with respect to that Agreement for any  
11 taxable year ending after the Noncompliance Date, as stated  
12 in such notification. If any credit has been allowed with  
13 respect to an Agreement for a taxable year ending after the  
14 Noncompliance Date for that Agreement, any refund paid to  
15 the Taxpayer for that taxable year shall, to the extent of  
16 that credit allowed, be an erroneous refund within the  
17 meaning of Section 912 of this Act.

18 (6) For purposes of this Section, the terms  
19 "Agreement", "Incremental Income Tax", and "Noncompliance  
20 Date" have the same meaning as when used in the Economic  
21 Development for a Growing Economy Tax Credit Act.

22 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
23 revised 12-6-03.)

24 (35 ILCS 5/213)

25 Sec. 213. Film production services credit. For tax years  
26 beginning on or after January 1, 2004, a taxpayer who has been  
27 awarded a tax credit under the Film Production Services Tax  
28 Credit Act is entitled to a credit against the taxes imposed  
29 under subsections (a) and (b) of Section 201 of this Act in an  
30 amount determined by the Department of Commerce and Economic  
31 Opportunity ~~Community~~ ~~Affairs~~ under the Film Production  
32 Services Tax Credit Act. If the taxpayer is a partnership or  
33 Subchapter S corporation, the credit is allowed to the partners  
34 or shareholders in accordance with the determination of income  
35 and distributive share of income under Sections 702 and 704 and



1 Subchapter S of the Internal Revenue Code. The Department, in  
2 cooperation with the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~, must prescribe rules to enforce  
4 and administer the provisions of this Section. This Section is  
5 exempt from the provisions of Section 250 of this Act.

6 The credit may not be carried forward or back. In no event  
7 shall a credit under this Section reduce the taxpayer's  
8 liability to less than zero.

9 (Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

10 Section 465. The Economic Development for a Growing Economy  
11 Tax Credit Act is amended by changing Sections 5-5, 5-25, and  
12 5-45 as follows:

13 (35 ILCS 10/5-5)

14 Sec. 5-5. Definitions. As used in this Act:

15 "Agreement" means the Agreement between a Taxpayer and the  
16 Department under the provisions of Section 5-50 of this Act.

17 "Applicant" means a Taxpayer that is operating a business  
18 located or that the Taxpayer plans to locate within the State  
19 of Illinois and that is engaged in interstate or intrastate  
20 commerce for the purpose of manufacturing, processing,  
21 assembling, warehousing, or distributing products, conducting  
22 research and development, providing tourism services, or  
23 providing services in interstate commerce, office industries,  
24 or agricultural processing, but excluding retail, retail food,  
25 health, or professional services. "Applicant" does not include  
26 a Taxpayer who closes or substantially reduces an operation at  
27 one location in the State and relocates substantially the same  
28 operation to another location in the State. This does not  
29 prohibit a Taxpayer from expanding its operations at another  
30 location in the State, provided that existing operations of a  
31 similar nature located within the State are not closed or  
32 substantially reduced. This also does not prohibit a Taxpayer  
33 from moving its operations from one location in the State to  
34 another location in the State for the purpose of expanding the

1 operation provided that the Department determines that  
2 expansion cannot reasonably be accommodated within the  
3 municipality in which the business is located, or in the case  
4 of a business located in an incorporated area of the county,  
5 within the county in which the business is located, after  
6 conferring with the chief elected official of the municipality  
7 or county and taking into consideration any evidence offered by  
8 the municipality or county regarding the ability to accommodate  
9 expansion within the municipality or county.

10 "Committee" means the Illinois Business Investment  
11 Committee created under Section 5-25 of this Act within the  
12 Illinois Economic Development Board.

13 "Credit" means the amount agreed to between the Department  
14 and Applicant under this Act, but not to exceed the Incremental  
15 Income Tax attributable to the Applicant's project.

16 "Department" means the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~.

18 "Director" means the Director of Commerce and Economic  
19 Opportunity ~~Community Affairs~~.

20 "Full-time Employee" means an individual who is employed  
21 for consideration for at least 35 hours each week or who  
22 renders any other standard of service generally accepted by  
23 industry custom or practice as full-time employment.

24 "Incremental Income Tax" means the total amount withheld  
25 during the taxable year from the compensation of New Employees  
26 under Article 7 of the Illinois Income Tax Act arising from  
27 employment at a project that is the subject of an Agreement.

28 "New Employee" means:

29 (a) A Full-time Employee first employed by a Taxpayer  
30 in the project that is the subject of an Agreement and who  
31 is hired after the Taxpayer enters into the tax credit  
32 Agreement.

33 (b) The term "New Employee" does not include:

34 (1) an employee of the Taxpayer who performs a job  
35 that was previously performed by another employee, if  
36 that job existed for at least 6 months before hiring

1 the employee;

2 (2) an employee of the Taxpayer who was previously  
3 employed in Illinois by a Related Member of the  
4 Taxpayer and whose employment was shifted to the  
5 Taxpayer after the Taxpayer entered into the tax credit  
6 Agreement; or

7 (3) a child, grandchild, parent, or spouse, other  
8 than a spouse who is legally separated from the  
9 individual, of any individual who has a direct or an  
10 indirect ownership interest of at least 5% in the  
11 profits, capital, or value of the Taxpayer.

12 (c) Notwithstanding paragraph (1) of subsection (b),  
13 an employee may be considered a New Employee under the  
14 Agreement if the employee performs a job that was  
15 previously performed by an employee who was:

16 (1) treated under the Agreement as a New Employee;

17 and

18 (2) promoted by the Taxpayer to another job.

19 (d) Notwithstanding subsection (a), the Department may  
20 award Credit to an Applicant with respect to an employee  
21 hired prior to the date of the Agreement if:

22 (1) the Applicant is in receipt of a letter from  
23 the Department stating an intent to enter into a credit  
24 Agreement;

25 (2) the letter described in paragraph (1) is issued  
26 by the Department not later than 15 days after the  
27 effective date of this Act; and

28 (3) the employee was hired after the date the  
29 letter described in paragraph (1) was issued.

30 "Noncompliance Date" means, in the case of a Taxpayer that  
31 is not complying with the requirements of the Agreement or the  
32 provisions of this Act, the day following the last date upon  
33 which the Taxpayer was in compliance with the requirements of  
34 the Agreement and the provisions of this Act, as determined by  
35 the Director, pursuant to Section 5-65.

36 "Pass Through Entity" means an entity that is exempt from

1 the tax under subsection (b) or (c) of Section 205 of the  
2 Illinois Income Tax Act.

3 "Related Member" means a person that, with respect to the  
4 Taxpayer during any portion of the taxable year, is any one of  
5 the following:

6 (1) An individual stockholder, if the stockholder and  
7 the members of the stockholder's family (as defined in  
8 Section 318 of the Internal Revenue Code) own directly,  
9 indirectly, beneficially, or constructively, in the  
10 aggregate, at least 50% of the value of the Taxpayer's  
11 outstanding stock.

12 (2) A partnership, estate, or trust and any partner or  
13 beneficiary, if the partnership, estate, or trust, and its  
14 partners or beneficiaries own directly, indirectly,  
15 beneficially, or constructively, in the aggregate, at  
16 least 50% of the profits, capital, stock, or value of the  
17 Taxpayer.

18 (3) A corporation, and any party related to the  
19 corporation in a manner that would require an attribution  
20 of stock from the corporation to the party or from the  
21 party to the corporation under the attribution rules of  
22 Section 318 of the Internal Revenue Code, if the Taxpayer  
23 owns directly, indirectly, beneficially, or constructively  
24 at least 50% of the value of the corporation's outstanding  
25 stock.

26 (4) A corporation and any party related to that  
27 corporation in a manner that would require an attribution  
28 of stock from the corporation to the party or from the  
29 party to the corporation under the attribution rules of  
30 Section 318 of the Internal Revenue Code, if the  
31 corporation and all such related parties own in the  
32 aggregate at least 50% of the profits, capital, stock, or  
33 value of the Taxpayer.

34 (5) A person to or from whom there is attribution of  
35 stock ownership in accordance with Section 1563(e) of the  
36 Internal Revenue Code, except, for purposes of determining

1           whether a person is a Related Member under this paragraph,  
2           20% shall be substituted for 5% wherever 5% appears in  
3           Section 1563(e) of the Internal Revenue Code.

4           "Taxpayer" means an individual, corporation, partnership,  
5           or other entity that has any Illinois Income Tax liability.

6           (Source: P.A. 91-476, eff. 8-11-99; 92-651, eff. 7-11-02;  
7           revised 12-6-03.)

8           (35 ILCS 10/5-25)

9           Sec. 5-25. Review of Application.

10          (a) In addition to those duties granted under the Illinois  
11          Economic Development Board Act, the Illinois Economic  
12          Development Board shall form a Business Investment Committee  
13          for the purpose of making recommendations for applications. At  
14          the request of the Board, the Director of Commerce and Economic  
15          Opportunity ~~Community Affairs~~ or his or her designee, the  
16          Director of the Governor's Office of Management and Budget  
17          ~~Bureau of the Budget~~ or his or her designee, the Director of  
18          Revenue or his or her designee, the Director of Employment  
19          Security or his or her designee, and an elected official of the  
20          affected locality, such as the chair of the county board or the  
21          mayor, may serve as members of the Committee to assist with its  
22          analysis and deliberations.

23          (b) At the Department's request, the Committee shall  
24          convene, make inquiries, and conduct studies in the manner and  
25          by the methods as it deems desirable, review information with  
26          respect to Applicants, and make recommendations for projects to  
27          benefit the State. In making its recommendation that an  
28          Applicant's application for Credit should or should not be  
29          accepted, which shall occur within a reasonable time frame as  
30          determined by the nature of the application, the Committee  
31          shall determine that all the following conditions exist:

32                 (1) The Applicant's project intends, as required by  
33                 subsection (b) of Section 5-20 to make the required  
34                 investment in the State and intends to hire the required  
35                 number of New Employees in Illinois as a result of that

1 project.

2 (2) The Applicant's project is economically sound and  
3 will benefit the people of the State of Illinois by  
4 increasing opportunities for employment and strengthen the  
5 economy of Illinois.

6 (3) That, if not for the Credit, the project would not  
7 occur in Illinois, which may be demonstrated by any means  
8 including, but not limited to, evidence the Applicant has  
9 multi-state location options and could reasonably and  
10 efficiently locate outside of the State, or demonstration  
11 that at least one other state is being considered for the  
12 project, or evidence the receipt of the Credit is a major  
13 factor in the Applicant's decision and that without the  
14 Credit, the Applicant likely would not create new jobs in  
15 Illinois, or demonstration that receiving the Credit is  
16 essential to the Applicant's decision to create or retain  
17 new jobs in the State.

18 (4) A cost differential is identified, using best  
19 available data, in the projected costs for the Applicant's  
20 project compared to the costs in the competing state,  
21 including the impact of the competing state's incentive  
22 programs. The competing state's incentive programs shall  
23 include state, local, private, and federal funds  
24 available.

25 (5) The political subdivisions affected by the project  
26 have committed local incentives with respect to the  
27 project, considering local ability to assist.

28 (6) Awarding the Credit will result in an overall  
29 positive fiscal impact to the State, as certified by the  
30 Committee using the best available data.

31 (7) The Credit is not prohibited by Section 5-35 of  
32 this Act.

33 (Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

34 (35 ILCS 10/5-45)

35 Sec. 5-45. Amount and duration of the credit.

1 (a) The Department shall determine the amount and duration  
2 of the credit awarded under this Act. The duration of the  
3 credit may not exceed 10 taxable years. The credit may be  
4 stated as a percentage of the Incremental Income Tax  
5 attributable to the applicant's project and may include a fixed  
6 dollar limitation.

7 (b) Notwithstanding subsection (a), and except as the  
8 credit may be applied in a carryover year pursuant to Section  
9 211(4) of the Illinois Income Tax Act, the credit may be  
10 applied against the State income tax liability in more than 10  
11 taxable years but not in more than 15 taxable years for an  
12 eligible business that (i) qualifies under this Act and the  
13 Corporate Headquarters Relocation Act and has in fact  
14 undertaken a qualifying project within the time frame specified  
15 by the Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~ under that Act, and (ii) applies against its  
17 State income tax liability, during the entire 15-year period,  
18 no more than 60% of the maximum credit per year that would  
19 otherwise be available under this Act.

20 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
21 revised 12-6-03.)

22 Section 470. The Film Production Services Tax Credit Act is  
23 amended by changing Section 10 as follows:

24 (35 ILCS 15/10)

25 (Section scheduled to be repealed on January 1, 2005)

26 Sec. 10. Definitions. As used in this Act:

27 "Accredited production" means a film, video, or television  
28 production that has been certified by the Department in which  
29 the aggregate Illinois labor expenditures included in the cost  
30 of the production, in the period that ends 12 months after the  
31 time principal filming or taping of the production began,  
32 exceed \$100,000 for productions of 30 minutes or longer, or  
33 \$50,000 for productions of less than 30 minutes; but does not  
34 include a production that:

1 (1) is news, current events, or public programming, or  
2 a program that includes weather or market reports;

3 (2) is a talk show;

4 (3) is a production in respect of a game,  
5 questionnaire, or contest;

6 (4) is a sports event or activity;

7 (5) is a gala presentation or awards show;

8 (6) is a finished production that solicits funds;

9 (7) is a production produced by a film production  
10 company if records, as required by 18 U.S.C. 2257, are to  
11 be maintained by that film production company with respect  
12 to any performer portrayed in that single media or  
13 multimedia program; or

14 (8) is a production produced primarily for industrial,  
15 corporate, or institutional purposes.

16 "Accredited production certificate" means a certificate  
17 issued by the Department certifying that the production is an  
18 accredited production that meets the guidelines of this Act.

19 "Applicant" means a taxpayer that is a film production  
20 company that is operating or has operated an accredited  
21 production located within the State of Illinois and that (i)  
22 owns the copyright in the accredited production throughout the  
23 Illinois production period or (ii) has contracted directly with  
24 the owner of the copyright in the accredited production or a  
25 person acting on behalf of the owner to provide services for  
26 the production, where the owner of the copyright is not an  
27 eligible production corporation.

28 "Credit" means the amount equal to 25% of the Illinois  
29 labor expenditure approved by the Department. The applicant is  
30 deemed to have paid, on its balance due day for the year, an  
31 amount equal to 25% of its qualified Illinois labor expenditure  
32 for the tax year.

33 "Department" means the Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~.

35 "Director" means the Director of Commerce and Economic  
36 Opportunity ~~Community Affairs~~.



1 "Illinois labor expenditure" means salary or wages paid to  
2 employees of the applicant for services on the accredited  
3 production;

4 To qualify as an Illinois labor expenditure, the  
5 expenditure must be:

6 (1) Reasonable in the circumstances.

7 (2) Included in the federal income tax basis of the  
8 property.

9 (3) Incurred by the applicant for services on or after  
10 January 1, 2004.

11 (4) Incurred for the production stages of the  
12 accredited production, from the final script stage to the  
13 end of the post-production stage.

14 (5) Limited to the first \$25,000 of wages paid or  
15 incurred to each employee of the production.

16 (6) Exclusive of the salary or wages paid to or  
17 incurred for the 2 highest paid employees of the  
18 production.

19 (7) Directly attributable to the accredited  
20 production.

21 (8) Paid in the tax year for which the applicant is  
22 claiming the credit or no later than 60 days after the end  
23 of the tax year.

24 (9) Paid to persons resident in Illinois at the time  
25 the payments were made.

26 (10) Paid for services rendered in Illinois.

27 (Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

28 Section 475. The Use Tax Act is amended by changing Section  
29 9 as follows:

30 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

31 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
32 and trailers that are required to be registered with an agency  
33 of this State, each retailer required or authorized to collect  
34 the tax imposed by this Act shall pay to the Department the

1 amount of such tax (except as otherwise provided) at the time  
2 when he is required to file his return for the period during  
3 which such tax was collected, less a discount of 2.1% prior to  
4 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
5 per calendar year, whichever is greater, which is allowed to  
6 reimburse the retailer for expenses incurred in collecting the  
7 tax, keeping records, preparing and filing returns, remitting  
8 the tax and supplying data to the Department on request. In the  
9 case of retailers who report and pay the tax on a transaction  
10 by transaction basis, as provided in this Section, such  
11 discount shall be taken with each such tax remittance instead  
12 of when such retailer files his periodic return. A retailer  
13 need not remit that part of any tax collected by him to the  
14 extent that he is required to remit and does remit the tax  
15 imposed by the Retailers' Occupation Tax Act, with respect to  
16 the sale of the same property.

17 Where such tangible personal property is sold under a  
18 conditional sales contract, or under any other form of sale  
19 wherein the payment of the principal sum, or a part thereof, is  
20 extended beyond the close of the period for which the return is  
21 filed, the retailer, in collecting the tax (except as to motor  
22 vehicles, watercraft, aircraft, and trailers that are required  
23 to be registered with an agency of this State), may collect for  
24 each tax return period, only the tax applicable to that part of  
25 the selling price actually received during such tax return  
26 period.

27 Except as provided in this Section, on or before the  
28 twentieth day of each calendar month, such retailer shall file  
29 a return for the preceding calendar month. Such return shall be  
30 filed on forms prescribed by the Department and shall furnish  
31 such information as the Department may reasonably require.

32 The Department may require returns to be filed on a  
33 quarterly basis. If so required, a return for each calendar  
34 quarter shall be filed on or before the twentieth day of the  
35 calendar month following the end of such calendar quarter. The  
36 taxpayer shall also file a return with the Department for each

1 of the first two months of each calendar quarter, on or before  
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

4 2. The address of the principal place of business from  
5 which he engages in the business of selling tangible  
6 personal property at retail in this State;

7 3. The total amount of taxable receipts received by him  
8 during the preceding calendar month from sales of tangible  
9 personal property by him during such preceding calendar  
10 month, including receipts from charge and time sales, but  
11 less all deductions allowed by law;

12 4. The amount of credit provided in Section 2d of this  
13 Act;

14 5. The amount of tax due;

15 5-5. The signature of the taxpayer; and

16 6. Such other reasonable information as the Department  
17 may require.

18 If a taxpayer fails to sign a return within 30 days after  
19 the proper notice and demand for signature by the Department,  
20 the return shall be considered valid and any amount shown to be  
21 due on the return shall be deemed assessed.

22 Beginning October 1, 1993, a taxpayer who has an average  
23 monthly tax liability of \$150,000 or more shall make all  
24 payments required by rules of the Department by electronic  
25 funds transfer. Beginning October 1, 1994, a taxpayer who has  
26 an average monthly tax liability of \$100,000 or more shall make  
27 all payments required by rules of the Department by electronic  
28 funds transfer. Beginning October 1, 1995, a taxpayer who has  
29 an average monthly tax liability of \$50,000 or more shall make  
30 all payments required by rules of the Department by electronic  
31 funds transfer. Beginning October 1, 2000, a taxpayer who has  
32 an annual tax liability of \$200,000 or more shall make all  
33 payments required by rules of the Department by electronic  
34 funds transfer. The term "annual tax liability" shall be the  
35 sum of the taxpayer's liabilities under this Act, and under all  
36 other State and local occupation and use tax laws administered

1 by the Department, for the immediately preceding calendar year.  
2 The term "average monthly tax liability" means the sum of the  
3 taxpayer's liabilities under this Act, and under all other  
4 State and local occupation and use tax laws administered by the  
5 Department, for the immediately preceding calendar year  
6 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
7 a tax liability in the amount set forth in subsection (b) of  
8 Section 2505-210 of the Department of Revenue Law shall make  
9 all payments required by rules of the Department by electronic  
10 funds transfer.

11 Before August 1 of each year beginning in 1993, the  
12 Department shall notify all taxpayers required to make payments  
13 by electronic funds transfer. All taxpayers required to make  
14 payments by electronic funds transfer shall make those payments  
15 for a minimum of one year beginning on October 1.

16 Any taxpayer not required to make payments by electronic  
17 funds transfer may make payments by electronic funds transfer  
18 with the permission of the Department.

19 All taxpayers required to make payment by electronic funds  
20 transfer and any taxpayers authorized to voluntarily make  
21 payments by electronic funds transfer shall make those payments  
22 in the manner authorized by the Department.

23 The Department shall adopt such rules as are necessary to  
24 effectuate a program of electronic funds transfer and the  
25 requirements of this Section.

26 Before October 1, 2000, if the taxpayer's average monthly  
27 tax liability to the Department under this Act, the Retailers'  
28 Occupation Tax Act, the Service Occupation Tax Act, the Service  
29 Use Tax Act was \$10,000 or more during the preceding 4 complete  
30 calendar quarters, he shall file a return with the Department  
31 each month by the 20th day of the month next following the  
32 month during which such tax liability is incurred and shall  
33 make payments to the Department on or before the 7th, 15th,  
34 22nd and last day of the month during which such liability is  
35 incurred. On and after October 1, 2000, if the taxpayer's  
36 average monthly tax liability to the Department under this Act,

1 the Retailers' Occupation Tax Act, the Service Occupation Tax  
2 Act, and the Service Use Tax Act was \$20,000 or more during the  
3 preceding 4 complete calendar quarters, he shall file a return  
4 with the Department each month by the 20th day of the month  
5 next following the month during which such tax liability is  
6 incurred and shall make payment to the Department on or before  
7 the 7th, 15th, 22nd and last day of the month during which such  
8 liability is incurred. If the month during which such tax  
9 liability is incurred began prior to January 1, 1985, each  
10 payment shall be in an amount equal to 1/4 of the taxpayer's  
11 actual liability for the month or an amount set by the  
12 Department not to exceed 1/4 of the average monthly liability  
13 of the taxpayer to the Department for the preceding 4 complete  
14 calendar quarters (excluding the month of highest liability and  
15 the month of lowest liability in such 4 quarter period). If the  
16 month during which such tax liability is incurred begins on or  
17 after January 1, 1985, and prior to January 1, 1987, each  
18 payment shall be in an amount equal to 22.5% of the taxpayer's  
19 actual liability for the month or 27.5% of the taxpayer's  
20 liability for the same calendar month of the preceding year. If  
21 the month during which such tax liability is incurred begins on  
22 or after January 1, 1987, and prior to January 1, 1988, each  
23 payment shall be in an amount equal to 22.5% of the taxpayer's  
24 actual liability for the month or 26.25% of the taxpayer's  
25 liability for the same calendar month of the preceding year. If  
26 the month during which such tax liability is incurred begins on  
27 or after January 1, 1988, and prior to January 1, 1989, or  
28 begins on or after January 1, 1996, each payment shall be in an  
29 amount equal to 22.5% of the taxpayer's actual liability for  
30 the month or 25% of the taxpayer's liability for the same  
31 calendar month of the preceding year. If the month during which  
32 such tax liability is incurred begins on or after January 1,  
33 1989, and prior to January 1, 1996, each payment shall be in an  
34 amount equal to 22.5% of the taxpayer's actual liability for  
35 the month or 25% of the taxpayer's liability for the same  
36 calendar month of the preceding year or 100% of the taxpayer's

1 actual liability for the quarter monthly reporting period. The  
2 amount of such quarter monthly payments shall be credited  
3 against the final tax liability of the taxpayer's return for  
4 that month. Before October 1, 2000, once applicable, the  
5 requirement of the making of quarter monthly payments to the  
6 Department shall continue until such taxpayer's average  
7 monthly liability to the Department during the preceding 4  
8 complete calendar quarters (excluding the month of highest  
9 liability and the month of lowest liability) is less than  
10 \$9,000, or until such taxpayer's average monthly liability to  
11 the Department as computed for each calendar quarter of the 4  
12 preceding complete calendar quarter period is less than  
13 \$10,000. However, if a taxpayer can show the Department that a  
14 substantial change in the taxpayer's business has occurred  
15 which causes the taxpayer to anticipate that his average  
16 monthly tax liability for the reasonably foreseeable future  
17 will fall below the \$10,000 threshold stated above, then such  
18 taxpayer may petition the Department for change in such  
19 taxpayer's reporting status. On and after October 1, 2000, once  
20 applicable, the requirement of the making of quarter monthly  
21 payments to the Department shall continue until such taxpayer's  
22 average monthly liability to the Department during the  
23 preceding 4 complete calendar quarters (excluding the month of  
24 highest liability and the month of lowest liability) is less  
25 than \$19,000 or until such taxpayer's average monthly liability  
26 to the Department as computed for each calendar quarter of the  
27 4 preceding complete calendar quarter period is less than  
28 \$20,000. However, if a taxpayer can show the Department that a  
29 substantial change in the taxpayer's business has occurred  
30 which causes the taxpayer to anticipate that his average  
31 monthly tax liability for the reasonably foreseeable future  
32 will fall below the \$20,000 threshold stated above, then such  
33 taxpayer may petition the Department for a change in such  
34 taxpayer's reporting status. The Department shall change such  
35 taxpayer's reporting status unless it finds that such change is  
36 seasonal in nature and not likely to be long term. If any such

1 quarter monthly payment is not paid at the time or in the  
2 amount required by this Section, then the taxpayer shall be  
3 liable for penalties and interest on the difference between the  
4 minimum amount due and the amount of such quarter monthly  
5 payment actually and timely paid, except insofar as the  
6 taxpayer has previously made payments for that month to the  
7 Department in excess of the minimum payments previously due as  
8 provided in this Section. The Department shall make reasonable  
9 rules and regulations to govern the quarter monthly payment  
10 amount and quarter monthly payment dates for taxpayers who file  
11 on other than a calendar monthly basis.

12 If any such payment provided for in this Section exceeds  
13 the taxpayer's liabilities under this Act, the Retailers'  
14 Occupation Tax Act, the Service Occupation Tax Act and the  
15 Service Use Tax Act, as shown by an original monthly return,  
16 the Department shall issue to the taxpayer a credit memorandum  
17 no later than 30 days after the date of payment, which  
18 memorandum may be submitted by the taxpayer to the Department  
19 in payment of tax liability subsequently to be remitted by the  
20 taxpayer to the Department or be assigned by the taxpayer to a  
21 similar taxpayer under this Act, the Retailers' Occupation Tax  
22 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
23 in accordance with reasonable rules and regulations to be  
24 prescribed by the Department, except that if such excess  
25 payment is shown on an original monthly return and is made  
26 after December 31, 1986, no credit memorandum shall be issued,  
27 unless requested by the taxpayer. If no such request is made,  
28 the taxpayer may credit such excess payment against tax  
29 liability subsequently to be remitted by the taxpayer to the  
30 Department under this Act, the Retailers' Occupation Tax Act,  
31 the Service Occupation Tax Act or the Service Use Tax Act, in  
32 accordance with reasonable rules and regulations prescribed by  
33 the Department. If the Department subsequently determines that  
34 all or any part of the credit taken was not actually due to the  
35 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
36 be reduced by 2.1% or 1.75% of the difference between the

1 credit taken and that actually due, and the taxpayer shall be  
2 liable for penalties and interest on such difference.

3 If the retailer is otherwise required to file a monthly  
4 return and if the retailer's average monthly tax liability to  
5 the Department does not exceed \$200, the Department may  
6 authorize his returns to be filed on a quarter annual basis,  
7 with the return for January, February, and March of a given  
8 year being due by April 20 of such year; with the return for  
9 April, May and June of a given year being due by July 20 of such  
10 year; with the return for July, August and September of a given  
11 year being due by October 20 of such year, and with the return  
12 for October, November and December of a given year being due by  
13 January 20 of the following year.

14 If the retailer is otherwise required to file a monthly or  
15 quarterly return and if the retailer's average monthly tax  
16 liability to the Department does not exceed \$50, the Department  
17 may authorize his returns to be filed on an annual basis, with  
18 the return for a given year being due by January 20 of the  
19 following year.

20 Such quarter annual and annual returns, as to form and  
21 substance, shall be subject to the same requirements as monthly  
22 returns.

23 Notwithstanding any other provision in this Act concerning  
24 the time within which a retailer may file his return, in the  
25 case of any retailer who ceases to engage in a kind of business  
26 which makes him responsible for filing returns under this Act,  
27 such retailer shall file a final return under this Act with the  
28 Department not more than one month after discontinuing such  
29 business.

30 In addition, with respect to motor vehicles, watercraft,  
31 aircraft, and trailers that are required to be registered with  
32 an agency of this State, every retailer selling this kind of  
33 tangible personal property shall file, with the Department,  
34 upon a form to be prescribed and supplied by the Department, a  
35 separate return for each such item of tangible personal  
36 property which the retailer sells, except that if, in the same



1 transaction, (i) a retailer of aircraft, watercraft, motor  
2 vehicles or trailers transfers more than one aircraft,  
3 watercraft, motor vehicle or trailer to another aircraft,  
4 watercraft, motor vehicle or trailer retailer for the purpose  
5 of resale or (ii) a retailer of aircraft, watercraft, motor  
6 vehicles, or trailers transfers more than one aircraft,  
7 watercraft, motor vehicle, or trailer to a purchaser for use as  
8 a qualifying rolling stock as provided in Section 3-55 of this  
9 Act, then that seller may report the transfer of all the  
10 aircraft, watercraft, motor vehicles or trailers involved in  
11 that transaction to the Department on the same uniform  
12 invoice-transaction reporting return form. For purposes of  
13 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
14 watercraft as defined in Section 3-2 of the Boat Registration  
15 and Safety Act, a personal watercraft, or any boat equipped  
16 with an inboard motor.

17 The transaction reporting return in the case of motor  
18 vehicles or trailers that are required to be registered with an  
19 agency of this State, shall be the same document as the Uniform  
20 Invoice referred to in Section 5-402 of the Illinois Vehicle  
21 Code and must show the name and address of the seller; the name  
22 and address of the purchaser; the amount of the selling price  
23 including the amount allowed by the retailer for traded-in  
24 property, if any; the amount allowed by the retailer for the  
25 traded-in tangible personal property, if any, to the extent to  
26 which Section 2 of this Act allows an exemption for the value  
27 of traded-in property; the balance payable after deducting such  
28 trade-in allowance from the total selling price; the amount of  
29 tax due from the retailer with respect to such transaction; the  
30 amount of tax collected from the purchaser by the retailer on  
31 such transaction (or satisfactory evidence that such tax is not  
32 due in that particular instance, if that is claimed to be the  
33 fact); the place and date of the sale; a sufficient  
34 identification of the property sold; such other information as  
35 is required in Section 5-402 of the Illinois Vehicle Code, and  
36 such other information as the Department may reasonably

1 require.

2 The transaction reporting return in the case of watercraft  
3 and aircraft must show the name and address of the seller; the  
4 name and address of the purchaser; the amount of the selling  
5 price including the amount allowed by the retailer for  
6 traded-in property, if any; the amount allowed by the retailer  
7 for the traded-in tangible personal property, if any, to the  
8 extent to which Section 2 of this Act allows an exemption for  
9 the value of traded-in property; the balance payable after  
10 deducting such trade-in allowance from the total selling price;  
11 the amount of tax due from the retailer with respect to such  
12 transaction; the amount of tax collected from the purchaser by  
13 the retailer on such transaction (or satisfactory evidence that  
14 such tax is not due in that particular instance, if that is  
15 claimed to be the fact); the place and date of the sale, a  
16 sufficient identification of the property sold, and such other  
17 information as the Department may reasonably require.

18 Such transaction reporting return shall be filed not later  
19 than 20 days after the date of delivery of the item that is  
20 being sold, but may be filed by the retailer at any time sooner  
21 than that if he chooses to do so. The transaction reporting  
22 return and tax remittance or proof of exemption from the tax  
23 that is imposed by this Act may be transmitted to the  
24 Department by way of the State agency with which, or State  
25 officer with whom, the tangible personal property must be  
26 titled or registered (if titling or registration is required)  
27 if the Department and such agency or State officer determine  
28 that this procedure will expedite the processing of  
29 applications for title or registration.

30 With each such transaction reporting return, the retailer  
31 shall remit the proper amount of tax due (or shall submit  
32 satisfactory evidence that the sale is not taxable if that is  
33 the case), to the Department or its agents, whereupon the  
34 Department shall issue, in the purchaser's name, a tax receipt  
35 (or a certificate of exemption if the Department is satisfied  
36 that the particular sale is tax exempt) which such purchaser

1 may submit to the agency with which, or State officer with  
2 whom, he must title or register the tangible personal property  
3 that is involved (if titling or registration is required) in  
4 support of such purchaser's application for an Illinois  
5 certificate or other evidence of title or registration to such  
6 tangible personal property.

7 No retailer's failure or refusal to remit tax under this  
8 Act precludes a user, who has paid the proper tax to the  
9 retailer, from obtaining his certificate of title or other  
10 evidence of title or registration (if titling or registration  
11 is required) upon satisfying the Department that such user has  
12 paid the proper tax (if tax is due) to the retailer. The  
13 Department shall adopt appropriate rules to carry out the  
14 mandate of this paragraph.

15 If the user who would otherwise pay tax to the retailer  
16 wants the transaction reporting return filed and the payment of  
17 tax or proof of exemption made to the Department before the  
18 retailer is willing to take these actions and such user has not  
19 paid the tax to the retailer, such user may certify to the fact  
20 of such delay by the retailer, and may (upon the Department  
21 being satisfied of the truth of such certification) transmit  
22 the information required by the transaction reporting return  
23 and the remittance for tax or proof of exemption directly to  
24 the Department and obtain his tax receipt or exemption  
25 determination, in which event the transaction reporting return  
26 and tax remittance (if a tax payment was required) shall be  
27 credited by the Department to the proper retailer's account  
28 with the Department, but without the 2.1% or 1.75% discount  
29 provided for in this Section being allowed. When the user pays  
30 the tax directly to the Department, he shall pay the tax in the  
31 same amount and in the same form in which it would be remitted  
32 if the tax had been remitted to the Department by the retailer.

33 Where a retailer collects the tax with respect to the  
34 selling price of tangible personal property which he sells and  
35 the purchaser thereafter returns such tangible personal  
36 property and the retailer refunds the selling price thereof to

1 the purchaser, such retailer shall also refund, to the  
2 purchaser, the tax so collected from the purchaser. When filing  
3 his return for the period in which he refunds such tax to the  
4 purchaser, the retailer may deduct the amount of the tax so  
5 refunded by him to the purchaser from any other use tax which  
6 such retailer may be required to pay or remit to the  
7 Department, as shown by such return, if the amount of the tax  
8 to be deducted was previously remitted to the Department by  
9 such retailer. If the retailer has not previously remitted the  
10 amount of such tax to the Department, he is entitled to no  
11 deduction under this Act upon refunding such tax to the  
12 purchaser.

13 Any retailer filing a return under this Section shall also  
14 include (for the purpose of paying tax thereon) the total tax  
15 covered by such return upon the selling price of tangible  
16 personal property purchased by him at retail from a retailer,  
17 but as to which the tax imposed by this Act was not collected  
18 from the retailer filing such return, and such retailer shall  
19 remit the amount of such tax to the Department when filing such  
20 return.

21 If experience indicates such action to be practicable, the  
22 Department may prescribe and furnish a combination or joint  
23 return which will enable retailers, who are required to file  
24 returns hereunder and also under the Retailers' Occupation Tax  
25 Act, to furnish all the return information required by both  
26 Acts on the one form.

27 Where the retailer has more than one business registered  
28 with the Department under separate registration under this Act,  
29 such retailer may not file each return that is due as a single  
30 return covering all such registered businesses, but shall file  
31 separate returns for each such registered business.

32 Beginning January 1, 1990, each month the Department shall  
33 pay into the State and Local Sales Tax Reform Fund, a special  
34 fund in the State Treasury which is hereby created, the net  
35 revenue realized for the preceding month from the 1% tax on  
36 sales of food for human consumption which is to be consumed off

1 the premises where it is sold (other than alcoholic beverages,  
2 soft drinks and food which has been prepared for immediate  
3 consumption) and prescription and nonprescription medicines,  
4 drugs, medical appliances and insulin, urine testing  
5 materials, syringes and needles used by diabetics.

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund 4% of the  
8 net revenue realized for the preceding month from the 6.25%  
9 general rate on the selling price of tangible personal property  
10 which is purchased outside Illinois at retail from a retailer  
11 and which is titled or registered by an agency of this State's  
12 government.

13 Beginning January 1, 1990, each month the Department shall  
14 pay into the State and Local Sales Tax Reform Fund, a special  
15 fund in the State Treasury, 20% of the net revenue realized for  
16 the preceding month from the 6.25% general rate on the selling  
17 price of tangible personal property, other than tangible  
18 personal property which is purchased outside Illinois at retail  
19 from a retailer and which is titled or registered by an agency  
20 of this State's government.

21 Beginning August 1, 2000, each month the Department shall  
22 pay into the State and Local Sales Tax Reform Fund 100% of the  
23 net revenue realized for the preceding month from the 1.25%  
24 rate on the selling price of motor fuel and gasohol.

25 Beginning January 1, 1990, each month the Department shall  
26 pay into the Local Government Tax Fund 16% of the net revenue  
27 realized for the preceding month from the 6.25% general rate on  
28 the selling price of tangible personal property which is  
29 purchased outside Illinois at retail from a retailer and which  
30 is titled or registered by an agency of this State's  
31 government.

32 Of the remainder of the moneys received by the Department  
33 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
34 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
35 and after July 1, 1989, 3.8% thereof shall be paid into the  
36 Build Illinois Fund; provided, however, that if in any fiscal

1 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
2 may be, of the moneys received by the Department and required  
3 to be paid into the Build Illinois Fund pursuant to Section 3  
4 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
5 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
6 Service Occupation Tax Act, such Acts being hereinafter called  
7 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
8 may be, of moneys being hereinafter called the "Tax Act  
9 Amount", and (2) the amount transferred to the Build Illinois  
10 Fund from the State and Local Sales Tax Reform Fund shall be  
11 less than the Annual Specified Amount (as defined in Section 3  
12 of the Retailers' Occupation Tax Act), an amount equal to the  
13 difference shall be immediately paid into the Build Illinois  
14 Fund from other moneys received by the Department pursuant to  
15 the Tax Acts; and further provided, that if on the last  
16 business day of any month the sum of (1) the Tax Act Amount  
17 required to be deposited into the Build Illinois Bond Account  
18 in the Build Illinois Fund during such month and (2) the amount  
19 transferred during such month to the Build Illinois Fund from  
20 the State and Local Sales Tax Reform Fund shall have been less  
21 than 1/12 of the Annual Specified Amount, an amount equal to  
22 the difference shall be immediately paid into the Build  
23 Illinois Fund from other moneys received by the Department  
24 pursuant to the Tax Acts; and, further provided, that in no  
25 event shall the payments required under the preceding proviso  
26 result in aggregate payments into the Build Illinois Fund  
27 pursuant to this clause (b) for any fiscal year in excess of  
28 the greater of (i) the Tax Act Amount or (ii) the Annual  
29 Specified Amount for such fiscal year; and, further provided,  
30 that the amounts payable into the Build Illinois Fund under  
31 this clause (b) shall be payable only until such time as the  
32 aggregate amount on deposit under each trust indenture securing  
33 Bonds issued and outstanding pursuant to the Build Illinois  
34 Bond Act is sufficient, taking into account any future  
35 investment income, to fully provide, in accordance with such  
36 indenture, for the defeasance of or the payment of the

1 principal of, premium, if any, and interest on the Bonds  
2 secured by such indenture and on any Bonds expected to be  
3 issued thereafter and all fees and costs payable with respect  
4 thereto, all as certified by the Director of the Bureau of the  
5 Budget (now Governor's Office of Management and Budget). If on  
6 the last business day of any month in which Bonds are  
7 outstanding pursuant to the Build Illinois Bond Act, the  
8 aggregate of the moneys deposited in the Build Illinois Bond  
9 Account in the Build Illinois Fund in such month shall be less  
10 than the amount required to be transferred in such month from  
11 the Build Illinois Bond Account to the Build Illinois Bond  
12 Retirement and Interest Fund pursuant to Section 13 of the  
13 Build Illinois Bond Act, an amount equal to such deficiency  
14 shall be immediately paid from other moneys received by the  
15 Department pursuant to the Tax Acts to the Build Illinois Fund;  
16 provided, however, that any amounts paid to the Build Illinois  
17 Fund in any fiscal year pursuant to this sentence shall be  
18 deemed to constitute payments pursuant to clause (b) of the  
19 preceding sentence and shall reduce the amount otherwise  
20 payable for such fiscal year pursuant to clause (b) of the  
21 preceding sentence. The moneys received by the Department  
22 pursuant to this Act and required to be deposited into the  
23 Build Illinois Fund are subject to the pledge, claim and charge  
24 set forth in Section 12 of the Build Illinois Bond Act.

25 Subject to payment of amounts into the Build Illinois Fund  
26 as provided in the preceding paragraph or in any amendment  
27 thereto hereafter enacted, the following specified monthly  
28 installment of the amount requested in the certificate of the  
29 Chairman of the Metropolitan Pier and Exposition Authority  
30 provided under Section 8.25f of the State Finance Act, but not  
31 in excess of the sums designated as "Total Deposit", shall be  
32 deposited in the aggregate from collections under Section 9 of  
33 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
34 9 of the Service Occupation Tax Act, and Section 3 of the  
35 Retailers' Occupation Tax Act into the McCormick Place  
36 Expansion Project Fund in the specified fiscal years.

1		Total
	Fiscal Year	Deposit
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000
26	2017	199,000,000
27	2018	210,000,000
28	2019	221,000,000
29	2020	233,000,000
30	2021	246,000,000
31	2022	260,000,000
32	2023 and	275,000,000
33	each fiscal year	
34	thereafter that bonds	
35	are outstanding under	



1           Section 13.2 of the  
2           Metropolitan Pier and  
3           Exposition Authority Act,  
4           but not after fiscal year 2042.

5           Beginning July 20, 1993 and in each month of each fiscal  
6           year thereafter, one-eighth of the amount requested in the  
7           certificate of the Chairman of the Metropolitan Pier and  
8           Exposition Authority for that fiscal year, less the amount  
9           deposited into the McCormick Place Expansion Project Fund by  
10          the State Treasurer in the respective month under subsection  
11          (g) of Section 13 of the Metropolitan Pier and Exposition  
12          Authority Act, plus cumulative deficiencies in the deposits  
13          required under this Section for previous months and years,  
14          shall be deposited into the McCormick Place Expansion Project  
15          Fund, until the full amount requested for the fiscal year, but  
16          not in excess of the amount specified above as "Total Deposit",  
17          has been deposited.

18          Subject to payment of amounts into the Build Illinois Fund  
19          and the McCormick Place Expansion Project Fund pursuant to the  
20          preceding paragraphs or in any amendments thereto hereafter  
21          enacted, beginning July 1, 1993, the Department shall each  
22          month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
23          the net revenue realized for the preceding month from the 6.25%  
24          general rate on the selling price of tangible personal  
25          property.

26          Subject to payment of amounts into the Build Illinois Fund  
27          and the McCormick Place Expansion Project Fund pursuant to the  
28          preceding paragraphs or in any amendments thereto hereafter  
29          enacted, beginning with the receipt of the first report of  
30          taxes paid by an eligible business and continuing for a 25-year  
31          period, the Department shall each month pay into the Energy  
32          Infrastructure Fund 80% of the net revenue realized from the  
33          6.25% general rate on the selling price of Illinois-mined coal  
34          that was sold to an eligible business. For purposes of this  
35          paragraph, the term "eligible business" means a new electric  
36          generating facility certified pursuant to Section 605-332 of

1 the Department of Commerce and Economic Opportunity ~~Community~~  
2 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

3 Of the remainder of the moneys received by the Department  
4 pursuant to this Act, 75% thereof shall be paid into the State  
5 Treasury and 25% shall be reserved in a special account and  
6 used only for the transfer to the Common School Fund as part of  
7 the monthly transfer from the General Revenue Fund in  
8 accordance with Section 8a of the State Finance Act.

9 As soon as possible after the first day of each month, upon  
10 certification of the Department of Revenue, the Comptroller  
11 shall order transferred and the Treasurer shall transfer from  
12 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
13 equal to 1.7% of 80% of the net revenue realized under this Act  
14 for the second preceding month. Beginning April 1, 2000, this  
15 transfer is no longer required and shall not be made.

16 Net revenue realized for a month shall be the revenue  
17 collected by the State pursuant to this Act, less the amount  
18 paid out during that month as refunds to taxpayers for  
19 overpayment of liability.

20 For greater simplicity of administration, manufacturers,  
21 importers and wholesalers whose products are sold at retail in  
22 Illinois by numerous retailers, and who wish to do so, may  
23 assume the responsibility for accounting and paying to the  
24 Department all tax accruing under this Act with respect to such  
25 sales, if the retailers who are affected do not make written  
26 objection to the Department to this arrangement.

27 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,  
28 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;  
29 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;  
30 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;  
31 92-651, eff. 7-11-02; revised 10-15-03.)

32 Section 480. The Service Use Tax Act is amended by changing  
33 Section 9 as follows:

34 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

1           Sec. 9. Each serviceman required or authorized to collect  
2 the tax herein imposed shall pay to the Department the amount  
3 of such tax (except as otherwise provided) at the time when he  
4 is required to file his return for the period during which such  
5 tax was collected, less a discount of 2.1% prior to January 1,  
6 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
7 year, whichever is greater, which is allowed to reimburse the  
8 serviceman for expenses incurred in collecting the tax, keeping  
9 records, preparing and filing returns, remitting the tax and  
10 supplying data to the Department on request. A serviceman need  
11 not remit that part of any tax collected by him to the extent  
12 that he is required to pay and does pay the tax imposed by the  
13 Service Occupation Tax Act with respect to his sale of service  
14 involving the incidental transfer by him of the same property.

15           Except as provided hereinafter in this Section, on or  
16 before the twentieth day of each calendar month, such  
17 serviceman shall file a return for the preceding calendar month  
18 in accordance with reasonable Rules and Regulations to be  
19 promulgated by the Department. Such return shall be filed on a  
20 form prescribed by the Department and shall contain such  
21 information as the Department may reasonably require.

22           The Department may require returns to be filed on a  
23 quarterly basis. If so required, a return for each calendar  
24 quarter shall be filed on or before the twentieth day of the  
25 calendar month following the end of such calendar quarter. The  
26 taxpayer shall also file a return with the Department for each  
27 of the first two months of each calendar quarter, on or before  
28 the twentieth day of the following calendar month, stating:

- 29           1. The name of the seller;
- 30           2. The address of the principal place of business from  
31           which he engages in business as a serviceman in this State;
- 32           3. The total amount of taxable receipts received by him  
33           during the preceding calendar month, including receipts  
34           from charge and time sales, but less all deductions allowed  
35           by law;
- 36           4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

4 6. Such other reasonable information as the Department  
5 may require.

6 If a taxpayer fails to sign a return within 30 days after  
7 the proper notice and demand for signature by the Department,  
8 the return shall be considered valid and any amount shown to be  
9 due on the return shall be deemed assessed.

10 Beginning October 1, 1993, a taxpayer who has an average  
11 monthly tax liability of \$150,000 or more shall make all  
12 payments required by rules of the Department by electronic  
13 funds transfer. Beginning October 1, 1994, a taxpayer who has  
14 an average monthly tax liability of \$100,000 or more shall make  
15 all payments required by rules of the Department by electronic  
16 funds transfer. Beginning October 1, 1995, a taxpayer who has  
17 an average monthly tax liability of \$50,000 or more shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 2000, a taxpayer who has  
20 an annual tax liability of \$200,000 or more shall make all  
21 payments required by rules of the Department by electronic  
22 funds transfer. The term "annual tax liability" shall be the  
23 sum of the taxpayer's liabilities under this Act, and under all  
24 other State and local occupation and use tax laws administered  
25 by the Department, for the immediately preceding calendar year.  
26 The term "average monthly tax liability" means the sum of the  
27 taxpayer's liabilities under this Act, and under all other  
28 State and local occupation and use tax laws administered by the  
29 Department, for the immediately preceding calendar year  
30 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
31 a tax liability in the amount set forth in subsection (b) of  
32 Section 2505-210 of the Department of Revenue Law shall make  
33 all payments required by rules of the Department by electronic  
34 funds transfer.

35 Before August 1 of each year beginning in 1993, the  
36 Department shall notify all taxpayers required to make payments

1 by electronic funds transfer. All taxpayers required to make  
2 payments by electronic funds transfer shall make those payments  
3 for a minimum of one year beginning on October 1.

4 Any taxpayer not required to make payments by electronic  
5 funds transfer may make payments by electronic funds transfer  
6 with the permission of the Department.

7 All taxpayers required to make payment by electronic funds  
8 transfer and any taxpayers authorized to voluntarily make  
9 payments by electronic funds transfer shall make those payments  
10 in the manner authorized by the Department.

11 The Department shall adopt such rules as are necessary to  
12 effectuate a program of electronic funds transfer and the  
13 requirements of this Section.

14 If the serviceman is otherwise required to file a monthly  
15 return and if the serviceman's average monthly tax liability to  
16 the Department does not exceed \$200, the Department may  
17 authorize his returns to be filed on a quarter annual basis,  
18 with the return for January, February and March of a given year  
19 being due by April 20 of such year; with the return for April,  
20 May and June of a given year being due by July 20 of such year;  
21 with the return for July, August and September of a given year  
22 being due by October 20 of such year, and with the return for  
23 October, November and December of a given year being due by  
24 January 20 of the following year.

25 If the serviceman is otherwise required to file a monthly  
26 or quarterly return and if the serviceman's average monthly tax  
27 liability to the Department does not exceed \$50, the Department  
28 may authorize his returns to be filed on an annual basis, with  
29 the return for a given year being due by January 20 of the  
30 following year.

31 Such quarter annual and annual returns, as to form and  
32 substance, shall be subject to the same requirements as monthly  
33 returns.

34 Notwithstanding any other provision in this Act concerning  
35 the time within which a serviceman may file his return, in the  
36 case of any serviceman who ceases to engage in a kind of

1 business which makes him responsible for filing returns under  
2 this Act, such serviceman shall file a final return under this  
3 Act with the Department not more than 1 month after  
4 discontinuing such business.

5 Where a serviceman collects the tax with respect to the  
6 selling price of property which he sells and the purchaser  
7 thereafter returns such property and the serviceman refunds the  
8 selling price thereof to the purchaser, such serviceman shall  
9 also refund, to the purchaser, the tax so collected from the  
10 purchaser. When filing his return for the period in which he  
11 refunds such tax to the purchaser, the serviceman may deduct  
12 the amount of the tax so refunded by him to the purchaser from  
13 any other Service Use Tax, Service Occupation Tax, retailers'  
14 occupation tax or use tax which such serviceman may be required  
15 to pay or remit to the Department, as shown by such return,  
16 provided that the amount of the tax to be deducted shall  
17 previously have been remitted to the Department by such  
18 serviceman. If the serviceman shall not previously have  
19 remitted the amount of such tax to the Department, he shall be  
20 entitled to no deduction hereunder upon refunding such tax to  
21 the purchaser.

22 Any serviceman filing a return hereunder shall also include  
23 the total tax upon the selling price of tangible personal  
24 property purchased for use by him as an incident to a sale of  
25 service, and such serviceman shall remit the amount of such tax  
26 to the Department when filing such return.

27 If experience indicates such action to be practicable, the  
28 Department may prescribe and furnish a combination or joint  
29 return which will enable servicemen, who are required to file  
30 returns hereunder and also under the Service Occupation Tax  
31 Act, to furnish all the return information required by both  
32 Acts on the one form.

33 Where the serviceman has more than one business registered  
34 with the Department under separate registration hereunder,  
35 such serviceman shall not file each return that is due as a  
36 single return covering all such registered businesses, but

1 shall file separate returns for each such registered business.

2 Beginning January 1, 1990, each month the Department shall  
3 pay into the State and Local Tax Reform Fund, a special fund in  
4 the State Treasury, the net revenue realized for the preceding  
5 month from the 1% tax on sales of food for human consumption  
6 which is to be consumed off the premises where it is sold  
7 (other than alcoholic beverages, soft drinks and food which has  
8 been prepared for immediate consumption) and prescription and  
9 nonprescription medicines, drugs, medical appliances and  
10 insulin, urine testing materials, syringes and needles used by  
11 diabetics.

12 Beginning January 1, 1990, each month the Department shall  
13 pay into the State and Local Sales Tax Reform Fund 20% of the  
14 net revenue realized for the preceding month from the 6.25%  
15 general rate on transfers of tangible personal property, other  
16 than tangible personal property which is purchased outside  
17 Illinois at retail from a retailer and which is titled or  
18 registered by an agency of this State's government.

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the State and Local Sales Tax Reform Fund 100% of the  
21 net revenue realized for the preceding month from the 1.25%  
22 rate on the selling price of motor fuel and gasohol.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the  
27 Build Illinois Fund; provided, however, that if in any fiscal  
28 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
29 may be, of the moneys received by the Department and required  
30 to be paid into the Build Illinois Fund pursuant to Section 3  
31 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
32 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
33 Service Occupation Tax Act, such Acts being hereinafter called  
34 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
35 may be, of moneys being hereinafter called the "Tax Act  
36 Amount", and (2) the amount transferred to the Build Illinois

1 Fund from the State and Local Sales Tax Reform Fund shall be  
2 less than the Annual Specified Amount (as defined in Section 3  
3 of the Retailers' Occupation Tax Act), an amount equal to the  
4 difference shall be immediately paid into the Build Illinois  
5 Fund from other moneys received by the Department pursuant to  
6 the Tax Acts; and further provided, that if on the last  
7 business day of any month the sum of (1) the Tax Act Amount  
8 required to be deposited into the Build Illinois Bond Account  
9 in the Build Illinois Fund during such month and (2) the amount  
10 transferred during such month to the Build Illinois Fund from  
11 the State and Local Sales Tax Reform Fund shall have been less  
12 than 1/12 of the Annual Specified Amount, an amount equal to  
13 the difference shall be immediately paid into the Build  
14 Illinois Fund from other moneys received by the Department  
15 pursuant to the Tax Acts; and, further provided, that in no  
16 event shall the payments required under the preceding proviso  
17 result in aggregate payments into the Build Illinois Fund  
18 pursuant to this clause (b) for any fiscal year in excess of  
19 the greater of (i) the Tax Act Amount or (ii) the Annual  
20 Specified Amount for such fiscal year; and, further provided,  
21 that the amounts payable into the Build Illinois Fund under  
22 this clause (b) shall be payable only until such time as the  
23 aggregate amount on deposit under each trust indenture securing  
24 Bonds issued and outstanding pursuant to the Build Illinois  
25 Bond Act is sufficient, taking into account any future  
26 investment income, to fully provide, in accordance with such  
27 indenture, for the defeasance of or the payment of the  
28 principal of, premium, if any, and interest on the Bonds  
29 secured by such indenture and on any Bonds expected to be  
30 issued thereafter and all fees and costs payable with respect  
31 thereto, all as certified by the Director of the Bureau of the  
32 Budget (now Governor's Office of Management and Budget). If on  
33 the last business day of any month in which Bonds are  
34 outstanding pursuant to the Build Illinois Bond Act, the  
35 aggregate of the moneys deposited in the Build Illinois Bond  
36 Account in the Build Illinois Fund in such month shall be less



1 than the amount required to be transferred in such month from  
 2 the Build Illinois Bond Account to the Build Illinois Bond  
 3 Retirement and Interest Fund pursuant to Section 13 of the  
 4 Build Illinois Bond Act, an amount equal to such deficiency  
 5 shall be immediately paid from other moneys received by the  
 6 Department pursuant to the Tax Acts to the Build Illinois Fund;  
 7 provided, however, that any amounts paid to the Build Illinois  
 8 Fund in any fiscal year pursuant to this sentence shall be  
 9 deemed to constitute payments pursuant to clause (b) of the  
 10 preceding sentence and shall reduce the amount otherwise  
 11 payable for such fiscal year pursuant to clause (b) of the  
 12 preceding sentence. The moneys received by the Department  
 13 pursuant to this Act and required to be deposited into the  
 14 Build Illinois Fund are subject to the pledge, claim and charge  
 15 set forth in Section 12 of the Build Illinois Bond Act.

16 Subject to payment of amounts into the Build Illinois Fund  
 17 as provided in the preceding paragraph or in any amendment  
 18 thereto hereafter enacted, the following specified monthly  
 19 installment of the amount requested in the certificate of the  
 20 Chairman of the Metropolitan Pier and Exposition Authority  
 21 provided under Section 8.25f of the State Finance Act, but not  
 22 in excess of the sums designated as "Total Deposit", shall be  
 23 deposited in the aggregate from collections under Section 9 of  
 24 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 25 9 of the Service Occupation Tax Act, and Section 3 of the  
 26 Retailers' Occupation Tax Act into the McCormick Place  
 27 Expansion Project Fund in the specified fiscal years.

28	Fiscal Year	Total
		Deposit
29	1993	\$0
30	1994	53,000,000
31	1995	58,000,000
32	1996	61,000,000
33	1997	64,000,000
34	1998	68,000,000
35	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	246,000,000
23	2022	260,000,000
24	2023 and	275,000,000

25           each fiscal year  
 26           thereafter that bonds  
 27           are outstanding under  
 28           Section 13.2 of the  
 29           Metropolitan Pier and  
 30           Exposition Authority Act,  
 31           but not after fiscal year 2042.

32           Beginning July 20, 1993 and in each month of each fiscal  
 33           year thereafter, one-eighth of the amount requested in the  
 34           certificate of the Chairman of the Metropolitan Pier and  
 35           Exposition Authority for that fiscal year, less the amount  
 36           deposited into the McCormick Place Expansion Project Fund by

1 the State Treasurer in the respective month under subsection  
2 (g) of Section 13 of the Metropolitan Pier and Exposition  
3 Authority Act, plus cumulative deficiencies in the deposits  
4 required under this Section for previous months and years,  
5 shall be deposited into the McCormick Place Expansion Project  
6 Fund, until the full amount requested for the fiscal year, but  
7 not in excess of the amount specified above as "Total Deposit",  
8 has been deposited.

9 Subject to payment of amounts into the Build Illinois Fund  
10 and the McCormick Place Expansion Project Fund pursuant to the  
11 preceding paragraphs or in any amendments thereto hereafter  
12 enacted, beginning July 1, 1993, the Department shall each  
13 month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
14 the net revenue realized for the preceding month from the 6.25%  
15 general rate on the selling price of tangible personal  
16 property.

17 Subject to payment of amounts into the Build Illinois Fund  
18 and the McCormick Place Expansion Project Fund pursuant to the  
19 preceding paragraphs or in any amendments thereto hereafter  
20 enacted, beginning with the receipt of the first report of  
21 taxes paid by an eligible business and continuing for a 25-year  
22 period, the Department shall each month pay into the Energy  
23 Infrastructure Fund 80% of the net revenue realized from the  
24 6.25% general rate on the selling price of Illinois-mined coal  
25 that was sold to an eligible business. For purposes of this  
26 paragraph, the term "eligible business" means a new electric  
27 generating facility certified pursuant to Section 605-332 of  
28 the Department of Commerce and Economic Opportunity ~~Community~~  
29 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

30 All remaining moneys received by the Department pursuant to  
31 this Act shall be paid into the General Revenue Fund of the  
32 State Treasury.

33 As soon as possible after the first day of each month, upon  
34 certification of the Department of Revenue, the Comptroller  
35 shall order transferred and the Treasurer shall transfer from  
36 the General Revenue Fund to the Motor Fuel Tax Fund an amount

1 equal to 1.7% of 80% of the net revenue realized under this Act  
2 for the second preceding month. Beginning April 1, 2000, this  
3 transfer is no longer required and shall not be made.

4 Net revenue realized for a month shall be the revenue  
5 collected by the State pursuant to this Act, less the amount  
6 paid out during that month as refunds to taxpayers for  
7 overpayment of liability.

8 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
9 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;  
10 revised 10-15-03.)

11 Section 485. The Service Occupation Tax Act is amended by  
12 changing Section 9 as follows:

13 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

14 Sec. 9. Each serviceman required or authorized to collect  
15 the tax herein imposed shall pay to the Department the amount  
16 of such tax at the time when he is required to file his return  
17 for the period during which such tax was collectible, less a  
18 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
19 after January 1, 1990, or \$5 per calendar year, whichever is  
20 greater, which is allowed to reimburse the serviceman for  
21 expenses incurred in collecting the tax, keeping records,  
22 preparing and filing returns, remitting the tax and supplying  
23 data to the Department on request.

24 Where such tangible personal property is sold under a  
25 conditional sales contract, or under any other form of sale  
26 wherein the payment of the principal sum, or a part thereof, is  
27 extended beyond the close of the period for which the return is  
28 filed, the serviceman, in collecting the tax may collect, for  
29 each tax return period, only the tax applicable to the part of  
30 the selling price actually received during such tax return  
31 period.

32 Except as provided hereinafter in this Section, on or  
33 before the twentieth day of each calendar month, such  
34 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable rules and regulations to be  
2 promulgated by the Department of Revenue. Such return shall be  
3 filed on a form prescribed by the Department and shall contain  
4 such information as the Department may reasonably require.

5 The Department may require returns to be filed on a  
6 quarterly basis. If so required, a return for each calendar  
7 quarter shall be filed on or before the twentieth day of the  
8 calendar month following the end of such calendar quarter. The  
9 taxpayer shall also file a return with the Department for each  
10 of the first two months of each calendar quarter, on or before  
11 the twentieth day of the following calendar month, stating:

- 12 1. The name of the seller;
- 13 2. The address of the principal place of business from  
14 which he engages in business as a serviceman in this State;
- 15 3. The total amount of taxable receipts received by him  
16 during the preceding calendar month, including receipts  
17 from charge and time sales, but less all deductions allowed  
18 by law;
- 19 4. The amount of credit provided in Section 2d of this  
20 Act;
- 21 5. The amount of tax due;
- 22 5-5. The signature of the taxpayer; and
- 23 6. Such other reasonable information as the Department  
24 may require.

25 If a taxpayer fails to sign a return within 30 days after  
26 the proper notice and demand for signature by the Department,  
27 the return shall be considered valid and any amount shown to be  
28 due on the return shall be deemed assessed.

29 Prior to October 1, 2003, a serviceman may accept a  
30 Manufacturer's Purchase Credit certification from a purchaser  
31 in satisfaction of Service Use Tax as provided in Section 3-70  
32 of the Service Use Tax Act if the purchaser provides the  
33 appropriate documentation as required by Section 3-70 of the  
34 Service Use Tax Act. A Manufacturer's Purchase Credit  
35 certification, accepted prior to October 1, 2003 by a  
36 serviceman as provided in Section 3-70 of the Service Use Tax

1 Act, may be used by that serviceman to satisfy Service  
2 Occupation Tax liability in the amount claimed in the  
3 certification, not to exceed 6.25% of the receipts subject to  
4 tax from a qualifying purchase. A Manufacturer's Purchase  
5 Credit reported on any original or amended return filed under  
6 this Act after October 20, 2003 shall be disallowed. No  
7 Manufacturer's Purchase Credit may be used after September 30,  
8 2003 to satisfy any tax liability imposed under this Act,  
9 including any audit liability.

10 If the serviceman's average monthly tax liability to the  
11 Department does not exceed \$200, the Department may authorize  
12 his returns to be filed on a quarter annual basis, with the  
13 return for January, February and March of a given year being  
14 due by April 20 of such year; with the return for April, May  
15 and June of a given year being due by July 20 of such year; with  
16 the return for July, August and September of a given year being  
17 due by October 20 of such year, and with the return for  
18 October, November and December of a given year being due by  
19 January 20 of the following year.

20 If the serviceman's average monthly tax liability to the  
21 Department does not exceed \$50, the Department may authorize  
22 his returns to be filed on an annual basis, with the return for  
23 a given year being due by January 20 of the following year.

24 Such quarter annual and annual returns, as to form and  
25 substance, shall be subject to the same requirements as monthly  
26 returns.

27 Notwithstanding any other provision in this Act concerning  
28 the time within which a serviceman may file his return, in the  
29 case of any serviceman who ceases to engage in a kind of  
30 business which makes him responsible for filing returns under  
31 this Act, such serviceman shall file a final return under this  
32 Act with the Department not more than 1 month after  
33 discontinuing such business.

34 Beginning October 1, 1993, a taxpayer who has an average  
35 monthly tax liability of \$150,000 or more shall make all  
36 payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1994, a taxpayer who has  
2 an average monthly tax liability of \$100,000 or more shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer. Beginning October 1, 1995, a taxpayer who has  
5 an average monthly tax liability of \$50,000 or more shall make  
6 all payments required by rules of the Department by electronic  
7 funds transfer. Beginning October 1, 2000, a taxpayer who has  
8 an annual tax liability of \$200,000 or more shall make all  
9 payments required by rules of the Department by electronic  
10 funds transfer. The term "annual tax liability" shall be the  
11 sum of the taxpayer's liabilities under this Act, and under all  
12 other State and local occupation and use tax laws administered  
13 by the Department, for the immediately preceding calendar year.  
14 The term "average monthly tax liability" means the sum of the  
15 taxpayer's liabilities under this Act, and under all other  
16 State and local occupation and use tax laws administered by the  
17 Department, for the immediately preceding calendar year  
18 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
19 a tax liability in the amount set forth in subsection (b) of  
20 Section 2505-210 of the Department of Revenue Law shall make  
21 all payments required by rules of the Department by electronic  
22 funds transfer.

23 Before August 1 of each year beginning in 1993, the  
24 Department shall notify all taxpayers required to make payments  
25 by electronic funds transfer. All taxpayers required to make  
26 payments by electronic funds transfer shall make those payments  
27 for a minimum of one year beginning on October 1.

28 Any taxpayer not required to make payments by electronic  
29 funds transfer may make payments by electronic funds transfer  
30 with the permission of the Department.

31 All taxpayers required to make payment by electronic funds  
32 transfer and any taxpayers authorized to voluntarily make  
33 payments by electronic funds transfer shall make those payments  
34 in the manner authorized by the Department.

35 The Department shall adopt such rules as are necessary to  
36 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

2 Where a serviceman collects the tax with respect to the  
3 selling price of tangible personal property which he sells and  
4 the purchaser thereafter returns such tangible personal  
5 property and the serviceman refunds the selling price thereof  
6 to the purchaser, such serviceman shall also refund, to the  
7 purchaser, the tax so collected from the purchaser. When filing  
8 his return for the period in which he refunds such tax to the  
9 purchaser, the serviceman may deduct the amount of the tax so  
10 refunded by him to the purchaser from any other Service  
11 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
12 Use Tax which such serviceman may be required to pay or remit  
13 to the Department, as shown by such return, provided that the  
14 amount of the tax to be deducted shall previously have been  
15 remitted to the Department by such serviceman. If the  
16 serviceman shall not previously have remitted the amount of  
17 such tax to the Department, he shall be entitled to no  
18 deduction hereunder upon refunding such tax to the purchaser.

19 If experience indicates such action to be practicable, the  
20 Department may prescribe and furnish a combination or joint  
21 return which will enable servicemen, who are required to file  
22 returns hereunder and also under the Retailers' Occupation Tax  
23 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
24 the return information required by all said Acts on the one  
25 form.

26 Where the serviceman has more than one business registered  
27 with the Department under separate registrations hereunder,  
28 such serviceman shall file separate returns for each registered  
29 business.

30 Beginning January 1, 1990, each month the Department shall  
31 pay into the Local Government Tax Fund the revenue realized for  
32 the preceding month from the 1% tax on sales of food for human  
33 consumption which is to be consumed off the premises where it  
34 is sold (other than alcoholic beverages, soft drinks and food  
35 which has been prepared for immediate consumption) and  
36 prescription and nonprescription medicines, drugs, medical



1 appliances and insulin, urine testing materials, syringes and  
2 needles used by diabetics.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the County and Mass Transit District Fund 4% of the  
5 revenue realized for the preceding month from the 6.25% general  
6 rate.

7 Beginning August 1, 2000, each month the Department shall  
8 pay into the County and Mass Transit District Fund 20% of the  
9 net revenue realized for the preceding month from the 1.25%  
10 rate on the selling price of motor fuel and gasohol.

11 Beginning January 1, 1990, each month the Department shall  
12 pay into the Local Government Tax Fund 16% of the revenue  
13 realized for the preceding month from the 6.25% general rate on  
14 transfers of tangible personal property.

15 Beginning August 1, 2000, each month the Department shall  
16 pay into the Local Government Tax Fund 80% of the net revenue  
17 realized for the preceding month from the 1.25% rate on the  
18 selling price of motor fuel and gasohol.

19 Of the remainder of the moneys received by the Department  
20 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
21 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
22 and after July 1, 1989, 3.8% thereof shall be paid into the  
23 Build Illinois Fund; provided, however, that if in any fiscal  
24 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
25 may be, of the moneys received by the Department and required  
26 to be paid into the Build Illinois Fund pursuant to Section 3  
27 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
28 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
29 Service Occupation Tax Act, such Acts being hereinafter called  
30 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
31 may be, of moneys being hereinafter called the "Tax Act  
32 Amount", and (2) the amount transferred to the Build Illinois  
33 Fund from the State and Local Sales Tax Reform Fund shall be  
34 less than the Annual Specified Amount (as defined in Section 3  
35 of the Retailers' Occupation Tax Act), an amount equal to the  
36 difference shall be immediately paid into the Build Illinois

1 Fund from other moneys received by the Department pursuant to  
2 the Tax Acts; and further provided, that if on the last  
3 business day of any month the sum of (1) the Tax Act Amount  
4 required to be deposited into the Build Illinois Account in the  
5 Build Illinois Fund during such month and (2) the amount  
6 transferred during such month to the Build Illinois Fund from  
7 the State and Local Sales Tax Reform Fund shall have been less  
8 than 1/12 of the Annual Specified Amount, an amount equal to  
9 the difference shall be immediately paid into the Build  
10 Illinois Fund from other moneys received by the Department  
11 pursuant to the Tax Acts; and, further provided, that in no  
12 event shall the payments required under the preceding proviso  
13 result in aggregate payments into the Build Illinois Fund  
14 pursuant to this clause (b) for any fiscal year in excess of  
15 the greater of (i) the Tax Act Amount or (ii) the Annual  
16 Specified Amount for such fiscal year; and, further provided,  
17 that the amounts payable into the Build Illinois Fund under  
18 this clause (b) shall be payable only until such time as the  
19 aggregate amount on deposit under each trust indenture securing  
20 Bonds issued and outstanding pursuant to the Build Illinois  
21 Bond Act is sufficient, taking into account any future  
22 investment income, to fully provide, in accordance with such  
23 indenture, for the defeasance of or the payment of the  
24 principal of, premium, if any, and interest on the Bonds  
25 secured by such indenture and on any Bonds expected to be  
26 issued thereafter and all fees and costs payable with respect  
27 thereto, all as certified by the Director of the Bureau of the  
28 Budget (now Governor's Office of Management and Budget). If on  
29 the last business day of any month in which Bonds are  
30 outstanding pursuant to the Build Illinois Bond Act, the  
31 aggregate of the moneys deposited in the Build Illinois Bond  
32 Account in the Build Illinois Fund in such month shall be less  
33 than the amount required to be transferred in such month from  
34 the Build Illinois Bond Account to the Build Illinois Bond  
35 Retirement and Interest Fund pursuant to Section 13 of the  
36 Build Illinois Bond Act, an amount equal to such deficiency

1 shall be immediately paid from other moneys received by the  
 2 Department pursuant to the Tax Acts to the Build Illinois Fund;  
 3 provided, however, that any amounts paid to the Build Illinois  
 4 Fund in any fiscal year pursuant to this sentence shall be  
 5 deemed to constitute payments pursuant to clause (b) of the  
 6 preceding sentence and shall reduce the amount otherwise  
 7 payable for such fiscal year pursuant to clause (b) of the  
 8 preceding sentence. The moneys received by the Department  
 9 pursuant to this Act and required to be deposited into the  
 10 Build Illinois Fund are subject to the pledge, claim and charge  
 11 set forth in Section 12 of the Build Illinois Bond Act.

12 Subject to payment of amounts into the Build Illinois Fund  
 13 as provided in the preceding paragraph or in any amendment  
 14 thereto hereafter enacted, the following specified monthly  
 15 installment of the amount requested in the certificate of the  
 16 Chairman of the Metropolitan Pier and Exposition Authority  
 17 provided under Section 8.25f of the State Finance Act, but not  
 18 in excess of the sums designated as "Total Deposit", shall be  
 19 deposited in the aggregate from collections under Section 9 of  
 20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 21 9 of the Service Occupation Tax Act, and Section 3 of the  
 22 Retailers' Occupation Tax Act into the McCormick Place  
 23 Expansion Project Fund in the specified fiscal years.

24	Fiscal Year	Total
		Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000
35	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023 and	275,000,000

21           each fiscal year  
 22           thereafter that bonds  
 23           are outstanding under  
 24           Section 13.2 of the  
 25           Metropolitan Pier and  
 26           Exposition Authority Act,  
 27           but not after fiscal year 2042.

28           Beginning July 20, 1993 and in each month of each fiscal  
 29           year thereafter, one-eighth of the amount requested in the  
 30           certificate of the Chairman of the Metropolitan Pier and  
 31           Exposition Authority for that fiscal year, less the amount  
 32           deposited into the McCormick Place Expansion Project Fund by  
 33           the State Treasurer in the respective month under subsection  
 34           (g) of Section 13 of the Metropolitan Pier and Exposition  
 35           Authority Act, plus cumulative deficiencies in the deposits  
 36           required under this Section for previous months and years,

1 shall be deposited into the McCormick Place Expansion Project  
2 Fund, until the full amount requested for the fiscal year, but  
3 not in excess of the amount specified above as "Total Deposit",  
4 has been deposited.

5 Subject to payment of amounts into the Build Illinois Fund  
6 and the McCormick Place Expansion Project Fund pursuant to the  
7 preceding paragraphs or in any amendments thereto hereafter  
8 enacted, beginning July 1, 1993, the Department shall each  
9 month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
10 the net revenue realized for the preceding month from the 6.25%  
11 general rate on the selling price of tangible personal  
12 property.

13 Subject to payment of amounts into the Build Illinois Fund  
14 and the McCormick Place Expansion Project Fund pursuant to the  
15 preceding paragraphs or in any amendments thereto hereafter  
16 enacted, beginning with the receipt of the first report of  
17 taxes paid by an eligible business and continuing for a 25-year  
18 period, the Department shall each month pay into the Energy  
19 Infrastructure Fund 80% of the net revenue realized from the  
20 6.25% general rate on the selling price of Illinois-mined coal  
21 that was sold to an eligible business. For purposes of this  
22 paragraph, the term "eligible business" means a new electric  
23 generating facility certified pursuant to Section 605-332 of  
24 the Department of Commerce and Economic Opportunity Community  
25 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

26 Remaining moneys received by the Department pursuant to  
27 this Act shall be paid into the General Revenue Fund of the  
28 State Treasury.

29 The Department may, upon separate written notice to a  
30 taxpayer, require the taxpayer to prepare and file with the  
31 Department on a form prescribed by the Department within not  
32 less than 60 days after receipt of the notice an annual  
33 information return for the tax year specified in the notice.  
34 Such annual return to the Department shall include a statement  
35 of gross receipts as shown by the taxpayer's last Federal  
36 income tax return. If the total receipts of the business as

1 reported in the Federal income tax return do not agree with the  
2 gross receipts reported to the Department of Revenue for the  
3 same period, the taxpayer shall attach to his annual return a  
4 schedule showing a reconciliation of the 2 amounts and the  
5 reasons for the difference. The taxpayer's annual return to the  
6 Department shall also disclose the cost of goods sold by the  
7 taxpayer during the year covered by such return, opening and  
8 closing inventories of such goods for such year, cost of goods  
9 used from stock or taken from stock and given away by the  
10 taxpayer during such year, pay roll information of the  
11 taxpayer's business during such year and any additional  
12 reasonable information which the Department deems would be  
13 helpful in determining the accuracy of the monthly, quarterly  
14 or annual returns filed by such taxpayer as hereinbefore  
15 provided for in this Section.

16 If the annual information return required by this Section  
17 is not filed when and as required, the taxpayer shall be liable  
18 as follows:

19 (i) Until January 1, 1994, the taxpayer shall be liable  
20 for a penalty equal to 1/6 of 1% of the tax due from such  
21 taxpayer under this Act during the period to be covered by  
22 the annual return for each month or fraction of a month  
23 until such return is filed as required, the penalty to be  
24 assessed and collected in the same manner as any other  
25 penalty provided for in this Act.

26 (ii) On and after January 1, 1994, the taxpayer shall  
27 be liable for a penalty as described in Section 3-4 of the  
28 Uniform Penalty and Interest Act.

29 The chief executive officer, proprietor, owner or highest  
30 ranking manager shall sign the annual return to certify the  
31 accuracy of the information contained therein. Any person who  
32 willfully signs the annual return containing false or  
33 inaccurate information shall be guilty of perjury and punished  
34 accordingly. The annual return form prescribed by the  
35 Department shall include a warning that the person signing the  
36 return may be liable for perjury.

1           The foregoing portion of this Section concerning the filing  
2 of an annual information return shall not apply to a serviceman  
3 who is not required to file an income tax return with the  
4 United States Government.

5           As soon as possible after the first day of each month, upon  
6 certification of the Department of Revenue, the Comptroller  
7 shall order transferred and the Treasurer shall transfer from  
8 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
9 equal to 1.7% of 80% of the net revenue realized under this Act  
10 for the second preceding month. Beginning April 1, 2000, this  
11 transfer is no longer required and shall not be made.

12           Net revenue realized for a month shall be the revenue  
13 collected by the State pursuant to this Act, less the amount  
14 paid out during that month as refunds to taxpayers for  
15 overpayment of liability.

16           For greater simplicity of administration, it shall be  
17 permissible for manufacturers, importers and wholesalers whose  
18 products are sold by numerous servicemen in Illinois, and who  
19 wish to do so, to assume the responsibility for accounting and  
20 paying to the Department all tax accruing under this Act with  
21 respect to such sales, if the servicemen who are affected do  
22 not make written objection to the Department to this  
23 arrangement.

24           (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
25 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,  
26 eff. 6-20-03; revised 10-15-03.)

27           Section 490. The Retailers' Occupation Tax Act is amended  
28 by changing Sections 1d, 1f, 1i, 1j.1, 1k, 1o, and 5l as  
29 follows:

30           (35 ILCS 120/1d) (from Ch. 120, par. 440d)

31           Sec. 1d. Subject to the provisions of Section 1f, all  
32 tangible personal property to be used or consumed within an  
33 enterprise zone established pursuant to the "Illinois  
34 Enterprise Zone Act", as amended, or subject to the provisions

1 of Section 5.5 of the Illinois Enterprise Zone Act, all  
2 tangible personal property to be used or consumed by any High  
3 Impact Business, in the process of the manufacturing or  
4 assembly of tangible personal property for wholesale or retail  
5 sale or lease or in the process of graphic arts production if  
6 used or consumed at a facility which is a Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~ certified  
8 business and located in a county of more than 4,000 persons and  
9 less than 45,000 persons is exempt from the tax imposed by this  
10 Act. This exemption includes repair and replacement parts for  
11 machinery and equipment used primarily in the process of  
12 manufacturing or assembling tangible personal property or in  
13 the process of graphic arts production if used or consumed at a  
14 facility which is a Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~ certified business and located  
16 in a county of more than 4,000 persons and less than 45,000  
17 persons for wholesale or retail sale, or lease, and equipment,  
18 manufacturing or graphic arts fuels, material and supplies for  
19 the maintenance, repair or operation of such manufacturing or  
20 assembling or graphic arts machinery or equipment.

21 (Source: P.A. 85-1182; 86-1456; revised 12-6-03.)

22 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

23 Sec. 1f. Except for High Impact Businesses, the exemption  
24 stated in Sections 1d and 1e of this Act shall only apply to  
25 business enterprises which:

26 (1) either (i) make investments which cause the  
27 creation of a minimum of 200 full-time equivalent jobs in  
28 Illinois or (ii) make investments which cause the retention  
29 of a minimum of 2000 full-time jobs in Illinois or (iii)  
30 make investments of a minimum of \$40,000,000 and retain at  
31 least 90% of the jobs in place on the date on which the  
32 exemption is granted and for the duration of the exemption;  
33 and

34 (2) are located in an Enterprise Zone established  
35 pursuant to the Illinois Enterprise Zone Act; and



1 (3) are certified by the Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~ as complying with  
3 the requirements specified in clauses (1), (2) and (3).

4 Any business enterprise seeking to avail itself of the  
5 exemptions stated in Sections 1d or 1e, or both, shall make  
6 application to the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ in such form and providing such  
8 information as may be prescribed by the Department of Commerce  
9 and Economic Opportunity ~~Community Affairs~~. However, no  
10 business enterprise shall be required, as a condition for  
11 certification under clause (4) of this Section, to attest that  
12 its decision to invest under clause (1) of this Section and to  
13 locate under clause (2) of this Section is predicated upon the  
14 availability of the exemptions authorized by Sections 1d or 1e.

15 The Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~ shall determine whether the business  
17 enterprise meets the criteria prescribed in this Section. If  
18 the Department of Commerce and Economic Opportunity ~~Community~~  
19 ~~Affairs~~ determines that such business enterprise meets the  
20 criteria, it shall issue a certificate of eligibility for  
21 exemption to the business enterprise in such form as is  
22 prescribed by the Department of Revenue. The Department of  
23 Commerce and Economic Opportunity ~~Community Affairs~~ shall act  
24 upon such certification requests within 60 days after receipt  
25 of the application, and shall file with the Department of  
26 Revenue a copy of each certificate of eligibility for  
27 exemption.

28 The Department of Commerce and Economic Opportunity  
29 ~~Community Affairs~~ shall have the power to promulgate rules and  
30 regulations to carry out the provisions of this Section  
31 including the power to define the amounts and types of eligible  
32 investments not specified in this Section which business  
33 enterprises must make in order to receive the exemptions stated  
34 in Sections 1d and 1e of this Act; and to require that any  
35 business enterprise that is granted a tax exemption repay the  
36 exempted tax if the business enterprise fails to comply with

1 the terms and conditions of the certification.

2 Such certificate of eligibility for exemption shall be  
3 presented by the business enterprise to its supplier when  
4 making the initial purchase of tangible personal property for  
5 which an exemption is granted by Section 1d or Section 1e, or  
6 both, together with a certification by the business enterprise  
7 that such tangible personal property is exempt from taxation  
8 under Section 1d or Section 1e and by indicating the exempt  
9 status of each subsequent purchase on the face of the purchase  
10 order.

11 The Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ shall determine the period during which such  
13 exemption from the taxes imposed under this Act is in effect  
14 which shall not exceed 20 years.

15 (Source: P.A. 86-44; 86-1456; revised 12-6-03.)

16 (35 ILCS 120/1i) (from Ch. 120, par. 440i)

17 Sec. 1i. High Impact Service Facility means a facility used  
18 primarily for the sorting, handling and redistribution of mail,  
19 freight, cargo, or other parcels received from agents or  
20 employees of the handler or shipper for processing at a common  
21 location and redistribution to other employees or agents for  
22 delivery to an ultimate destination on an item-by-item basis,  
23 and which: (1) will make an investment in a business enterprise  
24 project of \$100,000,000 dollars or more; (2) will cause the  
25 creation of at least 750 to 1,000 jobs or more in an enterprise  
26 zone established pursuant to the Illinois Enterprise Zone Act;  
27 and (3) is certified by the Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~ as contractually obligated to  
29 meet the requirements specified in divisions (1) and (2) of  
30 this paragraph within the time period as specified by the  
31 certification. Any business enterprise project applying for  
32 the exemption stated in this Section shall make application to  
33 the Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~ in such form and providing such information as may be  
35 prescribed by the Department of Commerce and Economic

1 ~~Opportunity Community Affairs.~~

2 The Department of Commerce and Economic Opportunity  
3 ~~Community Affairs~~ shall determine whether the business  
4 enterprise project meets the criteria prescribed in this  
5 Section. If the Department of Commerce and Economic Opportunity  
6 ~~Community Affairs~~ determines that such business enterprise  
7 project meets the criteria, it shall issue a certificate of  
8 eligibility for exemption to the business enterprise in such  
9 form as is prescribed by the Department of Revenue. The  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~ shall act upon such certification requests within 60  
12 days after receipt of the application, and shall file with the  
13 Department of Revenue a copy of each certificate of eligibility  
14 for exemption.

15 The Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~ shall have the power to promulgate rules and  
17 regulations to carry out the provisions of this Section and to  
18 require that any business enterprise that is granted a tax  
19 exemption repay the exempted tax if the business enterprise  
20 fails to comply with the terms and conditions of the  
21 certification.

22 The certificate of eligibility for exemption shall be  
23 presented by the business enterprise to its supplier when  
24 making the initial purchase of machinery and equipment for  
25 which an exemption is granted by Section 1j of this Act,  
26 together with a certification by the business enterprise that  
27 such machinery and equipment is exempt from taxation under  
28 Section 1j of this Act and by indicating the exempt status of  
29 each subsequent purchase on the face of the purchase order.

30 The certification of eligibility for exemption shall be  
31 presented by the business enterprise to its supplier when  
32 making the purchase of jet fuel and petroleum products for  
33 which an exemption is granted by Section 1j.1 of this Act,  
34 together with a certification by the business enterprise that  
35 such jet fuel and petroleum product, are exempt from taxation  
36 under Section 1j.1 of this Act, and by indicating the exempt

1 status of each subsequent purchase on the face of the purchase  
2 order.

3 The Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~ shall determine the period during which such  
5 exemption from the taxes imposed under this Act will remain in  
6 effect.

7 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

8 (35 ILCS 120/1j.1)

9 Sec. 1j.1. Exemption; jet fuel used in the operation of  
10 high impact service facilities. Subject to the provisions of  
11 Section 1i of this Act, jet fuel and petroleum products sold to  
12 and used in the conduct of its business of sorting, handling  
13 and redistribution of mail, freight, cargo or other parcels in  
14 the operation of a high impact service facility, as defined in  
15 Section 1i of this Act, located within an enterprise zone  
16 established pursuant to the Illinois Enterprise Zone Act shall  
17 be exempt from the tax imposed by this Act, provided that the  
18 business enterprise has waived its right to a tax exemption of  
19 the charges imposed under Section 9-222.1 of the Public  
20 Utilities Act. The Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~ shall promulgate rules necessary  
22 to further define jet fuel and petroleum products sold to,  
23 used, and eligible for exemption in a high impact service  
24 facility. The minimum period for which an exemption from taxes  
25 is granted by this Section is 10 years, regardless of the  
26 duration of the enterprise zone in which the project is  
27 located.

28 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

29 (35 ILCS 120/1k) (from Ch. 120, par. 440k)

30 Sec. 1k. Aircraft maintenance facility means a facility  
31 operated by an interstate carrier for hire that is used  
32 primarily for the maintenance, rebuilding or repair of  
33 aircraft, aircraft parts and auxiliary equipment owned or  
34 leased by that carrier and used by that carrier as rolling

1 stock moving in interstate commerce, and which: (1) will make  
2 an investment by the interstate carrier for hire of  
3 \$400,000,000 or more in an enterprise zone; (2) will cause the  
4 creation of at least 5,000 full-time jobs in that enterprise  
5 zone; (3) is located in a county with population not less than  
6 150,000 and not more than 200,000 and that contains 3  
7 enterprise zones as of December 31, 1990; (4) enters into a  
8 legally binding agreement with the Department of Commerce and  
9 Economic Opportunity ~~Community Affairs~~ to comply with clauses  
10 (1) and (2) of this paragraph within a time period specified in  
11 the rules and regulations promulgated pursuant to this Section;  
12 and (5) is certified by the Department of Commerce and Economic  
13 Opportunity ~~Community Affairs~~ to be in compliance with clauses  
14 (1), (2), (3) and (4) of this Section. Any aircraft maintenance  
15 facility applying for the exemption stated in this Section  
16 shall make application to the Department of Commerce and  
17 Economic Opportunity ~~Community Affairs~~ in such form and  
18 providing such information as may be prescribed by the  
19 Department of Commerce and Economic Opportunity ~~Community~~  
20 ~~Affairs~~.

21 The Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ shall determine whether the facility meets  
23 the criteria prescribed in this Section. If the Department of  
24 Commerce and Economic Opportunity ~~Community Affairs~~ determines  
25 that the facility meets the criteria, it shall issue a  
26 certificate of eligibility for exemption in the form prescribed  
27 by the Department of Revenue to the business enterprise  
28 operating the facility. The Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ shall act upon certification  
30 request within 60 days after receipt of application, and shall  
31 file with the Department of Revenue a copy of each certificate  
32 of eligibility for exemption.

33 The Department of Commerce and Economic Opportunity  
34 ~~Community Affairs~~ shall promulgate rules and regulations to  
35 carry out the provisions of this Section, and to require that  
36 any business enterprise that is granted a tax exemption pay the

1 exempted tax to the Department of Revenue if the business  
2 enterprise fails to comply with the terms and conditions of the  
3 certification, and pay all penalties and interest on that  
4 exempted tax as determined by the Department of Revenue.

5 The certificate of eligibility for exemption shall be  
6 presented by the business enterprise to its supplier when  
7 making the initial purchase of machinery and equipment for  
8 which an exemption is granted by Section 1m or Section 1n of  
9 this Act, or both, together with a certification by the  
10 business enterprise that the machinery and equipment is exempt  
11 from taxation under Section 1m or 1n of this Act. The exempt  
12 status, if any, of each subsequent purchase shall be indicated  
13 on the face of the purchase order.

14 (Source: P.A. 86-1490; revised 12-6-03.)

15 (35 ILCS 120/1o)

16 Sec. 1o. Aircraft support center exemption.

17 (a) For the purposes of this Act, "aircraft support center"  
18 means a support center operated by a carrier for hire that is  
19 used primarily for the maintenance, rebuilding, or repair of  
20 aircraft, aircraft parts, and auxiliary equipment, and which  
21 carrier:

22 (1) will make an investment of \$30,000,000 or more at a  
23 federal Air Force Base located in this State;

24 (2) will cause the creation of at least 750 full-time  
25 jobs at a joint use military and civilian airport at that  
26 federal Air Force Base;

27 (3) enters into a legally binding agreement with the  
28 Department of Commerce and Economic Opportunity ~~Community~~  
29 ~~Affairs~~ to comply with paragraphs (1) and (2) within a time  
30 period specified in the rules and regulations promulgated  
31 by the Department of Commerce and Economic Opportunity  
32 ~~Community Affairs~~ pursuant to this subsection; and

33 (4) is certified by the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~ to be in compliance  
35 with paragraphs (1), (2), and (3).

1 Any aircraft support center applying for an exemption stated in  
2 this Section shall make application to the Department of  
3 Commerce and Economic Opportunity ~~Community Affairs~~ in such  
4 form and providing such information as may be prescribed by  
5 that Department. The Department of Commerce and Economic  
6 Opportunity ~~Community Affairs~~ shall determine whether the  
7 aircraft support center meets the criteria prescribed in this  
8 subsection. If the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~ determines that the aircraft  
10 support center meets the criteria, it shall issue a certificate  
11 of eligibility for exemption in the form prescribed by the  
12 Department of Revenue to the carrier operating the aircraft  
13 support center. The Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~ shall act upon certification  
15 request within 60 days after receipt of application and shall  
16 file with the Department of Revenue a copy of each certificate  
17 of eligibility for exemption.

18 The Department of Commerce and Economic Opportunity  
19 ~~Community Affairs~~ shall promulgate rules and regulations to  
20 carry out the provisions of this subsection and to require that  
21 any business operating an aircraft support center that is  
22 granted a tax exemption pay the exempted tax to the Department  
23 of Revenue if the business fails to comply with the terms and  
24 conditions of the certification and pay all penalties and  
25 interest on that exempted tax as determined by the Department  
26 of Revenue.

27 The certificate of eligibility for exemption shall be  
28 presented by the carrier operating an aircraft support center  
29 to its supplier when making the initial purchase of items for  
30 which an exemption is granted by this Section together with a  
31 certification by the business that the items are exempt from  
32 taxation under this Act. The exempt status, if any, of each  
33 subsequent purchase shall be indicated on the face of the  
34 purchase order.

35 (b) Subject to the provisions of this subsection, jet fuel  
36 and petroleum products used or consumed by any aircraft support

1 center directly in the process of maintaining, rebuilding, or  
2 repairing aircraft is exempt from the tax imposed by this Act.  
3 The Department of Revenue shall promulgate any rules necessary  
4 to further define the items eligible for exemption.

5 (c) This Section is exempt from the provisions of Section  
6 2-70.

7 (Source: P.A. 90-792, eff. 1-1-99; revised 12-6-03.)

8 (35 ILCS 120/51) (from Ch. 120, par. 4441)

9 Sec. 5l. Beginning January 1, 1995, each retailer who makes  
10 a sale of building materials that will be incorporated into a  
11 High Impact Business location as designated by the Department  
12 of Commerce and Economic Opportunity ~~Community Affairs~~ under  
13 Section 5.5 of the Illinois Enterprise Zone Act may deduct  
14 receipts from such sales when calculating only the 6.25% State  
15 rate of tax imposed by this Act. Beginning on the effective  
16 date of this amendatory Act of 1995, a retailer may also deduct  
17 receipts from such sales when calculating any applicable local  
18 taxes. However, until the effective date of this amendatory Act  
19 of 1995, a retailer may file claims for credit or refund to  
20 recover the amount of any applicable local tax paid on such  
21 sales. No retailer who is eligible for the deduction or credit  
22 under Section 5k of this Act for making a sale of building  
23 materials to be incorporated into real estate in an enterprise  
24 zone by rehabilitation, remodeling or new construction shall be  
25 eligible for the deduction or credit authorized under this  
26 Section.

27 (Source: P.A. 89-89, eff. 6-30-95; revised 12-6-03.)

28 Section 495. The Gas Use Tax Law is amended by changing  
29 Section 5-10 as follows:

30 (35 ILCS 173/5-10)

31 Sec. 5-10. Imposition of tax. Beginning October 1, 2003, a  
32 tax is imposed upon the privilege of using in this State gas  
33 obtained in a purchase of out-of-state gas at the rate of 2.4



1 cents per therm or 5% of the purchase price for the billing  
2 period, whichever is the lower rate. Such tax rate shall be  
3 referred to as the "self-assessing purchaser tax rate".  
4 Beginning with bills issued by delivering suppliers on and  
5 after October 1, 2003, purchasers may elect an alternative tax  
6 rate of 2.4 cents per therm to be paid under the provisions of  
7 Section 5-15 of this Law to a delivering supplier maintaining a  
8 place of business in this State. Such tax rate shall be  
9 referred to as the "alternate tax rate". The tax imposed under  
10 this Section shall not apply to gas used by business  
11 enterprises certified under Section 9-222.1 of the Public  
12 Utilities Act, as amended, to the extent of such exemption and  
13 during the period of time specified by the Department of  
14 Commerce and Economic Opportunity ~~Community Affairs~~.

15 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

16 Section 500. The Property Tax Code is amended by changing  
17 Sections 10-5, 18-165, 29-10, and 29-15 as follows:

18 (35 ILCS 200/10-5)

19 Sec. 10-5. Solar energy systems; definitions. It is the  
20 policy of this State that the use of solar energy systems  
21 should be encouraged because they conserve nonrenewable  
22 resources, reduce pollution and promote the health and  
23 well-being of the people of this State, and should be valued in  
24 relation to these benefits.

25 (a) "Solar energy" means radiant energy received from the  
26 sun at wave lengths suitable for heat transfer, photosynthetic  
27 use, or photovoltaic use.

28 (b) "Solar collector" means

29 (1) An assembly, structure, or design, including  
30 passive elements, used for gathering, concentrating, or  
31 absorbing direct and indirect solar energy, specially  
32 designed for holding a substantial amount of useful thermal  
33 energy and to transfer that energy to a gas, solid, or  
34 liquid or to use that energy directly; or

1           (2) A mechanism that absorbs solar energy and converts  
2 it into electricity; or

3           (3) A mechanism or process used for gathering solar  
4 energy through wind or thermal gradients; or

5           (4) A component used to transfer thermal energy to a  
6 gas, solid, or liquid, or to convert it into electricity.

7           (c) "Solar storage mechanism" means equipment or elements  
8 (such as piping and transfer mechanisms, containers, heat  
9 exchangers, or controls thereof, and gases, solids, liquids, or  
10 combinations thereof) that are utilized for storing solar  
11 energy, gathered by a solar collector, for subsequent use.

12           (d) "Solar energy system" means

13           (1) (A) A complete assembly, structure, or design of  
14 solar collector, or a solar storage mechanism, which uses  
15 solar energy for generating electricity or for heating or  
16 cooling gases, solids, liquids, or other materials;

17           (B) The design, materials, or elements of a system and  
18 its maintenance, operation, and labor components, and the  
19 necessary components, if any, of supplemental conventional  
20 energy systems designed or constructed to interface with a  
21 solar energy system; and

22           (C) Any legal, financial, or institutional orders,  
23 certificates, or mechanisms, including easements, leases,  
24 and agreements, required to ensure continued access to  
25 solar energy, its source, or its use in a solar energy  
26 system, and including monitoring and educational elements  
27 of a demonstration project.

28           (2) "Solar energy system" does not include

29           (A) Distribution equipment that is equally usable  
30 in a conventional energy system except for those  
31 components of the equipment that are necessary for  
32 meeting the requirements of efficient solar energy  
33 utilization; and

34           (B) Components of a solar energy system that serve  
35 structural, insulating, protective, shading,  
36 aesthetic, or other non-solar energy utilization

1 purposes, as defined in the regulations of the  
2 Department of Commerce and Economic Opportunity  
3 ~~Community Affairs~~.

4 (3) The solar energy system shall conform to the  
5 standards for those systems established by regulation of  
6 the Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~.

8 (Source: P.A. 88-455; 89-445, eff. 2-7-96; revised 12-6-03.)

9 (35 ILCS 200/18-165)

10 Sec. 18-165. Abatement of taxes.

11 (a) Any taxing district, upon a majority vote of its  
12 governing authority, may, after the determination of the  
13 assessed valuation of its property, order the clerk of that  
14 county to abate any portion of its taxes on the following types  
15 of property:

16 (1) Commercial and industrial.

17 (A) The property of any commercial or industrial  
18 firm, including but not limited to the property of (i)  
19 any firm that is used for collecting, separating,  
20 storing, or processing recyclable materials, locating  
21 within the taxing district during the immediately  
22 preceding year from another state, territory, or  
23 country, or having been newly created within this State  
24 during the immediately preceding year, or expanding an  
25 existing facility, or (ii) any firm that is used for  
26 the generation and transmission of electricity  
27 locating within the taxing district during the  
28 immediately preceding year or expanding its presence  
29 within the taxing district during the immediately  
30 preceding year by construction of a new electric  
31 generating facility that uses natural gas as its fuel,  
32 or any firm that is used for production operations at a  
33 new, expanded, or reopened coal mine within the taxing  
34 district, that has been certified as a High Impact  
35 Business by the Illinois Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~. The property  
2 of any firm used for the generation and transmission of  
3 electricity shall include all property of the firm used  
4 for transmission facilities as defined in Section 5.5  
5 of the Illinois Enterprise Zone Act. The abatement  
6 shall not exceed a period of 10 years and the aggregate  
7 amount of abated taxes for all taxing districts  
8 combined shall not exceed \$4,000,000.

9 (A-5) Any property in the taxing district of a new  
10 electric generating facility, as defined in Section  
11 605-332 of the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ Law of the Civil  
13 Administrative Code of Illinois. The abatement shall  
14 not exceed a period of 10 years. The abatement shall be  
15 subject to the following limitations:

16 (i) if the equalized assessed valuation of the  
17 new electric generating facility is equal to or  
18 greater than \$25,000,000 but less than  
19 \$50,000,000, then the abatement may not exceed (i)  
20 over the entire term of the abatement, 5% of the  
21 taxing district's aggregate taxes from the new  
22 electric generating facility and (ii) in any one  
23 year of abatement, 20% of the taxing district's  
24 taxes from the new electric generating facility;

25 (ii) if the equalized assessed valuation of  
26 the new electric generating facility is equal to or  
27 greater than \$50,000,000 but less than  
28 \$75,000,000, then the abatement may not exceed (i)  
29 over the entire term of the abatement, 10% of the  
30 taxing district's aggregate taxes from the new  
31 electric generating facility and (ii) in any one  
32 year of abatement, 35% of the taxing district's  
33 taxes from the new electric generating facility;

34 (iii) if the equalized assessed valuation of  
35 the new electric generating facility is equal to or  
36 greater than \$75,000,000 but less than

1           \$100,000,000, then the abatement may not exceed  
2           (i) over the entire term of the abatement, 20% of  
3           the taxing district's aggregate taxes from the new  
4           electric generating facility and (ii) in any one  
5           year of abatement, 50% of the taxing district's  
6           taxes from the new electric generating facility;

7           (iv) if the equalized assessed valuation of  
8           the new electric generating facility is equal to or  
9           greater than \$100,000,000 but less than  
10          \$125,000,000, then the abatement may not exceed  
11          (i) over the entire term of the abatement, 30% of  
12          the taxing district's aggregate taxes from the new  
13          electric generating facility and (ii) in any one  
14          year of abatement, 60% of the taxing district's  
15          taxes from the new electric generating facility;

16          (v) if the equalized assessed valuation of the  
17          new electric generating facility is equal to or  
18          greater than \$125,000,000 but less than  
19          \$150,000,000, then the abatement may not exceed  
20          (i) over the entire term of the abatement, 40% of  
21          the taxing district's aggregate taxes from the new  
22          electric generating facility and (ii) in any one  
23          year of abatement, 60% of the taxing district's  
24          taxes from the new electric generating facility;

25          (vi) if the equalized assessed valuation of  
26          the new electric generating facility is equal to or  
27          greater than \$150,000,000, then the abatement may  
28          not exceed (i) over the entire term of the  
29          abatement, 50% of the taxing district's aggregate  
30          taxes from the new electric generating facility  
31          and (ii) in any one year of abatement, 60% of the  
32          taxing district's taxes from the new electric  
33          generating facility.

34          The abatement is not effective unless the owner of  
35          the new electric generating facility agrees to repay to  
36          the taxing district all amounts previously abated,

1 together with interest computed at the rate and in the  
2 manner provided for delinquent taxes, in the event that  
3 the owner of the new electric generating facility  
4 closes the new electric generating facility before the  
5 expiration of the entire term of the abatement.

6 The authorization of taxing districts to abate  
7 taxes under this subdivision (a) (1) (A-5) expires on  
8 January 1, 2010.

9 (B) The property of any commercial or industrial  
10 development of at least 500 acres having been created  
11 within the taxing district. The abatement shall not  
12 exceed a period of 20 years and the aggregate amount of  
13 abated taxes for all taxing districts combined shall  
14 not exceed \$12,000,000.

15 (C) The property of any commercial or industrial  
16 firm currently located in the taxing district that  
17 expands a facility or its number of employees. The  
18 abatement shall not exceed a period of 10 years and the  
19 aggregate amount of abated taxes for all taxing  
20 districts combined shall not exceed \$4,000,000. The  
21 abatement period may be renewed at the option of the  
22 taxing districts.

23 (2) Horse racing. Any property in the taxing district  
24 which is used for the racing of horses and upon which  
25 capital improvements consisting of expansion, improvement  
26 or replacement of existing facilities have been made since  
27 July 1, 1987. The combined abatements for such property  
28 from all taxing districts in any county shall not exceed  
29 \$5,000,000 annually and shall not exceed a period of 10  
30 years.

31 (3) Auto racing. Any property designed exclusively for  
32 the racing of motor vehicles. Such abatement shall not  
33 exceed a period of 10 years.

34 (4) Academic or research institute. The property of any  
35 academic or research institute in the taxing district that  
36 (i) is an exempt organization under paragraph (3) of

1 Section 501(c) of the Internal Revenue Code, (ii) operates  
2 for the benefit of the public by actually and exclusively  
3 performing scientific research and making the results of  
4 the research available to the interested public on a  
5 non-discriminatory basis, and (iii) employs more than 100  
6 employees. An abatement granted under this paragraph shall  
7 be for at least 15 years and the aggregate amount of abated  
8 taxes for all taxing districts combined shall not exceed  
9 \$5,000,000.

10 (5) Housing for older persons. Any property in the  
11 taxing district that is devoted exclusively to affordable  
12 housing for older households. For purposes of this  
13 paragraph, "older households" means those households (i)  
14 living in housing provided under any State or federal  
15 program that the Department of Human Rights determines is  
16 specifically designed and operated to assist elderly  
17 persons and is solely occupied by persons 55 years of age  
18 or older and (ii) whose annual income does not exceed 80%  
19 of the area gross median income, adjusted for family size,  
20 as such gross income and median income are determined from  
21 time to time by the United States Department of Housing and  
22 Urban Development. The abatement shall not exceed a period  
23 of 15 years, and the aggregate amount of abated taxes for  
24 all taxing districts shall not exceed \$3,000,000.

25 (6) Historical society. For assessment years 1998  
26 through 2008, the property of an historical society  
27 qualifying as an exempt organization under Section  
28 501(c)(3) of the federal Internal Revenue Code.

29 (7) Recreational facilities. Any property in the  
30 taxing district (i) that is used for a municipal airport,  
31 (ii) that is subject to a leasehold assessment under  
32 Section 9-195 of this Code and (iii) which is sublet from a  
33 park district that is leasing the property from a  
34 municipality, but only if the property is used exclusively  
35 for recreational facilities or for parking lots used  
36 exclusively for those facilities. The abatement shall not

1 exceed a period of 10 years.

2 (8) Relocated corporate headquarters. If approval  
3 occurs within 5 years after the effective date of this  
4 amendatory Act of the 92nd General Assembly, any property  
5 or a portion of any property in a taxing district that is  
6 used by an eligible business for a corporate headquarters  
7 as defined in the Corporate Headquarters Relocation Act.  
8 Instead of an abatement under this paragraph (8), a taxing  
9 district may enter into an agreement with an eligible  
10 business to make annual payments to that eligible business  
11 in an amount not to exceed the property taxes paid directly  
12 or indirectly by that eligible business to the taxing  
13 district and any other taxing districts for premises  
14 occupied pursuant to a written lease and may make those  
15 payments without the need for an annual appropriation. No  
16 school district, however, may enter into an agreement with,  
17 or abate taxes for, an eligible business unless the  
18 municipality in which the corporate headquarters is  
19 located agrees to provide funding to the school district in  
20 an amount equal to the amount abated or paid by the school  
21 district as provided in this paragraph (8). Any abatement  
22 ordered or agreement entered into under this paragraph (8)  
23 may be effective for the entire term specified by the  
24 taxing district, except the term of the abatement or annual  
25 payments may not exceed 20 years.

26 (b) Upon a majority vote of its governing authority, any  
27 municipality may, after the determination of the assessed  
28 valuation of its property, order the county clerk to abate any  
29 portion of its taxes on any property that is located within the  
30 corporate limits of the municipality in accordance with Section  
31 8-3-18 of the Illinois Municipal Code.

32 (Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247,  
33 eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03;  
34 revised 12-6-03.)

35 (35 ILCS 200/29-10)



1           Sec. 29-10. State must be party to proceedings. No amount  
2 may be claimed from the State by or on behalf of any unit of  
3 local government for any local improvement made by special  
4 assessment or special tax that benefits, or is alleged to  
5 benefit, abutting property owned by the State unless the State  
6 has been made a party to all proceedings, has been given all  
7 notices, and has been afforded the same opportunities for  
8 hearing and for objecting to the assessment in the same manner  
9 and under the same conditions as provided in the law applicable  
10 to the making of the local improvement by special assessment or  
11 special tax by that unit of local government.

12           For the purposes of this Article, any notices required  
13 under applicable law must be sent by registered or certified  
14 mail to the Director of the Department or the other State  
15 officer having jurisdiction over the State property affected,  
16 to the Director of ~~the Department of~~ Commerce and Economic  
17 Opportunity Community Affairs, and to the Attorney General.

18           (Source: P.A. 86-933; 88-455; revised 12-6-03.)

19           (35 ILCS 200/29-15)

20           Sec. 29-15. Payment of assessment. When the Attorney  
21 General has certified to the Director of Commerce and Economic  
22 Opportunity Community Affairs that the amount, in the nature of  
23 a special assessment by which specified abutting State property  
24 has been benefited by a specified local improvement, has been  
25 determined in compliance with this Article, the Director shall,  
26 to the extent that appropriations are available for that  
27 purpose, voucher the amount of that assessment, or \$25,000,  
28 whichever is less, for payment to the appropriate unit of local  
29 government. When the amount appropriated in any fiscal year for  
30 those purposes is insufficient to pay a special assessment  
31 totalling \$25,000 or less in full, the balance of that special  
32 assessment shall be vouchered for payment from the  
33 appropriation for those purposes for the next succeeding fiscal  
34 year.

35           If the amount of the assessment exceeds \$25,000, the

1 Director of the Department or the other State officer having  
2 jurisdiction over the property affected shall include in the  
3 Department's budget for the next succeeding fiscal year a  
4 request for the appropriation of the amount by which the  
5 assessment exceeds \$25,000, plus interest, if any, which shall  
6 be vouchered for payment from that appropriation.

7 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

8 Section 505. The Gas Revenue Tax Act is amended by changing  
9 Section 1 as follows:

10 (35 ILCS 615/1) (from Ch. 120, par. 467.16)

11 Sec. 1. For the purposes of this Act: "Gross receipts"  
12 means the consideration received for gas distributed,  
13 supplied, furnished or sold to persons for use or consumption  
14 and not for resale, and for all services (including the  
15 transportation or storage of gas for an end-user) rendered in  
16 connection therewith, and shall include cash, services and  
17 property of every kind or nature, and shall be determined  
18 without any deduction on account of the cost of the service,  
19 product or commodity supplied, the cost of materials used,  
20 labor or service costs, or any other expense whatsoever.  
21 However, "gross receipts" shall not include receipts from:

22 (i) any minimum or other charge for gas or gas service  
23 where the customer has taken no terms of gas;

24 (ii) any charge for a dishonored check;

25 (iii) any finance or credit charge, penalty or charge  
26 for delayed payment, or discount for prompt payment;

27 (iv) any charge for reconnection of service or for  
28 replacement or relocation of facilities;

29 (v) any advance or contribution in aid of construction;

30 (vi) repair, inspection or servicing of equipment  
31 located on customer premises;

32 (vii) leasing or rental of equipment, the leasing or  
33 rental of which is not necessary to distributing,  
34 furnishing, supplying, selling, transporting or storing

1 gas;

2 (viii) any sale to a customer if the taxpayer is  
3 prohibited by federal or State constitution, treaty,  
4 convention, statute or court decision from recovering the  
5 related tax liability from such customer;

6 (ix) any charges added to customers' bills pursuant to  
7 the provisions of Section 9-221 or Section 9-222 of the  
8 Public Utilities Act, as amended, or any charges added to  
9 customers' bills by taxpayers who are not subject to rate  
10 regulation by the Illinois Commerce Commission for the  
11 purpose of recovering any of the tax liabilities or other  
12 amounts specified in such provisions of such Act; and

13 (x) prior to October 1, 2003, any charge for gas or gas  
14 services to a customer who acquired contractual rights for  
15 the direct purchase of gas or gas services originating from  
16 an out-of-state supplier or source on or before March 1,  
17 1995, except for those charges solely related to the local  
18 distribution of gas by a public utility. This exemption  
19 includes any charge for gas or gas service, except for  
20 those charges solely related to the local distribution of  
21 gas by a public utility, to a customer who maintained an  
22 account with a public utility (as defined in Section 3-105  
23 of the Public Utilities Act) for the transportation of  
24 customer-owned gas on or before March 1, 1995. The  
25 provisions of this amendatory Act of 1997 are intended to  
26 clarify, rather than change, existing law as to the meaning  
27 and scope of this exemption. This exemption (x) expires on  
28 September 30, 2003.

29 In case credit is extended, the amount thereof shall be  
30 included only as and when payments are received.

31 "Gross receipts" shall not include consideration received  
32 from business enterprises certified under Section 9-222.1 of  
33 the Public Utilities Act, as amended, to the extent of such  
34 exemption and during the period of time specified by the  
35 Department of Commerce and Economic Opportunity ~~Community~~  
36 ~~Affairs~~.

1 "Department" means the Department of Revenue of the State  
2 of Illinois.

3 "Director" means the Director of Revenue for the Department  
4 of Revenue of the State of Illinois.

5 "Taxpayer" means a person engaged in the business of  
6 distributing, supplying, furnishing or selling gas for use or  
7 consumption and not for resale.

8 "Person" means any natural individual, firm, trust,  
9 estate, partnership, association, joint stock company, joint  
10 adventure, corporation, limited liability company, or a  
11 receiver, trustee, guardian or other representative appointed  
12 by order of any court, or any city, town, county or other  
13 political subdivision of this State.

14 "Invested capital" means that amount equal to (i) the  
15 average of the balances at the beginning and end of each  
16 taxable period of the taxpayer's total stockholder's equity and  
17 total long-term debt, less investments in and advances to all  
18 corporations, as set forth on the balance sheets included in  
19 the taxpayer's annual report to the Illinois Commerce  
20 Commission for the taxable period; (ii) multiplied by a  
21 fraction determined under Sections 301 and 304(a) of the  
22 "Illinois Income Tax Act" and reported on the Illinois income  
23 tax return for the taxable period ending in or with the taxable  
24 period in question. However, notwithstanding the income tax  
25 return reporting requirement stated above, beginning July 1,  
26 1979, no taxpayer's denominators used to compute the sales,  
27 property or payroll factors under subsection (a) of Section 304  
28 of the Illinois Income Tax Act shall include payroll, property  
29 or sales of any corporate entity other than the taxpayer for  
30 the purposes of determining an allocation for the invested  
31 capital tax. This amendatory Act of 1982, Public Act 82-1024,  
32 is not intended to and does not make any change in the meaning  
33 of any provision of this Act, it having been the intent of the  
34 General Assembly in initially enacting the definition of  
35 "invested capital" to provide for apportionment of the invested  
36 capital of each company, based solely upon the sales, property

1 and payroll of that company.

2 "Taxable period" means each period which ends after the  
3 effective date of this Act and which is covered by an annual  
4 report filed by the taxpayer with the Illinois Commerce  
5 Commission.

6 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

7 Section 510. The Public Utilities Revenue Act is amended by  
8 changing Section 1 as follows:

9 (35 ILCS 620/1) (from Ch. 120, par. 468)

10 Sec. 1. For the purposes of this Law:

11 "Consumer Price Index" means the Consumer Price Index For  
12 All Urban Consumers for all items published by the United  
13 States Department of Labor; provided that if this index no  
14 longer exists, the Department of Revenue shall prescribe the  
15 use of a comparable, substitute index.

16 "Gross receipts" means the consideration received for  
17 electricity distributed, supplied, furnished or sold to  
18 persons for use or consumption and not for resale, and for all  
19 services (including the transmission of electricity for an  
20 end-user) rendered in connection therewith, and includes cash,  
21 services and property of every kind or nature, and shall be  
22 determined without any deduction on account of the cost of the  
23 service, product or commodity supplied, the cost of materials  
24 used, labor or service costs, or any other expense whatsoever.  
25 However, "gross receipts" shall not include receipts from:

26 (i) any minimum or other charge for electricity or  
27 electric service where the customer has taken no  
28 kilowatt-hours of electricity;

29 (ii) any charge for a dishonored check;

30 (iii) any finance or credit charge, penalty or charge  
31 for delayed payment, or discount for prompt payment;

32 (iv) any charge for reconnection of service or for  
33 replacement or relocation of facilities;

34 (v) any advance or contribution in aid of construction;

1 (vi) repair, inspection or servicing of equipment  
2 located on customer premises;

3 (vii) leasing or rental of equipment, the leasing or  
4 rental of which is not necessary to distributing,  
5 furnishing, supplying, selling or transporting  
6 electricity;

7 (viii) any sale to a customer if the taxpayer is  
8 prohibited by federal or State constitution, treaty,  
9 convention, statute or court decision from recovering the  
10 related tax liability from such customer; and

11 (ix) any charges added to customers' bills pursuant to  
12 the provisions of Section 9-221 or Section 9-222 of the  
13 Public Utilities Act, as amended, or any charges added to  
14 customers' bills by taxpayers who are not subject to rate  
15 regulation by the Illinois Commerce Commission for the  
16 purpose of recovering any of the tax liabilities or other  
17 amount specified in such provisions of such Act. In case  
18 credit is extended, the amount thereof shall be included  
19 only as and when payments are received.

20 "Gross receipts" shall not include consideration received  
21 from business enterprises certified under Section 9-222.1 of  
22 the Public Utilities Act, as amended, to the extent of such  
23 exemption and during the period of time specified by the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~.

26 "Department" means the Department of Revenue of the State  
27 of Illinois.

28 "Director" means the Director of Revenue for the Department  
29 of Revenue of the State of Illinois.

30 "Distributing electricity" means delivering electric  
31 energy to an end user over facilities owned, leased, or  
32 controlled by the taxpayer.

33 "Taxpayer" for purposes of the tax on the distribution of  
34 electricity imposed by this Act means an electric cooperative,  
35 an electric utility, or an alternative retail electric supplier  
36 (other than a person that is an alternative retail electric

1 supplier solely pursuant to subsection (e) of Section 16-115 of  
2 the Public Utilities Act), as those terms are defined in the  
3 Public Utilities Act, engaged in the business of distributing  
4 electricity in this State for use or consumption and not for  
5 resale.

6 "Taxpayer" for purposes of the Public Utilities Revenue Tax  
7 means a person engaged in the business of distributing,  
8 supplying, furnishing or selling electricity for use or  
9 consumption and not for resale.

10 "Person" means any natural individual, firm, trust,  
11 estate, partnership, association, joint stock company, joint  
12 adventure, corporation, limited liability company, or a  
13 receiver, trustee, guardian or other representative appointed  
14 by order of any court, or any city, town, county or other  
15 political subdivision of this State.

16 "Invested capital" in the case of an electric cooperative  
17 subject to the tax imposed by Section 2a.1 means an amount  
18 equal to the product determined by multiplying, (i) the average  
19 of the balances at the beginning and end of the taxable period  
20 of the taxpayer's total equity (including memberships,  
21 patronage capital, operating margins, non-operating margins,  
22 other margins and other equities), as set forth on the balance  
23 sheets included in the taxpayer's annual report to the United  
24 States Department of Agriculture Rural Utilities Services  
25 (established pursuant to the federal Rural Electrification Act  
26 of 1936, as amended), by (ii) the fraction determined under  
27 Sections 301 and 304(a) of the Illinois Income Tax Act, as  
28 amended, for the taxable period.

29 "Taxable period" means each calendar year which ends after  
30 the effective date of this Act. In the case of an electric  
31 cooperative subject to the tax imposed by Section 2a.1,  
32 "taxable period" means each calendar year ending after the  
33 effective date of this Act and covered by an annual report  
34 filed by the taxpayer with the United States Department of  
35 Agriculture Rural Utilities Services.

36 (Source: P.A. 90-561, eff. 1-1-98; revised 12-6-03.)

1 Section 515. The Telecommunications Excise Tax Act is  
2 amended by changing Section 2 as follows:

3 (35 ILCS 630/2) (from Ch. 120, par. 2002)

4 Sec. 2. As used in this Article, unless the context clearly  
5 requires otherwise:

6 (a) "Gross charge" means the amount paid for the act or  
7 privilege of originating or receiving telecommunications in  
8 this State and for all services and equipment provided in  
9 connection therewith by a retailer, valued in money whether  
10 paid in money or otherwise, including cash, credits, services  
11 and property of every kind or nature, and shall be determined  
12 without any deduction on account of the cost of such  
13 telecommunications, the cost of materials used, labor or  
14 service costs or any other expense whatsoever. In case credit  
15 is extended, the amount thereof shall be included only as and  
16 when paid. "Gross charges" for private line service shall  
17 include charges imposed at each channel termination point  
18 within this State, charges for the channel mileage between each  
19 channel termination point within this State, and charges for  
20 that portion of the interstate inter-office channel provided  
21 within Illinois. Charges for that portion of the interstate  
22 inter-office channel provided in Illinois shall be determined  
23 by the retailer as follows: (i) for interstate inter-office  
24 channels having 2 channel termination points, only one of which  
25 is in Illinois, 50% of the total charge imposed; or (ii) for  
26 interstate inter-office channels having more than 2 channel  
27 termination points, one or more of which are in Illinois, an  
28 amount equal to the total charge multiplied by a fraction, the  
29 numerator of which is the number of channel termination points  
30 within Illinois and the denominator of which is the total  
31 number of channel termination points. Prior to January 1, 2004,  
32 any method consistent with this paragraph or other method that  
33 reasonably apportions the total charges for interstate  
34 inter-office channels among the states in which channel



1 terminations points are located shall be accepted as a  
2 reasonable method to determine the charges for that portion of  
3 the interstate inter-office channel provided within Illinois  
4 for that period. However, "gross charges" shall not include any  
5 of the following:

6 (1) Any amounts added to a purchaser's bill because of  
7 a charge made pursuant to (i) the tax imposed by this  
8 Article; (ii) charges added to customers' bills pursuant to  
9 the provisions of Sections 9-221 or 9-222 of the Public  
10 Utilities Act, as amended, or any similar charges added to  
11 customers' bills by retailers who are not subject to rate  
12 regulation by the Illinois Commerce Commission for the  
13 purpose of recovering any of the tax liabilities or other  
14 amounts specified in such provisions of such Act; (iii) the  
15 tax imposed by Section 4251 of the Internal Revenue Code;  
16 (iv) 911 surcharges; or (v) the tax imposed by the  
17 Simplified Municipal Telecommunications Tax Act.

18 (2) Charges for a sent collect telecommunication  
19 received outside of the State.

20 (3) Charges for leased time on equipment or charges for  
21 the storage of data or information for subsequent retrieval  
22 or the processing of data or information intended to change  
23 its form or content. Such equipment includes, but is not  
24 limited to, the use of calculators, computers, data  
25 processing equipment, tabulating equipment or accounting  
26 equipment and also includes the usage of computers under a  
27 time-sharing agreement.

28 (4) Charges for customer equipment, including such  
29 equipment that is leased or rented by the customer from any  
30 source, wherein such charges are disaggregated and  
31 separately identified from other charges.

32 (5) Charges to business enterprises certified under  
33 Section 9-222.1 of the Public Utilities Act, as amended, to  
34 the extent of such exemption and during the period of time  
35 specified by the Department of Commerce and Economic  
36 Opportunity ~~Community Affairs~~.

1           (6) Charges for telecommunications and all services  
2           and equipment provided in connection therewith between a  
3           parent corporation and its wholly owned subsidiaries or  
4           between wholly owned subsidiaries when the tax imposed  
5           under this Article has already been paid to a retailer and  
6           only to the extent that the charges between the parent  
7           corporation and wholly owned subsidiaries or between  
8           wholly owned subsidiaries represent expense allocation  
9           between the corporations and not the generation of profit  
10          for the corporation rendering such service.

11          (7) Bad debts. Bad debt means any portion of a debt  
12          that is related to a sale at retail for which gross charges  
13          are not otherwise deductible or excludable that has become  
14          worthless or uncollectable, as determined under applicable  
15          federal income tax standards. If the portion of the debt  
16          deemed to be bad is subsequently paid, the retailer shall  
17          report and pay the tax on that portion during the reporting  
18          period in which the payment is made.

19          (8) Charges paid by inserting coins in coin-operated  
20          telecommunication devices.

21          (9) Amounts paid by telecommunications retailers under  
22          the Telecommunications Municipal Infrastructure  
23          Maintenance Fee Act.

24          (10) Charges for nontaxable services or  
25          telecommunications if (i) those charges are aggregated  
26          with other charges for telecommunications that are  
27          taxable, (ii) those charges are not separately stated on  
28          the customer bill or invoice, and (iii) the retailer can  
29          reasonably identify the nontaxable charges on the  
30          retailer's books and records kept in the regular course of  
31          business. If the nontaxable charges cannot reasonably be  
32          identified, the gross charge from the sale of both taxable  
33          and nontaxable services or telecommunications billed on a  
34          combined basis shall be attributed to the taxable services  
35          or telecommunications. The burden of proving nontaxable  
36          charges shall be on the retailer of the telecommunications.

1 (b) "Amount paid" means the amount charged to the  
2 taxpayer's service address in this State regardless of where  
3 such amount is billed or paid.

4 (c) "Telecommunications", in addition to the meaning  
5 ordinarily and popularly ascribed to it, includes, without  
6 limitation, messages or information transmitted through use of  
7 local, toll and wide area telephone service; private line  
8 services; channel services; telegraph services;  
9 teletypewriter; computer exchange services; cellular mobile  
10 telecommunications service; specialized mobile radio;  
11 stationary two way radio; paging service; or any other form of  
12 mobile and portable one-way or two-way communications; or any  
13 other transmission of messages or information by electronic or  
14 similar means, between or among points by wire, cable,  
15 fiber-optics, laser, microwave, radio, satellite or similar  
16 facilities. As used in this Act, "private line" means a  
17 dedicated non-traffic sensitive service for a single customer,  
18 that entitles the customer to exclusive or priority use of a  
19 communications channel or group of channels, from one or more  
20 specified locations to one or more other specified locations.  
21 The definition of "telecommunications" shall not include value  
22 added services in which computer processing applications are  
23 used to act on the form, content, code and protocol of the  
24 information for purposes other than transmission.  
25 "Telecommunications" shall not include purchases of  
26 telecommunications by a telecommunications service provider  
27 for use as a component part of the service provided by him to  
28 the ultimate retail consumer who originates or terminates the  
29 taxable end-to-end communications. Carrier access charges,  
30 right of access charges, charges for use of inter-company  
31 facilities, and all telecommunications resold in the  
32 subsequent provision of, used as a component of, or integrated  
33 into end-to-end telecommunications service shall be  
34 non-taxable as sales for resale.

35 (d) "Interstate telecommunications" means all  
36 telecommunications that either originate or terminate outside

1 this State.

2 (e) "Intrastate telecommunications" means all  
3 telecommunications that originate and terminate within this  
4 State.

5 (f) "Department" means the Department of Revenue of the  
6 State of Illinois.

7 (g) "Director" means the Director of Revenue for the  
8 Department of Revenue of the State of Illinois.

9 (h) "Taxpayer" means a person who individually or through  
10 his agents, employees or permittees engages in the act or  
11 privilege of originating or receiving telecommunications in  
12 this State and who incurs a tax liability under this Article.

13 (i) "Person" means any natural individual, firm, trust,  
14 estate, partnership, association, joint stock company, joint  
15 venture, corporation, limited liability company, or a  
16 receiver, trustee, guardian or other representative appointed  
17 by order of any court, the Federal and State governments,  
18 including State universities created by statute or any city,  
19 town, county or other political subdivision of this State.

20 (j) "Purchase at retail" means the acquisition,  
21 consumption or use of telecommunication through a sale at  
22 retail.

23 (k) "Sale at retail" means the transmitting, supplying or  
24 furnishing of telecommunications and all services and  
25 equipment provided in connection therewith for a consideration  
26 to persons other than the Federal and State governments, and  
27 State universities created by statute and other than between a  
28 parent corporation and its wholly owned subsidiaries or between  
29 wholly owned subsidiaries for their use or consumption and not  
30 for resale.

31 (l) "Retailer" means and includes every person engaged in  
32 the business of making sales at retail as defined in this  
33 Article. The Department may, in its discretion, upon  
34 application, authorize the collection of the tax hereby imposed  
35 by any retailer not maintaining a place of business within this  
36 State, who, to the satisfaction of the Department, furnishes

1 adequate security to insure collection and payment of the tax.  
2 Such retailer shall be issued, without charge, a permit to  
3 collect such tax. When so authorized, it shall be the duty of  
4 such retailer to collect the tax upon all of the gross charges  
5 for telecommunications in this State in the same manner and  
6 subject to the same requirements as a retailer maintaining a  
7 place of business within this State. The permit may be revoked  
8 by the Department at its discretion.

9 (m) "Retailer maintaining a place of business in this  
10 State", or any like term, means and includes any retailer  
11 having or maintaining within this State, directly or by a  
12 subsidiary, an office, distribution facilities, transmission  
13 facilities, sales office, warehouse or other place of business,  
14 or any agent or other representative operating within this  
15 State under the authority of the retailer or its subsidiary,  
16 irrespective of whether such place of business or agent or  
17 other representative is located here permanently or  
18 temporarily, or whether such retailer or subsidiary is licensed  
19 to do business in this State.

20 (n) "Service address" means the location of  
21 telecommunications equipment from which the telecommunications  
22 services are originated or at which telecommunications  
23 services are received by a taxpayer. In the event this may not  
24 be a defined location, as in the case of mobile phones, paging  
25 systems, maritime systems, service address means the  
26 customer's place of primary use as defined in the Mobile  
27 Telecommunications Sourcing Conformity Act. For air-to-ground  
28 systems and the like, service address shall mean the location  
29 of a taxpayer's primary use of the telecommunications equipment  
30 as defined by telephone number, authorization code, or location  
31 in Illinois where bills are sent.

32 (o) "Prepaid telephone calling arrangements" mean the  
33 right to exclusively purchase telephone or telecommunications  
34 services that must be paid for in advance and enable the  
35 origination of one or more intrastate, interstate, or  
36 international telephone calls or other telecommunications

1 using an access number, an authorization code, or both, whether  
2 manually or electronically dialed, for which payment to a  
3 retailer must be made in advance, provided that, unless  
4 recharged, no further service is provided once that prepaid  
5 amount of service has been consumed. Prepaid telephone calling  
6 arrangements include the recharge of a prepaid calling  
7 arrangement. For purposes of this subsection, "recharge" means  
8 the purchase of additional prepaid telephone or  
9 telecommunications services whether or not the purchaser  
10 acquires a different access number or authorization code.  
11 "Prepaid telephone calling arrangement" does not include an  
12 arrangement whereby a customer purchases a payment card and  
13 pursuant to which the service provider reflects the amount of  
14 such purchase as a credit on an invoice issued to that customer  
15 under an existing subscription plan.

16 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,  
17 eff. 1-1-04; 93-286, 1-1-04; revised 12-6-03.)

18 Section 520. The Telecommunications Infrastructure  
19 Maintenance Fee Act is amended by changing Section 10 as  
20 follows:

21 (35 ILCS 635/10)

22 Sec. 10. Definitions.

23 (a) "Gross charges" means the amount paid to a  
24 telecommunications retailer for the act or privilege of  
25 originating or receiving telecommunications in this State and  
26 for all services rendered in connection therewith, valued in  
27 money whether paid in money or otherwise, including cash,  
28 credits, services, and property of every kind or nature, and  
29 shall be determined without any deduction on account of the  
30 cost of such telecommunications, the cost of the materials  
31 used, labor or service costs, or any other expense whatsoever.  
32 In case credit is extended, the amount thereof shall be  
33 included only as and when paid. "Gross charges" for private  
34 line service shall include charges imposed at each channel

1 termination point within this State, charges for the channel  
2 mileage between each channel termination point within this  
3 State, and charges for that portion of the interstate  
4 inter-office channel provided within Illinois. Charges for  
5 that portion of the interstate inter-office channel provided in  
6 Illinois shall be determined by the retailer as follows: (i)  
7 for interstate inter-office channels having 2 channel  
8 termination points, only one of which is in Illinois, 50% of  
9 the total charge imposed; or (ii) for interstate inter-office  
10 channels having more than 2 channel termination points, one or  
11 more of which are in Illinois, an amount equal to the total  
12 charge multiplied by a fraction, the numerator of which is the  
13 number of channel termination points within Illinois and the  
14 denominator of which is the total number of channel termination  
15 points. Prior to January 1, 2004, any method consistent with  
16 this paragraph or other method that reasonably apportions the  
17 total charges for interstate inter-office channels among the  
18 states in which channel terminations points are located shall  
19 be accepted as a reasonable method to determine the charges for  
20 that portion of the interstate inter-office channel provided  
21 within Illinois for that period. However, "gross charges" shall  
22 not include any of the following:

23 (1) Any amounts added to a purchaser's bill because of  
24 a charge made under: (i) the fee imposed by this Section,  
25 (ii) additional charges added to a purchaser's bill under  
26 Section 9-221 or 9-222 of the Public Utilities Act, (iii)  
27 the tax imposed by the Telecommunications Excise Tax Act,  
28 (iv) 911 surcharges, (v) the tax imposed by Section 4251 of  
29 the Internal Revenue Code, or (vi) the tax imposed by the  
30 Simplified Municipal Telecommunications Tax Act.

31 (2) Charges for a sent collect telecommunication  
32 received outside of this State.

33 (3) Charges for leased time on equipment or charges for  
34 the storage of data or information or subsequent retrieval  
35 or the processing of data or information intended to change  
36 its form or content. Such equipment includes, but is not

1 limited to, the use of calculators, computers, data  
2 processing equipment, tabulating equipment, or accounting  
3 equipment and also includes the usage of computers under a  
4 time-sharing agreement.

5 (4) Charges for customer equipment, including such  
6 equipment that is leased or rented by the customer from any  
7 source, wherein such charges are disaggregated and  
8 separately identified from other charges.

9 (5) Charges to business enterprises certified under  
10 Section 9-222.1 of the Public Utilities Act to the extent  
11 of such exemption and during the period of time specified  
12 by the Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~.

14 (6) Charges for telecommunications and all services  
15 and equipment provided in connection therewith between a  
16 parent corporation and its wholly owned subsidiaries or  
17 between wholly owned subsidiaries, and only to the extent  
18 that the charges between the parent corporation and wholly  
19 owned subsidiaries or between wholly owned subsidiaries  
20 represent expense allocation between the corporations and  
21 not the generation of profit other than a regulatory  
22 required profit for the corporation rendering such  
23 services.

24 (7) Bad debts ("bad debt" means any portion of a debt  
25 that is related to a sale at retail for which gross charges  
26 are not otherwise deductible or excludable that has become  
27 worthless or uncollectible, as determined under applicable  
28 federal income tax standards; if the portion of the debt  
29 deemed to be bad is subsequently paid, the retailer shall  
30 report and pay the tax on that portion during the reporting  
31 period in which the payment is made).

32 (8) Charges paid by inserting coins in coin-operated  
33 telecommunication devices.

34 (9) Charges for nontaxable services or  
35 telecommunications if (i) those charges are aggregated  
36 with other charges for telecommunications that are



1 taxable, (ii) those charges are not separately stated on  
2 the customer bill or invoice, and (iii) the retailer can  
3 reasonably identify the nontaxable charges on the  
4 retailer's books and records kept in the regular course of  
5 business. If the nontaxable charges cannot reasonably be  
6 identified, the gross charge from the sale of both taxable  
7 and nontaxable services or telecommunications billed on a  
8 combined basis shall be attributed to the taxable services  
9 or telecommunications. The burden of proving nontaxable  
10 charges shall be on the retailer of the telecommunications.

11 (a-5) "Department" means the Illinois Department of  
12 Revenue.

13 (b) "Telecommunications" includes, but is not limited to,  
14 messages or information transmitted through use of local, toll,  
15 and wide area telephone service, channel services, telegraph  
16 services, teletypewriter service, computer exchange services,  
17 private line services, specialized mobile radio services, or  
18 any other transmission of messages or information by electronic  
19 or similar means, between or among points by wire, cable, fiber  
20 optics, laser, microwave, radio, satellite, or similar  
21 facilities. Unless the context clearly requires otherwise,  
22 "telecommunications" shall also include wireless  
23 telecommunications as hereinafter defined.

24 "Telecommunications" shall not include value added services in  
25 which computer processing applications are used to act on the  
26 form, content, code, and protocol of the information for  
27 purposes other than transmission. "Telecommunications" shall  
28 not include purchase of telecommunications by a  
29 telecommunications service provider for use as a component part  
30 of the service provided by him or her to the ultimate retail  
31 consumer who originates or terminates the end-to-end  
32 communications. Retailer access charges, right of access  
33 charges, charges for use of intercompany facilities, and all  
34 telecommunications resold in the subsequent provision and used  
35 as a component of, or integrated into, end-to-end  
36 telecommunications service shall not be included in gross

1 charges as sales for resale. "Telecommunications" shall not  
2 include the provision of cable services through a cable system  
3 as defined in the Cable Communications Act of 1984 (47 U.S.C.  
4 Sections 521 and following) as now or hereafter amended or  
5 through an open video system as defined in the Rules of the  
6 Federal Communications Commission (47 C.D.F. 76.1550 and  
7 following) as now or hereafter amended. Beginning January 1,  
8 2001, prepaid telephone calling arrangements shall not be  
9 considered "telecommunications" subject to the tax imposed  
10 under this Act. For purposes of this Section, "prepaid  
11 telephone calling arrangements" means that term as defined in  
12 Section 2-27 of the Retailers' Occupation Tax Act.

13 (c) "Wireless telecommunications" includes cellular mobile  
14 telephone services, personal wireless services as defined in  
15 Section 704(C) of the Telecommunications Act of 1996 (Public  
16 Law No. 104-104) as now or hereafter amended, including all  
17 commercial mobile radio services, and paging services.

18 (d) "Telecommunications retailer" or "retailer" or  
19 "carrier" means and includes every person engaged in the  
20 business of making sales of telecommunications at retail as  
21 defined in this Section. The Department may, in its discretion,  
22 upon applications, authorize the collection of the fee hereby  
23 imposed by any retailer not maintaining a place of business  
24 within this State, who, to the satisfaction of the Department,  
25 furnishes adequate security to insure collection and payment of  
26 the fee. When so authorized, it shall be the duty of such  
27 retailer to pay the fee upon all of the gross charges for  
28 telecommunications in the same manner and subject to the same  
29 requirements as a retailer maintaining a place of business  
30 within this State.

31 (e) "Retailer maintaining a place of business in this  
32 State", or any like term, means and includes any retailer  
33 having or maintaining within this State, directly or by a  
34 subsidiary, an office, distribution facilities, transmission  
35 facilities, sales office, warehouse, or other place of  
36 business, or any agent or other representative operating within

1 this State under the authority of the retailer or its  
2 subsidiary, irrespective of whether such place of business or  
3 agent or other representative is located here permanently or  
4 temporarily, or whether such retailer or subsidiary is licensed  
5 to do business in this State.

6 (f) "Sale of telecommunications at retail" means the  
7 transmitting, supplying, or furnishing of telecommunications  
8 and all services rendered in connection therewith for a  
9 consideration, other than between a parent corporation and its  
10 wholly owned subsidiaries or between wholly owned  
11 subsidiaries, when the gross charge made by one such  
12 corporation to another such corporation is not greater than the  
13 gross charge paid to the retailer for their use or consumption  
14 and not for sale.

15 (g) "Service address" means the location of  
16 telecommunications equipment from which telecommunications  
17 services are originated or at which telecommunications  
18 services are received. If this is not a defined location, as in  
19 the case of wireless telecommunications, paging systems,  
20 maritime systems, service address means the customer's place of  
21 primary use as defined in the Mobile Telecommunications  
22 Sourcing Conformity Act. For air-to-ground systems, and the  
23 like, "service address" shall mean the location of the  
24 customer's primary use of the telecommunications equipment as  
25 defined by the location in Illinois where bills are sent.

26 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,  
27 eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

28 Section 525. The Simplified Municipal Telecommunications  
29 Tax Act is amended by changing Section 5-7 as follows:

30 (35 ILCS 636/5-7)

31 Sec. 5-7. Definitions. For purposes of the taxes authorized  
32 by this Act:

33 "Amount paid" means the amount charged to the taxpayer's  
34 service address in such municipality regardless of where such

1 amount is billed or paid.

2 "Department" means the Illinois Department of Revenue.

3 "Gross charge" means the amount paid for the act or  
4 privilege of originating or receiving telecommunications in  
5 such municipality and for all services and equipment provided  
6 in connection therewith by a retailer, valued in money whether  
7 paid in money or otherwise, including cash, credits, services  
8 and property of every kind or nature, and shall be determined  
9 without any deduction on account of the cost of such  
10 telecommunications, the cost of the materials used, labor or  
11 service costs or any other expense whatsoever. In case credit  
12 is extended, the amount thereof shall be included only as and  
13 when paid. "Gross charges" for private line service shall  
14 include charges imposed at each channel termination point  
15 within a municipality that has imposed a tax under this Section  
16 and charges for the portion of the inter-office channels  
17 provided within that municipality. Charges for that portion of  
18 the inter-office channel connecting 2 or more channel  
19 termination points, one or more of which is located within the  
20 jurisdictional boundary of such municipality, shall be  
21 determined by the retailer by multiplying an amount equal to  
22 the total charge for the inter-office channel by a fraction,  
23 the numerator of which is the number of channel termination  
24 points that are located within the jurisdictional boundary of  
25 the municipality and the denominator of which is the total  
26 number of channel termination points connected by the  
27 inter-office channel. Prior to January 1, 2004, any method  
28 consistent with this paragraph or other method that reasonably  
29 apportions the total charges for inter-office channels among  
30 the municipalities in which channel termination points are  
31 located shall be accepted as a reasonable method to determine  
32 the taxable portion of an inter-office channel provided within  
33 a municipality for that period. However, "gross charge" shall  
34 not include any of the following:

35 (1) Any amounts added to a purchaser's bill because of  
36 a charge made pursuant to: (i) the tax imposed by this Act,

1 (ii) the tax imposed by the Telecommunications Excise Tax  
2 Act, (iii) the tax imposed by Section 4251 of the Internal  
3 Revenue Code, (iv) 911 surcharges, or (v) charges added to  
4 customers' bills pursuant to the provisions of Section  
5 9-221 or 9-222 of the Public Utilities Act, as amended, or  
6 any similar charges added to customers' bills by retailers  
7 who are not subject to rate regulation by the Illinois  
8 Commerce Commission for the purpose of recovering any of  
9 the tax liabilities or other amounts specified in those  
10 provisions of the Public Utilities Act.

11 (2) Charges for a sent collect telecommunication  
12 received outside of such municipality.

13 (3) Charges for leased time on equipment or charges for  
14 the storage of data or information for subsequent retrieval  
15 or the processing of data or information intended to change  
16 its form or content. Such equipment includes, but is not  
17 limited to, the use of calculators, computers, data  
18 processing equipment, tabulating equipment or accounting  
19 equipment and also includes the usage of computers under a  
20 time-sharing agreement.

21 (4) Charges for customer equipment, including such  
22 equipment that is leased or rented by the customer from any  
23 source, wherein such charges are disaggregated and  
24 separately identified from other charges.

25 (5) Charges to business enterprises certified as  
26 exempt under Section 9-222.1 of the Public Utilities Act to  
27 the extent of such exemption and during the period of time  
28 specified by the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~.

30 (6) Charges for telecommunications and all services  
31 and equipment provided in connection therewith between a  
32 parent corporation and its wholly owned subsidiaries or  
33 between wholly owned subsidiaries when the tax imposed  
34 under this Act has already been paid to a retailer and only  
35 to the extent that the charges between the parent  
36 corporation and wholly owned subsidiaries or between

1 wholly owned subsidiaries represent expense allocation  
2 between the corporations and not the generation of profit  
3 for the corporation rendering such service.

4 (7) Bad debts ("bad debt" means any portion of a debt  
5 that is related to a sale at retail for which gross charges  
6 are not otherwise deductible or excludable that has become  
7 worthless or uncollectible, as determined under applicable  
8 federal income tax standards; if the portion of the debt  
9 deemed to be bad is subsequently paid, the retailer shall  
10 report and pay the tax on that portion during the reporting  
11 period in which the payment is made).

12 (8) Charges paid by inserting coins in coin-operated  
13 telecommunication devices.

14 (9) Amounts paid by telecommunications retailers under  
15 the Telecommunications Infrastructure Maintenance Fee Act.

16 (10) Charges for nontaxable services or  
17 telecommunications if (i) those charges are aggregated  
18 with other charges for telecommunications that are  
19 taxable, (ii) those charges are not separately stated on  
20 the customer bill or invoice, and (iii) the retailer can  
21 reasonably identify the nontaxable charges on the  
22 retailer's books and records kept in the regular course of  
23 business. If the nontaxable charges cannot reasonably be  
24 identified, the gross charge from the sale of both taxable  
25 and nontaxable services or telecommunications billed on a  
26 combined basis shall be attributed to the taxable services  
27 or telecommunications. The burden of proving nontaxable  
28 charges shall be on the retailer of the telecommunications.

29 "Interstate telecommunications" means all  
30 telecommunications that either originate or terminate outside  
31 this State.

32 "Intrastate telecommunications" means all  
33 telecommunications that originate and terminate within this  
34 State.

35 "Person" means any natural individual, firm, trust,  
36 estate, partnership, association, joint stock company, joint

1 venture, corporation, limited liability company, or a  
2 receiver, trustee, guardian, or other representative appointed  
3 by order of any court, the Federal and State governments,  
4 including State universities created by statute, or any city,  
5 town, county, or other political subdivision of this State.

6 "Purchase at retail" means the acquisition, consumption or  
7 use of telecommunications through a sale at retail.

8 "Retailer" means and includes every person engaged in the  
9 business of making sales at retail as defined in this Section.  
10 The Department may, in its discretion, upon application,  
11 authorize the collection of the tax hereby imposed by any  
12 retailer not maintaining a place of business within this State,  
13 who, to the satisfaction of the Department, furnishes adequate  
14 security to insure collection and payment of the tax. Such  
15 retailer shall be issued, without charge, a permit to collect  
16 such tax. When so authorized, it shall be the duty of such  
17 retailer to collect the tax upon all of the gross charges for  
18 telecommunications in this State in the same manner and subject  
19 to the same requirements as a retailer maintaining a place of  
20 business within this State. The permit may be revoked by the  
21 Department at its discretion.

22 "Retailer maintaining a place of business in this State",  
23 or any like term, means and includes any retailer having or  
24 maintaining within this State, directly or by a subsidiary, an  
25 office, distribution facilities, transmission facilities,  
26 sales office, warehouse or other place of business, or any  
27 agent or other representative operating within this State under  
28 the authority of the retailer or its subsidiary, irrespective  
29 of whether such place of business or agent or other  
30 representative is located here permanently or temporarily, or  
31 whether such retailer or subsidiary is licensed to do business  
32 in this State.

33 "Sale at retail" means the transmitting, supplying or  
34 furnishing of telecommunications and all services and  
35 equipment provided in connection therewith for a  
36 consideration, to persons other than the Federal and State

1 governments, and State universities created by statute and  
2 other than between a parent corporation and its wholly owned  
3 subsidiaries or between wholly owned subsidiaries for their use  
4 or consumption and not for resale.

5 "Service address" means the location of telecommunications  
6 equipment from which telecommunications services are  
7 originated or at which telecommunications services are  
8 received by a taxpayer. In the event this may not be a defined  
9 location, as in the case of mobile phones, paging systems, and  
10 maritime systems, service address means the customer's place of  
11 primary use as defined in the Mobile Telecommunications  
12 Sourcing Conformity Act. For air-to-ground systems and the  
13 like, "service address" shall mean the location of a taxpayer's  
14 primary use of the telecommunications equipment as defined by  
15 telephone number, authorization code, or location in Illinois  
16 where bills are sent.

17 "Taxpayer" means a person who individually or through his  
18 or her agents, employees, or permittees engages in the act or  
19 privilege of originating or receiving telecommunications in a  
20 municipality and who incurs a tax liability as authorized by  
21 this Act.

22 "Telecommunications", in addition to the meaning  
23 ordinarily and popularly ascribed to it, includes, without  
24 limitation, messages or information transmitted through use of  
25 local, toll, and wide area telephone service, private line  
26 services, channel services, telegraph services,  
27 teletypewriter, computer exchange services, cellular mobile  
28 telecommunications service, specialized mobile radio,  
29 stationary two-way radio, paging service, or any other form of  
30 mobile and portable one-way or two-way communications, or any  
31 other transmission of messages or information by electronic or  
32 similar means, between or among points by wire, cable, fiber  
33 optics, laser, microwave, radio, satellite, or similar  
34 facilities. As used in this Act, "private line" means a  
35 dedicated non-traffic sensitive service for a single customer,  
36 that entitles the customer to exclusive or priority use of a



1 communications channel or group of channels, from one or more  
2 specified locations to one or more other specified locations.  
3 The definition of "telecommunications" shall not include value  
4 added services in which computer processing applications are  
5 used to act on the form, content, code, and protocol of the  
6 information for purposes other than transmission.  
7 "Telecommunications" shall not include purchases of  
8 telecommunications by a telecommunications service provider  
9 for use as a component part of the service provided by such  
10 provider to the ultimate retail consumer who originates or  
11 terminates the taxable end-to-end communications. Carrier  
12 access charges, right of access charges, charges for use of  
13 inter-company facilities, and all telecommunications resold in  
14 the subsequent provision of, used as a component of, or  
15 integrated into, end-to-end telecommunications service shall  
16 be non-taxable as sales for resale. Prepaid telephone calling  
17 arrangements shall not be considered "telecommunications"  
18 subject to the tax imposed under this Act. For purposes of this  
19 Section, "prepaid telephone calling arrangements" means that  
20 term as defined in Section 2-27 of the Retailers' Occupation  
21 Tax Act.

22 (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286,  
23 eff. 1-1-04; revised 12-6-03.)

24 Section 530. The Electricity Excise Tax Law is amended by  
25 changing Sections 2-3 and 2-4 as follows:

26 (35 ILCS 640/2-3)

27 Sec. 2-3. Definitions. As used in this Law, unless the  
28 context clearly requires otherwise:

29 (a) "Department" means the Department of Revenue of the  
30 State of Illinois.

31 (b) "Director" means the Director of the Department of  
32 Revenue of the State of Illinois.

33 (c) "Person" means any natural individual, firm, trust,  
34 estate, partnership, association, joint stock company, joint

1 venture, corporation, limited liability company, or a  
2 receiver, trustee, guardian, or other representative appointed  
3 by order of any court, or any city, town, village, county, or  
4 other political subdivision of this State.

5 (d) "Purchase price" means the consideration paid for the  
6 distribution, supply, furnishing, sale, transmission or  
7 delivery of electricity to a person for non-residential use or  
8 consumption (and for both residential and non-residential use  
9 or consumption in the case of electricity purchased from a  
10 municipal system or electric cooperative described in  
11 subsection (b) of Section 2-4) and not for resale, and for all  
12 services directly related to the production, transmission or  
13 distribution of electricity distributed, supplied, furnished,  
14 sold, transmitted or delivered for non-residential use or  
15 consumption, and includes transition charges imposed in  
16 accordance with Article XVI of the Public Utilities Act and  
17 instrument funding charges imposed in accordance with Article  
18 XVIII of the Public Utilities Act, as well as cash, services  
19 and property of every kind or nature, and shall be determined  
20 without any deduction on account of the cost of the service,  
21 product or commodity supplied, the cost of materials used,  
22 labor or service costs, or any other expense whatsoever.  
23 However, "purchase price" shall not include consideration paid  
24 for:

- 25 (i) any charge for a dishonored check;
- 26 (ii) any finance or credit charge, penalty or charge  
27 for delayed payment, or discount for prompt payment;
- 28 (iii) any charge for reconnection of service or for  
29 replacement or relocation of facilities;
- 30 (iv) any advance or contribution in aid of  
31 construction;
- 32 (v) repair, inspection or servicing of equipment  
33 located on customer premises;
- 34 (vi) leasing or rental of equipment, the leasing or  
35 rental of which is not necessary to furnishing, supplying  
36 or selling electricity;

1 (vii) any purchase by a purchaser if the supplier is  
2 prohibited by federal or State constitution, treaty,  
3 convention, statute or court decision from recovering the  
4 related tax liability from such purchaser; and

5 (viii) any amounts added to purchasers' bills because  
6 of charges made pursuant to the tax imposed by this Law.

7 In case credit is extended, the amount thereof shall be  
8 included only as and when payments are made.

9 "Purchase price" shall not include consideration received  
10 from business enterprises certified under Section 9-222.1 or  
11 9-222.1A of the Public Utilities Act, as amended, to the extent  
12 of such exemption and during the period of time specified by  
13 the Department of Commerce and Economic Opportunity ~~Community~~  
14 ~~Affairs~~.

15 (e) "Purchaser" means any person who acquires electricity  
16 for use or consumption and not for resale, for a valuable  
17 consideration.

18 (f) "Non-residential electric use" means any use or  
19 consumption of electricity which is not residential electric  
20 use.

21 (g) "Residential electric use" means electricity used or  
22 consumed at a dwelling of 2 or fewer units, or electricity for  
23 household purposes used or consumed at a building with multiple  
24 dwelling units where the electricity is registered by a  
25 separate meter for each dwelling unit.

26 (h) "Self-assessing purchaser" means a purchaser for  
27 non-residential electric use who elects to register with and to  
28 pay tax directly to the Department in accordance with Sections  
29 2-10 and 2-11 of this Law.

30 (i) "Delivering supplier" means any person engaged in the  
31 business of delivering electricity to persons for use or  
32 consumption and not for resale, but not an entity engaged in  
33 the practice of resale and redistribution of electricity within  
34 a building prior to January 2, 1957, and who, in any case where  
35 more than one person participates in the delivery of  
36 electricity to a specific purchaser, is the last of the

1 suppliers engaged in delivering the electricity prior to its  
2 receipt by the purchaser.

3 (j) "Delivering supplier maintaining a place of business in  
4 this State", or any like term, means any delivering supplier  
5 having or maintaining within this State, directly or by a  
6 subsidiary, an office, generation facility, transmission  
7 facility, distribution facility, sales office or other place of  
8 business, or any employee, agent or other representative  
9 operating within this State under the authority of such  
10 delivering supplier or such delivering supplier's subsidiary,  
11 irrespective of whether such place of business or agent or  
12 other representative is located in this State permanently or  
13 temporarily, or whether such delivering supplier or such  
14 delivering supplier's subsidiary is licensed to do business in  
15 this State.

16 (k) "Use" means the exercise by any person of any right or  
17 power over electricity incident to the ownership of that  
18 electricity, except that it does not include the generation,  
19 production, transmission, distribution, delivery or sale of  
20 electricity in the regular course of business or the use of  
21 electricity for such purposes.

22 (Source: P.A. 91-914, eff. 7-7-00; 92-310, eff. 8-9-01; revised  
23 12-6-03.)

24 (35 ILCS 640/2-4)

25 Sec. 2-4. Tax imposed.

26 (a) Except as provided in subsection (b), a tax is imposed  
27 on the privilege of using in this State electricity purchased  
28 for use or consumption and not for resale, other than by  
29 municipal corporations owning and operating a local  
30 transportation system for public service, at the following  
31 rates per kilowatt-hour delivered to the purchaser:

32 (i) For the first 2000 kilowatt-hours used or consumed  
33 in a month: 0.330 cents per kilowatt-hour;

34 (ii) For the next 48,000 kilowatt-hours used or  
35 consumed in a month: 0.319 cents per kilowatt-hour;

1 (iii) For the next 50,000 kilowatt-hours used or  
2 consumed in a month: 0.303 cents per kilowatt-hour;

3 (iv) For the next 400,000 kilowatt-hours used or  
4 consumed in a month: 0.297 cents per kilowatt-hour;

5 (v) For the next 500,000 kilowatt-hours used or  
6 consumed in a month: 0.286 cents per kilowatt-hour;

7 (vi) For the next 2,000,000 kilowatt-hours used or  
8 consumed in a month: 0.270 cents per kilowatt-hour;

9 (vii) For the next 2,000,000 kilowatt-hours used or  
10 consumed in a month: 0.254 cents per kilowatt-hour;

11 (viii) For the next 5,000,000 kilowatt-hours used or  
12 consumed in a month: 0.233 cents per kilowatt-hour;

13 (ix) For the next 10,000,000 kilowatt-hours used or  
14 consumed in a month: 0.207 cents per kilowatt-hour;

15 (x) For all electricity in excess of 20,000,000  
16 kilowatt-hours used or consumed in a month: 0.202 cents per  
17 kilowatt-hour.

18 Provided, that in lieu of the foregoing rates, the tax is  
19 imposed on a self-assessing purchaser at the rate of 5.1% of  
20 the self-assessing purchaser's purchase price for all  
21 electricity distributed, supplied, furnished, sold,  
22 transmitted and delivered to the self-assessing purchaser in a  
23 month.

24 (b) A tax is imposed on the privilege of using in this  
25 State electricity purchased from a municipal system or electric  
26 cooperative, as defined in Article XVII of the Public Utilities  
27 Act, which has not made an election as permitted by either  
28 Section 17-200 or Section 17-300 of such Act, at the lesser of  
29 0.32 cents per kilowatt hour of all electricity distributed,  
30 supplied, furnished, sold, transmitted, and delivered by such  
31 municipal system or electric cooperative to the purchaser or 5%  
32 of each such purchaser's purchase price for all electricity  
33 distributed, supplied, furnished, sold, transmitted, and  
34 delivered by such municipal system or electric cooperative to  
35 the purchaser, whichever is the lower rate as applied to each  
36 purchaser in each billing period.

1 (c) The tax imposed by this Section 2-4 is not imposed with  
2 respect to any use of electricity by business enterprises  
3 certified under Section 9-222.1 or 9-222.1A of the Public  
4 Utilities Act, as amended, to the extent of such exemption and  
5 during the time specified by the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~; or with respect to any  
7 transaction in interstate commerce, or otherwise, to the extent  
8 to which such transaction may not, under the Constitution and  
9 statutes of the United States, be made the subject of taxation  
10 by this State.

11 (Source: P.A. 90-561, eff. 8-1-98; 91-914, eff. 7-7-00; revised  
12 12-6-03.)

13 Section 535. The Illinois Pension Code is amended by  
14 changing Sections 1-103.3, 14-108.4, and 14-134 as follows:

15 (40 ILCS 5/1-103.3)

16 Sec. 1-103.3. Application of 1994 amendment; funding  
17 standard.

18 (a) The provisions of this amendatory Act of 1994 that  
19 change the method of calculating, certifying, and paying the  
20 required State contributions to the retirement systems  
21 established under Articles 2, 14, 15, 16, and 18 shall first  
22 apply to the State contributions required for State fiscal year  
23 1996.

24 (b) The General Assembly declares that a funding ratio (the  
25 ratio of a retirement system's total assets to its total  
26 actuarial liabilities) of 90% is an appropriate goal for  
27 State-funded retirement systems in Illinois, and it finds that  
28 a funding ratio of 90% is now the generally-recognized norm  
29 throughout the nation for public employee retirement systems  
30 that are considered to be financially secure and funded in an  
31 appropriate and responsible manner.

32 (c) Every 5 years, beginning in 1999, the Illinois Economic  
33 and Fiscal Commission, in consultation with the affected  
34 retirement systems and the Governor's Office of Management and

1 Budget (formerly Bureau of the Budget), shall consider and  
2 determine whether the 90% funding ratio adopted in subsection  
3 (b) continues to represent an appropriate goal for State-funded  
4 retirement systems in Illinois, and it shall report its  
5 findings and recommendations on this subject to the Governor  
6 and the General Assembly.

7 (Source: P.A. 88-593, eff. 8-22-94; revised 8-23-03.)

8 (40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)

9 Sec. 14-108.4. State police early retirement incentives.

10 (a) To be eligible for the benefits provided in this  
11 Section, a person must:

12 (1) be a member of this System who, on any day during  
13 October, 1992, is in active payroll status in a position of  
14 employment with the Department of State Police for which  
15 eligible creditable service is being earned under Section  
16 14-110;

17 (2) have not previously retired under this Article;

18 (3) file a written application requesting the benefits  
19 provided in this Section with the Director of State Police  
20 and the Board on or before January 20, 1993;

21 (4) establish eligibility to receive a retirement  
22 annuity under Section 14-110 by January 31, 1993 (for which  
23 purpose any age enhancement or creditable service received  
24 under this Section may be used) and elect to receive the  
25 retirement annuity beginning not earlier than January 1,  
26 1993 and not later than February 1, 1993, except that with  
27 the written permission of the Director of State Police, the  
28 effective date of the retirement annuity may be postponed  
29 to no later than July 1, 1993.

30 (b) An eligible person may establish up to 5 years of  
31 creditable service under this Article, in increments of one  
32 month, by making the contributions specified in subsection (c).  
33 In addition, for each month of creditable service established  
34 under this Section, a person's age at retirement shall be  
35 deemed to be one month older than it actually is.

1           The creditable service established under this Section  
2 shall be deemed eligible creditable service as defined in  
3 Section 14-110, and may be used for all purposes under this  
4 Article and the Retirement Systems Reciprocal Act, except for  
5 the computation of final average compensation under Section  
6 14-103.12, or the determination of compensation under this or  
7 any other Article of this Code.

8           The age enhancement established under this Section may be  
9 used for all purposes under this Article (including calculation  
10 of a proportionate annuity payable by this System under the  
11 Retirement Systems Reciprocal Act), except for purposes of the  
12 level income option in Section 14-112, the reversionary annuity  
13 under Section 14-113, and the required distributions under  
14 Section 14-121.1. However, age enhancement established under  
15 this Section shall not be used in determining benefits payable  
16 under other Articles of this Code under the Retirement Systems  
17 Reciprocal Act.

18           (c) For all creditable service established under this  
19 Section, a person must pay to the System an employee  
20 contribution to be determined by the System, based on the  
21 member's final rate of compensation and one-half of the total  
22 retirement contribution rate in effect for the member under  
23 subdivision (a) (3) of Section 14-133 on the date of withdrawal.

24           If the member receives a lump sum payment for accumulated  
25 vacation, sick leave and personal leave upon withdrawal from  
26 service, and the net amount of that lump sum payment is at  
27 least as great as the amount of the contribution required under  
28 this Section, the entire contribution (or so much of it as does  
29 not exceed the contribution limitations of Section 415 of the  
30 Internal Revenue Code of 1986) must be paid by the employee  
31 before the retirement annuity may become payable. If there is  
32 no such lump sum payment, or if it is less than the  
33 contribution required under this Section, the member may either  
34 pay the entire contribution before the retirement annuity  
35 becomes payable, or may instead make an initial payment before  
36 the retirement annuity becomes payable, equal to the net amount



1 of the lump sum payment for accumulated vacation, sick leave  
2 and personal leave (or so much of it as does not exceed the  
3 contribution limitations of Section 415 of the Internal Revenue  
4 Code of 1986), and have the remaining amount due deducted from  
5 the retirement annuity in 24 equal monthly installments  
6 beginning in the month in which the retirement annuity takes  
7 effect.

8 However, if the net amount of the lump sum payment for  
9 accumulated vacation, sick leave and personal leave equals or  
10 exceeds the contribution required under this Section, but the  
11 required contribution exceeds an applicable contribution  
12 limitation contained in Section 415 of the Internal Revenue  
13 Code of 1986, then the amount of the contribution in excess of  
14 the Section 415 limitation shall instead be paid by the  
15 annuitant in January of 1994. If this additional amount is not  
16 paid as required, the retirement annuity shall be suspended  
17 until the required contribution is received.

18 (d) Notwithstanding Section 14-111, an annuitant who has  
19 received any age enhancement or creditable service under this  
20 Section and who reenters service under this Article other than  
21 as a temporary employee shall thereby forfeit such age  
22 enhancement and creditable service, and become entitled to a  
23 refund of the contributions made pursuant to this Section.

24 (e) The Board shall determine the unfunded accrued  
25 liability created by the granting of early retirement benefits  
26 to State policemen under this Section, and shall certify the  
27 amount of that liability to the Department of State Police, the  
28 State Comptroller, the State Treasurer, and the Bureau of the  
29 Budget (now Governor's Office of Management and Budget) by June  
30 1, 1993, or as soon thereafter as is practical. In addition to  
31 any other payments to the System required under this Code, the  
32 Department of State Police shall pay to the System the amount  
33 of that unfunded accrued liability, out of funds appropriated  
34 to the Department for that purpose, over a period of 7 years at  
35 the rate of 14.3% of the certified amount per year, plus  
36 interest on the unpaid balance at the actuarial rate as

1 calculated and certified annually by the Board. Beginning in  
2 State fiscal year 1996, the liability created under this  
3 subsection (e) shall be included in the calculation of the  
4 required State contribution under Section 14-131 and no  
5 additional payments need be made under this subsection.

6 (Source: P.A. 87-1265; 88-593, eff. 8-22-94; revised 8-23-03.)

7 (40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)

8 Sec. 14-134. Board created. The retirement system created  
9 by this Article shall be a trust, separate and distinct from  
10 all other entities. The responsibility for the operation of the  
11 system and for making effective this Article is vested in a  
12 board of trustees.

13 The board shall consist of 7 trustees, as follows:

14 (a) the Director of the Governor's Office of Management and  
15 Budget ~~Bureau of the Budget~~; (b) the Comptroller; (c) one  
16 trustee, not a State employee, who shall be Chairman, to be  
17 appointed by the Governor for a 5 year term; (d) two members of  
18 the system, one of whom shall be an annuitant age 60 or over,  
19 having at least 8 years of creditable service, to be appointed  
20 by the Governor for terms of 5 years; (e) one member of the  
21 system having at least 8 years of creditable service, to be  
22 elected from the contributing membership of the system by the  
23 contributing members as provided in Section 14-134.1; (f) one  
24 annuitant of the system who has been an annuitant for at least  
25 one full year, to be elected from and by the annuitants of the  
26 system, as provided in Section 14-134.1. The Director of the  
27 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
28 and the Comptroller shall be ex-officio members and shall serve  
29 as trustees during their respective terms of office, except  
30 that each of them may designate another officer or employee  
31 from the same agency to serve in his or her place. However, no  
32 ex-officio member may designate a different proxy within one  
33 year after designating a proxy unless the person last so  
34 designated has become ineligible to serve in that capacity.  
35 Except for the elected trustees, any vacancy in the office of

1 trustee shall be filled in the same manner as the office was  
2 filled previously.

3 A trustee shall serve until a successor qualifies, except  
4 that a trustee who is a member of the system shall be  
5 disqualified as a trustee immediately upon terminating service  
6 with the State.

7 Each trustee is entitled to one vote on the board, and 4  
8 trustees shall constitute a quorum for the transaction of  
9 business. The affirmative votes of a majority of the trustees  
10 present, but at least 3 trustees, shall be necessary for action  
11 by the board at any meeting. The board's action of July 22,  
12 1986, by which it amended the bylaws of the system to increase  
13 the number of affirmative votes required for board action from  
14 3 to 4 (in response to Public Act 84-1028, which increased the  
15 number of trustees from 5 to 7), and the board's rejection,  
16 between that date and the effective date of this amendatory Act  
17 of 1993, of proposed actions not receiving at least 4  
18 affirmative votes, are hereby validated.

19 The trustees shall serve without compensation, but shall be  
20 reimbursed from the funds of the system for all necessary  
21 expenses incurred through service on the board.

22 Each trustee shall take an oath of office that he or she  
23 will diligently and honestly administer the affairs of the  
24 system, and will not knowingly violate or willfully permit the  
25 violation of any of the provisions of law applicable to the  
26 system. The oath shall be subscribed to by the trustee making  
27 it, certified by the officer before whom it is taken, and filed  
28 with the Secretary of State. A trustee shall qualify for  
29 membership on the board when the oath has been approved by the  
30 board.

31 (Source: P.A. 87-1265; revised 8-23-03.)

32 Section 540. The Regional Planning Commission Act is  
33 amended by changing Section 1 as follows:

34 (50 ILCS 15/1) (from Ch. 85, par. 1021)

1           Sec. 1. Governing bodies of counties, cities, or other  
2 local governmental units, when authorized by the Department of  
3 Commerce and Economic Opportunity ~~Community Affairs~~, may  
4 cooperate with the governing bodies of the counties and cities  
5 or other governing bodies of any adjoining state or states in  
6 the creation of a joint planning commission where such  
7 cooperation has been authorized by law by the adjoining state  
8 or states. Such a joint planning commission may be designated  
9 to be a regional or metropolitan planning commission and shall  
10 have powers, duties and functions as authorized by "An Act to  
11 provide for regional planning and for the creation,  
12 organization and powers of regional planning commissions",  
13 approved June 25, 1929, as heretofore or hereafter amended,  
14 and, as agreed among the governing bodies. Such a planning  
15 commission shall be a legal entity for all purposes.

16           (Source: P.A. 81-1509; revised 12-6-03.)

17           Section 545. The Local Government Financial Planning and  
18 Supervision Act is amended by changing Sections 5 and 12 as  
19 follows:

20           (50 ILCS 320/5) (from Ch. 85, par. 7205)

21           Sec. 5. Establishment of commission.

22           (a) This subsection (a) applies through December 31, 1992.

23           (1) Upon receipt of a petition for establishment of a  
24 financial planning and supervision commission, the  
25 Governor may direct the establishment of such a commission  
26 if the Governor determines that a fiscal emergency exists.

27           (2) Prior to making such determination, the Governor  
28 shall give reasonable notice and opportunity for a hearing  
29 to all creditors of the petitioning unit of local  
30 government who are subject to the stay provisions of  
31 Section 7 of this Act. The determination shall be entered  
32 not less than 60 days after the filing of the petition. A  
33 determination of fiscal emergency by the Governor shall be  
34 a final administrative decision subject to the provisions

1 of the Administrative Review Law. The court on such review  
2 may grant exceptions to the stay provisions of Section 7 of  
3 this Act as adequate protection of creditors' interests or  
4 equity may require. The commission shall convene within 30  
5 days of the entry by the Governor of his or her  
6 determination of the fiscal emergency.

7 (3) (A) The Commission shall consist of 7 Directors.

8 (B) One Director shall be appointed by the chief  
9 executive officer of the unit of local government.

10 (C) One Director shall be appointed by the majority  
11 vote of the governing body of the unit of local  
12 government.

13 (D) Five Directors shall be appointed by the  
14 Governor, with the advice and consent of the Senate.  
15 The Governor shall select one of the Directors to serve  
16 as Chairperson during the term of his or her  
17 appointment. Of the initial Directors so appointed, 3  
18 shall be appointed to serve for terms expiring 3 years  
19 from the date of their appointment, and 2 shall be  
20 appointed to serve for terms expiring 2 years from the  
21 date of their appointment. Thereafter, each Director  
22 appointed by the Governor shall be appointed to hold  
23 office for a term of 3 years and until his or her  
24 successor has been appointed as provided in Section  
25 8-12-7 of the Illinois Municipal Code. Directors shall  
26 be eligible for reappointment. Any vacancy which shall  
27 arise shall be filled by appointment by the Governor,  
28 with the advice and consent of the Senate, for the  
29 unexpired term and until a successor Director has been  
30 appointed as provided in Section 8-12-7 of the Illinois  
31 Municipal Code. A vacancy shall occur upon  
32 resignation, death, conviction of a felony, or removal  
33 from office of a Director. A Director may be removed  
34 for incompetency, malfeasance, or neglect of duty at  
35 the instance of the Governor. If the Senate is not in  
36 session or is in recess when appointments subject to

1 its confirmation are made, the Governor shall make  
2 temporary appointments which shall be subject to  
3 subsequent Senate approval.

4 (b) This subsection (b) applies on and after January 1,  
5 1993.

6 (1) Upon receipt of a petition for establishment of a  
7 financial planning and supervision commission, the  
8 Governor may direct the establishment of such a commission  
9 if the Governor determines that a fiscal emergency exists.

10 (2) Prior to making such determination, the Governor  
11 shall give reasonable notice and opportunity for a hearing  
12 to all creditors of the petitioning unit of local  
13 government. The determination shall be entered not less  
14 than 60 days after the filing of the petition. A  
15 determination of fiscal emergency by the Governor shall be  
16 a final administrative decision subject to the provisions  
17 of the Administrative Review Law. The court on such review  
18 may grant exceptions to the stay provisions of Section 7 of  
19 this Act as adequate protection of creditors' interests or  
20 equity may require. The commission shall convene within 30  
21 days of the entry by the Governor of his or her  
22 determination of the fiscal emergency.

23 (3) A commission shall consist of 11 members:

24 (A) Eight members as follows: the Governor, the  
25 State Comptroller, the Director of Revenue, the  
26 Director of the Governor's Office of Management and  
27 Budget ~~Bureau of the Budget~~, the State Treasurer, the  
28 Executive Director of the Illinois Finance Authority,  
29 the Director of the Department of Commerce and Economic  
30 Opportunity ~~Community Affairs~~ and the presiding  
31 officer of the governing body of the unit of local  
32 government, or their respective designees. A designee,  
33 when present, shall be counted in determining whether a  
34 quorum is present at any meeting of the commission and  
35 may vote and participate in all proceedings and actions  
36 of the commission. The designations shall be in

1 writing, executed by the member making the  
2 designation, and filed with the secretary of the  
3 commission. The designations may be changed from time  
4 to time in like manner, but due regard shall be given  
5 to the need for continuity. The Governor shall appoint  
6 a chairman of the commission from among the 8 members  
7 described in this subparagraph (A).

8 (B) Three members nominated and appointed as  
9 follows: the governing body and chief governing  
10 officer of the unit of local government shall submit in  
11 writing to the chairman of the commission the  
12 nomination of 5 persons agreed to by them and meeting  
13 the qualifications set forth in this Act. Nominations  
14 shall accompany the petition for establishment of the  
15 financial planning and supervision commission. If the  
16 chairman is not satisfied that at least 3 of the  
17 nominees are well qualified, he shall notify the  
18 governing body of the unit of local government to  
19 submit in writing, within 5 days, additional nominees,  
20 not exceeding 3. The chairman shall appoint 3 members  
21 from all the nominees so submitted or a lesser number  
22 that he considers well qualified. Each of the 3  
23 appointed members shall serve for a term of one year,  
24 subject to removal by the chairman for misfeasance,  
25 nonfeasance or malfeasance in office. Upon the  
26 expiration of the term of an appointed member, or in  
27 the event of the death, resignation, incapacity or  
28 removal, or other ineligibility to serve of an  
29 appointed member, the chairman shall appoint a  
30 successor pursuant to the process of original  
31 appointment.

32 Each of the 3 appointed members shall be an  
33 individual:

34 (i) Who has knowledge and experience in  
35 financial matters, financial management, or  
36 business organization or operations, including

1           experience in the private sector in management of  
2           business or financial enterprise, or in management  
3           consulting, public accounting, or other  
4           professional activity; and

5                   (ii) Who has not at any time during the 2 years  
6           preceding the date of appointment held any elected  
7           public office.

8           The governing body and chief governing officer of the  
9           unit of local government, to the extent possible, shall  
10          nominate members whose residency, office, or principal  
11          place of professional or business activity is situated  
12          within the unit of local government.

13          An appointed member of the commission shall not  
14          become a candidate for elected public office while  
15          serving as a member of the commission.

16          (4) Immediately after his appointment of the initial 3  
17          appointed members of the commission, the chairman shall  
18          call the first meeting of the commission and shall cause  
19          written notice of the time, date and place of the first  
20          meeting to be given to each member of the commission at  
21          least 48 hours in advance of the meeting.

22          (5) The commission members shall select one of their  
23          number to serve as treasurer of the commission.

24          (Source: P.A. 93-205, eff. 1-1-04; revised 8-23-03.)

25                   (50 ILCS 320/12) (from Ch. 85, par. 7212)

26          Sec. 12. Expenses incurred by commission. Any expense or  
27          obligation incurred by the financial planning and supervision  
28          commission under this Act shall be payable solely from  
29          appropriations made for that purpose by the General Assembly.

30          The commission is authorized to maintain monies  
31          appropriated for its use in a local account for such purposes  
32          to be held outside the State Treasury. Disbursements from this  
33          account shall require the approval and signatures of the  
34          chairman of the commission and the treasurer of the commission.  
35          The commission shall be authorized to request the State



1 Comptroller and State Treasurer to issue State warrants against  
2 appropriations made for its use, in anticipation of commission  
3 expenses, for deposit into the local account.

4 The compensation and expenses of a financial advisor  
5 retained by the commission shall be paid from monies  
6 appropriated to the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ for that purpose. Those  
8 appropriations shall only be committed, obligated, and  
9 expended by the Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~ as the result of an order signed by the  
11 chairman of the commission identifying the selected "financial  
12 advisor" pursuant to subsection (c) of Section 6 of this Act  
13 and stating the maximum compensation awarded to the financial  
14 advisor under the contract. A copy of the order shall be filed  
15 with the State Comptroller prior to any disbursement of funds.  
16 (Source: P.A. 86-1211; revised 12-6-03.)

17 Section 550. The Illinois Municipal Budget Law is amended  
18 by changing Section 2 as follows:

19 (50 ILCS 330/2) (from Ch. 85, par. 802)

20 Sec. 2. The following terms, unless the context otherwise  
21 indicates, have the following meaning:

22 (1) "Municipality" means and includes all municipal  
23 corporations and political subdivisions of this State, or any  
24 such unit or body hereafter created by authority of law, except  
25 the following: (a) The State of Illinois; (b) counties; (c)  
26 cities, villages and incorporated towns; (d) sanitary  
27 districts created under "An Act to create sanitary districts  
28 and to remove obstructions in the Des Plaines and Illinois  
29 Rivers", approved May 29, 1889, as amended; (e) forest preserve  
30 districts having a population of 500,000 or more, created under  
31 "An Act to provide for the creation and management of forest  
32 preserve districts and repealing certain Acts therein named",  
33 approved June 27, 1913, as amended; (f) school districts; (g)  
34 the Chicago Park District created under "An Act in relation to

1 the creation, maintenance, operation and improvement of the  
2 Chicago Park District", approved, June 10, 1933, as amended;  
3 (h) park districts created under "The Park District Code",  
4 approved July 8, 1947, as amended; (i) the Regional  
5 Transportation Authority created under the "Regional  
6 Transportation Authority Act", enacted by the 78th General  
7 Assembly; and (j) the Illinois Sports Facilities Authority.

8 (2) "Governing body" means the corporate authorities,  
9 body, or other officer of the municipality authorized by law to  
10 raise revenue, appropriate funds, or levy taxes for the  
11 operation and maintenance thereof.

12 (3) "Department" means the Department of Commerce and  
13 Economic Opportunity ~~Community Affairs~~.

14 (Source: P.A. 85-1034; revised 12-6-03.)

15 Section 555. The Emergency Telephone System Act is amended  
16 by changing Section 13 as follows:

17 (50 ILCS 750/13) (from Ch. 134, par. 43)

18 Sec. 13. On or before February 16, 1979, and again on or  
19 before February 16, 1981, the Commission shall report to the  
20 General Assembly the progress in the implementation of systems  
21 required by this Act. Such reports shall contain his  
22 recommendations for additional legislation.

23 In December of 1979 and in December of 1980 the Commission,  
24 with the advice and assistance of the Attorney General, shall  
25 submit recommendations to the Bureau of the Budget (now  
26 Governor's Office of Management and Budget) and to the Governor  
27 specifying amounts necessary to further implement the  
28 organization of telephone systems specified in this Act during  
29 the succeeding fiscal year. The report specified in this  
30 paragraph shall contain, in addition, an estimate of the fiscal  
31 impact to local public agencies which will be caused by  
32 implementation of this Act.

33 By March 1 in 1979 and every even-numbered year thereafter,  
34 each telephone company shall file a report with the Commission

1 and the General Assembly specifying, in such detail as the  
2 Commission has by rule or regulation required, the extent to  
3 which it has implemented a planned emergency telephone system  
4 and its projected further implementation of such a system.

5 The requirement for reporting to the General Assembly shall  
6 be satisfied by filing copies of the report with the Speaker,  
7 the Minority Leader and the Clerk of the House of  
8 Representatives and the President, the Minority Leader and the  
9 Secretary of the Senate and the Legislative Research Unit, as  
10 required by Section 3.1 of "An Act to revise the law in  
11 relation to the General Assembly", approved February 25, 1874,  
12 as amended, and filing such additional copies with the State  
13 Government Report Distribution Center for the General Assembly  
14 as is required under paragraph (t) of Section 7 of the State  
15 Library Act.

16 (Source: P.A. 84-1438; revised 8-23-03.)

17 Section 560. The Local Land Resource Management Planning  
18 Act is amended by changing Sections 3 and 8 as follows:

19 (50 ILCS 805/3) (from Ch. 85, par. 5803)

20 Sec. 3. Definitions. As used in this Act, the following  
21 words and phrases have the following meanings:

22 A. "Department" means the Department of Commerce and  
23 Economic Opportunity ~~Community Affairs~~.

24 B. "Local Land Resource Management Plan" means a map of  
25 existing and generalized proposed land use and a policy  
26 statement in the form of words, numbers, illustrations, or  
27 other symbols of communication adopted by the municipal and  
28 county governing bodies. The Local Land Resource Management  
29 Plan may interrelate functional, visual and natural systems and  
30 activities relating to the use of land. It shall include but  
31 not be limited to sewer and water systems, energy distribution  
32 systems, recreational facilities, public safety facilities and  
33 their relationship to natural resources, air, water and land  
34 quality management or conservation programs within its

1 jurisdiction. Such a plan shall be deemed to be "joint or  
2 compatible" when so declared by joint resolution of the  
3 affected municipality and county, or when separate plans have  
4 been referred to the affected municipality or county for review  
5 and suggestions, and such suggestions have been duly considered  
6 by the adopting jurisdiction and a reasonable basis for  
7 provisions of a plan that are contrary to the suggestions is  
8 stated in a resolution of the adopting jurisdiction.

9 C. "Land" means the earth, water and air, above, below or  
10 on the surface, and including any improvements or structures  
11 customarily regarded as land.

12 D. "Municipality" means any city, village or incorporated  
13 town.

14 E. "Unit of local government" means any county,  
15 municipality, township or special district which exercises  
16 limited governmental functions or provides services in respect  
17 to limited governmental subjects.

18 (Source: P.A. 84-865; revised 12-6-03.)

19 (50 ILCS 805/8) (from Ch. 85, par. 5808)

20 Sec. 8. Planning Grants. (a) The Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~ may make annual grants  
22 to counties and municipalities to develop, update, administer  
23 and implement Local Land Resource Management Plans, as defined  
24 in this Act.

25 (b) A recipient local government may receive an initial  
26 grant to develop a plan after filing a resolution of intent to  
27 develop a plan. The plan shall be completed within 18 months of  
28 the receipt of the grant.

29 (c) The amount of the initial grant and the annual grant to  
30 be received by the recipient shall be based on the most recent  
31 updated U. S. Census at a rate of one dollar per person, but  
32 shall not be less than \$20,000 and shall not exceed \$100,000  
33 per fiscal year.

34 (d) The Department of Commerce and Economic Opportunity  
35 ~~Community Affairs~~ may promulgate such rules and regulations

1 establishing procedures for determining entitlement and  
2 eligible uses of such grants as it deems necessary for the  
3 purposes of this Act.

4 (Source: P.A. 84-865; revised 12-6-03.)

5 Section 565. The County Economic Development Project Area  
6 Property Tax Allocation Act is amended by changing Section 3 as  
7 follows:

8 (55 ILCS 85/3) (from Ch. 34, par. 7003)

9 Sec. 3. Definitions. In this Act, words or terms shall have  
10 the following meanings unless the context usage clearly  
11 indicates that another meaning is intended.

12 (a) "Department" means the Department of Commerce and  
13 Economic Opportunity ~~Community Affairs~~.

14 (b) "Economic development plan" means the written plan of a  
15 county which sets forth an economic development program for an  
16 economic development project area. Each economic development  
17 plan shall include but not be limited to (1) estimated economic  
18 development project costs, (2) the sources of funds to pay such  
19 costs, (3) the nature and term of any obligations to be issued  
20 by the county to pay such costs, (4) the most recent equalized  
21 assessed valuation of the economic development project area,  
22 (5) an estimate of the equalized assessed valuation of the  
23 economic development project area after completion of the  
24 economic development plan, (6) the estimated date of completion  
25 of any economic development project proposed to be undertaken,  
26 (7) a general description of any proposed developer, user, or  
27 tenant of any property to be located or improved within the  
28 economic development project area, (8) a description of the  
29 type, structure and general character of the facilities to be  
30 developed or improved in the economic development project area,  
31 (9) a description of the general land uses to apply in the  
32 economic development project area, (10) a description of the  
33 type, class and number of employees to be employed in the  
34 operation of the facilities to be developed or improved in the

1 economic development project area and (11) a commitment by the  
2 county to fair employment practices and an affirmative action  
3 plan with respect to any economic development program to be  
4 undertaken by the county.

5 (c) "Economic development project" means any development  
6 project in furtherance of the objectives of this Act.

7 (d) "Economic development project area" means any improved  
8 or vacant area which is located within the corporate limits of  
9 a county and which (1) is within the unincorporated area of  
10 such county, or, with the consent of any affected municipality,  
11 is located partially within the unincorporated area of such  
12 county and partially within one or more municipalities, (2) is  
13 contiguous, (3) is not less in the aggregate than 100 acres,  
14 (4) is suitable for siting by any commercial, manufacturing,  
15 industrial, research or transportation enterprise of  
16 facilities to include but not be limited to commercial  
17 businesses, offices, factories, mills, processing plants,  
18 assembly plants, packing plants, fabricating plants,  
19 industrial or commercial distribution centers, warehouses,  
20 repair overhaul or service facilities, freight terminals,  
21 research facilities, test facilities or transportation  
22 facilities, whether or not such area has been used at any time  
23 for such facilities and whether or not the area has been used  
24 or is suitable for such facilities and whether or not the area  
25 has been used or is suitable for other uses, including  
26 commercial agricultural purposes, and (5) which has been  
27 certified by the Department pursuant to this Act.

28 (e) "Economic development project costs" means and  
29 includes the sum total of all reasonable or necessary costs  
30 incurred by a county incidental to an economic development  
31 project, including, without limitation, the following:

32 (1) Costs of studies, surveys, development of plans and  
33 specifications, implementation and administration of an  
34 economic development plan, personnel and professional  
35 service costs for architectural, engineering, legal,  
36 marketing, financial, planning, sheriff, fire, public

1 works or other services, provided that no charges for  
2 professional services may be based on a percentage of  
3 incremental tax revenue;

4 (2) Property assembly costs within an economic  
5 development project area, including but not limited to  
6 acquisition of land and other real or personal property or  
7 rights or interests therein, and specifically including  
8 payments to developers or other non-governmental persons  
9 as reimbursement for property assembly costs incurred by  
10 such developer or other non-governmental person;

11 (3) Site preparation costs, including but not limited  
12 to clearance of any area within an economic development  
13 project area by demolition or removal of any existing  
14 buildings, structures, fixtures, utilities and  
15 improvements and clearing and grading; and including  
16 installation, repair, construction, reconstruction, or  
17 relocation of public streets, public utilities, and other  
18 public site improvements within or without an economic  
19 development project area which are essential to the  
20 preparation of the economic development project area for  
21 use in accordance with an economic development plan; and  
22 specifically including payments to developers or other  
23 non-governmental persons as reimbursement for site  
24 preparation costs incurred by such developer or  
25 non-governmental person;

26 (4) Costs of renovation, rehabilitation,  
27 reconstruction, relocation, repair or remodeling of any  
28 existing buildings, improvements, and fixtures within an  
29 economic development project area, and specifically  
30 including payments to developers or other non-governmental  
31 persons as reimbursement for such costs incurred by such  
32 developer or non-governmental person;

33 (5) Costs of construction within an economic  
34 development project area of public improvements, including  
35 but not limited to, buildings, structures, works,  
36 improvements, utilities or fixtures;

1           (6) Financing costs, including but not limited to all  
2 necessary and incidental expenses related to the issuance  
3 of obligations, payment of any interest on any obligations  
4 issued hereunder which accrues during the estimated period  
5 of construction of any economic development project for  
6 which such obligations are issued and for not exceeding 36  
7 months thereafter, and any reasonable reserves related to  
8 the issuance of such obligations;

9           (7) All or a portion of a taxing district's capital  
10 costs resulting from an economic development project  
11 necessarily incurred or estimated to be incurred by a  
12 taxing district in the furtherance of the objectives of an  
13 economic development project, to the extent that the county  
14 by written agreement accepts, approves and agrees to incur  
15 or to reimburse such costs;

16           (8) Relocation costs to the extent that a county  
17 determines that relocation costs shall be paid or is  
18 required to make payment of relocation costs by federal or  
19 State law;

20           (9) The estimated tax revenues from real property in an  
21 economic development project area acquired by a county  
22 which, according to the economic development plan, is to be  
23 used for a private use and which any taxing district would  
24 have received had the county not adopted property tax  
25 allocation financing for an economic development project  
26 area and which would result from such taxing district's  
27 levies made after the time of the adoption by the county of  
28 property tax allocation financing to the time the current  
29 equalized assessed value of real property in the economic  
30 development project area exceeds the total initial  
31 equalized value of real property in that area;

32           (10) Costs of rebating ad valorem taxes paid by any  
33 developer or other nongovernmental person in whose name the  
34 general taxes were paid for the last preceding year on any  
35 lot, block, tract or parcel of land in the economic  
36 development project area, provided that:



1           (i) such economic development project area is  
2 located in an enterprise zone created pursuant to the  
3 Illinois Enterprise Zone Act;

4           (ii) such ad valorem taxes shall be rebated only in  
5 such amounts and for such tax year or years as the  
6 county and any one or more affected taxing districts  
7 shall have agreed by prior written agreement;

8           (iii) any amount of rebate of taxes shall not  
9 exceed the portion, if any, of taxes levied by the  
10 county or such taxing district or districts which is  
11 attributable to the increase in the current equalized  
12 assessed valuation of each taxable lot, block, tract or  
13 parcel of real property in the economic development  
14 project area over and above the initial equalized  
15 assessed value of each property existing at the time  
16 property tax allocation financing was adopted for said  
17 economic development project area; and

18           (iv) costs of rebating ad valorem taxes shall be  
19 paid by a county solely from the special tax allocation  
20 fund established pursuant to this Act and shall be paid  
21 from the proceeds of any obligations issued by a  
22 county.

23           (11) Costs of job training, advanced vocational  
24 education or career education programs, including but not  
25 limited to courses in occupational, semi-technical or  
26 technical fields leading directly to employment, incurred  
27 by one or more taxing districts, provided that such costs  
28 are related to the establishment and maintenance of  
29 additional job training, advanced vocational education or  
30 career education programs for persons employed or to be  
31 employed by employers located in an economic development  
32 project area, and further provided, that when such costs  
33 are incurred by a taxing district or taxing districts other  
34 than the county, they shall be set forth in a written  
35 agreement by or among the county and the taxing district or  
36 taxing districts, which agreement describes the program to

1 be undertaken, including, but not limited to, the number of  
2 employees to be trained, a description of the training and  
3 services to be provided, the number and type of positions  
4 available or to be available, itemized costs of the program  
5 and sources of funds to pay the same, and the term of the  
6 agreement. Such costs include, specifically, the payment  
7 by community college districts of costs pursuant to Section  
8 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College  
9 Act and by school districts of costs pursuant to Sections  
10 10-22.20 and 10-23.3a of the School Code;

11 (12) Private financing costs incurred by developers or  
12 other non-governmental persons in connection with an  
13 economic development project, and specifically including  
14 payments to developers or other non-governmental persons  
15 as reimbursement for such costs incurred by such developer  
16 or other non-governmental persons provided that:

17 (A) private financing costs shall be paid or  
18 reimbursed by a county only pursuant to the prior  
19 official action of the county evidencing an intent to  
20 pay such private financing costs;

21 (B) except as provided in subparagraph (D) of this  
22 Section, the aggregate amount of such costs paid or  
23 reimbursed by a county in any one year shall not exceed  
24 30% of such costs paid or incurred by such developer or  
25 other non-governmental person in that year;

26 (C) private financing costs shall be paid or  
27 reimbursed by a county solely from the special tax  
28 allocation fund established pursuant to this Act and  
29 shall not be paid or reimbursed from the proceeds of  
30 any obligations issued by a county;

31 (D) if there are not sufficient funds available in  
32 the special tax allocation fund in any year to make  
33 such payment or reimbursement in full, any amount of  
34 such private financing costs remaining to be paid or  
35 reimbursed by a county shall accrue and be payable when  
36 funds are available in the special tax allocation fund

1 to make such payment; and

2 (E) in connection with its approval and  
3 certification of an economic development project  
4 pursuant to Section 5 of this Act, the Department shall  
5 review any agreement authorizing the payment or  
6 reimbursement by a county of private financing costs in  
7 its consideration of the impact on the revenues of the  
8 county and the affected taxing districts of the use of  
9 property tax allocation financing.

10 (f) "Obligations" means any instrument evidencing the  
11 obligation of a county to pay money, including without  
12 limitation, bonds, notes, installment or financing contracts,  
13 certificates, tax anticipation warrants or notes, vouchers,  
14 and any other evidence of indebtedness.

15 (g) "Taxing districts" means municipalities, townships,  
16 counties, and school, road, park, sanitary, mosquito  
17 abatement, forest preserve, public health, fire protection,  
18 river conservancy, tuberculosis sanitarium and any other  
19 county corporations or districts with the power to levy taxes  
20 on real property.

21 (Source: P.A. 90-655, eff. 7-30-98; revised 12-6-03.)

22 Section 570. The Illinois Municipal Code is amended by  
23 changing Sections 8-11-2, 11-31.1-14, 11-48.3-29, 11-74.4-6,  
24 11-74.4-8a, and 11-74.6-10 as follows:

25 (65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

26 Sec. 8-11-2. The corporate authorities of any municipality  
27 may tax any or all of the following occupations or privileges:

28 1. (Blank).

29 2. Persons engaged in the business of distributing,  
30 supplying, furnishing, or selling gas for use or  
31 consumption within the corporate limits of a municipality  
32 of 500,000 or fewer population, and not for resale, at a  
33 rate not to exceed 5% of the gross receipts therefrom.

34 2a. Persons engaged in the business of distributing,

1 supplying, furnishing, or selling gas for use or  
2 consumption within the corporate limits of a municipality  
3 of over 500,000 population, and not for resale, at a rate  
4 not to exceed 8% of the gross receipts therefrom. If  
5 imposed, this tax shall be paid in monthly payments.

6 3. The privilege of using or consuming electricity  
7 acquired in a purchase at retail and used or consumed  
8 within the corporate limits of the municipality at rates  
9 not to exceed the following maximum rates, calculated on a  
10 monthly basis for each purchaser:

11 (i) For the first 2,000 kilowatt-hours used or consumed  
12 in a month; 0.61 cents per kilowatt-hour;

13 (ii) For the next 48,000 kilowatt-hours used or  
14 consumed in a month; 0.40 cents per kilowatt-hour;

15 (iii) For the next 50,000 kilowatt-hours used or  
16 consumed in a month; 0.36 cents per kilowatt-hour;

17 (iv) For the next 400,000 kilowatt-hours used or  
18 consumed in a month; 0.35 cents per kilowatt-hour;

19 (v) For the next 500,000 kilowatt-hours used or  
20 consumed in a month; 0.34 cents per kilowatt-hour;

21 (vi) For the next 2,000,000 kilowatt-hours used or  
22 consumed in a month; 0.32 cents per kilowatt-hour;

23 (vii) For the next 2,000,000 kilowatt-hours used or  
24 consumed in a month; 0.315 cents per kilowatt-hour;

25 (viii) For the next 5,000,000 kilowatt-hours used or  
26 consumed in a month; 0.31 cents per kilowatt-hour;

27 (ix) For the next 10,000,000 kilowatt-hours used or  
28 consumed in a month; 0.305 cents per kilowatt-hour; and

29 (x) For all electricity used or consumed in excess of  
30 20,000,000 kilowatt-hours in a month, 0.30 cents per  
31 kilowatt-hour.

32 If a municipality imposes a tax at rates lower than  
33 either the maximum rates specified in this Section or the  
34 alternative maximum rates promulgated by the Illinois  
35 Commerce Commission, as provided below, the tax rates shall  
36 be imposed upon the kilowatt hour categories set forth

1 above with the same proportional relationship as that which  
2 exists among such maximum rates. Notwithstanding the  
3 foregoing, until December 31, 2008, no municipality shall  
4 establish rates that are in excess of rates reasonably  
5 calculated to produce revenues that equal the maximum total  
6 revenues such municipality could have received under the  
7 tax authorized by this subparagraph in the last full  
8 calendar year prior to the effective date of Section 65 of  
9 this amendatory Act of 1997; provided that this shall not  
10 be a limitation on the amount of tax revenues actually  
11 collected by such municipality.

12 Upon the request of the corporate authorities of a  
13 municipality, the Illinois Commerce Commission shall,  
14 within 90 days after receipt of such request, promulgate  
15 alternative rates for each of these kilowatt-hour  
16 categories that will reflect, as closely as reasonably  
17 practical for that municipality, the distribution of the  
18 tax among classes of purchasers as if the tax were based on  
19 a uniform percentage of the purchase price of electricity.  
20 A municipality that has adopted an ordinance imposing a tax  
21 pursuant to subparagraph 3 as it existed prior to the  
22 effective date of Section 65 of this amendatory Act of 1997  
23 may, rather than imposing the tax permitted by this  
24 amendatory Act of 1997, continue to impose the tax pursuant  
25 to that ordinance with respect to gross receipts received  
26 from residential customers through July 31, 1999, and with  
27 respect to gross receipts from any non-residential  
28 customer until the first bill issued to such customer for  
29 delivery services in accordance with Section 16-104 of the  
30 Public Utilities Act but in no case later than the last  
31 bill issued to such customer before December 31, 2000. No  
32 ordinance imposing the tax permitted by this amendatory Act  
33 of 1997 shall be applicable to any non-residential customer  
34 until the first bill issued to such customer for delivery  
35 services in accordance with Section 16-104 of the Public  
36 Utilities Act but in no case later than the last bill

1 issued to such non-residential customer before December  
2 31, 2000.

3 4. Persons engaged in the business of distributing,  
4 supplying, furnishing, or selling water for use or  
5 consumption within the corporate limits of the  
6 municipality, and not for resale, at a rate not to exceed  
7 5% of the gross receipts therefrom.

8 None of the taxes authorized by this Section may be imposed  
9 with respect to any transaction in interstate commerce or  
10 otherwise to the extent to which the business or privilege may  
11 not, under the constitution and statutes of the United States,  
12 be made the subject of taxation by this State or any political  
13 sub-division thereof; nor shall any persons engaged in the  
14 business of distributing, supplying, furnishing, selling or  
15 transmitting gas, water, or electricity, or using or consuming  
16 electricity acquired in a purchase at retail, be subject to  
17 taxation under the provisions of this Section for those  
18 transactions that are or may become subject to taxation under  
19 the provisions of the "Municipal Retailers' Occupation Tax Act"  
20 authorized by Section 8-11-1; nor shall any tax authorized by  
21 this Section be imposed upon any person engaged in a business  
22 or on any privilege unless the tax is imposed in like manner  
23 and at the same rate upon all persons engaged in businesses of  
24 the same class in the municipality, whether privately or  
25 municipally owned or operated, or exercising the same privilege  
26 within the municipality.

27 Any of the taxes enumerated in this Section may be in  
28 addition to the payment of money, or value of products or  
29 services furnished to the municipality by the taxpayer as  
30 compensation for the use of its streets, alleys, or other  
31 public places, or installation and maintenance therein,  
32 thereon or thereunder of poles, wires, pipes or other equipment  
33 used in the operation of the taxpayer's business.

34 (a) If the corporate authorities of any home rule  
35 municipality have adopted an ordinance that imposed a tax on  
36 public utility customers, between July 1, 1971, and October 1,

1 1981, on the good faith belief that they were exercising  
2 authority pursuant to Section 6 of Article VII of the 1970  
3 Illinois Constitution, that action of the corporate  
4 authorities shall be declared legal and valid, notwithstanding  
5 a later decision of a judicial tribunal declaring the ordinance  
6 invalid. No municipality shall be required to rebate, refund,  
7 or issue credits for any taxes described in this paragraph, and  
8 those taxes shall be deemed to have been levied and collected  
9 in accordance with the Constitution and laws of this State.

10 (b) In any case in which (i) prior to October 19, 1979, the  
11 corporate authorities of any municipality have adopted an  
12 ordinance imposing a tax authorized by this Section (or by the  
13 predecessor provision of the "Revised Cities and Villages Act")  
14 and have explicitly or in practice interpreted gross receipts  
15 to include either charges added to customers' bills pursuant to  
16 the provision of paragraph (a) of Section 36 of the Public  
17 Utilities Act or charges added to customers' bills by taxpayers  
18 who are not subject to rate regulation by the Illinois Commerce  
19 Commission for the purpose of recovering any of the tax  
20 liabilities or other amounts specified in such paragraph (a) of  
21 Section 36 of that Act, and (ii) on or after October 19, 1979,  
22 a judicial tribunal has construed gross receipts to exclude all  
23 or part of those charges, then neither those municipality nor  
24 any taxpayer who paid the tax shall be required to rebate,  
25 refund, or issue credits for any tax imposed or charge  
26 collected from customers pursuant to the municipality's  
27 interpretation prior to October 19, 1979. This paragraph  
28 reflects a legislative finding that it would be contrary to the  
29 public interest to require a municipality or its taxpayers to  
30 refund taxes or charges attributable to the municipality's more  
31 inclusive interpretation of gross receipts prior to October 19,  
32 1979, and is not intended to prescribe or limit judicial  
33 construction of this Section. The legislative finding set forth  
34 in this subsection does not apply to taxes imposed after the  
35 effective date of this amendatory Act of 1995.

36 (c) The tax authorized by subparagraph 3 shall be collected

1 from the purchaser by the person maintaining a place of  
2 business in this State who delivers the electricity to the  
3 purchaser. This tax shall constitute a debt of the purchaser to  
4 the person who delivers the electricity to the purchaser and if  
5 unpaid, is recoverable in the same manner as the original  
6 charge for delivering the electricity. Any tax required to be  
7 collected pursuant to an ordinance authorized by subparagraph 3  
8 and any such tax collected by a person delivering electricity  
9 shall constitute a debt owed to the municipality by such person  
10 delivering the electricity, provided, that the person  
11 delivering electricity shall be allowed credit for such tax  
12 related to deliveries of electricity the charges for which are  
13 written off as uncollectible, and provided further, that if  
14 such charges are thereafter collected, the delivering supplier  
15 shall be obligated to remit such tax. For purposes of this  
16 subsection (c), any partial payment not specifically  
17 identified by the purchaser shall be deemed to be for the  
18 delivery of electricity. Persons delivering electricity shall  
19 collect the tax from the purchaser by adding such tax to the  
20 gross charge for delivering the electricity, in the manner  
21 prescribed by the municipality. Persons delivering electricity  
22 shall also be authorized to add to such gross charge an amount  
23 equal to 3% of the tax to reimburse the person delivering  
24 electricity for the expenses incurred in keeping records,  
25 billing customers, preparing and filing returns, remitting the  
26 tax and supplying data to the municipality upon request. If the  
27 person delivering electricity fails to collect the tax from the  
28 purchaser, then the purchaser shall be required to pay the tax  
29 directly to the municipality in the manner prescribed by the  
30 municipality. Persons delivering electricity who file returns  
31 pursuant to this paragraph (c) shall, at the time of filing  
32 such return, pay the municipality the amount of the tax  
33 collected pursuant to subparagraph 3.

34 (d) For the purpose of the taxes enumerated in this  
35 Section:

36 "Gross receipts" means the consideration received for



1 distributing, supplying, furnishing or selling gas for use or  
2 consumption and not for resale, and the consideration received  
3 for distributing, supplying, furnishing or selling water for  
4 use or consumption and not for resale, and for all services  
5 rendered in connection therewith valued in money, whether  
6 received in money or otherwise, including cash, credit,  
7 services and property of every kind and material and for all  
8 services rendered therewith, and shall be determined without  
9 any deduction on account of the cost of the service, product or  
10 commodity supplied, the cost of materials used, labor or  
11 service cost, or any other expenses whatsoever. "Gross  
12 receipts" shall not include that portion of the consideration  
13 received for distributing, supplying, furnishing, or selling  
14 gas or water to business enterprises described in paragraph (e)  
15 of this Section to the extent and during the period in which  
16 the exemption authorized by paragraph (e) is in effect or for  
17 school districts or units of local government described in  
18 paragraph (f) during the period in which the exemption  
19 authorized in paragraph (f) is in effect.

20 For utility bills issued on or after May 1, 1996, but  
21 before May 1, 1997, and for receipts from those utility bills,  
22 "gross receipts" does not include one-third of (i) amounts  
23 added to customers' bills under Section 9-222 of the Public  
24 Utilities Act, or (ii) amounts added to customers' bills by  
25 taxpayers who are not subject to rate regulation by the  
26 Illinois Commerce Commission for the purpose of recovering any  
27 of the tax liabilities described in Section 9-222 of the Public  
28 Utilities Act. For utility bills issued on or after May 1,  
29 1997, but before May 1, 1998, and for receipts from those  
30 utility bills, "gross receipts" does not include two-thirds of  
31 (i) amounts added to customers' bills under Section 9-222 of  
32 the Public Utilities Act, or (ii) amount added to customers'  
33 bills by taxpayers who are not subject to rate regulation by  
34 the Illinois Commerce Commission for the purpose of recovering  
35 any of the tax liabilities described in Section 9-222 of the  
36 Public Utilities Act. For utility bills issued on or after May

1 1, 1998, and for receipts from those utility bills, "gross  
2 receipts" does not include (i) amounts added to customers'  
3 bills under Section 9-222 of the Public Utilities Act, or (ii)  
4 amounts added to customers' bills by taxpayers who are not  
5 subject to rate regulation by the Illinois Commerce Commission  
6 for the purpose of recovering any of the tax liabilities  
7 described in Section 9-222 of the Public Utilities Act.

8 For purposes of this Section "gross receipts" shall not  
9 include amounts added to customers' bills under Section 9-221  
10 of the Public Utilities Act. This paragraph is not intended to  
11 nor does it make any change in the meaning of "gross receipts"  
12 for the purposes of this Section, but is intended to remove  
13 possible ambiguities, thereby confirming the existing meaning  
14 of "gross receipts" prior to the effective date of this  
15 amendatory Act of 1995.

16 "Person" as used in this Section means any natural  
17 individual, firm, trust, estate, partnership, association,  
18 joint stock company, joint adventure, corporation, limited  
19 liability company, municipal corporation, the State or any of  
20 its political subdivisions, any State university created by  
21 statute, or a receiver, trustee, guardian or other  
22 representative appointed by order of any court.

23 "Person maintaining a place of business in this State"  
24 shall mean any person having or maintaining within this State,  
25 directly or by a subsidiary or other affiliate, an office,  
26 generation facility, distribution facility, transmission  
27 facility, sales office or other place of business, or any  
28 employee, agent, or other representative operating within this  
29 State under the authority of the person or its subsidiary or  
30 other affiliate, irrespective of whether such place of business  
31 or agent or other representative is located in this State  
32 permanently or temporarily, or whether such person, subsidiary  
33 or other affiliate is licensed or qualified to do business in  
34 this State.

35 "Public utility" shall have the meaning ascribed to it in  
36 Section 3-105 of the Public Utilities Act and shall include

1 alternative retail electric suppliers as defined in Section  
2 16-102 of that Act.

3 "Purchase at retail" shall mean any acquisition of  
4 electricity by a purchaser for purposes of use or consumption,  
5 and not for resale, but shall not include the use of  
6 electricity by a public utility directly in the generation,  
7 production, transmission, delivery or sale of electricity.

8 "Purchaser" shall mean any person who uses or consumes,  
9 within the corporate limits of the municipality, electricity  
10 acquired in a purchase at retail.

11 (e) Any municipality that imposes taxes upon public  
12 utilities or upon the privilege of using or consuming  
13 electricity pursuant to this Section whose territory includes  
14 any part of an enterprise zone or federally designated Foreign  
15 Trade Zone or Sub-Zone may, by a majority vote of its corporate  
16 authorities, exempt from those taxes for a period not exceeding  
17 20 years any specified percentage of gross receipts of public  
18 utilities received from, or electricity used or consumed by,  
19 business enterprises that:

20 (1) either (i) make investments that cause the creation  
21 of a minimum of 200 full-time equivalent jobs in Illinois,  
22 (ii) make investments of at least \$175,000,000 that cause  
23 the creation of a minimum of 150 full-time equivalent jobs  
24 in Illinois, or (iii) make investments that cause the  
25 retention of a minimum of 1,000 full-time jobs in Illinois;  
26 and

27 (2) are either (i) located in an Enterprise Zone  
28 established pursuant to the Illinois Enterprise Zone Act or  
29 (ii) Department of Commerce and Economic Opportunity  
30 ~~Community Affairs~~ designated High Impact Businesses  
31 located in a federally designated Foreign Trade Zone or  
32 Sub-Zone; and

33 (3) are certified by the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~ as complying with  
35 the requirements specified in clauses (1) and (2) of this  
36 paragraph (e).

1           Upon adoption of the ordinance authorizing the exemption,  
2 the municipal clerk shall transmit a copy of that ordinance to  
3 the Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~. The Department of Commerce and Economic Opportunity  
5 ~~Community Affairs~~ shall determine whether the business  
6 enterprises located in the municipality meet the criteria  
7 prescribed in this paragraph. If the Department of Commerce and  
8 Economic Opportunity ~~Community Affairs~~ determines that the  
9 business enterprises meet the criteria, it shall grant  
10 certification. The Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~ shall act upon certification  
12 requests within 30 days after receipt of the ordinance.

13           Upon certification of the business enterprise by the  
14 Department of Commerce and Economic Opportunity ~~Community~~  
15 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~ shall notify the Department of Revenue of the  
17 certification. The Department of Revenue shall notify the  
18 public utilities of the exemption status of the gross receipts  
19 received from, and the electricity used or consumed by, the  
20 certified business enterprises. Such exemption status shall be  
21 effective within 3 months after certification.

22           (f) A municipality that imposes taxes upon public utilities  
23 or upon the privilege of using or consuming electricity under  
24 this Section and whose territory includes part of another unit  
25 of local government or a school district may by ordinance  
26 exempt the other unit of local government or school district  
27 from those taxes.

28           (g) The amendment of this Section by Public Act 84-127  
29 shall take precedence over any other amendment of this Section  
30 by any other amendatory Act passed by the 84th General Assembly  
31 before the effective date of Public Act 84-127.

32           (h) In any case in which, before July 1, 1992, a person  
33 engaged in the business of transmitting messages through the  
34 use of mobile equipment, such as cellular phones and paging  
35 systems, has determined the municipality within which the gross  
36 receipts from the business originated by reference to the

1 location of its transmitting or switching equipment, then (i)  
2 neither the municipality to which tax was paid on that basis  
3 nor the taxpayer that paid tax on that basis shall be required  
4 to rebate, refund, or issue credits for any such tax or charge  
5 collected from customers to reimburse the taxpayer for the tax  
6 and (ii) no municipality to which tax would have been paid with  
7 respect to those gross receipts if the provisions of this  
8 amendatory Act of 1991 had been in effect before July 1, 1992,  
9 shall have any claim against the taxpayer for any amount of the  
10 tax.

11 (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02;  
12 92-526, eff. 1-1-03; revised 12-6-03.)

13 (65 ILCS 5/11-31.1-14) (from Ch. 24, par. 11-31.1-14)

14 Sec. 11-31.1-14. Application for grants. Any municipality  
15 adopting this Division may make application to the Department  
16 of Commerce and Economic Opportunity ~~Community Affairs~~ for  
17 grants to help defray the cost of establishing and maintaining  
18 a code hearing department as provided in this Division. The  
19 application for grants shall be in the manner and form  
20 prescribed by the Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~.

22 (Source: P.A. 81-1509; revised 12-6-03.)

23 (65 ILCS 5/11-48.3-29) (from Ch. 24, par. 11-48.3-29)

24 Sec. 11-48.3-29. The Authority shall receive financial  
25 support from the Department of Commerce and Economic  
26 Opportunity ~~Community Affairs~~ in the amounts that may be  
27 appropriated for such purpose.

28 (Source: P.A. 86-279; revised 12-6-03.)

29 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

30 Sec. 11-74.4-6. (a) Except as provided herein, notice of  
31 the public hearing shall be given by publication and mailing.  
32 Notice by publication shall be given by publication at least  
33 twice, the first publication to be not more than 30 nor less

1 than 10 days prior to the hearing in a newspaper of general  
2 circulation within the taxing districts having property in the  
3 proposed redevelopment project area. Notice by mailing shall be  
4 given by depositing such notice in the United States mails by  
5 certified mail addressed to the person or persons in whose name  
6 the general taxes for the last preceding year were paid on each  
7 lot, block, tract, or parcel of land lying within the project  
8 redevelopment area. Said notice shall be mailed not less than  
9 10 days prior to the date set for the public hearing. In the  
10 event taxes for the last preceding year were not paid, the  
11 notice shall also be sent to the persons last listed on the tax  
12 rolls within the preceding 3 years as the owners of such  
13 property. For redevelopment project areas with redevelopment  
14 plans or proposed redevelopment plans that would require  
15 removal of 10 or more inhabited residential units or that  
16 contain 75 or more inhabited residential units, the  
17 municipality shall make a good faith effort to notify by mail  
18 all residents of the redevelopment project area. At a minimum,  
19 the municipality shall mail a notice to each residential  
20 address located within the redevelopment project area. The  
21 municipality shall endeavor to ensure that all such notices are  
22 effectively communicated and shall include (in addition to  
23 notice in English) notice in the predominant language other  
24 than English when appropriate.

25 (b) The notices issued pursuant to this Section shall  
26 include the following:

27 (1) The time and place of public hearing;

28 (2) The boundaries of the proposed redevelopment  
29 project area by legal description and by street location  
30 where possible;

31 (3) A notification that all interested persons will be  
32 given an opportunity to be heard at the public hearing;

33 (4) A description of the redevelopment plan or  
34 redevelopment project for the proposed redevelopment  
35 project area if a plan or project is the subject matter of  
36 the hearing.

1           (5) Such other matters as the municipality may deem  
2           appropriate.

3           (c) Not less than 45 days prior to the date set for  
4           hearing, the municipality shall give notice by mail as provided  
5           in subsection (a) to all taxing districts of which taxable  
6           property is included in the redevelopment project area, project  
7           or plan and to the Department of Commerce and Economic  
8           Opportunity ~~Community Affairs~~, and in addition to the other  
9           requirements under subsection (b) the notice shall include an  
10          invitation to the Department of Commerce and Economic  
11          Opportunity ~~Community Affairs~~ and each taxing district to  
12          submit comments to the municipality concerning the subject  
13          matter of the hearing prior to the date of hearing.

14          (d) In the event that any municipality has by ordinance  
15          adopted tax increment financing prior to 1987, and has complied  
16          with the notice requirements of this Section, except that the  
17          notice has not included the requirements of subsection (b),  
18          paragraphs (2), (3) and (4), and within 90 days of the  
19          effective date of this amendatory Act of 1991, that  
20          municipality passes an ordinance which contains findings that:  
21          (1) all taxing districts prior to the time of the hearing  
22          required by Section 11-74.4-5 were furnished with copies of a  
23          map incorporated into the redevelopment plan and project  
24          substantially showing the legal boundaries of the  
25          redevelopment project area; (2) the redevelopment plan and  
26          project, or a draft thereof, contained a map substantially  
27          showing the legal boundaries of the redevelopment project area  
28          and was available to the public at the time of the hearing; and  
29          (3) since the adoption of any form of tax increment financing  
30          authorized by this Act, and prior to June 1, 1991, no objection  
31          or challenge has been made in writing to the municipality in  
32          respect to the notices required by this Section, then the  
33          municipality shall be deemed to have met the notice  
34          requirements of this Act and all actions of the municipality  
35          taken in connection with such notices as were given are hereby  
36          validated and hereby declared to be legally sufficient for all

1 purposes of this Act.

2 (e) If a municipality desires to propose a redevelopment  
3 plan for a redevelopment project area that would result in the  
4 displacement of residents from 10 or more inhabited residential  
5 units or for a redevelopment project area that contains 75 or  
6 more inhabited residential units, the municipality shall hold a  
7 public meeting before the mailing of the notices of public  
8 hearing as provided in subsection (c) of this Section. The  
9 meeting shall be for the purpose of enabling the municipality  
10 to advise the public, taxing districts having real property in  
11 the redevelopment project area, taxpayers who own property in  
12 the proposed redevelopment project area, and residents in the  
13 area as to the municipality's possible intent to prepare a  
14 redevelopment plan and designate a redevelopment project area  
15 and to receive public comment. The time and place for the  
16 meeting shall be set by the head of the municipality's  
17 Department of Planning or other department official designated  
18 by the mayor or city or village manager without the necessity  
19 of a resolution or ordinance of the municipality and may be  
20 held by a member of the staff of the Department of Planning of  
21 the municipality or by any other person, body, or commission  
22 designated by the corporate authorities. The meeting shall be  
23 held at least 14 business days before the mailing of the notice  
24 of public hearing provided for in subsection (c) of this  
25 Section.

26 Notice of the public meeting shall be given by mail. Notice  
27 by mail shall be not less than 15 days before the date of the  
28 meeting and shall be sent by certified mail to all taxing  
29 districts having real property in the proposed redevelopment  
30 project area and to all entities requesting that information  
31 that have registered with a person and department designated by  
32 the municipality in accordance with registration guidelines  
33 established by the municipality pursuant to Section  
34 11-74.4-4.2. The municipality shall make a good faith effort to  
35 notify all residents and the last known persons who paid  
36 property taxes on real estate in a redevelopment project area.



1 This requirement shall be deemed to be satisfied if the  
2 municipality mails, by regular mail, a notice to each  
3 residential address and the person or persons in whose name  
4 property taxes were paid on real property for the last  
5 preceding year located within the redevelopment project area.  
6 Notice shall be in languages other than English when  
7 appropriate. The notices issued under this subsection shall  
8 include the following:

9 (1) The time and place of the meeting.

10 (2) The boundaries of the area to be studied for  
11 possible designation as a redevelopment project area by  
12 street and location.

13 (3) The purpose or purposes of establishing a  
14 redevelopment project area.

15 (4) A brief description of tax increment financing.

16 (5) The name, telephone number, and address of the  
17 person who can be contacted for additional information  
18 about the proposed redevelopment project area and who  
19 should receive all comments and suggestions regarding the  
20 development of the area to be studied.

21 (6) Notification that all interested persons will be  
22 given an opportunity to be heard at the public meeting.

23 (7) Such other matters as the municipality deems  
24 appropriate.

25 At the public meeting, any interested person or  
26 representative of an affected taxing district may be heard  
27 orally and may file, with the person conducting the meeting,  
28 statements that pertain to the subject matter of the meeting.

29 (Source: P.A. 91-478, eff. 11-1-99; revised 12-6-03.)

30 (65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

31 Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality  
32 which has adopted tax increment allocation financing prior to  
33 January 1, 1987, may by ordinance (1) authorize the Department  
34 of Revenue, subject to appropriation, to annually certify and  
35 cause to be paid from the Illinois Tax Increment Fund to such

1 municipality for deposit in the municipality's special tax  
2 allocation fund an amount equal to the Net State Sales Tax  
3 Increment and (2) authorize the Department of Revenue to  
4 annually notify the municipality of the amount of the Municipal  
5 Sales Tax Increment which shall be deposited by the  
6 municipality in the municipality's special tax allocation  
7 fund. Provided that for purposes of this Section no amendments  
8 adding additional area to the redevelopment project area which  
9 has been certified as the State Sales Tax Boundary shall be  
10 taken into account if such amendments are adopted by the  
11 municipality after January 1, 1987. If an amendment is adopted  
12 which decreases the area of a State Sales Tax Boundary, the  
13 municipality shall update the list required by subsection  
14 (3)(a) of this Section. The Retailers' Occupation Tax  
15 liability, Use Tax liability, Service Occupation Tax liability  
16 and Service Use Tax liability for retailers and servicemen  
17 located within the disconnected area shall be excluded from the  
18 base from which tax increments are calculated and the revenue  
19 from any such retailer or serviceman shall not be included in  
20 calculating incremental revenue payable to the municipality. A  
21 municipality adopting an ordinance under this subsection (1) of  
22 this Section for a redevelopment project area which is  
23 certified as a State Sales Tax Boundary shall not be entitled  
24 to payments of State taxes authorized under subsection (2) of  
25 this Section for the same redevelopment project area. Nothing  
26 herein shall be construed to prevent a municipality from  
27 receiving payment of State taxes authorized under subsection  
28 (2) of this Section for a separate redevelopment project area  
29 that does not overlap in any way with the State Sales Tax  
30 Boundary receiving payments of State taxes pursuant to  
31 subsection (1) of this Section.

32 A certified copy of such ordinance shall be submitted by  
33 the municipality to the Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~ and the Department of Revenue not  
35 later than 30 days after the effective date of the ordinance.  
36 Upon submission of the ordinances, and the information required

1 pursuant to subsection 3 of this Section, the Department of  
2 Revenue shall promptly determine the amount of such taxes paid  
3 under the Retailers' Occupation Tax Act, Use Tax Act, Service  
4 Use Tax Act, the Service Occupation Tax Act, the Municipal  
5 Retailers' Occupation Tax Act and the Municipal Service  
6 Occupation Tax Act by retailers and servicemen on transactions  
7 at places located in the redevelopment project area during the  
8 base year, and shall certify all the foregoing "initial sales  
9 tax amounts" to the municipality within 60 days of submission  
10 of the list required of subsection (3) (a) of this Section.

11 If a retailer or serviceman with a place of business  
12 located within a redevelopment project area also has one or  
13 more other places of business within the municipality but  
14 outside the redevelopment project area, the retailer or  
15 serviceman shall, upon request of the Department of Revenue,  
16 certify to the Department of Revenue the amount of taxes paid  
17 pursuant to the Retailers' Occupation Tax Act, the Municipal  
18 Retailers' Occupation Tax Act, the Service Occupation Tax Act  
19 and the Municipal Service Occupation Tax Act at each place of  
20 business which is located within the redevelopment project area  
21 in the manner and for the periods of time requested by the  
22 Department of Revenue.

23 When the municipality determines that a portion of an  
24 increase in the aggregate amount of taxes paid by retailers and  
25 servicemen under the Retailers' Occupation Tax Act, Use Tax  
26 Act, Service Use Tax Act, or the Service Occupation Tax Act is  
27 the result of a retailer or serviceman initiating retail or  
28 service operations in the redevelopment project area by such  
29 retailer or serviceman with a resulting termination of retail  
30 or service operations by such retailer or serviceman at another  
31 location in Illinois in the standard metropolitan statistical  
32 area of such municipality, the Department of Revenue shall be  
33 notified that the retailers occupation tax liability, use tax  
34 liability, service occupation tax liability, or service use tax  
35 liability from such retailer's or serviceman's terminated  
36 operation shall be included in the base Initial Sales Tax

1 Amounts from which the State Sales Tax Increment is calculated  
2 for purposes of State payments to the affected municipality;  
3 provided, however, for purposes of this paragraph  
4 "termination" shall mean a closing of a retail or service  
5 operation which is directly related to the opening of the same  
6 retail or service operation in a redevelopment project area  
7 which is included within a State Sales Tax Boundary, but it  
8 shall not include retail or service operations closed for  
9 reasons beyond the control of the retailer or serviceman, as  
10 determined by the Department.

11 If the municipality makes the determination referred to in  
12 the prior paragraph and notifies the Department and if the  
13 relocation is from a location within the municipality, the  
14 Department, at the request of the municipality, shall adjust  
15 the certified aggregate amount of taxes that constitute the  
16 Municipal Sales Tax Increment paid by retailers and servicemen  
17 on transactions at places of business located within the State  
18 Sales Tax Boundary during the base year using the same  
19 procedures as are employed to make the adjustment referred to  
20 in the prior paragraph. The adjusted Municipal Sales Tax  
21 Increment calculated by the Department shall be sufficient to  
22 satisfy the requirements of subsection (1) of this Section.

23 When a municipality which has adopted tax increment  
24 allocation financing in 1986 determines that a portion of the  
25 aggregate amount of taxes paid by retailers and servicemen  
26 under the Retailers Occupation Tax Act, Use Tax Act, Service  
27 Use Tax Act, or Service Occupation Tax Act, the Municipal  
28 Retailers' Occupation Tax Act and the Municipal Service  
29 Occupation Tax Act, includes revenue of a retailer or  
30 serviceman which terminated retailer or service operations in  
31 1986, prior to the adoption of tax increment allocation  
32 financing, the Department of Revenue shall be notified by such  
33 municipality that the retailers' occupation tax liability, use  
34 tax liability, service occupation tax liability or service use  
35 tax liability, from such retailer's or serviceman's terminated  
36 operations shall be excluded from the Initial Sales Tax Amounts

1 for such taxes. The revenue from any such retailer or  
2 serviceman which is excluded from the base year under this  
3 paragraph, shall not be included in calculating incremental  
4 revenues if such retailer or serviceman reestablishes such  
5 business in the redevelopment project area.

6 For State fiscal year 1992, the Department of Revenue shall  
7 budget, and the Illinois General Assembly shall appropriate  
8 from the Illinois Tax Increment Fund in the State treasury, an  
9 amount not to exceed \$18,000,000 to pay to each eligible  
10 municipality the Net State Sales Tax Increment to which such  
11 municipality is entitled.

12 Beginning on January 1, 1993, each municipality's  
13 proportional share of the Illinois Tax Increment Fund shall be  
14 determined by adding the annual Net State Sales Tax Increment  
15 and the annual Net Utility Tax Increment to determine the  
16 Annual Total Increment. The ratio of the Annual Total Increment  
17 of each municipality to the Annual Total Increment for all  
18 municipalities, as most recently calculated by the Department,  
19 shall determine the proportional shares of the Illinois Tax  
20 Increment Fund to be distributed to each municipality.

21 Beginning in October, 1993, and each January, April, July  
22 and October thereafter, the Department of Revenue shall certify  
23 to the Treasurer and the Comptroller the amounts payable  
24 quarter annually during the fiscal year to each municipality  
25 under this Section. The Comptroller shall promptly then draw  
26 warrants, ordering the State Treasurer to pay such amounts from  
27 the Illinois Tax Increment Fund in the State treasury.

28 The Department of Revenue shall utilize the same periods  
29 established for determining State Sales Tax Increment to  
30 determine the Municipal Sales Tax Increment for the area within  
31 a State Sales Tax Boundary and certify such amounts to such  
32 municipal treasurer who shall transfer such amounts to the  
33 special tax allocation fund.

34 The provisions of this subsection (1) do not apply to  
35 additional municipal retailers' occupation or service  
36 occupation taxes imposed by municipalities using their home

1 rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4  
2 and 8-11-1.5 of this Act. A municipality shall not receive from  
3 the State any share of the Illinois Tax Increment Fund unless  
4 such municipality deposits all its Municipal Sales Tax  
5 Increment and the local incremental real property tax revenues,  
6 as provided herein, into the appropriate special tax allocation  
7 fund. If, however, a municipality has extended the estimated  
8 dates of completion of the redevelopment project and retirement  
9 of obligations to finance redevelopment project costs by  
10 municipal ordinance to December 31, 2013 under subsection (n)  
11 of Section 11-74.4-3, then that municipality shall continue to  
12 receive from the State a share of the Illinois Tax Increment  
13 Fund so long as the municipality deposits, from any funds  
14 available, excluding funds in the special tax allocation fund,  
15 an amount equal to the municipal share of the real property tax  
16 increment revenues into the special tax allocation fund during  
17 the extension period. The amount to be deposited by the  
18 municipality in each of the tax years affected by the extension  
19 to December 31, 2013 shall be equal to the municipal share of  
20 the property tax increment deposited into the special tax  
21 allocation fund by the municipality for the most recent year  
22 that the property tax increment was distributed. A municipality  
23 located within an economic development project area created  
24 under the County Economic Development Project Area Property Tax  
25 Allocation Act which has abated any portion of its property  
26 taxes which otherwise would have been deposited in its special  
27 tax allocation fund shall not receive from the State the Net  
28 Sales Tax Increment.

29 (2) A municipality which has adopted tax increment  
30 allocation financing with regard to an industrial park or  
31 industrial park conservation area, prior to January 1, 1988,  
32 may by ordinance authorize the Department of Revenue to  
33 annually certify and pay from the Illinois Tax Increment Fund  
34 to such municipality for deposit in the municipality's special  
35 tax allocation fund an amount equal to the Net State Utility  
36 Tax Increment. Provided that for purposes of this Section no

1 amendments adding additional area to the redevelopment project  
2 area shall be taken into account if such amendments are adopted  
3 by the municipality after January 1, 1988. Municipalities  
4 adopting an ordinance under this subsection (2) of this Section  
5 for a redevelopment project area shall not be entitled to  
6 payment of State taxes authorized under subsection (1) of this  
7 Section for the same redevelopment project area which is within  
8 a State Sales Tax Boundary. Nothing herein shall be construed  
9 to prevent a municipality from receiving payment of State taxes  
10 authorized under subsection (1) of this Section for a separate  
11 redevelopment project area within a State Sales Tax Boundary  
12 that does not overlap in any way with the redevelopment project  
13 area receiving payments of State taxes pursuant to subsection  
14 (2) of this Section.

15 A certified copy of such ordinance shall be submitted to  
16 the Department of Commerce and Economic Opportunity ~~Community~~  
17 ~~Affairs~~ and the Department of Revenue not later than 30 days  
18 after the effective date of the ordinance.

19 When a municipality determines that a portion of an  
20 increase in the aggregate amount of taxes paid by industrial or  
21 commercial facilities under the Public Utilities Act, is the  
22 result of an industrial or commercial facility initiating  
23 operations in the redevelopment project area with a resulting  
24 termination of such operations by such industrial or commercial  
25 facility at another location in Illinois, the Department of  
26 Revenue shall be notified by such municipality that such  
27 industrial or commercial facility's liability under the Public  
28 Utility Tax Act shall be included in the base from which tax  
29 increments are calculated for purposes of State payments to the  
30 affected municipality.

31 After receipt of the calculations by the public utility as  
32 required by subsection (4) of this Section, the Department of  
33 Revenue shall annually budget and the Illinois General Assembly  
34 shall annually appropriate from the General Revenue Fund  
35 through State Fiscal Year 1989, and thereafter from the  
36 Illinois Tax Increment Fund, an amount sufficient to pay to

1 each eligible municipality the amount of incremental revenue  
2 attributable to State electric and gas taxes as reflected by  
3 the charges imposed on persons in the project area to which  
4 such municipality is entitled by comparing the preceding  
5 calendar year with the base year as determined by this Section.  
6 Beginning on January 1, 1993, each municipality's proportional  
7 share of the Illinois Tax Increment Fund shall be determined by  
8 adding the annual Net State Utility Tax Increment and the  
9 annual Net Utility Tax Increment to determine the Annual Total  
10 Increment. The ratio of the Annual Total Increment of each  
11 municipality to the Annual Total Increment for all  
12 municipalities, as most recently calculated by the Department,  
13 shall determine the proportional shares of the Illinois Tax  
14 Increment Fund to be distributed to each municipality.

15 A municipality shall not receive any share of the Illinois  
16 Tax Increment Fund from the State unless such municipality  
17 imposes the maximum municipal charges authorized pursuant to  
18 Section 9-221 of the Public Utilities Act and deposits all  
19 municipal utility tax incremental revenues as certified by the  
20 public utilities, and all local real estate tax increments into  
21 such municipality's special tax allocation fund.

22 (3) Within 30 days after the adoption of the ordinance  
23 required by either subsection (1) or subsection (2) of this  
24 Section, the municipality shall transmit to the Department of  
25 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
26 Department of Revenue the following:

27 (a) if applicable, a certified copy of the ordinance  
28 required by subsection (1) accompanied by a complete list  
29 of street names and the range of street numbers of each  
30 street located within the redevelopment project area for  
31 which payments are to be made under this Section in both  
32 the base year and in the year preceding the payment year;  
33 and the addresses of persons registered with the Department  
34 of Revenue; and, the name under which each such retailer or  
35 serviceman conducts business at that address, if different  
36 from the corporate name; and the Illinois Business Tax



1 Number of each such person (The municipality shall update  
2 this list in the event of a revision of the redevelopment  
3 project area, or the opening or closing or name change of  
4 any street or part thereof in the redevelopment project  
5 area, or if the Department of Revenue informs the  
6 municipality of an addition or deletion pursuant to the  
7 monthly updates given by the Department.);

8 (b) if applicable, a certified copy of the ordinance  
9 required by subsection (2) accompanied by a complete list  
10 of street names and range of street numbers of each street  
11 located within the redevelopment project area, the utility  
12 customers in the project area, and the utilities serving  
13 the redevelopment project areas;

14 (c) certified copies of the ordinances approving the  
15 redevelopment plan and designating the redevelopment  
16 project area;

17 (d) a copy of the redevelopment plan as approved by the  
18 municipality;

19 (e) an opinion of legal counsel that the municipality  
20 had complied with the requirements of this Act; and

21 (f) a certification by the chief executive officer of  
22 the municipality that with regard to a redevelopment  
23 project area: (1) the municipality has committed all of the  
24 municipal tax increment created pursuant to this Act for  
25 deposit in the special tax allocation fund, (2) the  
26 redevelopment projects described in the redevelopment plan  
27 would not be completed without the use of State incremental  
28 revenues pursuant to this Act, (3) the municipality will  
29 pursue the implementation of the redevelopment plan in an  
30 expeditious manner, (4) the incremental revenues created  
31 pursuant to this Section will be exclusively utilized for  
32 the development of the redevelopment project area, and (5)  
33 the increased revenue created pursuant to this Section  
34 shall be used exclusively to pay redevelopment project  
35 costs as defined in this Act.

36 (4) The Department of Revenue upon receipt of the

1 information set forth in paragraph (b) of subsection (3) shall  
2 immediately forward such information to each public utility  
3 furnishing natural gas or electricity to buildings within the  
4 redevelopment project area. Upon receipt of such information,  
5 each public utility shall promptly:

6 (a) provide to the Department of Revenue and the  
7 municipality separate lists of the names and addresses of  
8 persons within the redevelopment project area receiving  
9 natural gas or electricity from such public utility. Such  
10 list shall be updated as necessary by the public utility.  
11 Each month thereafter the public utility shall furnish the  
12 Department of Revenue and the municipality with an itemized  
13 listing of charges imposed pursuant to Sections 9-221 and  
14 9-222 of the Public Utilities Act on persons within the  
15 redevelopment project area.

16 (b) determine the amount of charges imposed pursuant to  
17 Sections 9-221 and 9-222 of the Public Utilities Act on  
18 persons in the redevelopment project area during the base  
19 year, both as a result of municipal taxes on electricity  
20 and gas and as a result of State taxes on electricity and  
21 gas and certify such amounts both to the municipality and  
22 the Department of Revenue; and

23 (c) determine the amount of charges imposed pursuant to  
24 Sections 9-221 and 9-222 of the Public Utilities Act on  
25 persons in the redevelopment project area on a monthly  
26 basis during the base year, both as a result of State and  
27 municipal taxes on electricity and gas and certify such  
28 separate amounts both to the municipality and the  
29 Department of Revenue.

30 After the determinations are made in paragraphs (b) and  
31 (c), the public utility shall monthly during the existence of  
32 the redevelopment project area notify the Department of Revenue  
33 and the municipality of any increase in charges over the base  
34 year determinations made pursuant to paragraphs (b) and (c).

35 (5) The payments authorized under this Section shall be  
36 deposited by the municipal treasurer in the special tax

1 allocation fund of the municipality, which for accounting  
2 purposes shall identify the sources of each payment as:  
3 municipal receipts from the State retailers occupation,  
4 service occupation, use and service use taxes; and municipal  
5 public utility taxes charged to customers under the Public  
6 Utilities Act and State public utility taxes charged to  
7 customers under the Public Utilities Act.

8 (6) Before the effective date of this amendatory Act of the  
9 91st General Assembly, any municipality receiving payments  
10 authorized under this Section for any redevelopment project  
11 area or area within a State Sales Tax Boundary within the  
12 municipality shall submit to the Department of Revenue and to  
13 the taxing districts which are sent the notice required by  
14 Section 6 of this Act annually within 180 days after the close  
15 of each municipal fiscal year the following information for the  
16 immediately preceding fiscal year:

17 (a) Any amendments to the redevelopment plan, the  
18 redevelopment project area, or the State Sales Tax  
19 Boundary.

20 (b) Audited financial statements of the special tax  
21 allocation fund.

22 (c) Certification of the Chief Executive Officer of the  
23 municipality that the municipality has complied with all of  
24 the requirements of this Act during the preceding fiscal  
25 year.

26 (d) An opinion of legal counsel that the municipality  
27 is in compliance with this Act.

28 (e) An analysis of the special tax allocation fund  
29 which sets forth:

30 (1) the balance in the special tax allocation fund  
31 at the beginning of the fiscal year;

32 (2) all amounts deposited in the special tax  
33 allocation fund by source;

34 (3) all expenditures from the special tax  
35 allocation fund by category of permissible  
36 redevelopment project cost; and

1 (4) the balance in the special tax allocation fund  
2 at the end of the fiscal year including a breakdown of  
3 that balance by source. Such ending balance shall be  
4 designated as surplus if it is not required for  
5 anticipated redevelopment project costs or to pay debt  
6 service on bonds issued to finance redevelopment  
7 project costs, as set forth in Section 11-74.4-7  
8 hereof.

9 (f) A description of all property purchased by the  
10 municipality within the redevelopment project area  
11 including:

- 12 1. Street address
- 13 2. Approximate size or description of property
- 14 3. Purchase price
- 15 4. Seller of property.

16 (g) A statement setting forth all activities  
17 undertaken in furtherance of the objectives of the  
18 redevelopment plan, including:

- 19 1. Any project implemented in the preceding fiscal  
20 year
- 21 2. A description of the redevelopment activities  
22 undertaken
- 23 3. A description of any agreements entered into by  
24 the municipality with regard to the disposition or  
25 redevelopment of any property within the redevelopment  
26 project area or the area within the State Sales Tax  
27 Boundary.

28 (h) With regard to any obligations issued by the  
29 municipality:

- 30 1. copies of bond ordinances or resolutions
- 31 2. copies of any official statements
- 32 3. an analysis prepared by financial advisor or  
33 underwriter setting forth: (a) nature and term of  
34 obligation; and (b) projected debt service including  
35 required reserves and debt coverage.

36 (i) A certified audit report reviewing compliance with

1 this statute performed by an independent public accountant  
2 certified and licensed by the authority of the State of  
3 Illinois. The financial portion of the audit must be  
4 conducted in accordance with Standards for Audits of  
5 Governmental Organizations, Programs, Activities, and  
6 Functions adopted by the Comptroller General of the United  
7 States (1981), as amended. The audit report shall contain a  
8 letter from the independent certified public accountant  
9 indicating compliance or noncompliance with the  
10 requirements of subsection (q) of Section 11-74.4-3. If the  
11 audit indicates that expenditures are not in compliance  
12 with the law, the Department of Revenue shall withhold  
13 State sales and utility tax increment payments to the  
14 municipality until compliance has been reached, and an  
15 amount equal to the ineligible expenditures has been  
16 returned to the Special Tax Allocation Fund.

17 (6.1) After July 29, 1988 and before the effective date of  
18 this amendatory Act of the 91st General Assembly, any funds  
19 which have not been designated for use in a specific  
20 development project in the annual report shall be designated as  
21 surplus. No funds may be held in the Special Tax Allocation  
22 Fund for more than 36 months from the date of receipt unless  
23 the money is required for payment of contractual obligations  
24 for specific development project costs. If held for more than  
25 36 months in violation of the preceding sentence, such funds  
26 shall be designated as surplus. Any funds designated as surplus  
27 must first be used for early redemption of any bond  
28 obligations. Any funds designated as surplus which are not  
29 disposed of as otherwise provided in this paragraph, shall be  
30 distributed as surplus as provided in Section 11-74.4-7.

31 (7) Any appropriation made pursuant to this Section for the  
32 1987 State fiscal year shall not exceed the amount of \$7  
33 million and for the 1988 State fiscal year the amount of \$10  
34 million. The amount which shall be distributed to each  
35 municipality shall be the incremental revenue to which each  
36 municipality is entitled as calculated by the Department of

1 Revenue, unless the requests of the municipality exceed the  
2 appropriation, then the amount to which each municipality shall  
3 be entitled shall be prorated among the municipalities in the  
4 same proportion as the increment to which the municipality  
5 would be entitled bears to the total increment which all  
6 municipalities would receive in the absence of this limitation,  
7 provided that no municipality may receive an amount in excess  
8 of 15% of the appropriation. For the 1987 Net State Sales Tax  
9 Increment payable in Fiscal Year 1989, no municipality shall  
10 receive more than 7.5% of the total appropriation; provided,  
11 however, that any of the appropriation remaining after such  
12 distribution shall be prorated among municipalities on the  
13 basis of their pro rata share of the total increment. Beginning  
14 on January 1, 1993, each municipality's proportional share of  
15 the Illinois Tax Increment Fund shall be determined by adding  
16 the annual Net State Sales Tax Increment and the annual Net  
17 Utility Tax Increment to determine the Annual Total Increment.  
18 The ratio of the Annual Total Increment of each municipality to  
19 the Annual Total Increment for all municipalities, as most  
20 recently calculated by the Department, shall determine the  
21 proportional shares of the Illinois Tax Increment Fund to be  
22 distributed to each municipality.

23 (7.1) No distribution of Net State Sales Tax Increment to a  
24 municipality for an area within a State Sales Tax Boundary  
25 shall exceed in any State Fiscal Year an amount equal to 3  
26 times the sum of the Municipal Sales Tax Increment, the real  
27 property tax increment and deposits of funds from other  
28 sources, excluding state and federal funds, as certified by the  
29 city treasurer to the Department of Revenue for an area within  
30 a State Sales Tax Boundary. After July 29, 1988, for those  
31 municipalities which issue bonds between June 1, 1988 and 3  
32 years from July 29, 1988 to finance redevelopment projects  
33 within the area in a State Sales Tax Boundary, the distribution  
34 of Net State Sales Tax Increment during the 16th through 20th  
35 years from the date of issuance of the bonds shall not exceed  
36 in any State Fiscal Year an amount equal to 2 times the sum of

1 the Municipal Sales Tax Increment, the real property tax  
2 increment and deposits of funds from other sources, excluding  
3 State and federal funds.

4 (8) Any person who knowingly files or causes to be filed  
5 false information for the purpose of increasing the amount of  
6 any State tax incremental revenue commits a Class A  
7 misdemeanor.

8 (9) The following procedures shall be followed to determine  
9 whether municipalities have complied with the Act for the  
10 purpose of receiving distributions after July 1, 1989 pursuant  
11 to subsection (1) of this Section 11-74.4-8a.

12 (a) The Department of Revenue shall conduct a  
13 preliminary review of the redevelopment project areas and  
14 redevelopment plans pertaining to those municipalities  
15 receiving payments from the State pursuant to subsection  
16 (1) of Section 8a of this Act for the purpose of  
17 determining compliance with the following standards:

18 (1) For any municipality with a population of more  
19 than 12,000 as determined by the 1980 U.S. Census: (a)  
20 the redevelopment project area, or in the case of a  
21 municipality which has more than one redevelopment  
22 project area, each such area, must be contiguous and  
23 the total of all such areas shall not comprise more  
24 than 25% of the area within the municipal boundaries  
25 nor more than 20% of the equalized assessed value of  
26 the municipality; (b) the aggregate amount of 1985  
27 taxes in the redevelopment project area, or in the case  
28 of a municipality which has more than one redevelopment  
29 project area, the total of all such areas, shall be not  
30 more than 25% of the total base year taxes paid by  
31 retailers and servicemen on transactions at places of  
32 business located within the municipality under the  
33 Retailers' Occupation Tax Act, the Use Tax Act, the  
34 Service Use Tax Act, and the Service Occupation Tax  
35 Act. Redevelopment project areas created prior to 1986  
36 are not subject to the above standards if their

1 boundaries were not amended in 1986.

2 (2) For any municipality with a population of  
3 12,000 or less as determined by the 1980 U.S. Census:

4 (a) the redevelopment project area, or in the case of a  
5 municipality which has more than one redevelopment  
6 project area, each such area, must be contiguous and  
7 the total of all such areas shall not comprise more  
8 than 35% of the area within the municipal boundaries  
9 nor more than 30% of the equalized assessed value of  
10 the municipality; (b) the aggregate amount of 1985  
11 taxes in the redevelopment project area, or in the case  
12 of a municipality which has more than one redevelopment  
13 project area, the total of all such areas, shall not be  
14 more than 35% of the total base year taxes paid by  
15 retailers and servicemen on transactions at places of  
16 business located within the municipality under the  
17 Retailers' Occupation Tax Act, the Use Tax Act, the  
18 Service Use Tax Act, and the Service Occupation Tax  
19 Act. Redevelopment project areas created prior to 1986  
20 are not subject to the above standards if their  
21 boundaries were not amended in 1986.

22 (3) Such preliminary review of the redevelopment  
23 project areas applying the above standards shall be  
24 completed by November 1, 1988, and on or before  
25 November 1, 1988, the Department shall notify each  
26 municipality by certified mail, return receipt  
27 requested that either (1) the Department requires  
28 additional time in which to complete its preliminary  
29 review; or (2) the Department is issuing either (a) a  
30 Certificate of Eligibility or (b) a Notice of Review.  
31 If the Department notifies a municipality that it  
32 requires additional time to complete its preliminary  
33 investigation, it shall complete its preliminary  
34 investigation no later than February 1, 1989, and by  
35 February 1, 1989 shall issue to each municipality  
36 either (a) a Certificate of Eligibility or (b) a Notice



1 of Review. A redevelopment project area for which a  
2 Certificate of Eligibility has been issued shall be  
3 deemed a "State Sales Tax Boundary."

4 (4) The Department of Revenue shall also issue a  
5 Notice of Review if the Department has received a  
6 request by November 1, 1988 to conduct such a review  
7 from taxpayers in the municipality, local taxing  
8 districts located in the municipality or the State of  
9 Illinois, or if the redevelopment project area has more  
10 than 5 retailers and has had growth in State sales tax  
11 revenue of more than 15% from calendar year 1985 to  
12 1986.

13 (b) For those municipalities receiving a Notice of  
14 Review, the Department will conduct a secondary review  
15 consisting of: (i) application of the above standards  
16 contained in subsection (9)(a)(1)(a) and (b) or  
17 (9)(a)(2)(a) and (b), and (ii) the definitions of blighted  
18 and conservation area provided for in Section 11-74.4-3.  
19 Such secondary review shall be completed by July 1, 1989.

20 Upon completion of the secondary review, the  
21 Department will issue (a) a Certificate of Eligibility or  
22 (b) a Preliminary Notice of Deficiency. Any municipality  
23 receiving a Preliminary Notice of Deficiency may amend its  
24 redevelopment project area to meet the standards and  
25 definitions set forth in this paragraph (b). This amended  
26 redevelopment project area shall become the "State Sales  
27 Tax Boundary" for purposes of determining the State Sales  
28 Tax Increment.

29 (c) If the municipality advises the Department of its  
30 intent to comply with the requirements of paragraph (b) of  
31 this subsection outlined in the Preliminary Notice of  
32 Deficiency, within 120 days of receiving such notice from  
33 the Department, the municipality shall submit  
34 documentation to the Department of the actions it has taken  
35 to cure any deficiencies. Thereafter, within 30 days of the  
36 receipt of the documentation, the Department shall either

1 issue a Certificate of Eligibility or a Final Notice of  
2 Deficiency. If the municipality fails to advise the  
3 Department of its intent to comply or fails to submit  
4 adequate documentation of such cure of deficiencies the  
5 Department shall issue a Final Notice of Deficiency that  
6 provides that the municipality is ineligible for payment of  
7 the Net State Sales Tax Increment.

8 (d) If the Department issues a final determination of  
9 ineligibility, the municipality shall have 30 days from the  
10 receipt of determination to protest and request a hearing.  
11 Such hearing shall be conducted in accordance with Sections  
12 10-25, 10-35, 10-40, and 10-50 of the Illinois  
13 Administrative Procedure Act. The decision following the  
14 hearing shall be subject to review under the Administrative  
15 Review Law.

16 (e) Any Certificate of Eligibility issued pursuant to  
17 this subsection 9 shall be binding only on the State for  
18 the purposes of establishing municipal eligibility to  
19 receive revenue pursuant to subsection (1) of this Section  
20 11-74.4-8a.

21 (f) It is the intent of this subsection that the  
22 periods of time to cure deficiencies shall be in addition  
23 to all other periods of time permitted by this Section,  
24 regardless of the date by which plans were originally  
25 required to be adopted. To cure said deficiencies, however,  
26 the municipality shall be required to follow the procedures  
27 and requirements pertaining to amendments, as provided in  
28 Sections 11-74.4-5 and 11-74.4-6 of this Act.

29 (10) If a municipality adopts a State Sales Tax Boundary in  
30 accordance with the provisions of subsection (9) of this  
31 Section, such boundaries shall subsequently be utilized to  
32 determine Revised Initial Sales Tax Amounts and the Net State  
33 Sales Tax Increment; provided, however, that such revised State  
34 Sales Tax Boundary shall not have any effect upon the boundary  
35 of the redevelopment project area established for the purposes  
36 of determining the ad valorem taxes on real property pursuant

1 to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the  
2 municipality's authority to implement the redevelopment plan  
3 for that redevelopment project area. For any redevelopment  
4 project area with a smaller State Sales Tax Boundary within its  
5 area, the municipality may annually elect to deposit the  
6 Municipal Sales Tax Increment for the redevelopment project  
7 area in the special tax allocation fund and shall certify the  
8 amount to the Department prior to receipt of the Net State  
9 Sales Tax Increment. Any municipality required by subsection  
10 (9) to establish a State Sales Tax Boundary for one or more of  
11 its redevelopment project areas shall submit all necessary  
12 information required by the Department concerning such  
13 boundary and the retailers therein, by October 1, 1989, after  
14 complying with the procedures for amendment set forth in  
15 Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales  
16 Tax Increment produced within the State Sales Tax Boundary  
17 shall be spent only within that area. However expenditures of  
18 all municipal property tax increment and municipal sales tax  
19 increment in a redevelopment project area are not required to  
20 be spent within the smaller State Sales Tax Boundary within  
21 such redevelopment project area.

22 (11) The Department of Revenue shall have the authority to  
23 issue rules and regulations for purposes of this Section. and  
24 regulations for purposes of this Section.

25 (12) If, under Section 5.4.1 of the Illinois Enterprise  
26 Zone Act, a municipality determines that property that lies  
27 within a State Sales Tax Boundary has an improvement,  
28 rehabilitation, or renovation that is entitled to a property  
29 tax abatement, then that property along with any improvements,  
30 rehabilitation, or renovations shall be immediately removed  
31 from any State Sales Tax Boundary. The municipality that made  
32 the determination shall notify the Department of Revenue within  
33 30 days after the determination. Once a property is removed  
34 from the State Sales Tax Boundary because of the existence of a  
35 property tax abatement resulting from an enterprise zone, then  
36 that property shall not be permitted to be amended into a State

1 Sales Tax Boundary.

2 (Source: P.A. 91-51, eff. 6-30-99; 91-478, eff. 11-1-99;  
3 92-263, eff. 8-7-01; revised 12-6-03.)

4 (65 ILCS 5/11-74.6-10)

5 Sec. 11-74.6-10. Definitions.

6 (a) "Environmentally contaminated area" means any improved  
7 or vacant area within the boundaries of a redevelopment project  
8 area located within the corporate limits of a municipality  
9 when, (i) there has been a determination of release or  
10 substantial threat of release of a hazardous substance or  
11 pesticide, by the United States Environmental Protection  
12 Agency or the Illinois Environmental Protection Agency, or the  
13 Illinois Pollution Control Board, or any court, or a release or  
14 substantial threat of release which is addressed as part of the  
15 Pre-Notice Site Cleanup Program under Section 22.2(m) of the  
16 Illinois Environmental Protection Act, or a release or  
17 substantial threat of release of petroleum under Section 22.12  
18 of the Illinois Environmental Protection Act, and (ii) which  
19 release or threat of release presents an imminent and  
20 substantial danger to public health or welfare or presents a  
21 significant threat to public health or the environment, and  
22 (iii) which release or threat of release would have a  
23 significant impact on the cost of redeveloping the area.

24 (b) "Department" means the Department of Commerce and  
25 Economic Opportunity ~~Community Affairs~~.

26 (c) "Industrial park" means an area in a redevelopment  
27 project area suitable for use by any manufacturing, industrial,  
28 research, or transportation enterprise, of facilities,  
29 including but not limited to factories, mills, processing  
30 plants, assembly plants, packing plants, fabricating plants,  
31 distribution centers, warehouses, repair overhaul or service  
32 facilities, freight terminals, research facilities, test  
33 facilities or railroad facilities. An industrial park may  
34 contain space for commercial and other use as long as the  
35 expected principal use of the park is industrial and is

1 reasonably expected to result in the creation of a significant  
2 number of new permanent full time jobs. An industrial park may  
3 also contain related operations and facilities including, but  
4 not limited to, business and office support services such as  
5 centralized computers, telecommunications, publishing,  
6 accounting, photocopying and similar activities and employee  
7 services such as child care, health care, food service and  
8 similar activities. An industrial park may also include  
9 demonstration projects, prototype development, specialized  
10 training on developing technology, and pure research in any  
11 field related or adaptable to business and industry.

12 (d) "Research park" means an area in a redevelopment  
13 project area suitable for development of a facility or complex  
14 that includes research laboratories and related operations.  
15 These related operations may include, but are not limited to,  
16 business and office support services such as centralized  
17 computers, telecommunications, publishing, accounting,  
18 photocopying and similar activities, and employee services  
19 such as child care, health care, food service and similar  
20 activities. A research park may include demonstration  
21 projects, prototype development, specialized training on  
22 developing technology, and pure research in any field related  
23 or adaptable to business and industry.

24 (e) "Industrial park conservation area" means an area  
25 within the boundaries of a redevelopment project area located  
26 within the corporate limits of a municipality or within 1 1/2  
27 miles of the corporate limits of a municipality if the area is  
28 to be annexed to the municipality, if the area is zoned as  
29 industrial no later than the date on which the municipality by  
30 ordinance designates the redevelopment project area, and if the  
31 area includes improved or vacant land suitable for use as an  
32 industrial park or a research park, or both. To be designated  
33 as an industrial park conservation area, the area shall also  
34 satisfy one of the following standards:

35 (1) Standard One: The municipality must be a labor  
36 surplus municipality and the area must be served by

1 adequate public and or road transportation for access by  
2 the unemployed and for the movement of goods or materials  
3 and the redevelopment project area shall contain no more  
4 than 2% of the most recently ascertained equalized assessed  
5 value of all taxable real properties within the corporate  
6 limits of the municipality after adjustment for all  
7 annexations associated with the establishment of the  
8 redevelopment project area or be located in the vicinity of  
9 a waste disposal site or other waste facility. The project  
10 plan shall include a plan for and shall establish a  
11 marketing program to attract appropriate businesses to the  
12 proposed industrial park conservation area and shall  
13 include an adequate plan for financing and construction of  
14 the necessary infrastructure. No redevelopment projects  
15 may be authorized by the municipality under Standard One of  
16 subsection (e) of this Section unless the project plan also  
17 provides for an employment training project that would  
18 prepare unemployed workers for work in the industrial park  
19 conservation area, and the project has been approved by  
20 official action of or is to be operated by the local  
21 community college district, public school district or  
22 state or locally designated private industry council or  
23 successor agency, or

24 (2) Standard Two: The municipality must be a  
25 substantial labor surplus municipality and the area must be  
26 served by adequate public and or road transportation for  
27 access by the unemployed and for the movement of goods or  
28 materials and the redevelopment project area shall contain  
29 no more than 2% of the most recently ascertained equalized  
30 assessed value of all taxable real properties within the  
31 corporate limits of the municipality after adjustment for  
32 all annexations associated with the establishment of the  
33 redevelopment project area. No redevelopment projects may  
34 be authorized by the municipality under Standard Two of  
35 subsection (e) of this Section unless the project plan also  
36 provides for an employment training project that would

1 prepare unemployed workers for work in the industrial park  
2 conservation area, and the project has been approved by  
3 official action of or is to be operated by the local  
4 community college district, public school district or  
5 state or locally designated private industry council or  
6 successor agency.

7 (f) "Vacant industrial buildings conservation area" means  
8 an area containing one or more industrial buildings located  
9 within the corporate limits of the municipality that has been  
10 zoned industrial for at least 5 years before the designation of  
11 that area as a redevelopment project area by the municipality  
12 and is planned for reuse principally for industrial purposes.  
13 For the area to be designated as a vacant industrial buildings  
14 conservation area, the area shall also satisfy one of the  
15 following standards:

16 (1) Standard One: The area shall consist of one or more  
17 industrial buildings totaling at least 50,000 net square  
18 feet of industrial space, with a majority of the total area  
19 of all the buildings having been vacant for at least 18  
20 months; and (A) the area is located in a labor surplus  
21 municipality or a substantial labor surplus municipality,  
22 or (B) the equalized assessed value of the properties  
23 within the area during the last 2 years is at least 25%  
24 lower than the maximum equalized assessed value of those  
25 properties during the immediately preceding 10 years.

26 (2) Standard Two: The area exclusively consists of  
27 industrial buildings or a building complex operated by a  
28 user or related users (A) that has within the immediately  
29 preceding 5 years either (i) employed 200 or more employees  
30 at that location, or (ii) if the area is located in a  
31 municipality with a population of 12,000 or less, employed  
32 more than 50 employees at that location and (B) either is  
33 currently vacant, or the owner has: (i) directly notified  
34 the municipality of the user's intention to terminate  
35 operations at the facility or (ii) filed a notice of  
36 closure under the Worker Adjustment and Retraining

1 Notification Act.

2 (g) "Labor surplus municipality" means a municipality in  
3 which, during the 4 calendar years immediately preceding the  
4 date the municipality by ordinance designates an industrial  
5 park conservation area, the average unemployment rate was 1% or  
6 more over the State average unemployment rate for that same  
7 period of time as published in the United States Department of  
8 Labor Bureau of Labor Statistics publication entitled "The  
9 Employment Situation" or its successor publication. For the  
10 purpose of this subsection (g), if unemployment rate statistics  
11 for the municipality are not available, the unemployment rate  
12 in the municipality shall be deemed to be: (i) for a  
13 municipality that is not in an urban county, the same as the  
14 unemployment rate in the principal county where the  
15 municipality is located or (ii) for a municipality in an urban  
16 county at that municipality's option, either the unemployment  
17 rate certified for the municipality by the Department after  
18 consultation with the Illinois Department of Labor or the  
19 federal Bureau of Labor Statistics, or the unemployment rate of  
20 the municipality as determined by the most recent federal  
21 census if that census was not dated more than 5 years prior to  
22 the date on which the determination is made.

23 (h) "Substantial labor surplus municipality" means a  
24 municipality in which, during the 5 calendar years immediately  
25 preceding the date the municipality by ordinance designates an  
26 industrial park conservation area, the average unemployment  
27 rate was 2% or more over the State average unemployment rate  
28 for that same period of time as published in the United States  
29 Department of Labor Statistics publication entitled "The  
30 Employment Situation" or its successor publication. For the  
31 purpose of this subsection (h), if unemployment rate statistics  
32 for the municipality are not available, the unemployment rate  
33 in the municipality shall be deemed to be: (i) for a  
34 municipality that is not in an urban county, the same as the  
35 unemployment rate in the principal county in which the  
36 municipality is located; or (ii) for a municipality in an urban



1 county, at that municipality's option, either the unemployment  
2 rate certified for the municipality by the Department after  
3 consultation with the Illinois Department of Labor or the  
4 federal Bureau of Labor Statistics, or the unemployment rate of  
5 the municipality as determined by the most recent federal  
6 census if that census was not dated more than 5 years prior to  
7 the date on which the determination is made.

8 (i) "Municipality" means a city, village or incorporated  
9 town.

10 (j) "Obligations" means bonds, loans, debentures, notes,  
11 special certificates or other evidence of indebtedness issued  
12 by the municipality to carry out a redevelopment project or to  
13 refund outstanding obligations.

14 (k) "Payment in lieu of taxes" means those estimated tax  
15 revenues from real property in a redevelopment project area  
16 derived from real property that has been acquired by a  
17 municipality, which according to the redevelopment project or  
18 plan are to be used for a private use, that taxing districts  
19 would have received had a municipality not acquired the real  
20 property and adopted tax increment allocation financing and  
21 that would result from levies made after the time of the  
22 adoption of tax increment allocation financing until the time  
23 the current equalized assessed value of real property in the  
24 redevelopment project area exceeds the total initial equalized  
25 assessed value of real property in that area.

26 (l) "Redevelopment plan" means the comprehensive program  
27 of the municipality for development or redevelopment intended  
28 by the payment of redevelopment project costs to reduce or  
29 eliminate the conditions that qualified the redevelopment  
30 project area or redevelopment planning area, or both, as an  
31 environmentally contaminated area or industrial park  
32 conservation area, or vacant industrial buildings conservation  
33 area, or combination thereof, and thereby to enhance the tax  
34 bases of the taxing districts that extend into the  
35 redevelopment project area or redevelopment planning area. On  
36 and after the effective date of this amendatory Act of the 91st

1 General Assembly, no redevelopment plan may be approved or  
2 amended to include the development of vacant land (i) with a  
3 golf course and related clubhouse and other facilities or (ii)  
4 designated by federal, State, county, or municipal government  
5 as public land for outdoor recreational activities or for  
6 nature preserves and used for that purpose within 5 years prior  
7 to the adoption of the redevelopment plan. For the purpose of  
8 this subsection, "recreational activities" is limited to mean  
9 camping and hunting. Each redevelopment plan must set forth in  
10 writing the bases for the municipal findings required in this  
11 subsection, the program to be undertaken to accomplish the  
12 objectives, including but not limited to: (1) an itemized list  
13 of estimated redevelopment project costs, (2) evidence  
14 indicating that the redevelopment project area or the  
15 redevelopment planning area, or both, on the whole has not been  
16 subject to growth and development through investment by private  
17 enterprise, (3) (i) in the case of an environmentally  
18 contaminated area, industrial park conservation area, or a  
19 vacant industrial buildings conservation area classified under  
20 either Standard One, or Standard Two of subsection (f) where  
21 the building is currently vacant, evidence that implementation  
22 of the redevelopment plan is reasonably expected to create a  
23 significant number of permanent full time jobs, (ii) in the  
24 case of a vacant industrial buildings conservation area  
25 classified under Standard Two (B) (i) or (ii) of subsection (f),  
26 evidence that implementation of the redevelopment plan is  
27 reasonably expected to retain a significant number of existing  
28 permanent full time jobs, and (iii) in the case of a  
29 combination of an environmentally contaminated area,  
30 industrial park conservation area, or vacant industrial  
31 buildings conservation area, evidence that the standards  
32 concerning the creation or retention of jobs for each area set  
33 forth in (i) or (ii) above are met, (4) an assessment of the  
34 financial impact of the redevelopment project area or the  
35 redevelopment planning area, or both, on the overlapping taxing  
36 bodies or any increased demand for services from any taxing

1 district affected by the plan and any program to address such  
2 financial impact or increased demand, (5) the sources of funds  
3 to pay costs, (6) the nature and term of the obligations to be  
4 issued, (7) the most recent equalized assessed valuation of the  
5 redevelopment project area or the redevelopment planning area,  
6 or both, (8) an estimate of the equalized assessed valuation  
7 after redevelopment and the general land uses that are applied  
8 in the redevelopment project area or the redevelopment planning  
9 area, or both, (9) a commitment to fair employment practices  
10 and an affirmative action plan, (10) if it includes an  
11 industrial park conservation area, the following: (i) a general  
12 description of any proposed developer, (ii) user and tenant of  
13 any property, (iii) a description of the type, structure and  
14 general character of the facilities to be developed, and (iv) a  
15 description of the type, class and number of new employees to  
16 be employed in the operation of the facilities to be developed,  
17 (11) if it includes an environmentally contaminated area, the  
18 following: either (i) a determination of release or substantial  
19 threat of release of a hazardous substance or pesticide or of  
20 petroleum by the United States Environmental Protection Agency  
21 or the Illinois Environmental Protection Agency, or the  
22 Illinois Pollution Control Board or any court; or (ii) both an  
23 environmental audit report by a nationally recognized  
24 independent environmental auditor having a reputation for  
25 expertise in these matters and a copy of the signed Review and  
26 Evaluation Services Agreement indicating acceptance of the  
27 site by the Illinois Environmental Protection Agency into the  
28 Pre-Notice Site Cleanup Program, (12) if it includes a vacant  
29 industrial buildings conservation area, the following: (i) a  
30 general description of any proposed developer, (ii) user and  
31 tenant of any building or buildings, (iii) a description of the  
32 type, structure and general character of the building or  
33 buildings to be developed, and (iv) a description of the type,  
34 class and number of new employees to be employed or existing  
35 employees to be retained in the operation of the building or  
36 buildings to be redeveloped, and (13) if property is to be

1 annexed to the municipality, the terms of the annexation  
2 agreement.

3 No redevelopment plan shall be adopted by a municipality  
4 without findings that:

5 (1) the redevelopment project area or redevelopment  
6 planning area, or both, on the whole has not been subject  
7 to growth and development through investment by private  
8 enterprise and would not reasonably be anticipated to be  
9 developed in accordance with public goals stated in the  
10 redevelopment plan without the adoption of the  
11 redevelopment plan;

12 (2) the redevelopment plan and project conform to the  
13 comprehensive plan for the development of the municipality  
14 as a whole, or, for municipalities with a population of  
15 100,000 or more, regardless of when the redevelopment plan  
16 and project was adopted, the redevelopment plan and project  
17 either: (i) conforms to the strategic economic development  
18 or redevelopment plan issued by the designated planning  
19 authority of the municipality or (ii) includes land uses  
20 that have been approved by the planning commission of the  
21 municipality;

22 (3) that the redevelopment plan is reasonably expected  
23 to create or retain a significant number of permanent full  
24 time jobs as set forth in paragraph (3) of subsection (1)  
25 above;

26 (4) the estimated date of completion of the  
27 redevelopment project and retirement of obligations  
28 incurred to finance redevelopment project costs is not  
29 later than December 31 of the year in which the payment to  
30 the municipal treasurer as provided in subsection (b) of  
31 Section 11-74.6-35 is to be made with respect to ad valorem  
32 taxes levied in the twenty-third calendar year after the  
33 year in which the ordinance approving the redevelopment  
34 project area is adopted; a municipality may by municipal  
35 ordinance amend an existing redevelopment plan to conform  
36 to this paragraph (4) as amended by this amendatory Act of

1 the 91st General Assembly concerning ordinances adopted on  
2 or after January 15, 1981, which municipal ordinance may be  
3 adopted without further hearing or notice and without  
4 complying with the procedures provided in this Law  
5 pertaining to an amendment to or the initial approval of a  
6 redevelopment plan and project and designation of a  
7 redevelopment project area;

8 (5) in the case of an industrial park conservation  
9 area, that the municipality is a labor surplus municipality  
10 or a substantial labor surplus municipality and that the  
11 implementation of the redevelopment plan is reasonably  
12 expected to create a significant number of permanent full  
13 time new jobs and, by the provision of new facilities,  
14 significantly enhance the tax base of the taxing districts  
15 that extend into the redevelopment project area;

16 (6) in the case of an environmentally contaminated  
17 area, that the area is subject to a release or substantial  
18 threat of release of a hazardous substance, pesticide or  
19 petroleum which presents an imminent and substantial  
20 danger to public health or welfare or presents a  
21 significant threat to public health or environment, that  
22 such release or threat of release will have a significant  
23 impact on the cost of redeveloping the area, that the  
24 implementation of the redevelopment plan is reasonably  
25 expected to result in the area being redeveloped, the tax  
26 base of the affected taxing districts being significantly  
27 enhanced thereby, and the creation of a significant number  
28 of permanent full time jobs; and

29 (7) in the case of a vacant industrial buildings  
30 conservation area, that the area is located within the  
31 corporate limits of a municipality that has been zoned  
32 industrial for at least 5 years before its designation as a  
33 project redeveloped area, that it contains one or more  
34 industrial buildings, and whether the area has been  
35 designated under Standard One or Standard Two of subsection  
36 (f) and the basis for that designation.

1 (m) "Redevelopment project" means any public or private  
2 development project in furtherance of the objectives of a  
3 redevelopment plan. On and after the effective date of this  
4 amendatory Act of the 91st General Assembly, no redevelopment  
5 plan may be approved or amended to include the development of  
6 vacant land (i) with a golf course and related clubhouse and  
7 other facilities or (ii) designated by federal, State, county,  
8 or municipal government as public land for outdoor recreational  
9 activities or for nature preserves and used for that purpose  
10 within 5 years prior to the adoption of the redevelopment plan.  
11 For the purpose of this subsection, "recreational activities"  
12 is limited to mean camping and hunting.

13 (n) "Redevelopment project area" means a contiguous area  
14 designated by the municipality that is not less in the  
15 aggregate than 1 1/2 acres, and for which the municipality has  
16 made a finding that there exist conditions that cause the area  
17 to be classified as an industrial park conservation area, a  
18 vacant industrial building conservation area, an  
19 environmentally contaminated area or a combination of these  
20 types of areas.

21 (o) "Redevelopment project costs" means the sum total of  
22 all reasonable or necessary costs incurred or estimated to be  
23 incurred by the municipality, and any of those costs incidental  
24 to a redevelopment plan and a redevelopment project. These  
25 costs include, without limitation, the following:

26 (1) Costs of studies, surveys, development of plans,  
27 and specifications, implementation and administration of  
28 the redevelopment plan, staff and professional service  
29 costs for architectural, engineering, legal, marketing,  
30 financial, planning, or other services, but no charges for  
31 professional services may be based on a percentage of the  
32 tax increment collected; except that on and after the  
33 effective date of this amendatory Act of the 91st General  
34 Assembly, no contracts for professional services,  
35 excluding architectural and engineering services, may be  
36 entered into if the terms of the contract extend beyond a

1 period of 3 years. In addition, "redevelopment project  
2 costs" shall not include lobbying expenses. After  
3 consultation with the municipality, each tax increment  
4 consultant or advisor to a municipality that plans to  
5 designate or has designated a redevelopment project area  
6 shall inform the municipality in writing of any contracts  
7 that the consultant or advisor has entered into with  
8 entities or individuals that have received, or are  
9 receiving, payments financed by tax increment revenues  
10 produced by the redevelopment project area with respect to  
11 which the consultant or advisor has performed, or will be  
12 performing, service for the municipality. This requirement  
13 shall be satisfied by the consultant or advisor before the  
14 commencement of services for the municipality and  
15 thereafter whenever any other contracts with those  
16 individuals or entities are executed by the consultant or  
17 advisor;

18 (1.5) After July 1, 1999, annual administrative costs  
19 shall not include general overhead or administrative costs  
20 of the municipality that would still have been incurred by  
21 the municipality if the municipality had not designated a  
22 redevelopment project area or approved a redevelopment  
23 plan;

24 (1.6) The cost of marketing sites within the  
25 redevelopment project area to prospective businesses,  
26 developers, and investors.

27 (2) Property assembly costs within a redevelopment  
28 project area, including but not limited to acquisition of  
29 land and other real or personal property or rights or  
30 interests therein.

31 (3) Site preparation costs, including but not limited  
32 to clearance of any area within a redevelopment project  
33 area by demolition or removal of any existing buildings,  
34 structures, fixtures, utilities and improvements and  
35 clearing and grading; and including installation, repair,  
36 construction, reconstruction, or relocation of public

1 streets, public utilities, and other public site  
2 improvements within or without a redevelopment project  
3 area which are essential to the preparation of the  
4 redevelopment project area for use in accordance with a  
5 redevelopment plan.

6 (4) Costs of renovation, rehabilitation,  
7 reconstruction, relocation, repair or remodeling of any  
8 existing public or private buildings, improvements, and  
9 fixtures within a redevelopment project area; and the cost  
10 of replacing an existing public building if pursuant to the  
11 implementation of a redevelopment project the existing  
12 public building is to be demolished to use the site for  
13 private investment or devoted to a different use requiring  
14 private investment.

15 (5) Costs of construction within a redevelopment  
16 project area of public improvements, including but not  
17 limited to, buildings, structures, works, utilities or  
18 fixtures, except that on and after the effective date of  
19 this amendatory Act of the 91st General Assembly,  
20 redevelopment project costs shall not include the cost of  
21 constructing a new municipal public building principally  
22 used to provide offices, storage space, or conference  
23 facilities or vehicle storage, maintenance, or repair for  
24 administrative, public safety, or public works personnel  
25 and that is not intended to replace an existing public  
26 building as provided under paragraph (4) unless either (i)  
27 the construction of the new municipal building implements a  
28 redevelopment project that was included in a redevelopment  
29 plan that was adopted by the municipality prior to the  
30 effective date of this amendatory Act of the 91st General  
31 Assembly or (ii) the municipality makes a reasonable  
32 determination in the redevelopment plan, supported by  
33 information that provides the basis for that  
34 determination, that the new municipal building is required  
35 to meet an increase in the need for public safety purposes  
36 anticipated to result from the implementation of the



1 redevelopment plan.

2 (6) Costs of eliminating or removing contaminants and  
3 other impediments required by federal or State  
4 environmental laws, rules, regulations, and guidelines,  
5 orders or other requirements or those imposed by private  
6 lending institutions as a condition for approval of their  
7 financial support, debt or equity, for the redevelopment  
8 projects, provided, however, that in the event (i) other  
9 federal or State funds have been certified by an  
10 administrative agency as adequate to pay these costs during  
11 the 18 months after the adoption of the redevelopment plan,  
12 or (ii) the municipality has been reimbursed for such costs  
13 by persons legally responsible for them, such federal,  
14 State, or private funds shall, insofar as possible, be  
15 fully expended prior to the use of any revenues deposited  
16 in the special tax allocation fund of the municipality and  
17 any other such federal, State or private funds received  
18 shall be deposited in the fund. The municipality shall seek  
19 reimbursement of these costs from persons legally  
20 responsible for these costs and the costs of obtaining this  
21 reimbursement.

22 (7) Costs of job training and retraining projects.

23 (8) Financing costs, including but not limited to all  
24 necessary and incidental expenses related to the issuance  
25 of obligations and which may include payment of interest on  
26 any obligations issued under this Act including interest  
27 accruing during the estimated period of construction of any  
28 redevelopment project for which the obligations are issued  
29 and for not exceeding 36 months thereafter and including  
30 reasonable reserves related to those costs.

31 (9) All or a portion of a taxing district's capital  
32 costs resulting from the redevelopment project necessarily  
33 incurred or to be incurred in furtherance of the objectives  
34 of the redevelopment plan and project, to the extent the  
35 municipality by written agreement accepts and approves  
36 those costs.

1           (10) Relocation costs to the extent that a municipality  
2 determines that relocation costs shall be paid or is  
3 required to make payment of relocation costs by federal or  
4 State law.

5           (11) Payments in lieu of taxes.

6           (12) Costs of job training, retraining, advanced  
7 vocational education or career education, including but  
8 not limited to courses in occupational, semi-technical or  
9 technical fields leading directly to employment, incurred  
10 by one or more taxing districts, if those costs are: (i)  
11 related to the establishment and maintenance of additional  
12 job training, advanced vocational education or career  
13 education programs for persons employed or to be employed  
14 by employers located in a redevelopment project area; and  
15 (ii) are incurred by a taxing district or taxing districts  
16 other than the municipality and are set forth in a written  
17 agreement by or among the municipality and the taxing  
18 district or taxing districts, which agreement describes  
19 the program to be undertaken, including but not limited to  
20 the number of employees to be trained, a description of the  
21 training and services to be provided, the number and type  
22 of positions available or to be available, itemized costs  
23 of the program and sources of funds to pay for the same,  
24 and the term of the agreement. These costs include,  
25 specifically, the payment by community college districts  
26 of costs under Sections 3-37, 3-38, 3-40 and 3-40.1 of the  
27 Public Community College Act and by school districts of  
28 costs under Sections 10-22.20a and 10-23.3a of the School  
29 Code.

30           (13) The interest costs incurred by redevelopers or  
31 other nongovernmental persons in connection with a  
32 redevelopment project, and specifically including payments  
33 to redevelopers or other nongovernmental persons as  
34 reimbursement for such costs incurred by such redeveloper  
35 or other nongovernmental person, provided that:

36           (A) interest costs shall be paid or reimbursed by a

1 municipality only pursuant to the prior official  
2 action of the municipality evidencing an intent to pay  
3 or reimburse such interest costs;

4 (B) such payments in any one year may not exceed  
5 30% of the annual interest costs incurred by the  
6 redeveloper with regard to the redevelopment project  
7 during that year;

8 (C) except as provided in subparagraph (E), the  
9 aggregate amount of such costs paid or reimbursed by a  
10 municipality shall not exceed 30% of the total (i)  
11 costs paid or incurred by the redeveloper or other  
12 nongovernmental person in that year plus (ii)  
13 redevelopment project costs excluding any property  
14 assembly costs and any relocation costs incurred by a  
15 municipality pursuant to this Act;

16 (D) interest costs shall be paid or reimbursed by a  
17 municipality solely from the special tax allocation  
18 fund established pursuant to this Act and shall not be  
19 paid or reimbursed from the proceeds of any obligations  
20 issued by a municipality;

21 (E) if there are not sufficient funds available in  
22 the special tax allocation fund in any year to make  
23 such payment or reimbursement in full, any amount of  
24 such interest cost remaining to be paid or reimbursed  
25 by a municipality shall accrue and be payable when  
26 funds are available in the special tax allocation fund  
27 to make such payment.

28 (14) The costs of construction of new privately owned  
29 buildings shall not be an eligible redevelopment project  
30 cost.

31 If a special service area has been established under the  
32 Special Service Area Tax Act, then any tax increment revenues  
33 derived from the tax imposed thereunder to the Special Service  
34 Area Tax Act may be used within the redevelopment project area  
35 for the purposes permitted by that Act as well as the purposes  
36 permitted by this Act.

1 (p) "Redevelopment Planning Area" means an area so  
2 designated by a municipality after the municipality has  
3 complied with all the findings and procedures required to  
4 establish a redevelopment project area, including the  
5 existence of conditions that qualify the area as an industrial  
6 park conservation area, or an environmentally contaminated  
7 area, or a vacant industrial buildings conservation area, or a  
8 combination of these types of areas, and adopted a  
9 redevelopment plan and project for the planning area and its  
10 included redevelopment project areas. The area shall not be  
11 designated as a redevelopment planning area for more than 5  
12 years. At any time in the 5 years following that designation of  
13 the redevelopment planning area, the municipality may  
14 designate the redevelopment planning area, or any portion of  
15 the redevelopment planning area, as a redevelopment project  
16 area without making additional findings or complying with  
17 additional procedures required for the creation of a  
18 redevelopment project area. An amendment of a redevelopment  
19 plan and project in accordance with the findings and procedures  
20 of this Act after the designation of a redevelopment planning  
21 area at any time within the 5 years after the designation of  
22 the redevelopment planning area shall not require new  
23 qualification of findings for the redevelopment project area to  
24 be designated within the redevelopment planning area.

25 The terms "redevelopment plan", "redevelopment project",  
26 and "redevelopment project area" have the definitions set out  
27 in subsections (l), (m), and (n), respectively.

28 (q) "Taxing districts" means counties, townships,  
29 municipalities, and school, road, park, sanitary, mosquito  
30 abatement, forest preserve, public health, fire protection,  
31 river conservancy, tuberculosis sanitarium and any other  
32 municipal corporations or districts with the power to levy  
33 taxes.

34 (r) "Taxing districts' capital costs" means those costs of  
35 taxing districts for capital improvements that are found by the  
36 municipal corporate authorities to be necessary and a direct

1 result of the redevelopment project.

2 (s) "Urban county" means a county with 240,000 or more  
3 inhabitants.

4 (t) "Vacant area", as used in subsection (a) of this  
5 Section, means any parcel or combination of parcels of real  
6 property without industrial, commercial and residential  
7 buildings that has not been used for commercial agricultural  
8 purposes within 5 years before the designation of the  
9 redevelopment project area, unless that parcel is included in  
10 an industrial park conservation area.

11 (Source: P.A. 90-655, eff. 7-30-98; 91-474, eff. 11-1-99;  
12 revised 12-6-03.)

13 Section 575. The Metropolitan Pier and Exposition  
14 Authority Act is amended by changing Sections 10.1, 13.1, and  
15 22.1 as follows:

16 (70 ILCS 210/10.1) (from Ch. 85, par. 1230.1)

17 Sec. 10.1. (a) The Authority is hereby authorized to  
18 provide for the issuance, from time to time, of refunding or  
19 advance refunding bonds for the purpose of refunding any bonds  
20 or notes then outstanding (herein collectively referred to as  
21 bonds) at or prior to maturity or on any redemption date,  
22 whether an entire issue or series, or one or more issues or  
23 series, or any portions or parts of any issue or series, which  
24 shall have been issued under the provisions of this Act.

25 (b) The proceeds of any such refunding bonds may be used to  
26 carry out one or more of the following purposes:

27 (1) To pay the principal amount of all outstanding  
28 bonds to be retired at maturity or redeemed prior to  
29 maturity;

30 (2) To pay the total amount of any redemption premium  
31 incident to redemption of such outstanding bonds to be  
32 refunded;

33 (3) To pay the total amount of any interest accrued or  
34 to accrue to the date or dates of redemption or maturity of

1 such outstanding bonds to be refunded;

2 (4) To pay any and all costs or expenses incident to  
3 such refunding;

4 (5) To establish reserves for the payment of such  
5 refunding bonds and the interest thereon.

6 (c) The issuance of refunding bonds, the maturities and  
7 other details thereof, the rights of the holders thereof and  
8 the rights, duties and obligations of the Authority in respect  
9 of the same shall be governed by the provisions of this Act,  
10 insofar as the same may be applicable, and may in harmony  
11 therewith be augmented or supplemented by resolution or  
12 ordinance to conform to the facts and circumstances prevailing  
13 in each instance of issuance of such refunding bonds; provided  
14 that, with respect to refunding or advance refunding bonds  
15 issued before January 1, 1991, the Authority shall consult with  
16 the Illinois Governor's Office of Management and Budget  
17 (formerly Bureau of the Budget) to develop the structure of the  
18 proposed transaction.

19 After the adoption by the Board of an ordinance authorizing  
20 the issuance of such refunding bonds before January 1, 1991,  
21 and the execution of any proposal or contract relating to the  
22 sale thereof, the Authority shall prepare and deliver a report  
23 as soon as practical to the Director of the Governor's Office  
24 of Management and Budget (formerly Bureau of the Budget), the  
25 President of the Senate, the Minority Leader of the Senate, the  
26 Speaker of the House of Representatives and the Minority Leader  
27 of the House of Representatives setting forth the amount of  
28 refunding bonds, the interest rate or rates, a schedule of  
29 estimated debt service requirements, the projected cost  
30 savings to the State, the method or manner of the sale and any  
31 participants therein, including underwriters, financial  
32 advisors, attorneys, accountants, trustees, printers,  
33 registrars and paying agents.

34 (d) With reference to the investment of the proceeds of any  
35 such refunding bonds, the interest on which is exempt from tax  
36 under federal law, the Authority shall not authorize or

1 anticipate investment earnings exceeding such as are  
2 authorized or permitted under prevailing federal laws,  
3 regulations and administrative rulings relating to arbitrage  
4 bonds.

5 (e) The proceeds of any such refunding bonds (together with  
6 any other funds available for application to refunding  
7 purposes, if so provided or permitted by ordinance authorizing  
8 the issuance of such refunding bonds or in a trust agreement  
9 securing the same) may be placed in trust to be applied to the  
10 purchase, retirement at maturity or redemption of the bonds to  
11 be refunded on such dates as may be determined by the  
12 Authority. Pending application thereof, the proceeds of such  
13 refunding bonds and such other available funds, if any, may be  
14 invested in direct obligations of, or obligations the principal  
15 thereof and the interest on which are unconditionally  
16 guaranteed by, the United States of America which shall mature,  
17 or which shall be subject to redemption by the holder thereof  
18 at its option not later than the respective date or dates when  
19 such proceeds and other available funds, if any, (either  
20 together with the interest accruing thereon or without  
21 considering the interest accruing thereon) will be required for  
22 the refunding purpose intended or authorized.

23 (f) Upon the deposit of the proceeds of the refunding bonds  
24 (together with any other funds available for application to  
25 refunding purposes, if so provided or permitted by ordinance  
26 authorizing the issuance of such refunding bonds or in a trust  
27 agreement securing the same) in an irrevocable trust pursuant  
28 to a trust agreement with a trustee requiring the trustee to  
29 satisfy the obligations of the Authority to timely redeem and  
30 retire the outstanding bonds for which the proceeds and other  
31 funds, if any, are deposited, in an amount sufficient to  
32 satisfy the obligation of the Authority to timely redeem and  
33 retire such outstanding bonds or upon the deposit in such  
34 irrevocable trust of direct obligations which, or obligations  
35 the principal and interest of which, are unconditionally  
36 guaranteed by the United States of America, in an amount

1 sufficient to pay all principal and all interest accrued and to  
2 be accrued in respect of the bonds to be refunded from the  
3 reinvestment of such principal and interest, or in such amounts  
4 so that upon maturity (or upon optional redemption by the  
5 trustee) of such obligations amounts will be produced, taking  
6 into account investment earnings, on a timely basis sufficient  
7 to satisfy the obligations of the Authority to timely redeem  
8 and retire such outstanding bonds, and notwithstanding any  
9 provision of any ordinance or trust agreement authorizing the  
10 issuance of such outstanding bonds to the contrary, such  
11 outstanding bonds shall be deemed paid and no longer be deemed  
12 to be outstanding for purposes of such ordinance or trust  
13 agreement, and all rights and obligations of the bond holders  
14 and the Authority under such prior ordinance or trust agreement  
15 shall be deemed discharged, provided, however, that the holders  
16 of such outstanding bonds shall have an irrevocable and  
17 unconditional right to payment in full of all principal of and  
18 premium if any and interest on such outstanding bonds when due  
19 from the amounts on deposit in such trust. The trustee shall be  
20 any trust company or bank in the State of Illinois having the  
21 power of a trust company possessing capital and surplus of not  
22 less than \$100,000,000.

23 (g) Bond proceeds on deposit in the construction fund, are  
24 authorized to be used to pay principal or interest on the  
25 refunded bonds and the Authority is authorized to issue bonds  
26 for the purpose of reimbursing its construction fund in the  
27 amount of the bond proceeds used in connection with the  
28 refunding issuance. That portion of the bond proceeds used to  
29 reimburse the construction fund shall be deemed refunding bonds  
30 for the purposes of this Act.

31 (Source: P.A. 87-733; revised 8-23-03.)

32 (70 ILCS 210/13.1) (from Ch. 85, par. 1233.1)

33 Sec. 13.1. There is hereby created the Metropolitan Fair  
34 and Exposition Authority Improvement Bond Fund and the  
35 Metropolitan Fair and Exposition Authority Completion Note



1 Subordinate Fund in the State Treasury. All moneys transferred  
2 from the McCormick Place Account in the Build Illinois Fund to  
3 the Metropolitan Fair and Exposition Authority Improvement  
4 Bond Fund and all moneys transferred from the Metropolitan Fair  
5 and Exposition Authority Improvement Bond Fund to the  
6 Metropolitan Fair and Exposition Authority Completion Note  
7 Subordinate Fund may be appropriated by law for the purpose of  
8 paying the debt service requirements on all bonds and notes  
9 issued under this Section, including refunding bonds, (herein  
10 collectively referred to as bonds) to be issued by the  
11 Authority subsequent to July 1, 1984 in an aggregate amount  
12 (excluding the amount of any refunding bonds issued by the  
13 Authority subsequent to January 1, 1986), not to exceed  
14 \$312,500,000, with such aggregate amount comprised of (i) an  
15 amount not to exceed \$259,000,000 for the purpose of paying  
16 costs of the Project and (ii) the balance for the purpose of  
17 refunding those bonds of the Authority that were issued prior  
18 to July 1, 1984 and for the purpose of establishing necessary  
19 reserves on, paying capitalized interest on, and paying costs  
20 of issuance of bonds, other than refunding bonds issued  
21 subsequent to January 1, 1986, issued for those purposes,  
22 provided that any proceeds of bonds, other than refunding bonds  
23 issued subsequent to January 1, 1986, and interest or other  
24 investment earnings thereon not used for the purposes stated in  
25 items (i) and (ii) above shall be used solely to redeem  
26 outstanding bonds, other than bonds which have been refunded or  
27 advance refunded, of the Authority. The Authority will use its  
28 best efforts to cause all bonds issued pursuant to this  
29 Section, other than bonds which have been refunded or advance  
30 refunded, to be or to become on a parity with one another.  
31 Notwithstanding any provision of any prior ordinance or trust  
32 agreement authorizing the issuance of outstanding bonds  
33 payable or to become payable from the Metropolitan Fair and  
34 Exposition Authority Improvement Bond Fund, refunding or  
35 advance refunding bonds may be issued subsequent to January 1,  
36 1986, payable from the Metropolitan Fair and Exposition

1 Authority Improvement Bond Fund on a parity with any such prior  
2 bonds which remain outstanding provided, that in the event of  
3 any such partial refunding (i) the debt service requirements  
4 after such refunding for all bonds payable from the  
5 Metropolitan Fair and Exposition Authority Improvement Bond  
6 Fund issued after July 1, 1984, by the Authority which shall be  
7 outstanding after such refunding shall not have been increased  
8 by reason of such refunding in any then current or future  
9 fiscal year in which such prior outstanding bonds shall remain  
10 outstanding and (ii) such parity refunding bonds shall be  
11 deemed to be parity bonds issued to pay costs of the Project  
12 for purposes of such prior ordinance or trust agreement. It is  
13 hereby found and determined that (i) the issuance of such  
14 parity refunding bonds shall further the purposes of this Act  
15 and (ii) the contractual rights of the bondholders under any  
16 such prior ordinance or trust agreement will not be impaired or  
17 adversely affected by such issuance.

18 No amounts in excess of the sum of \$250,000,000 plus all  
19 interest and other investment income earned prior to the  
20 effective date of this amendatory Act of 1985 on all proceeds  
21 of all bonds issued for the purpose of paying costs of the  
22 Project shall be obligated or expended with respect to the  
23 costs of the Project without prior written approval from the  
24 Director of the Governor's Office of Management and Budget  
25 ~~Bureau of the Budget~~. Such approval shall be based upon factors  
26 including, but not limited to, the necessity, in relation to  
27 the Authority's ability to complete the Project and open the  
28 facility to the public in a timely manner, of incurring the  
29 costs, and the appropriateness of using bond funds for such  
30 purpose. The Director of the Governor's Office of Management  
31 and Budget ~~Bureau of the Budget~~ may, in his discretion,  
32 consider other reasonable factors in determining whether to  
33 approve payment of costs of the Project. The Authority shall  
34 furnish to the Governor's Office of Management and Budget  
35 ~~Bureau of the Budget~~ such information as may from time to time  
36 be requested. The Director of the Governor's Office of

1 Management and Budget ~~Bureau of the Budget~~ or any duly  
2 authorized employee of the Governor's Office of Management and  
3 Budget ~~Bureau of the Budget~~ shall, for the purpose of securing  
4 such information, have access to, and the right to examine, all  
5 books, documents, papers and records of the Authority.

6 On the first day of each month commencing after July of  
7 1984, moneys, if any, on deposit in the Metropolitan Fair and  
8 Exposition Authority Improvement Bond Fund shall, subject to  
9 appropriation by law, be paid in full to the Authority or upon  
10 its direction to the trustee or trustees for bond holders of  
11 bonds which by their terms are payable from the moneys received  
12 from the Metropolitan Fair and Exposition Authority  
13 Improvement Bond Fund issued by the Metropolitan Pier and  
14 Exposition Authority subsequent to July 1, 1984, for the  
15 purposes specified in the first paragraph of this Section and  
16 in Section 10.1 of this Act, such trustee or trustees having  
17 been designated pursuant to ordinance of the Authority, until  
18 an amount equal to 100% of the aggregate amount of such  
19 principal and interest in such fiscal year, including pursuant  
20 to sinking fund requirements, has been so paid and deficiencies  
21 in reserves established from bond proceeds shall have been  
22 remedied.

23 On the first day of each month commencing after October of  
24 1985, moneys, if any, on deposit in the Metropolitan Fair and  
25 Exposition Authority Completion Note Subordinate Fund shall,  
26 subject to appropriation by law, be paid in full to the  
27 Authority or upon its direction to the trustee or trustees for  
28 bond holders of bonds issued by the Metropolitan Pier and  
29 Exposition Authority subsequent to September of 1985 which by  
30 their terms are payable from moneys received from the  
31 Metropolitan Fair and Exposition Authority Completion Note  
32 Subordinate Fund for the purposes specified in the first  
33 paragraph of this Section and in Section 10.1 of this Act, such  
34 trustee or trustees having been designated pursuant to  
35 ordinance of the Authority, until an amount equal to 100% of  
36 the aggregate amount of such principal and interest in such

1 fiscal year, including pursuant to sinking fund requirements,  
2 has been so paid and deficiencies in reserves established from  
3 bond proceeds shall have been remedied.

4 The State of Illinois pledges to and agrees with the  
5 holders of the bonds of the Metropolitan Pier and Exposition  
6 Authority issued pursuant to this Section that the State will  
7 not limit or alter the rights and powers vested in the  
8 Metropolitan Pier and Exposition Authority by this Act so as to  
9 impair the terms of any contract made by the Metropolitan Pier  
10 and Exposition Authority with such holders or in any way impair  
11 the rights and remedies of such holders until such bonds,  
12 together with interest thereon, with interest on any unpaid  
13 installments of interest, and all costs and expenses in  
14 connection with any action or proceedings by or on behalf of  
15 such holders, are fully met and discharged. In addition, the  
16 State pledges to and agrees with the holders of the bonds of  
17 the Metropolitan Pier and Exposition Authority issued pursuant  
18 to this Act that the State will not limit or alter the basis on  
19 which State funds are to be paid to the Metropolitan Pier and  
20 Exposition Authority as provided in this Act, or the use of  
21 such funds, so as to impair the terms of any such contract. The  
22 Metropolitan Pier and Exposition Authority is authorized to  
23 include these pledges and agreements of the State in any  
24 contract with the holders of bonds issued pursuant to this  
25 Section.

26 The State shall not be liable on bonds of the Metropolitan  
27 Pier and Exposition Authority issued under this Act, and such  
28 bonds shall not be a debt of the State, nor shall this Act be  
29 construed as a guarantee by the State of the debts of the  
30 Metropolitan Pier and Exposition Authority. The bonds shall  
31 contain a statement to such effect on the face thereof.

32 (Source: P.A. 86-17; 87-733; revised 8-23-03.)

33 (70 ILCS 210/22.1) (from Ch. 85, par. 1242.1)

34 Sec. 22.1. The Authority shall pass all ordinances and make  
35 all rules and regulations necessary to assure equal access for

1 economically disadvantaged persons, including but not limited  
2 to persons eligible for assistance pursuant to the Job Training  
3 Partnership Act, to all positions of employment provided for by  
4 the Authority pursuant to Section 22 and to all positions of  
5 employment with any person performing any work for the  
6 Authority. The Authority shall submit a detailed employment  
7 report not later than March 1 of each year to the General  
8 Assembly. The Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ shall monitor the Authority's compliance  
10 with this Section.

11 (Source: P.A. 83-1129; revised 12-6-03.)

12 Section 580. The Quad Cities Regional Economic Development  
13 Authority Act, approved September 22, 1987 is amended by  
14 changing Sections 4 and 19 as follows:

15 (70 ILCS 510/4) (from Ch. 85, par. 6204)

16 Sec. 4. (a) There is hereby created a political  
17 subdivision, body politic and municipal corporation named the  
18 Quad Cities Regional Economic Development Authority. The  
19 territorial jurisdiction of the Authority is that geographic  
20 area within the boundaries of Rock Island, Henry, Knox, and  
21 Mercer counties in the State of Illinois and any navigable  
22 waters and air space located therein.

23 (b) The governing and administrative powers of the  
24 Authority shall be vested in a body consisting of 11 members  
25 including, as an ex officio member, the Director of ~~the~~  
26 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~  
27 ~~Affairs~~, or his or her designee. The other 10 members of the  
28 Authority shall be designated "public members", 6 of whom shall  
29 be appointed by the Governor with the advice and consent of the  
30 Senate. Of the 6 members appointed by the Governor, one shall  
31 be from a city within the Authority's territory with a  
32 population of 25,000 or more and the remainder shall be  
33 appointed at large. Of the 6 members appointed by the Governor,  
34 2 members shall have business or finance experience. One member

1 shall be appointed by each of the county board chairmen of Rock  
2 Island, Henry, Knox, and Mercer Counties with the advice and  
3 consent of the respective county board. All public members  
4 shall reside within the territorial jurisdiction of this Act.  
5 Six members shall constitute a quorum. The public members shall  
6 be persons of recognized ability and experience in one or more  
7 of the following areas: economic development, finance,  
8 banking, industrial development, small business management,  
9 real estate development, community development, venture  
10 finance, organized labor or civic, community or neighborhood  
11 organization. The Chairman of the Authority shall be a public  
12 member elected by the affirmative vote of not fewer than 6  
13 members of the Authority. The term of the Chairman shall be one  
14 year.

15 (c) The terms of all members of the Authority shall begin  
16 30 days after the effective date of this Act, except (i) the  
17 terms of those members added by this amendatory Act of 1989  
18 shall begin 30 days after the effective date of this amendatory  
19 Act of 1989 and (ii) the terms of those members added by this  
20 amendatory Act of the 92nd General Assembly shall begin 30 days  
21 after the effective date of this amendatory Act of the 92nd  
22 General Assembly. Of the 10 public members appointed pursuant  
23 to this Act, 2 (one of whom shall be appointed by the Governor)  
24 shall serve until the third Monday in January, 1989, 2 (one of  
25 whom shall be appointed by the Governor) shall serve until the  
26 third Monday in January, 1990, 2 (one of whom shall be  
27 appointed by the Governor) shall serve until the third Monday  
28 in January, 1991, 2 (both of whom shall be appointed by the  
29 Governor) shall serve until the third Monday in January, 1992,  
30 and 2 (one of whom shall be appointed by the Governor and one  
31 of whom shall be appointed by the county board chairman of Knox  
32 County) shall serve until the third Monday in January, 2004.  
33 The initial terms of the members appointed by the county board  
34 chairmen (other than the county board chairman of Knox County)  
35 shall be determined by lot. All successors shall be appointed  
36 by the original appointing authority and hold office for a term

1 of 3 years commencing the third Monday in January of the year  
2 in which their term commences, except in case of an appointment  
3 to fill a vacancy. Vacancies occurring among the public members  
4 shall be filled for the remainder of the term. In case of  
5 vacancy in a Governor-appointed membership when the Senate is  
6 not in session, the Governor may make a temporary appointment  
7 until the next meeting of the Senate when a person shall be  
8 nominated to fill such office, and any person so nominated who  
9 is confirmed by the Senate shall hold office during the  
10 remainder of the term and until a successor shall be appointed  
11 and qualified. Members of the Authority shall not be entitled  
12 to compensation for their services as members but shall be  
13 entitled to reimbursement for all necessary expenses incurred  
14 in connection with the performance of their duties as members.

15 (d) The Governor may remove any public member of the  
16 Authority appointed by the Governor in case of incompetency,  
17 neglect of duty, or malfeasance in office. The Chairman of a  
18 county board may remove any public member of the Authority  
19 appointed by such Chairman in the case of incompetency, neglect  
20 of duty, or malfeasance in office.

21 (e) The Board shall appoint an Executive Director who shall  
22 have a background in finance, including familiarity with the  
23 legal and procedural requirements of issuing bonds, real estate  
24 or economic development and administration. The Executive  
25 Director shall hold office at the discretion of the Board. The  
26 Executive Director shall be the chief administrative and  
27 operational officer of the Authority, shall direct and  
28 supervise its administrative affairs and general management,  
29 shall perform such other duties as may be prescribed from time  
30 to time by the members and shall receive compensation fixed by  
31 the Authority. The Authority may engage the services of such  
32 other agents and employees, including attorneys, appraisers,  
33 engineers, accountants, credit analysts and other consultants,  
34 as it may deem advisable and may prescribe their duties and fix  
35 their compensation.

36 (f) The Board shall create a task force to study and make

1 recommendations to the Board on the economic development of the  
2 territory within the jurisdiction of this Act. The number of  
3 members constituting the task force shall be set by the Board  
4 and may vary from time to time. The Board may set a specific  
5 date by which the task force is to submit its final report and  
6 recommendations to the Board.

7 (Source: P.A. 92-63, eff. 7-12-01; revised 12-6-03.)

8 (70 ILCS 510/19) (from Ch. 85, par. 6219)

9 Sec. 19. Civic Center. The Authority shall commence a study  
10 to determine the feasibility of a civic center or other public  
11 assembly hall or arena to be located within the territorial  
12 jurisdiction of the Authority. This report shall address, at a  
13 minimum, marketing analysis, site availability, competition,  
14 funding sources available from the Department of Commerce and  
15 Economic Opportunity ~~Community Affairs~~, and other matters  
16 deemed appropriate by the board.

17 (Source: P.A. 85-713; revised 12-6-03.)

18 Section 585. The Quad Cities Regional Economic Development  
19 Authority Act, certified December 30, 1987 is amended by  
20 changing Section 4 as follows:

21 (70 ILCS 515/4) (from Ch. 85, par. 6504)

22 Sec. 4. (a) There is hereby created a political  
23 subdivision, body politic and municipal corporation named the  
24 Quad Cities Regional Economic Development Authority. The  
25 territorial jurisdiction of the Authority is that geographic  
26 area within the boundaries of Rock Island, Henry and Mercer  
27 counties in the State of Illinois and any navigable waters and  
28 air space located therein.

29 (b) The governing and administrative powers of the  
30 Authority shall be vested in a body consisting of 7 members  
31 including, as an ex officio member, the Director of ~~the~~  
32 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~, or his or her designee. The other 8 members of the



1 Authority shall be designated "public members", 3 of whom shall  
2 be appointed by the Governor with the advice and consent of the  
3 Senate. Of the 3 members appointed by the Governor, one shall  
4 be from a city within the Authority's territory with a  
5 population of 25,000 or more and the remainder shall be  
6 appointed at large. One member shall be appointed by each of  
7 the county board chairmen of Rock Island, Henry and Mercer  
8 counties with the advice and consent of the respective county  
9 board. All public members shall reside within the territorial  
10 jurisdiction of this Act. Four members shall constitute a  
11 quorum. The public members shall be persons of recognized  
12 ability and experience in one or more of the following areas:  
13 economic development, finance, banking, industrial  
14 development, small business management, real estate  
15 development, community development, venture finance, organized  
16 labor or civic, community or neighborhood organization. The  
17 Chairman of the Authority shall be a public member elected by  
18 the affirmative vote of not fewer than 4 members of the  
19 Authority. The term of the Chairman shall be one year.

20 (c) The terms of all members of the Authority shall begin  
21 30 days after the effective date of this Act. Of the 6 public  
22 members appointed pursuant to this Act, 2 (one of whom shall be  
23 appointed by the Governor) shall serve until the third Monday  
24 in January, 1989, 2 (one of whom shall be appointed by the  
25 Governor) shall serve until the third Monday in January, 1990,  
26 and 2 (one of whom shall be appointed by the Governor) shall  
27 serve until the third Monday in January, 1991. The initial  
28 terms of the members appointed by the county board chairmen  
29 shall be determined by lot. All successors shall be appointed  
30 by the original appointing authority and hold office for a term  
31 of 3 years commencing the third Monday in January of the year  
32 in which their term commences, except in case of an appointment  
33 to fill a vacancy. Vacancies occurring among the public members  
34 shall be filled for the remainder of the term. In case of  
35 vacancy in a Governor-appointed membership when the Senate is  
36 not in session, the Governor may make a temporary appointment

1 until the next meeting of the Senate when a person shall be  
2 nominated to fill such office, and any person so nominated who  
3 is confirmed by the Senate shall hold office during the  
4 remainder of the term and until a successor shall be appointed  
5 and qualified. Members of the Authority shall not be entitled  
6 to compensation for their services as members but shall be  
7 entitled to reimbursement for all necessary expenses incurred  
8 in connection with the performance of their duties as members.

9 (d) The Governor may remove any public member of the  
10 Authority appointed by the Governor in case of incompetency,  
11 neglect of duty, or malfeasance in office. The Chairman of a  
12 county board may remove any public member of the Authority  
13 appointed by such Chairman in the case of incompetency, neglect  
14 of duty, or malfeasance in office.

15 (e) The Board shall appoint an Executive Director who shall  
16 have a background in finance, including familiarity with the  
17 legal and procedural requirements of issuing bonds, real estate  
18 or economic development and administration. The Executive  
19 Director shall hold office at the discretion of the Board. The  
20 Executive Director shall be the chief administrative and  
21 operational officer of the Authority, shall direct and  
22 supervise its administrative affairs and general management,  
23 shall perform such other duties as may be prescribed from time  
24 to time by the members and shall receive compensation fixed by  
25 the Authority. The Authority may engage the services of such  
26 other agents and employees, including attorneys, appraisers,  
27 engineers, accountants, credit analysts and other consultants,  
28 as it may deem advisable and may prescribe their duties and fix  
29 their compensation.

30 (f) The Board shall create a task force to study and make  
31 recommendations to the Board on the economic development of the  
32 territory within the jurisdiction of this Act. The number of  
33 members constituting the task force shall be set by the Board  
34 and may vary from time to time. The Board may set a specific  
35 date by which the task force is to submit its final report and  
36 recommendations to the Board.

1 (Source: P.A. 85-988; revised 12-6-03.)

2 Section 590. The Southwestern Illinois Development  
3 Authority Act is amended by changing Section 4 as follows:

4 (70 ILCS 520/4) (from Ch. 85, par. 6154)

5 Sec. 4. (a) There is hereby created a political  
6 subdivision, body politic and municipal corporation named the  
7 Southwestern Illinois Development Authority. The territorial  
8 jurisdiction of the Authority is that geographic area within  
9 the boundaries of Madison, St. Clair, and Clinton counties in  
10 the State of Illinois and any navigable waters and air space  
11 located therein.

12 (b) The governing and administrative powers of the  
13 Authority shall be vested in a body consisting of 11 members  
14 including, as ex officio members, the Director of ~~the~~  
15 ~~Department of~~ Commerce and Economic Opportunity Community  
16 ~~Affairs~~, or his or her designee, and the Director of ~~the~~  
17 ~~Department of~~ Central Management Services, or his or her  
18 designee. The other 9 members of the Authority shall be  
19 designated "public members", 4 of whom shall be appointed by  
20 the Governor with the advice and consent of the Senate, 2 of  
21 whom shall be appointed by the county board chairman of Madison  
22 County, 2 of whom shall be appointed by the county board  
23 chairman of St. Clair County, and one of whom shall be  
24 appointed by the county board chairman of Clinton County. All  
25 public members shall reside within the territorial  
26 jurisdiction of this Act. Six members shall constitute a  
27 quorum. The public members shall be persons of recognized  
28 ability and experience in one or more of the following areas:  
29 economic development, finance, banking, industrial  
30 development, small business management, real estate  
31 development, community development, venture finance, organized  
32 labor or civic, community or neighborhood organization. The  
33 Chairman of the Authority shall be elected by the Board  
34 annually from the 4 members appointed by the county board

1 chairmen.

2 (c) The terms of all members of the Authority shall begin  
3 30 days after the effective date of this Act. Of the 8 public  
4 members appointed pursuant to this Act, 3 shall serve until the  
5 third Monday in January, 1988, 3 shall serve until the third  
6 Monday in January, 1989, and 2 shall serve until the third  
7 Monday in January, 1990. All successors shall be appointed by  
8 the original appointing authority and hold office for a term of  
9 3 years commencing the third Monday in January of the year in  
10 which their term commences, except in case of an appointment to  
11 fill a vacancy. Vacancies occurring among the public members  
12 shall be filled for the remainder of the term. In case of  
13 vacancy in a Governor-appointed membership when the Senate is  
14 not in session, the Governor may make a temporary appointment  
15 until the next meeting of the Senate when a person shall be  
16 nominated to fill such office, and any person so nominated who  
17 is confirmed by the Senate shall hold office during the  
18 remainder of the term and until a successor shall be appointed  
19 and qualified. Members of the Authority shall not be entitled  
20 to compensation for their services as members but shall be  
21 entitled to reimbursement for all necessary expenses incurred  
22 in connection with the performance of their duties as members.

23 (d) The Governor may remove any public member of the  
24 Authority in case of incompetency, neglect of duty, or  
25 malfeasance in office.

26 (e) The Board shall appoint an Executive Director who shall  
27 have a background in finance, including familiarity with the  
28 legal and procedural requirements of issuing bonds, real estate  
29 or economic development and administration. The Executive  
30 Director shall hold office at the discretion of the Board. The  
31 Executive Director shall be the chief administrative and  
32 operational officer of the Authority, shall direct and  
33 supervise its administrative affairs and general management,  
34 shall perform such other duties as may be prescribed from time  
35 to time by the members and shall receive compensation fixed by  
36 the Authority. The Executive Director shall attend all meetings

1 of the Authority; however, no action of the Authority shall be  
2 invalid on account of the absence of the Executive Director  
3 from a meeting. The Authority may engage the services of such  
4 other agents and employees, including attorneys, appraisers,  
5 engineers, accountants, credit analysts and other consultants,  
6 as it may deem advisable and may prescribe their duties and fix  
7 their compensation.

8 (f) The Board may, by majority vote, nominate up to 4  
9 non-voting members for appointment by the Governor. Non-voting  
10 members shall be persons of recognized ability and experience  
11 in one or more of the following areas: economic development,  
12 finance, banking, industrial development, small business  
13 management, real estate development, community development,  
14 venture finance, organized labor or civic, community or  
15 neighborhood organization. Non-voting members shall serve at  
16 the pleasure of the Board. All non-voting members may attend  
17 meetings of the Board and shall be reimbursed as provided in  
18 subsection (c).

19 (g) The Board shall create a task force to study and make  
20 recommendations to the Board on the economic development of the  
21 city of East St. Louis and on the economic development of the  
22 riverfront within the territorial jurisdiction of this Act. The  
23 members of the task force shall reside within the territorial  
24 jurisdiction of this Act, shall serve at the pleasure of the  
25 Board and shall be persons of recognized ability and experience  
26 in one or more of the following areas: economic development,  
27 finance, banking, industrial development, small business  
28 management, real estate development, community development,  
29 venture finance, organized labor or civic, community or  
30 neighborhood organization. The number of members constituting  
31 the task force shall be set by the Board and may vary from time  
32 to time. The Board may set a specific date by which the task  
33 force is to submit its final report and recommendations to the  
34 Board.

35 (Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)

1 Section 595. The Tri-County River Valley Development  
2 Authority Law is amended by changing Section 2004 as follows:

3 (70 ILCS 525/2004) (from Ch. 85, par. 7504)

4 Sec. 2004. Establishment.

5 (a) There is hereby created a political subdivision, body  
6 politic and municipal corporation named the Tri-County River  
7 Valley Development Authority. The territorial jurisdiction of  
8 the Authority is that geographic area within the boundaries of  
9 Peoria, Tazewell and Woodford counties in the State of Illinois  
10 and any navigable waters and air space located therein.

11 (b) The governing and administrative powers of the  
12 Authority shall be vested in a body consisting of 11 members  
13 including, as ex officio members, the Director of Commerce and  
14 Economic Opportunity ~~Community Affairs~~, or his or her designee,  
15 and the Director of Natural Resources, or that Director's  
16 designee. The other 9 members of the Authority shall be  
17 designated "public members", 3 of whom shall be appointed by  
18 the Governor, 3 of whom shall be appointed one each by the  
19 county board chairmen of Peoria, Tazewell and Woodford counties  
20 and 3 of whom shall be appointed one each by the city councils  
21 of East Peoria, Pekin and Peoria. All public members shall  
22 reside within the territorial jurisdiction of this Act. Six  
23 members shall constitute a quorum. The public members shall be  
24 persons of recognized ability and experience in one or more of  
25 the following areas: economic development, finance, banking,  
26 industrial development, small business management, real estate  
27 development, community development, venture finance, organized  
28 labor or civic, community or neighborhood organization. The  
29 Chairman of the Authority shall be elected by the Board  
30 annually from the 6 members appointed by the county board  
31 chairmen and city councils.

32 (c) The terms of all members of the Authority shall begin  
33 30 days after the effective date of this Article. Of the 9  
34 public members appointed pursuant to this Act, 3 shall serve  
35 until the third Monday in January 1992, 3 shall serve until the

1 third Monday in January 1993, and 3 shall serve until the third  
2 Monday in January 1994. All successors shall be appointed by  
3 the original appointing authority and hold office for a term of  
4 3 years commencing the third Monday in January of the year in  
5 which their term commences, except in case of an appointment to  
6 fill a vacancy. Vacancies occurring among the public members  
7 shall be filled for the remainder of the term. In case of  
8 vacancy in a Governor-appointed membership when the Senate is  
9 not in session, the Governor may make a temporary appointment  
10 until the next meeting of the Senate when a person shall be  
11 nominated to fill such office, and any person so nominated who  
12 is confirmed by the Senate shall hold office during the  
13 remainder of the term and until a successor shall be appointed  
14 and qualified. Members of the Authority shall not be entitled  
15 to compensation for their services as members but may be  
16 reimbursed for all necessary expenses incurred in connection  
17 with the performance of their duties as members.

18 (d) The Governor may remove any public member of the  
19 Authority in case of incompetency, neglect of duty, or  
20 malfeasance in office.

21 (e) The Board may appoint an Executive Director who shall  
22 have a background in finance, including familiarity with the  
23 legal and procedural requirements of issuing bonds, real estate  
24 or economic development and administration. The Executive  
25 Director shall hold office at the discretion of the Board. The  
26 Executive Director shall be the chief administrative and  
27 operational officer of the Authority, shall direct and  
28 supervise its administrative affairs and general management,  
29 shall perform such other duties as may be prescribed from time  
30 to time by the members and shall receive compensation fixed by  
31 the Authority. The Executive Director shall attend all meetings  
32 of the Authority; however, no action of the Authority shall be  
33 invalid on account of the absence of the Executive Director  
34 from a meeting. The Authority may engage the services of such  
35 other agents and employees, including attorneys, appraisers,  
36 engineers, accountants, credit analysts and other consultants,

1 as it may deem advisable and may prescribe their duties and fix  
2 their compensation.

3 (f) The Board may, by majority vote, nominate up to 4  
4 non-voting members for appointment by the Governor. Non-voting  
5 members shall be persons of recognized ability and experience  
6 in one or more of the following areas: economic development,  
7 finance, banking, industrial development, small business  
8 management, real estate development, community development,  
9 venture finance, organized labor or civic, community or  
10 neighborhood organization. Non-voting members shall serve at  
11 the pleasure of the Board. All non-voting members may attend  
12 meetings of the Board and may be reimbursed as provided in  
13 subsection (c).

14 (g) The Board shall create a task force to study and make  
15 recommendations to the Board on the economic development of the  
16 territory within the jurisdiction of this Act. The members of  
17 the task force shall reside within the territorial jurisdiction  
18 of this Article, shall serve at the pleasure of the Board and  
19 shall be persons of recognized ability and experience in one or  
20 more of the following areas: economic development, finance,  
21 banking, industrial development, small business management,  
22 real estate development, community development, venture  
23 finance, organized labor or civic, community or neighborhood  
24 organization. The number of members constituting the task force  
25 shall be set by the Board and may vary from time to time. The  
26 Board may set a specific date by which the task force is to  
27 submit its final report and recommendations to the Board.

28 (Source: P.A. 89-445, eff. 2-7-96; 90-655, eff. 7-30-98;  
29 revised 12-6-03.)

30 Section 600. The Upper Illinois River Valley Development  
31 Authority Act is amended by changing Section 4 as follows:

32 (70 ILCS 530/4) (from Ch. 85, par. 7154)

33 Sec. 4. Establishment.

34 (a) There is hereby created a political subdivision, body



1 politic and municipal corporation named the Upper Illinois  
2 River Valley Development Authority. The territorial  
3 jurisdiction of the Authority is that geographic area within  
4 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,  
5 Kane, McHenry, and Marshall counties in the State of Illinois  
6 and any navigable waters and air space located therein.

7 (b) The governing and administrative powers of the  
8 Authority shall be vested in a body consisting of 20 members  
9 including, as ex officio members, the Director of ~~the~~  
10 ~~Department of Commerce and Economic Opportunity Community~~  
11 ~~Affairs~~, or his or her designee, and the Director of the  
12 Department of Central Management Services, or his or her  
13 designee. The other 18 members of the Authority shall be  
14 designated "public members", 10 of whom shall be appointed by  
15 the Governor with the advice and consent of the Senate and 8 of  
16 whom shall be appointed one each by the county board chairmen  
17 of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and  
18 Marshall counties. All public members shall reside within the  
19 territorial jurisdiction of this Act. Eleven members shall  
20 constitute a quorum. The public members shall be persons of  
21 recognized ability and experience in one or more of the  
22 following areas: economic development, finance, banking,  
23 industrial development, small business management, real estate  
24 development, community development, venture finance, organized  
25 labor or civic, community or neighborhood organization. The  
26 Chairman of the Authority shall be elected by the Board  
27 annually from the 8 members appointed by the county board  
28 chairmen.

29 (c) The terms of all initial members of the Authority shall  
30 begin 30 days after the effective date of this Act. Of the 14  
31 public members appointed pursuant to this Act, 4 appointed by  
32 the Governor shall serve until the third Monday in January,  
33 1992, 4 appointed by the Governor shall serve until the third  
34 Monday in January, 1993, one appointed by the Governor shall  
35 serve until the third Monday in January, 1994, one appointed by  
36 the Governor shall serve until the third Monday in January

1 1999, the member appointed by the county board chairman of  
2 LaSalle County shall serve until the third Monday in January,  
3 1992, the members appointed by the county board chairmen of  
4 Grundy County, Bureau County, Putnam County, and Marshall  
5 County shall serve until the third Monday in January, 1994, and  
6 the member appointed by the county board chairman of Kendall  
7 County shall serve until the third Monday in January, 1999. The  
8 initial members appointed by the chairmen of the county boards  
9 of Kane and McHenry counties shall serve until the third Monday  
10 in January, 2003. All successors shall be appointed by the  
11 original appointing authority and hold office for a term of 3  
12 years commencing the third Monday in January of the year in  
13 which their term commences, except in case of an appointment to  
14 fill a vacancy. Vacancies occurring among the public members  
15 shall be filled for the remainder of the term. In case of  
16 vacancy in a Governor-appointed membership when the Senate is  
17 not in session, the Governor may make a temporary appointment  
18 until the next meeting of the Senate when a person shall be  
19 nominated to fill such office, and any person so nominated who  
20 is confirmed by the Senate shall hold office during the  
21 remainder of the term and until a successor shall be appointed  
22 and qualified. Members of the Authority shall not be entitled  
23 to compensation for their services as members but shall be  
24 entitled to reimbursement for all necessary expenses incurred  
25 in connection with the performance of their duties as members.

26 (d) The Governor may remove any public member of the  
27 Authority in case of incompetency, neglect of duty, or  
28 malfeasance in office.

29 (e) The Board shall appoint an Executive Director who shall  
30 have a background in finance, including familiarity with the  
31 legal and procedural requirements of issuing bonds, real estate  
32 or economic development and administration. The Executive  
33 Director shall hold office at the discretion of the Board. The  
34 Executive Director shall be the chief administrative and  
35 operational officer of the Authority, shall direct and  
36 supervise its administrative affairs and general management,

1 shall perform such other duties as may be prescribed from time  
2 to time by the members and shall receive compensation fixed by  
3 the Authority. The Executive Director shall attend all meetings  
4 of the Authority; however, no action of the Authority shall be  
5 invalid on account of the absence of the Executive Director  
6 from a meeting. The Authority may engage the services of such  
7 other agents and employees, including attorneys, appraisers,  
8 engineers, accountants, credit analysts and other consultants,  
9 as it may deem advisable and may prescribe their duties and fix  
10 their compensation.

11 (f) The Board may, by majority vote, nominate up to 4  
12 non-voting members for appointment by the Governor. Non-voting  
13 members shall be persons of recognized ability and experience  
14 in one or more of the following areas: economic development,  
15 finance, banking, industrial development, small business  
16 management, real estate development, community development,  
17 venture finance, organized labor or civic, community or  
18 neighborhood organization. Non-voting members shall serve at  
19 the pleasure of the Board. All non-voting members may attend  
20 meetings of the Board and shall be reimbursed as provided in  
21 subsection (c).

22 (g) The Board shall create a task force to study and make  
23 recommendations to the Board on the economic development of the  
24 territory within the jurisdiction of this Act. The members of  
25 the task force shall reside within the territorial jurisdiction  
26 of this Act, shall serve at the pleasure of the Board and shall  
27 be persons of recognized ability and experience in one or more  
28 of the following areas: economic development, finance,  
29 banking, industrial development, small business management,  
30 real estate development, community development, venture  
31 finance, organized labor or civic, community or neighborhood  
32 organization. The number of members constituting the task force  
33 shall be set by the Board and may vary from time to time. The  
34 Board may set a specific date by which the task force is to  
35 submit its final report and recommendations to the Board.

36 (Source: P.A. 91-905, eff. 7-7-00; revised 12-6-03.)

1 Section 605. The Will-Kankakee Regional Development  
2 Authority Law is amended by changing Section 4 as follows:

3 (70 ILCS 535/4) (from Ch. 85, par. 7454)

4 Sec. 4. Establishment.

5 (a) There is hereby created a political subdivision, body  
6 politic and municipal corporation named the Will-Kankakee  
7 Regional Development Authority. The territorial jurisdiction  
8 of the Authority is that geographic area within the boundaries  
9 of Will and Kankakee counties in the State of Illinois and any  
10 navigable waters and air space located therein.

11 (b) The governing and administrative powers of the  
12 Authority shall be vested in a body consisting of 10 members  
13 including, as an ex officio member, the Director of ~~the~~  
14 ~~Department of~~ Commerce and Economic Opportunity Community  
15 ~~Affairs~~, or his or her designee. The other 9 members of the  
16 Authority shall be designated "public members", 3 of whom shall  
17 be appointed by the Governor, 3 of whom shall be appointed by  
18 the county board chairman of Will County, and 3 of whom shall  
19 be appointed by the county board chairman of Kankakee County.  
20 All public members shall reside within the territorial  
21 jurisdiction of this Act. Six members shall constitute a  
22 quorum. The public members shall be persons of recognized  
23 ability and experience in one or more of the following areas:  
24 economic development, finance, banking, industrial  
25 development, small business management, real estate  
26 development, community development, venture finance, organized  
27 labor or civic, community or neighborhood organization. The  
28 Chairman of the Authority shall be elected by the Board  
29 annually from the 6 members appointed by the county board  
30 chairmen.

31 (c) The terms of all members of the Authority shall begin  
32 30 days after the effective date of this Act. Of the 9 public  
33 members appointed pursuant to this Act, 3 shall serve until the  
34 third Monday in January 1992, 3 shall serve until the third

1 Monday in January 1993, and 3 shall serve until the third  
2 Monday in January 1994. All successors shall be appointed by  
3 the original appointing authority and hold office for a term of  
4 3 years commencing the third Monday in January of the year in  
5 which their term commences, except in case of an appointment to  
6 fill a vacancy. Vacancies occurring among the public members  
7 shall be filled for the remainder of the term. In case of  
8 vacancy in a Governor-appointed membership when the Senate is  
9 not in session, the Governor may make a temporary appointment  
10 until the next meeting of the Senate when a person shall be  
11 nominated to fill such office, and any person so nominated who  
12 is confirmed by the Senate shall hold office during the  
13 remainder of the term and until a successor shall be appointed  
14 and qualified. Members of the Authority shall not be entitled  
15 to compensation for their services as members but may be  
16 reimbursed for all necessary expenses incurred in connection  
17 with the performance of their duties as members.

18 (d) The Governor may remove any public member of the  
19 Authority in case of incompetency, neglect of duty, or  
20 malfeasance in office.

21 (e) The Board may appoint an Executive Director who shall  
22 have a background in finance, including familiarity with the  
23 legal and procedural requirements of issuing bonds, real estate  
24 or economic development and administration. The Executive  
25 Director shall hold office at the discretion of the Board. The  
26 Executive Director shall be the chief administrative and  
27 operational officer of the Authority, shall direct and  
28 supervise its administrative affairs and general management,  
29 shall perform such other duties as may be prescribed from time  
30 to time by the members and shall receive compensation fixed by  
31 the Authority. The Executive Director shall attend all meetings  
32 of the Authority; however, no action of the Authority shall be  
33 invalid on account of the absence of the Executive Director  
34 from a meeting. The Authority may engage the services of such  
35 other agents and employees, including attorneys, appraisers,  
36 engineers, accountants, credit analysts and other consultants,

1 as it may deem advisable and may prescribe their duties and fix  
2 their compensation.

3 (f) The Board may, by majority vote, nominate up to 4  
4 non-voting members for appointment by the Governor. Non-voting  
5 members shall be persons of recognized ability and experience  
6 in one or more of the following areas: economic development,  
7 finance, banking, industrial development, small business  
8 management, real estate development, community development,  
9 venture finance, organized labor or civic, community or  
10 neighborhood organization. Non-voting members shall serve at  
11 the pleasure of the Board. All non-voting members may attend  
12 meetings of the Board and may be reimbursed as provided in  
13 subsection (c).

14 (g) The Board shall create a task force to study and make  
15 recommendations to the Board on the economic development of the  
16 territory within the jurisdiction of this Act. The members of  
17 the task force shall reside within the territorial jurisdiction  
18 of this Act, shall serve at the pleasure of the Board and shall  
19 be persons of recognized ability and experience in one or more  
20 of the following areas: economic development, finance,  
21 banking, industrial development, small business management,  
22 real estate development, community development, venture  
23 finance, organized labor or civic, community or neighborhood  
24 organization. The number of members constituting the task force  
25 shall be set by the Board and may vary from time to time. The  
26 Board may set a specific date by which the task force is to  
27 submit its final report and recommendations to the Board.

28 (Source: P.A. 86-1481; revised 12-6-03.)

29 Section 610. The Northeastern Illinois Planning Act is  
30 amended by changing Sections 14, 35, 36, and 37 as follows:

31 (70 ILCS 1705/14) (from Ch. 85, par. 1114)

32 Sec. 14. All funds received for the use of the Commission  
33 shall be deposited in the name of the Commission, by the  
34 treasurer, in a depository approved by the Commission and shall

1 be withdrawn or paid out only by check or draft upon the  
2 depository signed by any two of such Commissioners or Employes  
3 of the Commission as may be designated for this purpose by the  
4 Commission, provided further that funds appropriated to the  
5 Commission by the General Assembly shall be expended in  
6 accordance with a formal planning program and budget which has  
7 been reviewed by the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~. All persons so designated shall  
9 execute bonds with corporate sureties approved by the  
10 Commission in the same manner and amount as required of the  
11 treasurer.

12 In case any person whose signature appears upon any check  
13 or draft, issued pursuant to this Act, ceases (after attaching  
14 his signature) to hold his office before the delivery thereof  
15 to the payee, his signature nevertheless shall be valid and  
16 sufficient for all purposes with the same effect as if he had  
17 remained in office until delivery thereof.

18 (Source: P.A. 81-1509; revised 12-6-03.)

19 (70 ILCS 1705/35) (from Ch. 85, par. 1135)

20 Sec. 35. At the close of each fiscal year, the Commission  
21 shall prepare a complete report of its receipts and  
22 expenditures during the fiscal year, including such receipts  
23 and expenditures as authorized by Section 36 of this Act. Such  
24 report shall be prepared in detail, stating the particular  
25 amount received or expended, the name of the person from whom  
26 received or to whom expended, on what account, and for what  
27 purpose or purposes. A copy of this report shall be filed with  
28 the Governor, the Senate and the House of Representatives, and  
29 with the treasurer of each county included in the Counties  
30 Area. In addition, on or before December 31 of each even  
31 numbered year, the Commission shall prepare a report of its  
32 activities during the biennium indicating how its funds were  
33 expended, indicating the amount of the appropriation requested  
34 for the next biennium and explaining how the appropriation will  
35 be utilized to carry out its responsibilities. A copy of this

1 report shall be filed with the Governor, the Senate and the  
2 House of Representatives, and the Department of Commerce and  
3 Economic Opportunity ~~Community Affairs~~.

4 (Source: P.A. 81-1509; revised 12-6-03.)

5 (70 ILCS 1705/36) (from Ch. 85, par. 1136)

6 Sec. 36. The Commission may accept and expend, for purposes  
7 consistent with the purposes of this Act, funds and money from  
8 any source, including grants, bequests, gifts or contributions  
9 made by a person, a unit of government, the State Government or  
10 the Federal Government.

11 The Commission is authorized to enter into agreements with  
12 any agency of the Federal government relating to grant-in-aid  
13 under Section 701 of the "Housing Act of 1954", being Public  
14 Law 560 of the Eighty-third Congress, approved August 2, 1954,  
15 as heretofore or hereafter amended, or under any other Act of  
16 Congress by which Federal funds may be made available for any  
17 activity of the Commission authorized by this Act. Application  
18 for federal planning grants submitted to the Federal Government  
19 shall be reviewed by the Department of Commerce and Economic  
20 Opportunity ~~Community Affairs~~.

21 (Source: P.A. 81-1509; revised 12-6-03.)

22 (70 ILCS 1705/37) (from Ch. 85, par. 1137)

23 Sec. 37. The Commission created by this Act shall cooperate  
24 with the Department of Commerce and Economic Opportunity  
25 ~~Community Affairs~~, the units of government and with the plan  
26 commissions and regional planning commissions created by any  
27 unit of government and regional associations of municipalities  
28 within the area of operation of the Commission and any such  
29 plan commission, regional planning commission, regional  
30 association of municipalities or unit of government may  
31 furnish, sell or make available to the Commission created by  
32 this Act any of its data, charts, maps, reports or regulations  
33 relating to land use and development which the Commission may  
34 request.



1           The Commission created by this Act may cooperate with any  
2 planning agency of a sister State contiguous to the area of  
3 operation of the Commission to the end that plans for the  
4 development of urban areas in such sister State contiguous to  
5 the Counties Area may be integrated and coordinated so far as  
6 possible with the comprehensive plan and policies adopted by  
7 the Commission.

8           (Source: P.A. 81-1509; revised 12-6-03.)

9           Section 615. The Southwestern Illinois Metropolitan and  
10 Regional Planning Act is amended by changing Sections 5, 14,  
11 35, and 37 as follows:

12           (70 ILCS 1710/5) (from Ch. 85, par. 1155)

13           Sec. 5. The corporate authorities of the Southwestern  
14 Illinois Metropolitan and Regional Planning Commission shall  
15 consist of commissioners selected as follows:

16           Eight commissioners appointed by the Governor, at  
17 least 4 of whom shall be elected officials of a unit of  
18 government and at least 7 of whom shall be residents of the  
19 Metropolitan and Regional Counties Area. No more than 4 of  
20 the Governor's appointees shall be of the same political  
21 party.

22           One member from among the Illinois Commissioners of the  
23 Bi-State Development Agency, elected by said commissioners  
24 of said Agency, provided that preference shall be given in  
25 this appointment to the Chairman or Vice Chairman of said  
26 Agency if either or both of those officers is an Illinois  
27 resident.

28           The Chairman or presiding officer of each statutory  
29 Port District existing or operating within the  
30 Metropolitan and Regional Counties Area, or a member of the  
31 governing board of each such Port District appointed by the  
32 Chairman or presiding officer thereof to serve in his  
33 stead.

34           The President of the Metro-East Sanitary District or a

1 member of the governing board of such District appointed by  
2 the President thereto to serve in his stead.

3 Two members from each of the county boards of counties  
4 within the Area of operation having a population of less  
5 than 100,000, such members to be appointed by the chairman  
6 or presiding officer of such counties and in such manner  
7 that one of the 2 members so appointed is the chairman or  
8 presiding officer of the relevant county board or an  
9 elected member of such board appointed to serve in the  
10 stead of such chairman or presiding officer.

11 Three members from each of the county boards of  
12 counties within the Area of operation having a population  
13 in excess of 100,000, such members to be appointed by the  
14 chairman or presiding officer of such counties and in such  
15 manner that one of the 3 members so appointed is the  
16 chairman or presiding officer of the relevant county board  
17 or an elected member of such board appointed to serve in  
18 the stead of such chairman or presiding officer; provided,  
19 further, that at least one member so appointed from each  
20 county having a population in excess of 100,000 shall be a  
21 resident in an area of such county outside any city,  
22 village or incorporated town, and at least one member so  
23 appointed from such counties shall be a resident of a city,  
24 village or incorporated town of such county.

25 The Mayor or Village Board President from each city,  
26 village or incorporated town in the Area of operation  
27 having 4,500 or more inhabitants, or a member of the  
28 Council or Village Board appointed by such Mayor or Board  
29 President to serve in his stead.

30 One Mayor or Village Board President in each county  
31 within the Area of operation from a city, village or  
32 incorporated town having fewer than 4,500 inhabitants to be  
33 selected by all Mayors or Village Board Presidents of such  
34 cities, villages or incorporated towns in each such county.

35 Two members from each township-organized county in the  
36 Area of operation who shall be township supervisors

1 appointed by the Chairman of the relevant county board in  
2 such a manner that one of the 2 shall represent a township  
3 having fewer than 4,500 inhabitants and one of the 2 shall  
4 represent a township having more than 4,500 inhabitants,  
5 provided that in the event no township in any such county  
6 has in excess of 4,500 inhabitants the supervisor of the  
7 township in such county which has the largest number of  
8 inhabitants shall be one of the 2 members so appointed by  
9 that county.

10 Two members from each commission-organized county in  
11 the Area of operation who shall be elected officials of  
12 either the county board or of a unit of government in such  
13 county and who shall be appointed by the Chairman of the  
14 County Board of such county.

15 The President of the Southwestern Illinois Council of  
16 Mayors or a Mayor of a community within the Area of  
17 operation appointed by such President to serve in his  
18 stead.

19 One member from among the Illinois members of the  
20 East-West Gateway Coordinating Council, elected by said  
21 members of said council, provided preference shall be given  
22 in this appointment to the Chairman or Vice Chairman of  
23 said Council if either or both of those officers is an  
24 Illinois resident.

25 Each selecting authority shall give notice of his, or her,  
26 or its selections to each other selecting authority, to the  
27 Executive Director of the Commission, and to the Secretary of  
28 State. Selections or appointments to be made for the first time  
29 pursuant to this amendatory Act of 1975 shall be made no later  
30 than October 1, 1975 and notice given thereon by that date.

31 In addition to the commissioners provided for above, the  
32 following shall also be commissioners selected or appointed and  
33 notice thereon given as contemplated by the preceding  
34 paragraph:

35 Two members from each county in the Area of operation  
36 who shall be a chairman of a county planning commission, a

1 chairman of a municipal planning commission, or a county  
2 engineer, such members to be appointed by the Chairman of  
3 the County Board.

4 The regional superintendent of schools for each  
5 educational service region located in whole or in part  
6 within the Area of operation.

7 The President of Southern Illinois University at  
8 Edwardsville or a person appointed by him to serve in his  
9 stead.

10 The Director of Commerce and Economic Opportunity  
11 ~~Community Affairs~~ or a person appointed by him to serve in  
12 his stead.

13 The district highway engineer for the Illinois  
14 Department of Transportation.

15 The Chairman of the Southwestern Illinois Council on  
16 Economic Development composed of the Counties of Madison,  
17 St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

18 One representative from each County within the Area of  
19 operation who shall be other than an elected official and  
20 who shall be appointed by the Chairman of each County  
21 Board, provided that each representative so appointed  
22 shall be from disadvantaged or minority groups within the  
23 County's population.

24 Five Commissioners, appointed by the President of the  
25 Commission, with the concurrence of the Executive  
26 Committee, one to be selected from each of 5 civic,  
27 fraternal, cultural or religious organizations which meet  
28 all of the following criteria:

29 (1) has a written charter or constitution and  
30 written bylaws;

31 (2) has filed or is eligible to file articles of  
32 incorporation pursuant to the General Not for Profit  
33 Corporation Act;

34 (3) has been in existence for at least 5 years; and

35 (4) is generally recognized as being substantially  
36 representative of the minority population within the

1 Commission's area of operation.

2 The Commission shall develop a fair and reasonable  
3 procedure for determining the organizations from which  
4 appointments will be made.

5 Within 30 days after selection and before entering upon the  
6 duties of his or her office, each commissioner shall take and  
7 subscribe to the constitutional oath of office and file it with  
8 the Secretary of State.

9 The Commission shall maintain a level of minority  
10 membership equal to or greater than proportionate level of  
11 minority population which exists within the area of the  
12 Commission.

13 (Source: P.A. 87-217; revised 12-6-03.)

14 (70 ILCS 1710/14) (from Ch. 85, par. 1164)

15 Sec. 14. All funds received for the use of the Commission  
16 shall be deposited in the name of the Commission by the  
17 treasurer, in a depository approved by the Commission and shall  
18 be withdrawn or paid out only by check or draft upon the  
19 depository signed by any two of such Commissioners or employees  
20 of the Commission as may be designated for this purpose by the  
21 Commission, provided further that funds appropriated to the  
22 Commission by the General Assembly shall not be expended except  
23 in accordance with a formal planning program and budget which  
24 has been reviewed and approved by the Department of Commerce  
25 and Economic Opportunity ~~Community Affairs~~. All persons so  
26 designated shall execute bonds with corporate sureties  
27 approved by the Commission in the same manner and amount as  
28 required of the treasurer, and in such amount as determined by  
29 the Commission.

30 In case any person whose signature appears upon any check  
31 or draft, issued pursuant to this Act, ceases (after attaching  
32 his signature) to hold his office before the delivery thereof  
33 to the payee, his signature nevertheless shall be valid and  
34 sufficient for all purposes with the same effect as if he had  
35 remained in office until delivery thereof.

1 (Source: P.A. 82-944; revised 12-6-03.)

2 (70 ILCS 1710/35) (from Ch. 85, par. 1185)

3 Sec. 35. At the close of each fiscal year, the Commission  
4 shall prepare a complete report of its receipts and  
5 expenditures during the fiscal year. A copy of this report  
6 shall be filed with the Governor and with the treasurer of each  
7 county included in the Metropolitan and Regional Counties Area.  
8 In addition, on or before December 31 of each even numbered  
9 year, the Commission shall prepare jointly with the Department  
10 of Commerce and Economic Opportunity ~~Community Affairs~~, a  
11 report of its activities during the biennium indicating how its  
12 funds were expended, indicating the amount of the appropriation  
13 requested for the next biennium and explaining how the  
14 appropriation will be utilized to carry out its  
15 responsibilities. A copy of this report shall be filed with the  
16 Governor, the Senate and the House of Representatives.

17 (Source: P.A. 81-1509; revised 12-6-03.)

18 (70 ILCS 1710/37) (from Ch. 85, par. 1187)

19 Sec. 37. The Commission created by this Act shall cooperate  
20 with the Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~, the units of government and with the plan  
22 commissions and regional planning commissions created by any  
23 unit of government and regional associations of municipalities  
24 within the area of operation of the Commission and any such  
25 plan commission, regional planning commission, regional  
26 association of municipalities or unit of government may  
27 furnish, sell or make available to the Commission created by  
28 this Act any of its data, charts, maps, reports or regulations  
29 relating to land use and development which the Commission may  
30 request.

31 The Commission created by this Act may cooperate with any  
32 planning agency in the State of Illinois, or with any planning  
33 agency of a sister State contiguous to the area of operation of  
34 the Commission to the end that plans for the development of

1 urban areas in such sister State contiguous to the Metropolitan  
2 and Regional Counties Area may be integrated and coordinated so  
3 far as possible with the comprehensive and functional plans and  
4 policies adopted by the Commission.

5 (Source: P.A. 82-944; revised 12-6-03.)

6 Section 620. The Regional Transportation Authority Act is  
7 amended by changing Sections 4.01, 4.04, and 4.11 as follows:

8 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

9 Sec. 4.01. Budget and Program.

10 (a) The Board shall control the finances of the Authority.  
11 It shall by ordinance appropriate money to perform the  
12 Authority's purposes and provide for payment of debts and  
13 expenses of the Authority. Each year the Authority shall  
14 prepare and publish a comprehensive annual budget and program  
15 document describing the state of the Authority and presenting  
16 for the forthcoming fiscal year the Authority's plans for such  
17 operations and capital expenditures as the Authority intends to  
18 undertake and the means by which it intends to finance them.  
19 The proposed program and budget shall contain a statement of  
20 the funds estimated to be on hand at the beginning of the  
21 fiscal year, the funds estimated to be received from all  
22 sources for such year and the funds estimated to be on hand at  
23 the end of such year. After adoption of the Authority's first  
24 Five-Year Program, as provided in Section 2.01 of this Act, the  
25 proposed program and budget shall specifically identify any  
26 respect in which the recommended program deviates from the  
27 Authority's then existing Five-Year Program, giving the  
28 reasons for such deviation. The fiscal year of the Authority  
29 shall begin on January 1st and end on the succeeding December  
30 31st except that the fiscal year that began October 1, 1982,  
31 shall end December 31, 1983. By July 1st 1981 and July 1st of  
32 each year thereafter the Director of the Illinois Governor's  
33 Office of Management and Budget (formerly Bureau of the Budget)  
34 shall submit to the Authority an estimate of revenues for the

1 next fiscal year to be collected from the taxes imposed by the  
2 Authority and the amounts to be available in the Public  
3 Transportation Fund and the Regional Transportation Authority  
4 Occupation and Use Tax Replacement Fund. For the fiscal year  
5 ending on December 31, 1983, the Board shall report its results  
6 from operations and financial condition to the General Assembly  
7 and the Governor by January 31. For the fiscal year beginning  
8 January 1, 1984, and thereafter, the budget and program shall  
9 be presented to the General Assembly and the Governor not later  
10 than the preceding December 31st. Before the proposed budget  
11 and program is adopted, the Authority shall hold at least one  
12 public hearing thereon in the metropolitan region. The Board  
13 shall hold at least one meeting for consideration of the  
14 proposed program and budget with the county board of each of  
15 the several counties in the metropolitan region. After  
16 conducting such hearings and holding such meetings and after  
17 making such changes in the proposed program and budget as the  
18 Board deems appropriate, the Board shall adopt its annual  
19 budget ordinance. The ordinance may be adopted only upon the  
20 affirmative votes of 9 of its then Directors. The ordinance  
21 shall appropriate such sums of money as are deemed necessary to  
22 defray all necessary expenses and obligations of the Authority,  
23 specifying purposes and the objects or programs for which  
24 appropriations are made and the amount appropriated for each  
25 object or program. Additional appropriations, transfers  
26 between items and other changes in such ordinance may be made  
27 from time to time by the Board upon the affirmative votes of 9  
28 of its then Directors.

29 (b) The budget shall show a balance between anticipated  
30 revenues from all sources and anticipated expenses including  
31 funding of operating deficits or the discharge of encumbrances  
32 incurred in prior periods and payment of principal and interest  
33 when due, and shall show cash balances sufficient to pay with  
34 reasonable promptness all obligations and expenses as  
35 incurred.

36 The annual budget and financial plan must show that the



1 level of fares and charges for mass transportation provided by,  
2 or under grant or purchase of service contracts of, the Service  
3 Boards is sufficient to cause the aggregate of all projected  
4 fare revenues from such fares and charges received in each  
5 fiscal year to equal at least 50% of the aggregate costs of  
6 providing such public transportation in such fiscal year. "Fare  
7 revenues" include the proceeds of all fares and charges for  
8 services provided, contributions received in connection with  
9 public transportation from units of local government other than  
10 the Authority and from the State pursuant to subsection (i) of  
11 Section 2705-305 of the Department of Transportation Law (20  
12 ILCS 2705/2705-305), and all other operating revenues properly  
13 included consistent with generally accepted accounting  
14 principles but do not include the proceeds of any borrowings.  
15 "Costs" include all items properly included as operating costs  
16 consistent with generally accepted accounting principles,  
17 including administrative costs, but do not include:  
18 depreciation; payment of principal and interest on bonds, notes  
19 or other evidences of obligation for borrowed money issued by  
20 the Authority; payments with respect to public transportation  
21 facilities made pursuant to subsection (b) of Section 2.20 of  
22 this Act; any payments with respect to rate protection  
23 contracts, credit enhancements or liquidity agreements made  
24 under Section 4.14; any other cost to which it is reasonably  
25 expected that a cash expenditure will not be made; costs up to  
26 \$5,000,000 annually for passenger security including grants,  
27 contracts, personnel, equipment and administrative expenses,  
28 except in the case of the Chicago Transit Authority, in which  
29 case the term does not include costs spent annually by that  
30 entity for protection against crime as required by Section 27a  
31 of the Metropolitan Transit Authority Act; or costs as exempted  
32 by the Board for projects pursuant to Section 2.09 of this Act.

33 (c) The actual administrative expenses of the Authority for  
34 the fiscal year commencing January 1, 1985 may not exceed  
35 \$5,000,000. The actual administrative expenses of the  
36 Authority for the fiscal year commencing January 1, 1986, and

1 for each fiscal year thereafter shall not exceed the maximum  
2 administrative expenses for the previous fiscal year plus 5%.

3 "Administrative expenses" are defined for purposes of this  
4 Section as all expenses except: (1) capital expenses and  
5 purchases of the Authority on behalf of the Service Boards; (2)  
6 payments to Service Boards; and (3) payment of principal and  
7 interest on bonds, notes or other evidence of obligation for  
8 borrowed money issued by the Authority; (4) costs for passenger  
9 security including grants, contracts, personnel, equipment and  
10 administrative expenses; (5) payments with respect to public  
11 transportation facilities made pursuant to subsection (b) of  
12 Section 2.20 of this Act; and (6) any payments with respect to  
13 rate protection contracts, credit enhancements or liquidity  
14 agreements made pursuant to Section 4.14.

15 (d) After withholding 15% of the proceeds of any tax  
16 imposed by the Authority and 15% of money received by the  
17 Authority from the Regional Transportation Authority  
18 Occupation and Use Tax Replacement Fund, the Board shall  
19 allocate the proceeds and money remaining to the Service Boards  
20 as follows: (1) an amount equal to 85% of the proceeds of those  
21 taxes collected within the City of Chicago and 85% of the money  
22 received by the Authority on account of transfers to the  
23 Regional Transportation Authority Occupation and Use Tax  
24 Replacement Fund from the County and Mass Transit District Fund  
25 attributable to retail sales within the City of Chicago shall  
26 be allocated to the Chicago Transit Authority; (2) an amount  
27 equal to 85% of the proceeds of those taxes collected within  
28 Cook County outside the City of Chicago and 85% of the money  
29 received by the Authority on account of transfers to the  
30 Regional Transportation Authority Occupation and Use Tax  
31 Replacement Fund from the County and Mass Transit District Fund  
32 attributable to retail sales within Cook County outside of the  
33 city of Chicago shall be allocated 30% to the Chicago Transit  
34 Authority, 55% to the Commuter Rail Board and 15% to the  
35 Suburban Bus Board; and (3) an amount equal to 85% of the  
36 proceeds of the taxes collected within the Counties of DuPage,

1 Kane, Lake, McHenry and Will shall be allocated 70% to the  
2 Commuter Rail Board and 30% to the Suburban Bus Board.

3 (e) Moneys received by the Authority on account of  
4 transfers to the Regional Transportation Authority Occupation  
5 and Use Tax Replacement Fund from the State and Local Sales Tax  
6 Reform Fund shall be allocated among the Authority and the  
7 Service Boards as follows: 15% of such moneys shall be retained  
8 by the Authority and the remaining 85% shall be transferred to  
9 the Service Boards as soon as may be practicable after the  
10 Authority receives payment. Moneys which are distributable to  
11 the Service Boards pursuant to the preceding sentence shall be  
12 allocated among the Service Boards on the basis of each Service  
13 Board's distribution ratio. The term "distribution ratio"  
14 means, for purposes of this subsection (e) of this Section  
15 4.01, the ratio of the total amount distributed to a Service  
16 Board pursuant to subsection (d) of Section 4.01 for the  
17 immediately preceding calendar year to the total amount  
18 distributed to all of the Service Boards pursuant to subsection  
19 (d) of Section 4.01 for the immediately preceding calendar  
20 year.

21 To further and accomplish the preparation of the annual  
22 budget and program as well as the Five-Year Program provided  
23 for in Section 2.01 of this Act and to make such interim  
24 management decisions as may be necessary, the Board shall  
25 employ staff which shall: (1) evaluate for the Board public  
26 transportation programs operated or proposed by transportation  
27 agencies in terms of goals, costs and relative priorities; (2)  
28 keep the Board informed of the public transportation programs  
29 and accomplishments of such transportation agencies; and (3)  
30 coordinate the development and implementation of public  
31 transportation programs to the end that the monies available to  
32 the Authority may be expended in the most economical manner  
33 possible with the least possible duplication. Under such  
34 regulations as the Board may prescribe, all Service Boards,  
35 transportation agencies, comprehensive planning agencies or  
36 transportation planning agencies in the metropolitan region

1 shall furnish to the Board such information pertaining to  
2 public transportation or relevant for plans therefor as it may  
3 from time to time require, upon payment to any such agency or  
4 Service Board of the reasonable additional cost of its so  
5 providing such information except as may otherwise be provided  
6 by agreement with the Authority, and the Board or any duly  
7 authorized employee of the Board shall, for the purpose of  
8 securing such information, have access to, and the right to  
9 examine, all books, documents, papers or records of any such  
10 agency or Service Board pertaining to public transportation or  
11 relevant for plans therefor.

12 (Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised  
13 8-23-03.)

14 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

15 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

16 (a) The Authority shall have the continuing power to borrow  
17 money and to issue its negotiable bonds or notes as provided in  
18 this Section. Unless otherwise indicated in this Section, the  
19 term "notes" also includes bond anticipation notes, which are  
20 notes which by their terms provide for their payment from the  
21 proceeds of bonds thereafter to be issued. Bonds or notes of  
22 the Authority may be issued for any or all of the following  
23 purposes: to pay costs to the Authority or a Service Board of  
24 constructing or acquiring any public transportation facilities  
25 (including funds and rights relating thereto, as provided in  
26 Section 2.05 of this Act); to repay advances to the Authority  
27 or a Service Board made for such purposes; to pay other  
28 expenses of the Authority or a Service Board incident to or  
29 incurred in connection with such construction or acquisition;  
30 to provide funds for any transportation agency to pay principal  
31 of or interest or redemption premium on any bonds or notes,  
32 whether as such amounts become due or by earlier redemption,  
33 issued prior to the date of this amendatory Act by such  
34 transportation agency to construct or acquire public  
35 transportation facilities or to provide funds to purchase such

1 bonds or notes; and to provide funds for any transportation  
2 agency to construct or acquire any public transportation  
3 facilities, to repay advances made for such purposes, and to  
4 pay other expenses incident to or incurred in connection with  
5 such construction or acquisition; and to provide funds for  
6 payment of obligations, including the funding of reserves,  
7 under any self-insurance plan or joint self-insurance pool or  
8 entity.

9 In addition to any other borrowing as may be authorized by  
10 this Section, the Authority may issue its notes, from time to  
11 time, in anticipation of tax receipts of the Authority or of  
12 other revenues or receipts of the Authority, in order to  
13 provide money for the Authority or the Service Boards to cover  
14 any cash flow deficit which the Authority or a Service Board  
15 anticipates incurring. Any such notes are referred to in this  
16 Section as "Working Cash Notes". No Working Cash Notes shall be  
17 issued for a term of longer than 18 months. Proceeds of Working  
18 Cash Notes may be used to pay day to day operating expenses of  
19 the Authority or the Service Boards, consisting of wages,  
20 salaries and fringe benefits, professional and technical  
21 services (including legal, audit, engineering and other  
22 consulting services), office rental, furniture, fixtures and  
23 equipment, insurance premiums, claims for self-insured amounts  
24 under insurance policies, public utility obligations for  
25 telephone, light, heat and similar items, travel expenses,  
26 office supplies, postage, dues, subscriptions, public hearings  
27 and information expenses, fuel purchases, and payments of  
28 grants and payments under purchase of service agreements for  
29 operations of transportation agencies, prior to the receipt by  
30 the Authority or a Service Board from time to time of funds for  
31 paying such expenses. In addition to any Working Cash Notes  
32 that the Board of the Authority may determine to issue, the  
33 Suburban Bus Board, the Commuter Rail Board or the Board of the  
34 Chicago Transit Authority may demand and direct that the  
35 Authority issue its Working Cash Notes in such amounts and  
36 having such maturities as the Service Board may determine.

1           Notwithstanding any other provision of this Act, any  
2 amounts necessary to pay principal of and interest on any  
3 Working Cash Notes issued at the demand and direction of a  
4 Service Board or any Working Cash Notes the proceeds of which  
5 were used for the direct benefit of a Service Board or any  
6 other Bonds or Notes of the Authority the proceeds of which  
7 were used for the direct benefit of a Service Board shall  
8 constitute a reduction of the amount of any other funds  
9 provided by the Authority to that Service Board. The Authority  
10 shall, after deducting any costs of issuance, tender the net  
11 proceeds of any Working Cash Notes issued at the demand and  
12 direction of a Service Board to such Service Board as soon as  
13 may be practicable after the proceeds are received. The  
14 Authority may also issue notes or bonds to pay, refund or  
15 redeem any of its notes and bonds, including to pay redemption  
16 premiums or accrued interest on such bonds or notes being  
17 renewed, paid or refunded, and other costs in connection  
18 therewith. The Authority may also utilize the proceeds of any  
19 such bonds or notes to pay the legal, financial, administrative  
20 and other expenses of such authorization, issuance, sale or  
21 delivery of bonds or notes or to provide or increase a debt  
22 service reserve fund with respect to any or all of its bonds or  
23 notes. The Authority may also issue and deliver its bonds or  
24 notes in exchange for any public transportation facilities,  
25 (including funds and rights relating thereto, as provided in  
26 Section 2.05 of this Act) or in exchange for outstanding bonds  
27 or notes of the Authority, including any accrued interest or  
28 redemption premium thereon, without advertising or submitting  
29 such notes or bonds for public bidding.

30           (b) The ordinance providing for the issuance of any such  
31 bonds or notes shall fix the date or dates of maturity, the  
32 dates on which interest is payable, any sinking fund account or  
33 reserve fund account provisions and all other details of such  
34 bonds or notes and may provide for such covenants or agreements  
35 necessary or desirable with regard to the issue, sale and  
36 security of such bonds or notes. The rate or rates of interest

1 on its bonds or notes may be fixed or variable and the  
2 Authority shall determine or provide for the determination of  
3 the rate or rates of interest of its bonds or notes issued  
4 under this Act in an ordinance adopted by the Authority prior  
5 to the issuance thereof, none of which rates of interest shall  
6 exceed that permitted in the Bond Authorization Act. Interest  
7 may be payable at such times as are provided for by the Board.  
8 Bonds and notes issued under this Section may be issued as  
9 serial or term obligations, shall be of such denomination or  
10 denominations and form, including interest coupons to be  
11 attached thereto, be executed in such manner, shall be payable  
12 at such place or places and bear such date as the Authority  
13 shall fix by the ordinance authorizing such bond or note and  
14 shall mature at such time or times, within a period not to  
15 exceed forty years from the date of issue, and may be  
16 redeemable prior to maturity with or without premium, at the  
17 option of the Authority, upon such terms and conditions as the  
18 Authority shall fix by the ordinance authorizing the issuance  
19 of such bonds or notes. No bond anticipation note or any  
20 renewal thereof shall mature at any time or times exceeding 5  
21 years from the date of the first issuance of such note. The  
22 Authority may provide for the registration of bonds or notes in  
23 the name of the owner as to the principal alone or as to both  
24 principal and interest, upon such terms and conditions as the  
25 Authority may determine. The ordinance authorizing bonds or  
26 notes may provide for the exchange of such bonds or notes which  
27 are fully registered, as to both principal and interest, with  
28 bonds or notes which are registerable as to principal only. All  
29 bonds or notes issued under this Section by the Authority other  
30 than those issued in exchange for property or for bonds or  
31 notes of the Authority shall be sold at a price which may be at  
32 a premium or discount but such that the interest cost  
33 (excluding any redemption premium) to the Authority of the  
34 proceeds of an issue of such bonds or notes, computed to stated  
35 maturity according to standard tables of bond values, shall not  
36 exceed that permitted in the Bond Authorization Act. The

1 Authority shall notify the Governor's Office of Management and  
2 Budget Bureau of the Budget and the State Comptroller at least  
3 30 days before any bond sale and shall file with the Governor's  
4 Office of Management and Budget Bureau of the Budget and the  
5 State Comptroller a certified copy of any ordinance authorizing  
6 the issuance of bonds at or before the issuance of the bonds.  
7 After December 31, 1994, any such bonds or notes shall be sold  
8 to the highest and best bidder on sealed bids as the Authority  
9 shall deem. As such bonds or notes are to be sold the Authority  
10 shall advertise for proposals to purchase the bonds or notes  
11 which advertisement shall be published at least once in a daily  
12 newspaper of general circulation published in the metropolitan  
13 region at least 10 days before the time set for the submission  
14 of bids. The Authority shall have the right to reject any or  
15 all bids. Notwithstanding any other provisions of this Section,  
16 Working Cash Notes or bonds or notes to provide funds for  
17 self-insurance or a joint self-insurance pool or entity may be  
18 sold either upon competitive bidding or by negotiated sale  
19 (without any requirement of publication of intention to  
20 negotiate the sale of such Notes), as the Board shall determine  
21 by ordinance adopted with the affirmative votes of at least 7  
22 Directors. In case any officer whose signature appears on any  
23 bonds, notes or coupons authorized pursuant to this Section  
24 shall cease to be such officer before delivery of such bonds or  
25 notes, such signature shall nevertheless be valid and  
26 sufficient for all purposes, the same as if such officer had  
27 remained in office until such delivery. Neither the Directors  
28 of the Authority nor any person executing any bonds or notes  
29 thereof shall be liable personally on any such bonds or notes  
30 or coupons by reason of the issuance thereof.

31 (c) All bonds or notes of the Authority issued pursuant to  
32 this Section shall be general obligations of the Authority to  
33 which shall be pledged the full faith and credit of the  
34 Authority, as provided in this Section. Such bonds or notes  
35 shall be secured as provided in the authorizing ordinance,  
36 which may, notwithstanding any other provision of this Act,



1 include in addition to any other security, a specific pledge or  
2 assignment of and lien on or security interest in any or all  
3 tax receipts of the Authority and on any or all other revenues  
4 or moneys of the Authority from whatever source, which may by  
5 law be utilized for debt service purposes and a specific pledge  
6 or assignment of and lien on or security interest in any funds  
7 or accounts established or provided for by the ordinance of the  
8 Authority authorizing the issuance of such bonds or notes. Any  
9 such pledge, assignment, lien or security interest for the  
10 benefit of holders of bonds or notes of the Authority shall be  
11 valid and binding from the time the bonds or notes are issued  
12 without any physical delivery or further act and shall be valid  
13 and binding as against and prior to the claims of all other  
14 parties having claims of any kind against the Authority or any  
15 other person irrespective of whether such other parties have  
16 notice of such pledge, assignment, lien or security interest.  
17 The obligations of the Authority incurred pursuant to this  
18 Section shall be superior to and have priority over any other  
19 obligations of the Authority.

20 The Authority may provide in the ordinance authorizing the  
21 issuance of any bonds or notes issued pursuant to this Section  
22 for the creation of, deposits in, and regulation and  
23 disposition of sinking fund or reserve accounts relating to  
24 such bonds or notes. The ordinance authorizing the issuance of  
25 any bonds or notes pursuant to this Section may contain  
26 provisions as part of the contract with the holders of the  
27 bonds or notes, for the creation of a separate fund to provide  
28 for the payment of principal and interest on such bonds or  
29 notes and for the deposit in such fund from any or all the tax  
30 receipts of the Authority and from any or all such other moneys  
31 or revenues of the Authority from whatever source which may by  
32 law be utilized for debt service purposes, all as provided in  
33 such ordinance, of amounts to meet the debt service  
34 requirements on such bonds or notes, including principal and  
35 interest, and any sinking fund or reserve fund account  
36 requirements as may be provided by such ordinance, and all

1 expenses incident to or in connection with such fund and  
2 accounts or the payment of such bonds or notes. Such ordinance  
3 may also provide limitations on the issuance of additional  
4 bonds or notes of the Authority. No such bonds or notes of the  
5 Authority shall constitute a debt of the State of Illinois.  
6 Nothing in this Act shall be construed to enable the Authority  
7 to impose any ad valorem tax on property.

8 (d) The ordinance of the Authority authorizing the issuance  
9 of any bonds or notes may provide additional security for such  
10 bonds or notes by providing for appointment of a corporate  
11 trustee (which may be any trust company or bank having the  
12 powers of a trust company within the state) with respect to  
13 such bonds or notes. The ordinance shall prescribe the rights,  
14 duties and powers of the trustee to be exercised for the  
15 benefit of the Authority and the protection of the holders of  
16 such bonds or notes. The ordinance may provide for the trustee  
17 to hold in trust, invest and use amounts in funds and accounts  
18 created as provided by the ordinance with respect to the bonds  
19 or notes. The ordinance may provide for the assignment and  
20 direct payment to the trustee of any or all amounts produced  
21 from the sources provided in Section 4.03 of this Act and  
22 provided in Section 6z-17 of "An Act in relation to State  
23 finance", approved June 10, 1919, as amended. Upon receipt of  
24 notice of any such assignment, the Department of Revenue and  
25 the Comptroller of the State of Illinois shall thereafter,  
26 notwithstanding the provisions of Section 4.03 of this Act and  
27 Section 6z-17 of "An Act in relation to State finance",  
28 approved June 10, 1919, as amended, provide for such assigned  
29 amounts to be paid directly to the trustee instead of the  
30 Authority, all in accordance with the terms of the ordinance  
31 making the assignment. The ordinance shall provide that amounts  
32 so paid to the trustee which are not required to be deposited,  
33 held or invested in funds and accounts created by the ordinance  
34 with respect to bonds or notes or used for paying bonds or  
35 notes to be paid by the trustee to the Authority.

36 (e) Any bonds or notes of the Authority issued pursuant to

1 this Section shall constitute a contract between the Authority  
2 and the holders from time to time of such bonds or notes. In  
3 issuing any bond or note, the Authority may include in the  
4 ordinance authorizing such issue a covenant as part of the  
5 contract with the holders of the bonds or notes, that as long  
6 as such obligations are outstanding, it shall make such  
7 deposits, as provided in paragraph (c) of this Section. It may  
8 also so covenant that it shall impose and continue to impose  
9 taxes, as provided in Section 4.03 of this Act and in addition  
10 thereto as subsequently authorized by law, sufficient to make  
11 such deposits and pay the principal and interest and to meet  
12 other debt service requirements of such bonds or notes as they  
13 become due. A certified copy of the ordinance authorizing the  
14 issuance of any such obligations shall be filed at or prior to  
15 the issuance of such obligations with the Comptroller of the  
16 State of Illinois and the Illinois Department of Revenue.

17 (f) The State of Illinois pledges to and agrees with the  
18 holders of the bonds and notes of the Authority issued pursuant  
19 to this Section that the State will not limit or alter the  
20 rights and powers vested in the Authority by this Act so as to  
21 impair the terms of any contract made by the Authority with  
22 such holders or in any way impair the rights and remedies of  
23 such holders until such bonds and notes, together with interest  
24 thereon, with interest on any unpaid installments of interest,  
25 and all costs and expenses in connection with any action or  
26 proceedings by or on behalf of such holders, are fully met and  
27 discharged. In addition, the State pledges to and agrees with  
28 the holders of the bonds and notes of the Authority issued  
29 pursuant to this Section that the State will not limit or alter  
30 the basis on which State funds are to be paid to the Authority  
31 as provided in this Act, or the use of such funds, so as to  
32 impair the terms of any such contract. The Authority is  
33 authorized to include these pledges and agreements of the State  
34 in any contract with the holders of bonds or notes issued  
35 pursuant to this Section.

36 (g) (1) Except as provided in subdivisions (g)(2) and

1 (g) (3) of Section 4.04 of this Act, the Authority shall not  
2 at any time issue, sell or deliver any bonds or notes  
3 (other than Working Cash Notes) pursuant to this Section  
4 4.04 which will cause it to have issued and outstanding at  
5 any time in excess of \$800,000,000 of such bonds and notes  
6 (other than Working Cash Notes). The Authority shall not at  
7 any time issue, sell or deliver any Working Cash Notes  
8 pursuant to this Section which will cause it to have issued  
9 and outstanding at any time in excess of \$100,000,000 of  
10 Working Cash Notes. Bonds or notes which are being paid or  
11 retired by such issuance, sale or delivery of bonds or  
12 notes, and bonds or notes for which sufficient funds have  
13 been deposited with the paying agency of such bonds or  
14 notes to provide for payment of principal and interest  
15 thereon or to provide for the redemption thereof, all  
16 pursuant to the ordinance authorizing the issuance of such  
17 bonds or notes, shall not be considered to be outstanding  
18 for the purposes of the first two sentences of this  
19 subsection.

20 (2) In addition to the authority provided by paragraphs  
21 (1) and (3), the Authority is authorized to issue, sell and  
22 deliver bonds or notes for Strategic Capital Improvement  
23 Projects approved pursuant to Section 4.13 as follows:

24 \$100,000,000 is authorized to be issued on or after  
25 January 1, 1990;

26 an additional \$100,000,000 is authorized to be issued  
27 on or after January 1, 1991;

28 an additional \$100,000,000 is authorized to be issued  
29 on or after January 1, 1992;

30 an additional \$100,000,000 is authorized to be issued  
31 on or after January 1, 1993;

32 an additional \$100,000,000 is authorized to be issued  
33 on or after January 1, 1994; and

34 the aggregate total authorization of bonds and notes  
35 for Strategic Capital Improvement Projects as of January 1,  
36 1994, shall be \$500,000,000.

1           The Authority is also authorized to issue, sell, and  
2 deliver bonds or notes in such amounts as are necessary to  
3 provide for the refunding or advance refunding of bonds or  
4 notes issued for Strategic Capital Improvement Projects  
5 under this subdivision (g)(2), provided that no such  
6 refunding bond or note shall mature later than the final  
7 maturity date of the series of bonds or notes being  
8 refunded, and provided further that the debt service  
9 requirements for such refunding bonds or notes in the  
10 current or any future fiscal year shall not exceed the debt  
11 service requirements for that year on the refunded bonds or  
12 notes.

13           (3) In addition to the authority provided by paragraphs  
14 (1) and (2), the Authority is authorized to issue, sell,  
15 and deliver bonds or notes for Strategic Capital  
16 Improvement Projects approved pursuant to Section 4.13 as  
17 follows:

18           \$260,000,000 is authorized to be issued on or after  
19 January 1, 2000;

20           an additional \$260,000,000 is authorized to be issued  
21 on or after January 1, 2001;

22           an additional \$260,000,000 is authorized to be issued  
23 on or after January 1, 2002;

24           an additional \$260,000,000 is authorized to be issued  
25 on or after January 1, 2003;

26           an additional \$260,000,000 is authorized to be issued  
27 on or after January 1, 2004; and

28           the aggregate total authorization of bonds and notes  
29 for Strategic Capital Improvement Projects pursuant to  
30 this paragraph (3) as of January 1, 2004 shall be  
31 \$1,300,000,000.

32           The Authority is also authorized to issue, sell, and  
33 deliver bonds or notes in such amounts as are necessary to  
34 provide for the refunding or advance refunding of bonds or  
35 notes issued for Strategic Capital Improvement projects  
36 under this subdivision (g)(3), provided that no such

1           refunding bond or note shall mature later than the final  
2           maturity date of the series of bonds or notes being  
3           refunded, and provided further that the debt service  
4           requirements for such refunding bonds or notes in the  
5           current or any future fiscal year shall not exceed the debt  
6           service requirements for that year on the refunded bonds or  
7           notes.

8           (h) The Authority, subject to the terms of any agreements  
9           with noteholders or bond holders as may then exist, shall have  
10          power, out of any funds available therefor, to purchase notes  
11          or bonds of the Authority, which shall thereupon be cancelled.

12          (i) In addition to any other authority granted by law, the  
13          State Treasurer may, with the approval of the Governor, invest  
14          or reinvest, at a price not to exceed par, any State money in  
15          the State Treasury which is not needed for current expenditures  
16          due or about to become due in Working Cash Notes.

17          (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; revised  
18          8-23-03.)

19                 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

20                 Sec. 4.11. Budget Review Powers.

21           (a) The provisions of this Section shall only be applicable  
22           to financial periods beginning after December 31, 1983. The  
23           Transition Board shall adopt a timetable governing the  
24           certification of estimates and any submissions required under  
25           this Section for fiscal year 1984 which shall control over the  
26           provisions of this Act. Based upon estimates which shall be  
27           given to the Authority by the Director of the ~~Illinois~~  
28           Governor's Office of Management and Budget (formerly Bureau of  
29           the Budget) of the receipts to be received by the Authority  
30           from the taxes imposed by the Authority and the authorized  
31           estimates of amounts to be available from State and other  
32           sources to the Service Boards, and the times at which such  
33           receipts and amounts will be available, the Board shall, not  
34           later than the next preceding September 15th prior to the  
35           beginning of the Authority's next fiscal year, advise each

1 Service Board of the amounts estimated by the Board to be  
2 available for such Service Board during such fiscal year and  
3 the two following fiscal years and the times at which such  
4 amounts will be available. The Board shall, at the same time,  
5 also advise each Service Board of its required system generated  
6 revenues recovery ratio for the next fiscal year which shall be  
7 the percentage of the aggregate costs of providing public  
8 transportation by or under jurisdiction of that Service Board  
9 which must be recovered from system generated revenues. In  
10 determining a Service Board's system generated revenue  
11 recovery ratio, the Board shall consider the historical system  
12 generated revenues recovery ratio for the services subject to  
13 the jurisdiction of that Service Board. The Board shall not  
14 increase a Service Board's system generated revenues recovery  
15 ratio for the next fiscal year over such ratio for the current  
16 fiscal year disproportionately or prejudicially to increases  
17 in such ratios for other Service Boards. The Board may, by  
18 ordinance, provide that (i) the cost of research and  
19 development projects in the fiscal year beginning January 1,  
20 1986 and ending December 31, 1986 conducted pursuant to Section  
21 2.09 of this Act, and (ii) up to \$5,000,000 annually of the  
22 costs for passenger security, may be exempted from the farebox  
23 recovery ratio or the system generated revenues recovery ratio  
24 of the Chicago Transit Authority, the Suburban Bus Board, and  
25 the Commuter Rail Board, or any of them. For the fiscal year  
26 beginning January 1, 1986 and ending December 31, 1986, and for  
27 the fiscal year beginning January 1, 1987 and ending December  
28 31, 1987, the Board shall, by ordinance, provide that: (1) the  
29 amount of a grant, pursuant to Section 2705-310 of the  
30 Department of Transportation Law (20 ILCS 2705/2705-310), from  
31 the Department of Transportation for the cost of services for  
32 the mobility limited provided by the Chicago Transit Authority,  
33 and (2) the amount of a grant, pursuant to Section 2705-310 of  
34 the Department of Transportation Law (20 ILCS 2705/2705-310),  
35 from the Department of Transportation for the cost of services  
36 for the mobility limited by the Suburban Bus Board or the

1 Commuter Rail Board, be exempt from the farebox recovery ratio  
2 or the system generated revenues recovery ratio.

3 (b) (1) Not later than the next preceding November 15 prior  
4 to the commencement of such fiscal year, each Service Board  
5 shall submit to the Authority its proposed budget for such  
6 fiscal year and its proposed financial plan for the two  
7 following fiscal years. Such budget and financial plan shall  
8 not project or assume a receipt of revenues from the Authority  
9 in amounts greater than those set forth in the estimates  
10 provided by the Authority pursuant to subsection (a) of this  
11 Section.

12 (2) The Board shall review the proposed budget and  
13 financial plan submitted by each Service Board, and shall adopt  
14 a consolidated budget and financial plan. The Board shall  
15 approve the budget and plan if:

16 (i) the Board has approved the proposed budget and cash  
17 flow plan for such fiscal year of each Service Board,  
18 pursuant to the conditions set forth in clauses (ii)  
19 through (vii) of this paragraph;

20 (ii) such budget and plan show a balance between (A)  
21 anticipated revenues from all sources including operating  
22 subsidies and (B) the costs of providing the services  
23 specified and of funding any operating deficits or  
24 encumbrances incurred in prior periods, including  
25 provision for payment when due of principal and interest on  
26 outstanding indebtedness;

27 (iii) such budget and plan show cash balances including  
28 the proceeds of any anticipated cash flow borrowing  
29 sufficient to pay with reasonable promptness all costs and  
30 expenses as incurred;

31 (iv) such budget and plan provide for a level of fares  
32 or charges and operating or administrative costs for the  
33 public transportation provided by or subject to the  
34 jurisdiction of such Service Board sufficient to allow the  
35 Service Board to meet its required system generated revenue  
36 recovery ratio;



1 (v) such budget and plan are based upon and employ  
2 assumptions and projections which are reasonable and  
3 prudent;

4 (vi) such budget and plan have been prepared in  
5 accordance with sound financial practices as determined by  
6 the Board; and

7 (vii) such budget and plan meet such other financial,  
8 budgetary, or fiscal requirements that the Board may by  
9 rule or regulation establish.

10 (3) In determining whether the budget and financial plan  
11 provide a level of fares or charges sufficient to allow a  
12 Service Board to meet its required system generated revenue  
13 recovery ratio under clause (iv) in subparagraph (2), the Board  
14 shall allow a Service Board to carry over cash from farebox  
15 revenues to subsequent fiscal years.

16 (4) Unless the Board by an affirmative vote of 9 of the  
17 then Directors determines that the budget and financial plan of  
18 a Service Board meets the criteria specified in clauses (ii)  
19 through (vii) of subparagraph (2) of this paragraph (b), the  
20 Board shall not release to that Service Board any funds for the  
21 periods covered by such budget and financial plan except for  
22 the proceeds of taxes imposed by the Authority under Section  
23 4.03 which are allocated to the Service Board under Section  
24 4.01.

25 (5) If the Board has not found that the budget and  
26 financial plan of a Service Board meets the criteria specified  
27 in clauses (i) through (vii) of subparagraph (2) of this  
28 paragraph (b), the Board shall, five working days after the  
29 start of the Service Board's fiscal year adopt a budget and  
30 financial plan meeting such criteria for that Service Board.

31 (c)(1) If the Board shall at any time have received a  
32 revised estimate, or revises any estimate the Board has made,  
33 pursuant to this Section of the receipts to be collected by the  
34 Authority which, in the judgment of the Board, requires a  
35 change in the estimates on which the budget of any Service  
36 Board is based, the Board shall advise the affected Service

1 Board of such revised estimates, and such Service Board shall  
2 within 30 days after receipt of such advice submit a revised  
3 budget incorporating such revised estimates. If the revised  
4 estimates require, in the judgment of the Board, that the  
5 system generated revenues recovery ratio of one or more Service  
6 Boards be revised in order to allow the Authority to meet its  
7 required ratio, the Board shall advise any such Service Board  
8 of its revised ratio and such Service Board shall within 30  
9 days after receipt of such advice submit a revised budget  
10 incorporating such revised estimates or ratio.

11 (2) Each Service Board shall, within such period after the  
12 end of each fiscal quarter as shall be specified by the Board,  
13 report to the Authority its financial condition and results of  
14 operations and the financial condition and results of  
15 operations of the public transportation services subject to its  
16 jurisdiction, as at the end of and for such quarter. If in the  
17 judgment of the Board such condition and results are not  
18 substantially in accordance with such Service Board's budget  
19 for such period, the Board shall so advise such Service Board  
20 and such Service Board shall within the period specified by the  
21 Board submit a revised budget incorporating such results.

22 (3) If the Board shall determine that a revised budget  
23 submitted by a Service Board pursuant to subparagraph (1) or  
24 (2) of this paragraph (c) does not meet the criteria specified  
25 in clauses (ii) through (vii) of subparagraph (2) of paragraph  
26 (b) of this Section, the Board shall not release any monies to  
27 that Service Board except the proceeds of taxes imposed by the  
28 Authority under Section 4.03 or 4.03.1 which are allocated to  
29 the Service Board under Section 4.01. If the Service Board  
30 submits a revised financial plan and budget which plan and  
31 budget shows that the criteria will be met within a four  
32 quarter period, the Board shall continue to release funds to  
33 the Service Board. The Board by a 9 vote of its then Directors  
34 may require a Service Board to submit a revised financial plan  
35 and budget which shows that the criteria will be met in a time  
36 period less than four quarters.

1 (d) All budgets and financial plans, financial statements,  
2 audits and other information presented to the Authority  
3 pursuant to this Section or which may be required by the Board  
4 to permit it to monitor compliance with the provisions of this  
5 Section shall be prepared and presented in such manner and  
6 frequency and in such detail as shall have been prescribed by  
7 the Board, shall be prepared on both an accrual and cash flow  
8 basis as specified by the Board, and shall identify and  
9 describe the assumptions and projections employed in the  
10 preparation thereof to the extent required by the Board. Except  
11 when the Board adopts a budget and a financial plan for a  
12 Service Board under paragraph (b) (5), a Service Board shall  
13 provide for such levels of transportation services and fares or  
14 charges therefor as it deems appropriate and necessary in the  
15 preparation of a budget and financial plan meeting the criteria  
16 set forth in clauses (ii) through (vii) of subparagraph (2) of  
17 paragraph (b) of this Section. The Board shall have access to  
18 and the right to examine and copy all books, documents, papers,  
19 records, or other source data of a Service Board relevant to  
20 any information submitted pursuant to this Section.

21 (e) Whenever this Section requires the Board to make  
22 determinations with respect to estimates, budgets or financial  
23 plans, or rules or regulations with respect thereto such  
24 determinations shall be made upon the affirmative vote of at  
25 least 9 of the then Directors and shall be incorporated in a  
26 written report of the Board and such report shall be submitted  
27 within 10 days after such determinations are made to the  
28 Governor, the Mayor of Chicago (if such determinations relate  
29 to the Chicago Transit Authority), and the Auditor General of  
30 Illinois.

31 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-03.)

32 Section 625. The School Code is amended by changing  
33 Sections 2-3.92, 10-20.19c, 14-7.02, and 34-18.15 as follows:

34 (105 ILCS 5/2-3.92) (from Ch. 122, par. 2-3.92)

1           Sec. 2-3.92. Recognition of drug-free schools and  
2 communities. To create a Drug-Free Illinois, and maintain that  
3 high standard, the State shall recognize those outstanding  
4 schools, communities and businesses which are free of drugs.  
5 The State Board of Education shall initiate and maintain an  
6 annual Governor's Recognition Program for those premier  
7 organizations meeting and exceeding stated criteria. The State  
8 Board of Education, in consultation with the Department of  
9 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
10 Department of Human Services, shall set criteria for  
11 implementation of this program.

12         (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

13           (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

14           Sec. 10-20.19c. Recycled paper and paper products.

15           (a) Definitions. As used in this Section, the following  
16 terms shall have the meanings indicated, unless the context  
17 otherwise requires:

18           "Deinked stock" means paper that has been processed to  
19 remove inks, clays, coatings, binders and other contaminants.

20           "High grade printing and writing papers" includes offset  
21 printing paper, duplicator paper, writing paper (stationery),  
22 tablet paper, office paper, note pads, xerographic paper,  
23 envelopes, form bond including computer paper and carbonless  
24 forms, book papers, bond papers, ledger paper, book stock and  
25 cotton fiber papers.

26           "Paper and paper products" means high grade printing and  
27 writing papers, tissue products, newsprint, unbleached  
28 packaging and recycled paperboard.

29           "Postconsumer material" means only those products  
30 generated by a business or consumer which have served their  
31 intended end uses, and which have been separated or diverted  
32 from solid waste; wastes generated during the production of an  
33 end product are excluded.

34           "Recovered paper material" means paper waste generated  
35 after the completion of the papermaking process, such as

1 postconsumer materials, envelope cuttings, bindery trimmings,  
2 printing waste, cutting and other converting waste, butt rolls,  
3 and mill wrappers, obsolete inventories, and rejected unused  
4 stock. "Recovered paper material", however, does not include  
5 fibrous waste generated during the manufacturing process such  
6 as fibers recovered from waste water or trimmings of paper  
7 machine rolls (mill broke), or fibrous byproducts of  
8 harvesting, extraction or woodcutting processes, or forest  
9 residues such as bark.

10 "Recycled paperboard" includes paperboard products,  
11 folding cartons and pad backings.

12 "Tissue products" includes toilet tissue, paper towels,  
13 paper napkins, facial tissue, paper doilies, industrial  
14 wipers, paper bags and brown papers. These products shall also  
15 be unscented and shall not be colored.

16 "Unbleached packaging" includes corrugated and fiber  
17 storage boxes.

18 (b) Wherever economically and practically feasible, as  
19 determined by the school board, the school board, all public  
20 schools and attendance centers within a school district, and  
21 their school supply stores shall procure recycled paper and  
22 paper products as follows:

23 (1) Beginning July 1, 1992, at least 10% of the total  
24 dollar value of paper and paper products purchased by  
25 school boards, public schools and attendance centers, and  
26 their school supply stores shall be recycled paper and  
27 paper products;

28 (2) Beginning July 1, 1995, at least 25% of the total  
29 dollar value of paper and paper products purchased by  
30 school boards, public schools and attendance centers, and  
31 their school supply stores shall be recycled paper and  
32 paper products;

33 (3) Beginning July 1, 1999, at least 40% of the total  
34 dollar value of paper and paper products purchased by  
35 school boards, public schools and attendance centers, and  
36 their school supply stores shall be recycled paper and

1 paper products;

2 (4) Beginning July 1, 2001, at least 50% of the total  
3 dollar value of paper and paper products purchased by  
4 school boards, public schools and attendance centers, and  
5 their school supply stores shall be recycled paper and  
6 paper products;

7 (5) Beginning upon the effective date of this  
8 amendatory Act of 1992, all paper purchased by the board of  
9 education, public schools and attendance centers for  
10 publication of student newspapers shall be recycled  
11 newsprint. The amount purchased shall not be included in  
12 calculating the amounts specified in paragraphs (1)  
13 through (4).

14 (c) Paper and paper products purchased from private sector  
15 vendors pursuant to printing contracts are not considered paper  
16 and paper products for the purposes of subsection (b), unless  
17 purchased under contract for the printing of student  
18 newspapers.

19 (d) (1) Wherever economically and practically feasible,  
20 the recycled paper and paper products referred to in  
21 subsection (b) shall contain postconsumer or recovered  
22 paper materials as specified by paper category in this  
23 subsection:

24 (i) Recycled high grade printing and writing paper  
25 shall contain at least 50% recovered paper material.  
26 Such recovered paper material, until July 1, 1994,  
27 shall consist of at least 20% deinked stock or  
28 postconsumer material; and beginning July 1, 1994,  
29 shall consist of at least 25% deinked stock or  
30 postconsumer material; and beginning July 1, 1996,  
31 shall consist of at least 30% deinked stock or  
32 postconsumer material; and beginning July 1, 1998,  
33 shall consist of at least 40% deinked stock or  
34 postconsumer material; and beginning July 1, 2000,  
35 shall consist of at least 50% deinked stock or  
36 postconsumer material.

1 (ii) Recycled tissue products, until July 1, 1994,  
2 shall contain at least 25% postconsumer material; and  
3 beginning July 1, 1994, shall contain at least 30%  
4 postconsumer material; and beginning July 1, 1996,  
5 shall contain at least 35% postconsumer material; and  
6 beginning July 1, 1998, shall contain at least 40%  
7 postconsumer material; and beginning July 1, 2000,  
8 shall contain at least 45% postconsumer material.

9 (iii) Recycled newsprint, until July 1, 1994,  
10 shall contain at least 40% postconsumer material; and  
11 beginning July 1, 1994, shall contain at least 50%  
12 postconsumer material; and beginning July 1, 1996,  
13 shall contain at least 60% postconsumer material; and  
14 beginning July 1, 1998, shall contain at least 70%  
15 postconsumer material; and beginning July 1, 2000,  
16 shall contain at least 80% postconsumer material.

17 (iv) Recycled unbleached packaging, until July 1,  
18 1994, shall contain at least 35% postconsumer  
19 material; and beginning July 1, 1994, shall contain at  
20 least 40% postconsumer material; and beginning July 1,  
21 1996, shall contain at least 45% postconsumer  
22 material; and beginning July 1, 1998, shall contain at  
23 least 50% postconsumer material; and beginning July 1,  
24 2000, shall contain at least 55% postconsumer  
25 material.

26 (v) Recycled paperboard, until July 1, 1994, shall  
27 contain at least 80% postconsumer material; and  
28 beginning July 1, 1994, shall contain at least 85%  
29 postconsumer material; and beginning July 1, 1996,  
30 shall contain at least 90% postconsumer material; and  
31 beginning July 1, 1998, shall contain at least 95%  
32 postconsumer material.

33 (2) For the purposes of this Section, "postconsumer  
34 material" includes:

35 (i) paper, paperboard, and fibrous waste from  
36 retail stores, office buildings, homes and so forth,

1 after the waste has passed through its end usage as a  
2 consumer item, including used corrugated boxes, old  
3 newspapers, mixed waste paper, tabulating cards, and  
4 used cordage; and

5 (ii) all paper, paperboard, and fibrous wastes  
6 that are diverted or separated from the municipal waste  
7 stream.

8 (3) For the purposes of this Section, "recovered paper  
9 material" includes:

10 (i) postconsumer material;

11 (ii) dry paper and paperboard waste generated  
12 after completion of the papermaking process (that is,  
13 those manufacturing operations up to and including the  
14 cutting and trimming of the paper machine reel into  
15 smaller rolls or rough sheets), including envelope  
16 cuttings, bindery trimmings, and other paper and  
17 paperboard waste resulting from printing, cutting,  
18 forming and other converting operations, or from bag,  
19 box and carton manufacturing, and butt rolls, mill  
20 wrappers, and rejected unused stock; and

21 (iii) finished paper and paperboard from obsolete  
22 inventories of paper and paperboard manufacturers,  
23 merchants, wholesalers, dealers, printers, converters  
24 or others.

25 (e) Nothing in this Section shall be deemed to apply to art  
26 materials, nor to any newspapers, magazines, text books,  
27 library books or other copyrighted publications which are  
28 purchased or used by any school board or any public school or  
29 attendance center within a school district, or which are sold  
30 in any school supply store operated by or within any such  
31 school or attendance center, other than newspapers written,  
32 edited or produced by students enrolled in the school district,  
33 public school or attendance center.

34 (f) The State Board of Education, in coordination with the  
35 Departments of Central Management Services and Commerce and  
36 Economic Opportunity ~~Community Affairs~~, may adopt such rules



1 and regulations as it deems necessary to assist districts in  
2 carrying out the provisions of this Section.

3 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

4 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

5 Sec. 14-7.02. Children attending private schools, public  
6 out-of-state schools, public school residential facilities or  
7 private special education facilities. The General Assembly  
8 recognizes that non-public schools or special education  
9 facilities provide an important service in the educational  
10 system in Illinois.

11 If because of his or her disability the special education  
12 program of a district is unable to meet the needs of a child  
13 and the child attends a non-public school or special education  
14 facility, a public out-of-state school or a special education  
15 facility owned and operated by a county government unit that  
16 provides special educational services required by the child and  
17 is in compliance with the appropriate rules and regulations of  
18 the State Superintendent of Education, the school district in  
19 which the child is a resident shall pay the actual cost of  
20 tuition for special education and related services provided  
21 during the regular school term and during the summer school  
22 term if the child's educational needs so require, excluding  
23 room, board and transportation costs charged the child by that  
24 non-public school or special education facility, public  
25 out-of-state school or county special education facility, or  
26 \$4,500 per year, whichever is less, and shall provide him any  
27 necessary transportation. "Nonpublic special education  
28 facility" shall include a residential facility, within or  
29 without the State of Illinois, which provides special education  
30 and related services to meet the needs of the child by  
31 utilizing private schools or public schools, whether located on  
32 the site or off the site of the residential facility.

33 The State Board of Education shall promulgate rules and  
34 regulations for determining when placement in a private special  
35 education facility is appropriate. Such rules and regulations

1 shall take into account the various types of services needed by  
2 a child and the availability of such services to the particular  
3 child in the public school. In developing these rules and  
4 regulations the State Board of Education shall consult with the  
5 Advisory Council on Education of Children with Disabilities and  
6 hold public hearings to secure recommendations from parents,  
7 school personnel, and others concerned about this matter.

8 The State Board of Education shall also promulgate rules  
9 and regulations for transportation to and from a residential  
10 school. Transportation to and from home to a residential school  
11 more than once each school term shall be subject to prior  
12 approval by the State Superintendent in accordance with the  
13 rules and regulations of the State Board.

14 A school district making tuition payments pursuant to this  
15 Section is eligible for reimbursement from the State for the  
16 amount of such payments actually made in excess of the district  
17 per capita tuition charge for students not receiving special  
18 education services. Such reimbursement shall be approved in  
19 accordance with Section 14-12.01 and each district shall file  
20 its claims, computed in accordance with rules prescribed by the  
21 State Board of Education, on forms prescribed by the State  
22 Superintendent of Education. Data used as a basis of  
23 reimbursement claims shall be for the preceding regular school  
24 term and summer school term. Each school district shall  
25 transmit its claims to the State Board of Education on or  
26 before August 15. The State Board of Education, before  
27 approving any such claims, shall determine their accuracy and  
28 whether they are based upon services and facilities provided  
29 under approved programs. Upon approval the State Board shall  
30 cause vouchers to be prepared showing the amount due for  
31 payment of reimbursement claims to school districts, for  
32 transmittal to the State Comptroller on the 30th day of  
33 September, December, and March, respectively, and the final  
34 voucher, no later than June 20. If the money appropriated by  
35 the General Assembly for such purpose for any year is  
36 insufficient, it shall be apportioned on the basis of the

1 claims approved.

2 No child shall be placed in a special education program  
3 pursuant to this Section if the tuition cost for special  
4 education and related services increases more than 10 percent  
5 over the tuition cost for the previous school year or exceeds  
6 \$4,500 per year unless such costs have been approved by the  
7 Illinois Purchased Care Review Board. The Illinois Purchased  
8 Care Review Board shall consist of the following persons, or  
9 their designees: the Directors of Children and Family Services,  
10 Public Health, Public Aid, and the Governor's Office of  
11 Management and Budget ~~Bureau of the Budget~~; the Secretary of  
12 Human Services; the State Superintendent of Education; and such  
13 other persons as the Governor may designate. The Review Board  
14 shall establish rules and regulations for its determination of  
15 allowable costs and payments made by local school districts for  
16 special education, room and board, and other related services  
17 provided by non-public schools or special education facilities  
18 and shall establish uniform standards and criteria which it  
19 shall follow.

20 The Review Board shall establish uniform definitions and  
21 criteria for accounting separately by special education, room  
22 and board and other related services costs. The Board shall  
23 also establish guidelines for the coordination of services and  
24 financial assistance provided by all State agencies to assure  
25 that no otherwise qualified disabled child receiving services  
26 under Article 14 shall be excluded from participation in, be  
27 denied the benefits of or be subjected to discrimination under  
28 any program or activity provided by any State agency.

29 The Review Board shall review the costs for special  
30 education and related services provided by non-public schools  
31 or special education facilities and shall approve or disapprove  
32 such facilities in accordance with the rules and regulations  
33 established by it with respect to allowable costs.

34 The State Board of Education shall provide administrative  
35 and staff support for the Review Board as deemed reasonable by  
36 the State Superintendent of Education. This support shall not

1 include travel expenses or other compensation for any Review  
2 Board member other than the State Superintendent of Education.

3 The Review Board shall seek the advice of the Advisory  
4 Council on Education of Children with Disabilities on the rules  
5 and regulations to be promulgated by it relative to providing  
6 special education services.

7 If a child has been placed in a program in which the actual  
8 per pupil costs of tuition for special education and related  
9 services based on program enrollment, excluding room, board and  
10 transportation costs, exceed \$4,500 and such costs have been  
11 approved by the Review Board, the district shall pay such total  
12 costs which exceed \$4,500. A district making such tuition  
13 payments in excess of \$4,500 pursuant to this Section shall be  
14 responsible for an amount in excess of \$4,500 equal to the  
15 district per capita tuition charge and shall be eligible for  
16 reimbursement from the State for the amount of such payments  
17 actually made in excess of the districts per capita tuition  
18 charge for students not receiving special education services.

19 If a child has been placed in an approved individual  
20 program and the tuition costs including room and board costs  
21 have been approved by the Review Board, then such room and  
22 board costs shall be paid by the appropriate State agency  
23 subject to the provisions of Section 14-8.01 of this Act. Room  
24 and board costs not provided by a State agency other than the  
25 State Board of Education shall be provided by the State Board  
26 of Education on a current basis. In no event, however, shall  
27 the State's liability for funding of these tuition costs begin  
28 until after the legal obligations of third party payors have  
29 been subtracted from such costs. If the money appropriated by  
30 the General Assembly for such purpose for any year is  
31 insufficient, it shall be apportioned on the basis of the  
32 claims approved. Each district shall submit estimated claims to  
33 the State Superintendent of Education. Upon approval of such  
34 claims, the State Superintendent of Education shall direct the  
35 State Comptroller to make payments on a monthly basis. The  
36 frequency for submitting estimated claims and the method of

1 determining payment shall be prescribed in rules and  
2 regulations adopted by the State Board of Education. Such  
3 current state reimbursement shall be reduced by an amount equal  
4 to the proceeds which the child or child's parents are eligible  
5 to receive under any public or private insurance or assistance  
6 program. Nothing in this Section shall be construed as  
7 relieving an insurer or similar third party from an otherwise  
8 valid obligation to provide or to pay for services provided to  
9 a disabled child.

10 If it otherwise qualifies, a school district is eligible  
11 for the transportation reimbursement under Section 14-13.01  
12 and for the reimbursement of tuition payments under this  
13 Section whether the non-public school or special education  
14 facility, public out-of-state school or county special  
15 education facility, attended by a child who resides in that  
16 district and requires special educational services, is within  
17 or outside of the State of Illinois. However, a district is not  
18 eligible to claim transportation reimbursement under this  
19 Section unless the district certifies to the State  
20 Superintendent of Education that the district is unable to  
21 provide special educational services required by the child for  
22 the current school year.

23 Nothing in this Section authorizes the reimbursement of a  
24 school district for the amount paid for tuition of a child  
25 attending a non-public school or special education facility,  
26 public out-of-state school or county special education  
27 facility unless the school district certifies to the State  
28 Superintendent of Education that the special education program  
29 of that district is unable to meet the needs of that child  
30 because of his disability and the State Superintendent of  
31 Education finds that the school district is in substantial  
32 compliance with Section 14-4.01.

33 Any educational or related services provided, pursuant to  
34 this Section in a non-public school or special education  
35 facility or a special education facility owned and operated by  
36 a county government unit shall be at no cost to the parent or

1 guardian of the child. However, current law and practices  
2 relative to contributions by parents or guardians for costs  
3 other than educational or related services are not affected by  
4 this amendatory Act of 1978.

5 Reimbursement for children attending public school  
6 residential facilities shall be made in accordance with the  
7 provisions of this Section.

8 Notwithstanding any other provision of law, any school  
9 district receiving a payment under this Section or under  
10 Section 14-7.02a, 14-13.01, or 29-5 of this Code may classify  
11 all or a portion of the funds that it receives in a particular  
12 fiscal year or from general State aid pursuant to Section  
13 18-8.05 of this Code as funds received in connection with any  
14 funding program for which it is entitled to receive funds from  
15 the State in that fiscal year (including, without limitation,  
16 any funding program referenced in this Section), regardless of  
17 the source or timing of the receipt. The district may not  
18 classify more funds as funds received in connection with the  
19 funding program than the district is entitled to receive in  
20 that fiscal year for that program. Any classification by a  
21 district must be made by a resolution of its board of  
22 education. The resolution must identify the amount of any  
23 payments or general State aid to be classified under this  
24 paragraph and must specify the funding program to which the  
25 funds are to be treated as received in connection therewith.  
26 This resolution is controlling as to the classification of  
27 funds referenced therein. A certified copy of the resolution  
28 must be sent to the State Superintendent of Education. The  
29 resolution shall still take effect even though a copy of the  
30 resolution has not been sent to the State Superintendent of  
31 Education in a timely manner. No classification under this  
32 paragraph by a district shall affect the total amount or timing  
33 of money the district is entitled to receive under this Code.  
34 No classification under this paragraph by a district shall in  
35 any way relieve the district from or affect any requirements  
36 that otherwise would apply with respect to that funding

1 program, including any accounting of funds by source, reporting  
2 expenditures by original source and purpose, reporting  
3 requirements, or requirements of providing services.

4 (Source: P.A. 91-764, eff. 6-9-00; 92-568, eff. 6-26-02;  
5 revised 8-23-03.)

6 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

7 Sec. 34-18.15. Recycled paper and paper products.

8 (a) Definitions. As used in this Section, the following  
9 terms shall have the meanings indicated, unless the context  
10 otherwise requires:

11 "Deinked stock" means paper that has been processed to  
12 remove inks, clays, coatings, binders and other contaminants.

13 "High grade printing and writing papers" includes offset  
14 printing paper, duplicator paper, writing paper (stationery),  
15 tablet paper, office paper, note pads, xerographic paper,  
16 envelopes, form bond including computer paper and carbonless  
17 forms, book papers, bond papers, ledger paper, book stock and  
18 cotton fiber papers.

19 "Paper and paper products" means high grade printing and  
20 writing papers, tissue products, newsprint, unbleached  
21 packaging and recycled paperboard.

22 "Postconsumer material" means only those products  
23 generated by a business or consumer which have served their  
24 intended end uses, and which have been separated or diverted  
25 from solid waste; wastes generated during the production of an  
26 end product are excluded.

27 "Recovered paper material" means paper waste generated  
28 after the completion of the papermaking process, such as  
29 postconsumer materials, envelope cuttings, bindery trimmings,  
30 printing waste, cutting and other converting waste, butt rolls,  
31 and mill wrappers, obsolete inventories, and rejected unused  
32 stock. "Recovered paper material", however, does not include  
33 fibrous waste generated during the manufacturing process as  
34 fibers recovered from waste water or trimmings of paper machine  
35 rolls (mill broke), or fibrous byproducts of harvesting,

1 extraction or woodcutting processes, or forest residues such as  
2 bark.

3 "Recycled paperboard" includes paperboard products,  
4 folding cartons and pad backings.

5 "Tissue products" includes toilet tissue, paper towels,  
6 paper napkins, facial tissue, paper doilies, industrial  
7 wipers, paper bags and brown papers. These products shall also  
8 be unscented and shall not be colored.

9 "Unbleached packaging" includes corrugated and fiber  
10 storage boxes.

11 (b) Wherever economically and practically feasible, as  
12 determined by the board of education, the board of education,  
13 all public schools and attendance centers within the school  
14 district, and their school supply stores shall procure recycled  
15 paper and paper products as follows:

16 (1) Beginning July 1, 1992, at least 10% of the total  
17 dollar value of paper and paper products purchased by the  
18 board of education, public schools and attendance centers,  
19 and their school supply stores shall be recycled paper and  
20 paper products;

21 (2) Beginning July 1, 1995, at least 25% of the total  
22 dollar value of paper and paper products purchased by the  
23 board of education, public schools and attendance centers,  
24 and their school supply stores shall be recycled paper and  
25 paper products;

26 (3) Beginning July 1, 1999, at least 40% of the total  
27 dollar value of paper and paper products purchased by the  
28 board of education, public schools and attendance centers,  
29 and their school supply stores shall be recycled paper and  
30 paper products;

31 (4) Beginning July 1, 2001, at least 50% of the total  
32 dollar value of paper and paper products purchased by the  
33 board of education, public schools and attendance centers,  
34 and their school supply stores shall be recycled paper and  
35 paper products;

36 (5) Beginning upon the effective date of this



1           amendatory Act of 1992, all paper purchased by the board of  
2           education, public schools and attendance centers for  
3           publication of student newspapers shall be recycled  
4           newsprint. The amount purchased shall not be included in  
5           calculating the amounts specified in paragraphs (1)  
6           through (4).

7           (c) Paper and paper products purchased from private sector  
8           vendors pursuant to printing contracts are not considered paper  
9           and paper products for the purposes of subsection (b), unless  
10          purchased under contract for the printing of student  
11          newspapers.

12          (d) (1) Wherever economically and practically feasible, the  
13          recycled paper and paper products referred to in subsection (b)  
14          shall contain postconsumer or recovered paper materials as  
15          specified by paper category in this subsection:

16               (i) Recycled high grade printing and writing paper  
17               shall contain at least 50% recovered paper material. Such  
18               recovered paper material, until July 1, 1994, shall consist  
19               of at least 20% deinked stock or postconsumer material; and  
20               beginning July 1, 1994, shall consist of at least 25%  
21               deinked stock or postconsumer material; and beginning July  
22               1, 1996, shall consist of at least 30% deinked stock or  
23               postconsumer material; and beginning July 1, 1998, shall  
24               consist of at least 40% deinked stock or postconsumer  
25               material; and beginning July 1, 2000, shall consist of at  
26               least 50% deinked stock or postconsumer material.

27               (ii) Recycled tissue products, until July 1, 1994,  
28               shall contain at least 25% postconsumer material; and  
29               beginning July 1, 1994, shall contain at least 30%  
30               postconsumer material; and beginning July 1, 1996, shall  
31               contain at least 35% postconsumer material; and beginning  
32               July 1, 1998, shall contain at least 40% postconsumer  
33               material; and beginning July 1, 2000, shall contain at  
34               least 45% postconsumer material.

35               (iii) Recycled newsprint, until July 1, 1994, shall  
36               contain at least 40% postconsumer material; and beginning

1 July 1, 1994, shall contain at least 50% postconsumer  
2 material; and beginning July 1, 1996, shall contain at  
3 least 60% postconsumer material; and beginning July 1,  
4 1998, shall contain at least 70% postconsumer material; and  
5 beginning July 1, 2000, shall contain at least 80%  
6 postconsumer material.

7 (iv) Recycled unbleached packaging, until July 1,  
8 1994, shall contain at least 35% postconsumer material; and  
9 beginning July 1, 1994, shall contain at least 40%  
10 postconsumer material; and beginning July 1, 1996, shall  
11 contain at least 45% postconsumer material; and beginning  
12 July 1, 1998, shall contain at least 50% postconsumer  
13 material; and beginning July 1, 2000, shall contain at  
14 least 55% postconsumer material.

15 (v) Recycled paperboard, until July 1, 1994, shall  
16 contain at least 80% postconsumer material; and beginning  
17 July 1, 1994, shall contain at least 85% postconsumer  
18 material; and beginning July 1, 1996, shall contain at  
19 least 90% postconsumer material; and beginning July 1,  
20 1998, shall contain at least 95% postconsumer material.

21 (2) For the purposes of this Section, "postconsumer  
22 material" includes:

23 (i) paper, paperboard, and fibrous waste from retail  
24 stores, office buildings, homes and so forth, after the  
25 waste has passed through its end usage as a consumer item,  
26 including used corrugated boxes, old newspapers, mixed  
27 waste paper, tabulating cards, and used cordage; and

28 (ii) all paper, paperboard, and fibrous wastes that are  
29 diverted or separated from the municipal waste stream.

30 (3) For the purpose of this Section, "recovered paper  
31 material" includes:

32 (i) postconsumer material;

33 (ii) dry paper and paperboard waste generated after  
34 completion of the papermaking process (that is, those  
35 manufacturing operations up to and including the cutting  
36 and trimming of the paper machine reel into smaller rolls

1 or rough sheets), including envelope cuttings, bindery  
2 trimmings, and other paper and paperboard waste resulting  
3 from printing, cutting, forming and other converting  
4 operations, or from bag, box and carton manufacturing, and  
5 butt rolls, mill wrappers, and rejected unused stock; and

6 (iii) finished paper and paperboard from obsolete  
7 inventories of paper and paperboard manufacturers,  
8 merchants, wholesalers, dealers, printers, converters or  
9 others.

10 (e) Nothing in this Section shall be deemed to apply to art  
11 materials, nor to any newspapers, magazines, text books,  
12 library books or other copyrighted publications which are  
13 purchased or used by the board of education or any public  
14 school or attendance center within the school district, or  
15 which are sold in any school supply store operated by or within  
16 any such school or attendance center, other than newspapers  
17 written, edited or produced by students enrolled in the school  
18 district, public school or attendance center.

19 (f) The State Board of Education, in coordination with the  
20 Departments of Central Management Services and Commerce and  
21 Economic Opportunity ~~Community Affairs~~, may adopt such rules  
22 and regulations as it deems necessary to assist districts in  
23 carrying out the provisions of this Section.

24 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

25 Section 630. The School District Educational Effectiveness  
26 and Fiscal Efficiency Act is amended by changing Sections 3 and  
27 5 as follows:

28 (105 ILCS 205/3) (from Ch. 122, par. 873)

29 Sec. 3. Awarding of grants.

30 Applications for grants shall be made annually to the  
31 Office of the Superintendent of Public Instruction on forms  
32 provided by that office. The Superintendent and the Director of  
33 the Governor's Office of Management and Budget ~~Bureau of the~~  
34 ~~Budget~~ shall select applicants to receive grants and shall,

1 insofar as possible, distribute grants to elementary,  
2 secondary and unit districts of diverse size and representative  
3 of every region of the State. Preference will be given to  
4 districts that have committed or are planning to commit  
5 additional local funds toward the development of such a system.

6 In determining the amount of each grant, the Superintendent  
7 of Public Instruction and the Director of the Governor's Office  
8 of Management and Budget ~~Bureau of the Budget~~ shall give  
9 consideration to the size of the district and the extent to  
10 which the district has previously instituted procedures  
11 similar to those described in this Act.

12 (Source: P.A. 77-2191; revised 8-23-03.)

13 (105 ILCS 205/5) (from Ch. 122, par. 875)

14 Sec. 5. Rules and regulations. The Superintendent of Public  
15 Instruction in consultation with the Director of the Governor's  
16 Office of Management and Budget ~~Bureau of the Budget~~ shall  
17 adopt such rules and regulations necessary to implement this  
18 Act.

19 (Source: P.A. 77-2191; revised 8-23-03.)

20 Section 635. The Adult Education Reporting Act is amended  
21 by changing Section 1 as follows:

22 (105 ILCS 410/1) (from Ch. 122, par. 1851)

23 Sec. 1. As used in this Act, "agency" means: the  
24 Departments of Corrections, Public Aid, Commerce and Economic  
25 Opportunity ~~Community Affairs~~, Human Services, and Public  
26 Health; the Secretary of State; the Illinois Community College  
27 Board; and the Administrative Office of the Illinois Courts. On  
28 and after July 1, 2001, "agency" includes the State Board of  
29 Education and does not include the Illinois Community College  
30 Board.

31 (Source: P.A. 91-830, eff. 7-1-00; revised 12-6-03.)

32 Section 640. The Conservation Education Act is amended by

1 changing Section 3 as follows:

2 (105 ILCS 415/3) (from Ch. 122, par. 698.3)

3 Sec. 3. Advisory Board.

4 (a) An Advisory Board is hereby established consisting of  
5 the Director of Agriculture, the Director of Natural Resources,  
6 the Director of the Environmental Protection Agency, the State  
7 Superintendent of Education, the Director of Commerce and  
8 Economic Opportunity ~~Community Affairs~~, the Director of Public  
9 Health, the Director of Nuclear Safety, the Director of the  
10 University of Illinois Cooperative Extension Service, and 4  
11 members to be appointed by the Governor. The appointed members  
12 shall consist of: a representative of the colleges and  
13 universities of the State of Illinois, a member of a soil  
14 conservation district within the State of Illinois, a classroom  
15 teacher who has won the Conservation Teacher of the Year Award,  
16 and a representative of business and industry. All appointive  
17 members shall be appointed for terms of 3 years except when an  
18 appointment is made to fill a vacancy, in which case the  
19 appointment shall be made by the Governor for the unexpired  
20 term of the position vacant. In selecting the appointive  
21 members of the Advisory Board, the Governor shall give due  
22 consideration to the recommendations of such professional  
23 organizations as are concerned with the conservation education  
24 program. Members of the Advisory Board shall serve without  
25 compensation but shall be reimbursed for actual and necessary  
26 expenses incurred in the administration of the Act. Each of the  
27 members serving ex officio may designate a person to serve in  
28 his or her place.

29 (b) The Advisory Board shall select its own Chairman,  
30 establish rules and procedures not inconsistent with this Act  
31 and shall keep a record of matters transpiring at all meetings.  
32 The Board shall hold regular meetings at least 4 times each  
33 year and special meetings shall be held at the call of the  
34 Chairman or any 3 members of the Board. All matters coming  
35 before the Board shall be decided by a majority vote of those

1 present at any meeting.

2 (c) The Advisory Board from time to time shall make  
3 recommendations concerning the conservation education program  
4 within the State of Illinois.

5 (Source: P.A. 92-229, eff. 8-2-01; revised 12-6-03.)

6 Section 645. The Vocational Education Act is amended by  
7 changing Section 2.1 as follows:

8 (105 ILCS 435/2.1) (from Ch. 122, par. 697.1)

9 Sec. 2.1. Gender Equity Advisory Committee.

10 (a) The Superintendent of the State Board of Education  
11 shall appoint a Gender Equity Advisory Committee of at least 9  
12 members to advise and consult with the State Board of Education  
13 and the gender equity coordinator in all aspects relating to  
14 ensuring that all students have equal educational  
15 opportunities to pursue high wage, high skill occupations  
16 leading to economic self-sufficiency.

17 (b) Membership shall include without limitation one  
18 regional gender equity coordinator, 2 State Board of Education  
19 employees, the Department of Labor's Displaced Homemaker  
20 Program Manager, and 5 citizen appointees who have expertise in  
21 one or more of the following areas: nontraditional training and  
22 placement, service delivery to single parents, service  
23 delivery to displaced homemakers, service delivery to female  
24 teens, business and industry experience, and  
25 Education-to-Careers experience. Membership also may include  
26 employees from the Department of Commerce and Economic  
27 Opportunity ~~Community Affairs~~, the Department of Human  
28 Services, and the Illinois Community College Board who have  
29 expertise in one or more of the areas listed in this subsection  
30 (b) for the citizen appointees. Appointments shall be made  
31 taking into consideration expertise of services provided in  
32 secondary, postsecondary and community based programs.

33 (c) Members shall initially be appointed to one year terms  
34 commencing in January 1, 1990, and thereafter to two year terms

1 commencing on January 1 of each odd numbered year. Vacancies  
2 shall be filled as prescribed in subsection (b) for the  
3 remainder of the unexpired term.

4 (d) Each newly appointed committee shall elect a Chair and  
5 Secretary from its members. Members shall serve without  
6 compensation, but shall be reimbursed for expenses incurred in  
7 the performance of their duties. The Committee shall meet at  
8 least bi-annually and at other times at the call of the Chair  
9 or at the request of the gender equity coordinator.

10 (Source: P.A. 91-304, eff. 1-1-00; revised 12-6-03.)

11 Section 650. The Board of Higher Education Act is amended  
12 by changing Sections 9.12, 9.18, and 9.25 as follows:

13 (110 ILCS 205/9.12) (from Ch. 144, par. 189.12)

14 Sec. 9.12. To encourage the coordination of research and  
15 service programs in the several State universities to furnish  
16 assistance to the communities and citizens of this State in  
17 meeting special economic needs arising from the removal or  
18 termination of substantial industrial or commercial operations  
19 and the waste of human and economic resources which often  
20 results from such removal.

21 Such programs may include assistance in identifying  
22 opportunities for the replacement of the lost operations, in  
23 determining the economic feasibility of the various  
24 opportunities available, and in the development of new products  
25 or services suitable for production in the particular facility  
26 made available by the relocation.

27 The Department of Commerce and Economic Opportunity  
28 ~~Community Affairs~~ may assist the universities by providing,  
29 with the assistance of the Board, a system for referring  
30 particular economic problems to the most appropriate research  
31 and service program.

32 (Source: P.A. 82-783; revised 12-6-03.)

33 (110 ILCS 205/9.18) (from Ch. 144, par. 189.18)

1           Sec. 9.18. To review the annual budget proposals of the  
2 Illinois Mathematics and Science Academy and to submit to the  
3 Governor, the General Assembly, the Governor's Office of  
4 Management and Budget ~~Bureau of the Budget~~, and the Illinois  
5 Economic and Fiscal Commission its analysis and  
6 recommendations on such budget proposals.

7 (Source: P.A. 85-1019; revised 8-23-03.)

8 (110 ILCS 205/9.25)

9           Sec. 9.25. Feasibility study; Parks College. The  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~ along with the Board of Higher Education shall conduct  
12 an economic and educational feasibility study for the future  
13 development of Parks College in Cahokia, Illinois.

14 (Source: P.A. 89-279, eff. 1-1-96; 89-626, eff. 8-9-96; revised  
15 12-6-03.)

16           Section 655. The Southern Illinois University Management  
17 Act is amended by changing Section 6.6 as follows:

18 (110 ILCS 520/6.6)

19           Sec. 6.6. The Illinois Ethanol Research Advisory Board.

20           (a) There is established the Illinois Ethanol Research  
21 Advisory Board (the "Advisory Board").

22           (b) The Advisory Board shall be composed of 13 members  
23 including: the President of Southern Illinois University who  
24 shall be Chairman; the Director of Commerce and Economic  
25 Opportunity ~~Community Affairs~~; the Director of Agriculture;  
26 the President of the Illinois Corn Growers Association; the  
27 President of the National Corn Growers Association; the  
28 President of the Renewable Fuels Association; the Dean of the  
29 College of Agricultural, Consumer, and Environmental Science,  
30 University of Illinois at Champaign-Urbana; and 6 at-large  
31 members appointed by the Governor representing the ethanol  
32 industry, growers, suppliers, and universities.

33           (c) The 6 at-large members shall serve a term of 4 years.



1 The Advisory Board shall meet at least annually or at the call  
2 of the Chairman. At any time a majority of the Advisory Board  
3 may petition the Chairman for a meeting of the Board. Seven  
4 members of the Advisory Board shall constitute a quorum.

5 (d) The Advisory Board shall:

6 (1) Review the annual operating plans and budget of the  
7 National Corn-to-Ethanol Research Pilot Plant.

8 (2) Advise on research and development priorities and  
9 projects to be carried out at the Corn-to-Ethanol Research  
10 Pilot Plant.

11 (3) Advise on policies and procedures regarding the  
12 management and operation of the ethanol research pilot  
13 plant. This may include contracts, project selection, and  
14 personnel issues.

15 (4) Develop bylaws.

16 (5) Submit a final report to the Governor and General  
17 Assembly outlining the progress and accomplishments made  
18 during the year along with a financial report for the year.

19 (e) The Advisory Board established by this Section is a  
20 continuation, as changed by the Section, of the Board  
21 established under Section 8a of the Energy Conservation and  
22 Coal Act and repealed by this amendatory Act of the 92nd  
23 General Assembly.

24 (Source: P.A. 92-736, eff. 7-25-02; revised 12-6-03.)

25 Section 660. The Illinois State University Law is amended  
26 by changing Section 20-115 as follows:

27 (110 ILCS 675/20-115)

28 Sec. 20-115. Illinois Institute for Entrepreneurship  
29 Education.

30 (a) There is created, effective July 1, 1997, within the  
31 State at Illinois State University, the Illinois Institute for  
32 Entrepreneurship Education, hereinafter referred to as the  
33 Institute.

34 (b) The Institute created under this Section shall commence

1 its operations on July 1, 1997 and shall have a board composed  
2 of 15 members representative of education, commerce and  
3 industry, government, or labor, appointed as follows: 2 members  
4 shall be appointees of the Governor, one of whom shall be a  
5 minority or female person as defined in Section 2 of the  
6 Business Enterprise for Minorities, Females, and Persons with  
7 Disabilities Act; one member shall be an appointee of the  
8 President of the Senate; one member shall be an appointee of  
9 the Minority Leader of the Senate; one member shall be an  
10 appointee of the Speaker of the House of Representatives; one  
11 member shall be an appointee of the Minority Leader of the  
12 House of Representatives; 2 members shall be appointees of  
13 Illinois State University; one member shall be an appointee of  
14 the Board of Higher Education; one member shall be an appointee  
15 of the State Board of Education; one member shall be an  
16 appointee of the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~; one member shall be an appointee  
18 of the Illinois chapter of Economics America; and 3 members  
19 shall be appointed by majority vote of the other 12 appointed  
20 members to represent business owner-entrepreneurs. Each member  
21 shall have expertise and experience in the area of  
22 entrepreneurship education, including small business and  
23 entrepreneurship. The majority of voting members must be from  
24 the private sector. The members initially appointed to the  
25 board of the Institute created under this Section shall be  
26 appointed to take office on July 1, 1997 and shall by lot  
27 determine the length of their respective terms as follows: 5  
28 members shall be selected by lot to serve terms of one year, 5  
29 members shall be selected by lot to serve terms of 2 years, and  
30 5 members shall be selected by lot to serve terms of 3 years.  
31 Subsequent appointees shall each serve terms of 3 years. The  
32 board shall annually select a chairperson from among its  
33 members. Each board member shall serve without compensation but  
34 shall be reimbursed for expenses incurred in the performance of  
35 his or her duties.

36 (c) The purpose of the Institute shall be to foster the

1 growth and development of entrepreneurship education in the  
2 State of Illinois. The Institute shall help remedy the  
3 deficiencies in the preparation of entrepreneurship education  
4 teachers, increase the quality and quantity of  
5 entrepreneurship education programs, improve instructional  
6 materials, and prepare personnel to serve as leaders and  
7 consultants in the field of entrepreneurship education and  
8 economic development. The Institute shall promote  
9 entrepreneurship as a career option, promote and support the  
10 development of innovative entrepreneurship education materials  
11 and delivery systems, promote business, industry, and  
12 education partnerships, promote collaboration and involvement  
13 in entrepreneurship education programs, encourage and support  
14 in-service and preservice teacher education programs within  
15 various educational systems, and develop and distribute  
16 relevant materials. The Institute shall provide a framework  
17 under which the public and private sectors may work together  
18 toward entrepreneurship education goals. These goals shall be  
19 achieved by bringing together programs that have an impact on  
20 entrepreneurship education to achieve coordination among  
21 agencies and greater efficiency in the expenditure of funds.

22 (d) Beginning July 1, 1997, the Institute shall have the  
23 following powers subject to State and Illinois State University  
24 Board of Trustees regulations and guidelines:

25 (1) To employ and determine the compensation of an  
26 executive director and such staff as it deems necessary;

27 (2) To own property and expend and receive funds and  
28 generate funds;

29 (3) To enter into agreements with public and private  
30 entities in the furtherance of its purpose; and

31 (4) To request and receive the cooperation and  
32 assistance of all State departments and agencies in the  
33 furtherance of its purpose.

34 (e) The board of the Institute shall be a policy making  
35 body with the responsibility for planning and developing  
36 Institute programs. The Institute, through the Board of

1 Trustees of Illinois State University, shall annually report to  
2 the Governor and General Assembly by January 31 as to its  
3 activities and operations, including its findings and  
4 recommendations.

5 (f) Beginning on July 1, 1997, the Institute created under  
6 this Section shall be deemed designated by law as the successor  
7 to the Illinois Institute for Entrepreneurship Education,  
8 previously created and existing under Section 2-11.5 of the  
9 Public Community College Act until its abolition on July 1,  
10 1997 as provided in that Section. On July 1, 1997, all  
11 financial and other records of the Institute so abolished and  
12 all of its property, whether real or personal, including but  
13 not limited to all inventory and equipment, shall be deemed  
14 transferred by operation of law to the Illinois Institute for  
15 Entrepreneurship Education created under this Section 20-115.  
16 The Illinois Institute for Entrepreneurship Education created  
17 under this Section 20-115 shall have, with respect to the  
18 predecessor Institute so abolished, all authority, powers, and  
19 duties of a successor agency under Section 10-15 of the  
20 Successor Agency Act.

21 (Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

22 Section 665. The Baccalaureate Savings Act is amended by  
23 changing Sections 4, 5, and 8 as follows:

24 (110 ILCS 920/4) (from Ch. 144, par. 2404)

25 Sec. 4. Issuance and Sale of College Savings Bonds. In  
26 order to provide investors with investment alternatives to  
27 enhance their financial access to Institutions of Higher  
28 Education located in the State of Illinois, and in furtherance  
29 of the public policy of this Act, bonds authorized by the  
30 provisions of the General Obligation Bond Act, in a total  
31 aggregate original principal amount not to exceed  
32 \$2,200,000,000 may be issued and sold from time to time, and as  
33 often as practicable, as College Savings Bonds in such amounts  
34 as directed by the Governor, upon recommendation by the

1 Director of the Governor's Office of Management and Budget  
2 ~~Bureau of the Budget~~. Bonds to be issued and sold as College  
3 Savings Bonds shall be designated by the Governor and the  
4 Director of the Governor's Office of Management and Budget  
5 ~~Bureau of the Budget~~ as "General Obligation College Savings  
6 Bonds" in the proceedings authorizing the issuance of such  
7 Bonds, and shall be subject to all of the terms and provisions  
8 of the General Obligation Bond Act, except that College Savings  
9 Bonds may bear interest payable at such time or times and may  
10 be sold at such prices and in such manner as may be determined  
11 by the Governor and the Director of the Governor's Office of  
12 Management and Budget ~~Bureau of the Budget~~ and except as  
13 otherwise provided in this Act. If College Savings Bonds are  
14 sold at public sale, the public sale procedures shall be as set  
15 forth in Section 11 of the General Obligation Bond Act. College  
16 Savings Bonds may be sold at negotiated sale if the Director of  
17 the Governor's Office of Management and Budget ~~Bureau of the~~  
18 ~~Budget~~ determines that a negotiated sale will result in either  
19 a more efficient and economic sale of such Bonds or greater  
20 access to such Bonds by investors who are residents of the  
21 State of Illinois. If any College Savings Bonds are sold at a  
22 negotiated sale, the underwriter or underwriters to which such  
23 Bonds are sold shall (a) be organized, incorporated or have  
24 their principal place of business in the State of Illinois, or  
25 (b) in the judgment of the Director of the Governor's Office of  
26 Management and Budget ~~Bureau of the Budget~~, have sufficient  
27 capability to make a broad distribution of such Bonds to  
28 investors resident in the State of Illinois. In determining the  
29 aggregate principal amount of College Savings Bonds that has  
30 been issued pursuant to this Act, the aggregate original  
31 principal amount of such Bonds issued and sold shall be taken  
32 into account. Any bond issued under this Act shall be payable  
33 in one payment on a fixed date, unless the Governor and the  
34 Director of the Governor's Office of Management and Budget  
35 ~~Bureau of the Budget~~ determine otherwise.

36 (Source: P.A. 90-1, eff. 2-20-97; 91-53, eff. 6-30-99; revised

1 8-23-03.)

2 (110 ILCS 920/5) (from Ch. 144, par. 2405)

3 Sec. 5. Security of College Savings Bonds. Any College  
4 Savings Bonds issued under the General Obligation Bond Act in  
5 accordance with this Act shall be direct, general obligations  
6 of the State of Illinois and subject to repayment as provided  
7 in the General Obligation Bond Act; however in the proceedings  
8 of the Governor and the Director of the Governor's Office of  
9 Management and Budget ~~Bureau of the Budget~~ authorizing the  
10 issuance of College Savings Bonds, such officials may covenant  
11 on behalf of the State with or for the benefit of the holders  
12 of such Bonds as to all matters deemed advisable by such  
13 officials, including the terms and conditions for creating and  
14 maintaining sinking funds, reserve funds and such other special  
15 funds as may be created in such proceedings, separate and apart  
16 from all other funds and accounts of the State, and such  
17 officials may make such other covenants as may be deemed  
18 necessary or desirable to assure the prompt payment of the  
19 principal of and interest on such Bonds. The transfers to and  
20 appropriations from the General Obligation Bond Retirement and  
21 Interest Fund required by the General Obligation Bond Act shall  
22 be made at such times and in such amounts as shall be  
23 determined by the Governor and the Director of the Governor's  
24 Office of Management and Budget ~~Bureau of the Budget~~ and shall  
25 be made to and from any fund or funds created pursuant to this  
26 Section for the payment of the principal of and interest on any  
27 College Savings Bonds.

28 (Source: P.A. 87-144; revised 8-23-03.)

29 (110 ILCS 920/8) (from Ch. 144, par. 2408)

30 Sec. 8. Grant Program. The proceedings of the Governor and  
31 the Director of the Governor's Office of Management and Budget  
32 ~~Bureau of the Budget~~ authorizing the issuance of College  
33 Savings Bonds shall also provide for a grant program of  
34 additional financial incentives to be provided to holders of

1 such Bonds to encourage the enrollment of students at  
2 Institutions of Higher Education located in the State of  
3 Illinois. The Grant Program of financial incentives shall be  
4 administered by the State Scholarship Commission pursuant to  
5 administrative rules promulgated by the Commission. Such  
6 financial incentives shall be in such forms as determined by  
7 the Governor and the Director of the Governor's Office of  
8 Management and Budget ~~Bureau of the Budget~~ at the time of the  
9 authorization of such College Savings Bonds and may include,  
10 among others, supplemental payments to the holders of such  
11 Bonds at maturity to be applied to tuition costs at  
12 institutions of higher education located in the State of  
13 Illinois. The Commission may establish, by rule,  
14 administrative procedures and eligibility criteria for the  
15 Grant Program, provided such rules are consistent with the  
16 purposes of this Act. The Commission may require bond holders,  
17 institutions of higher education and other necessary parties to  
18 assist in the determination of eligibility for financial  
19 incentives under the Grant Program. All grants shall be subject  
20 to annual appropriation of funds for such purpose by the  
21 General Assembly. Such financial incentives shall be provided  
22 only if, in the sole judgment of the Director of the Governor's  
23 Office of Management and Budget ~~Bureau of the Budget~~, the cost  
24 of such incentives shall not cause the cost to the State of the  
25 proceeds of the College Savings Bonds being sold to be  
26 increased by more than 1/2 of 1%. No such financial incentives  
27 shall be paid to assist in the financing of the education of a  
28 student (i) in a school or department of divinity for any  
29 religious denomination or (ii) pursuing a course of study  
30 consisting of training to become a minister, priest, rabbi or  
31 other professional person in the field of religion.

32 (Source: P.A. 86-168; revised 8-23-03.)

33 Section 670. The Higher Education Student Assistance Act is  
34 amended by changing Section 75 as follows:

1 (110 ILCS 947/75)

2 Sec. 75. College savings programs.

3 (a) Purpose. The General Assembly finds and hereby declares  
4 that for the benefit of the people of the State of Illinois,  
5 the conduct and increase of their commerce, the protection and  
6 enhancement of their welfare, the development of continued  
7 prosperity and the improvement of their health and living  
8 conditions, it is essential that all citizens with the  
9 intellectual ability and motivation be able to obtain a higher  
10 education. The General Assembly further finds that rising  
11 tuition costs, increasingly restrictive eligibility criteria  
12 for existing federal and State student aid programs and other  
13 trends in higher education finance have impeded access to a  
14 higher education for many middle-income families; and that to  
15 remedy these concerns, it is of utmost importance that families  
16 be provided with investment alternatives to enhance their  
17 financial access to institutions of higher education. It is the  
18 intent of this Section to establish College Savings Programs  
19 appropriate for families from various income groups, to  
20 encourage Illinois families to save and invest in anticipation  
21 of their children's education, and to encourage enrollment in  
22 institutions of higher education, all in execution of the  
23 public policy set forth above and elsewhere in this Act.

24 (b) The Commission is authorized to develop and provide a  
25 program of college savings instruments to Illinois citizens.  
26 The program shall be structured to encourage parents to plan  
27 ahead for the college education of their children and to permit  
28 the long-term accumulation of savings which can be used to  
29 finance the family's share of the cost of a higher education.  
30 Income, up to \$2,000 annually per account, which is derived by  
31 individuals from investments made in accordance with College  
32 Savings Programs established under this Section shall be free  
33 from all taxation by the State and its political subdivisions,  
34 except for estate, transfer, and inheritance taxes.

35 (c) The Commission is authorized to contract with private  
36 financial institutions and other businesses, individuals, and



1 other appropriate parties to establish and operate the College  
2 Savings Programs. The Commission may negotiate contracts with  
3 private financial and investment companies, establish College  
4 Savings Programs, and monitor the vendors administering the  
5 programs in whichever manner the Commission determines is best  
6 suited to accomplish the purposes of this Section. The Auditor  
7 General shall periodically review the operation of the College  
8 Savings Programs and shall advise the Commission and the  
9 General Assembly of his findings.

10 (d) In determining the type of instruments to be offered,  
11 the Commission shall consult with, and receive the assistance  
12 of, the Illinois Board of Higher Education, the Governor's  
13 Office of Management and Budget ~~Bureau of the Budget~~, the State  
14 Board of Investments, the Governor, and other appropriate State  
15 agencies and private parties.

16 (e) The Commission shall market and promote the College  
17 Savings Programs to the citizens of Illinois.

18 (f) The Commission shall assist the State Comptroller and  
19 State Treasurer in establishing a payroll deduction plan  
20 through which State employees may participate in the College  
21 Savings Programs. The Department of Labor, Department of  
22 Employment Security, Department of Revenue, and other  
23 appropriate agencies shall assist the Commission in educating  
24 Illinois employers about the College Savings Programs, and  
25 shall assist the Commission in securing employers'  
26 participation in a payroll deduction plan and other initiatives  
27 which maximize participation in the College Savings Programs.

28 (g) The Commission shall examine means by which the State,  
29 through a series of matching contributions or other incentives,  
30 may most effectively encourage Illinois families to  
31 participate in the College Savings Programs. The Commission  
32 shall report its conclusions and recommendations to the  
33 Governor and General Assembly no later than February 15, 1990.

34 (h) The College Savings Programs established pursuant to  
35 this Section shall not be subject to the provisions of the  
36 Illinois Administrative Procedure Act. The Commission shall

1 provide that appropriate disclosures are provided to all  
2 citizens who participate in the College Savings Programs.

3 (Source: P.A. 87-997; revised 8-23-03.)

4 Section 675. The Illinois Prepaid Tuition Act is amended by  
5 changing Section 20 as follows:

6 (110 ILCS 979/20)

7 Sec. 20. Investment Advisory Panel. The Illinois prepaid  
8 tuition program shall be administered by the Illinois Student  
9 Assistance Commission, with advice and counsel from an  
10 investment advisory panel appointed by the Commission. The  
11 Illinois prepaid tuition program shall be administratively  
12 housed within the Commission, and the investment advisory panel  
13 shall have such duties as are specified in this Act.

14 The investment advisory panel shall consist of 7 members  
15 who are appointed by the Commission, including one recommended  
16 by the State Treasurer, one recommended by the State  
17 Comptroller, one recommended by the Director of the Governor's  
18 Office of Management and Budget ~~Bureau of the Budget~~, and one  
19 recommended by the Executive Director of the Board of Higher  
20 Education. Each panel member shall possess knowledge, skill,  
21 and experience in at least one of the following areas of  
22 expertise: accounting, actuarial practice, risk management, or  
23 investment management. Members shall serve 3-year terms except  
24 that, in making the initial appointments, the Commission shall  
25 appoint 2 members to serve for 2 years, 2 members to serve for  
26 3 years, and 3 members to serve for 4 years. Any person  
27 appointed to fill a vacancy on the panel shall be appointed in  
28 a like manner and shall serve for only the unexpired term.  
29 Investment advisory panel members shall be eligible for  
30 reappointment and shall serve until a successor is appointed  
31 and confirmed. Panel members shall serve without compensation  
32 but shall be reimbursed for expenses. Before being installed as  
33 a member of the investment advisory panel, each nominee shall  
34 file verified written statements of economic interest with the

1 Secretary of State as required by the Illinois Governmental  
2 Ethics Act and with the Board of Ethics as required by  
3 Executive Order of the Governor.

4 The investment advisory panel shall meet at least twice  
5 annually. At least once each year the Commission Chairman shall  
6 designate a time and place at which the investment advisory  
7 panel shall meet publicly with the Illinois Student Assistance  
8 Commission to discuss issues and concerns relating to the  
9 Illinois prepaid tuition program.

10 (Source: P.A. 90-546, eff. 12-1-97; 91-669, eff. 1-1-00;  
11 revised 8-23-03.)

12 Section 680. The Public Utilities Act is amended by  
13 changing Sections 9-222.1, 9-222.1A, 13-301.1, 13-301.2,  
14 15-401, and 16-111.1 as follows:

15 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

16 Sec. 9-222.1. A business enterprise which is located within  
17 an area designated by a county or municipality as an enterprise  
18 zone pursuant to the Illinois Enterprise Zone Act or located in  
19 a federally designated Foreign Trade Zone or Sub-Zone shall be  
20 exempt from the additional charges added to the business  
21 enterprise's utility bills as a pass-on of municipal and State  
22 utility taxes under Sections 9-221 and 9-222 of this Act, to  
23 the extent such charges are exempted by ordinance adopted in  
24 accordance with paragraph (e) of Section 8-11-2 of the Illinois  
25 Municipal Code in the case of municipal utility taxes, and to  
26 the extent such charges are exempted by the percentage  
27 specified by the Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~ in the case of State utility  
29 taxes, provided such business enterprise meets the following  
30 criteria:

31 (1) it either (i) makes investments which cause the  
32 creation of a minimum of 200 full-time equivalent jobs in  
33 Illinois; (ii) makes investments of at least \$175,000,000  
34 which cause the creation of a minimum of 150 full-time

1 equivalent jobs in Illinois; or (iii) makes investments  
2 which cause the retention of a minimum of 1,000 full-time  
3 jobs in Illinois; and

4 (2) it is either (i) located in an Enterprise Zone  
5 established pursuant to the Illinois Enterprise Zone Act or  
6 (ii) it is located in a federally designated Foreign Trade  
7 Zone or Sub-Zone and is designated a High Impact Business  
8 by the Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~; and

10 (3) it is certified by the Department of Commerce and  
11 Economic Opportunity ~~Community Affairs~~ as complying with  
12 the requirements specified in clauses (1) and (2) of this  
13 Section.

14 The Department of Commerce and Economic Opportunity  
15 ~~Community Affairs~~ shall determine the period during which such  
16 exemption from the charges imposed under Section 9-222 is in  
17 effect which shall not exceed 30 years or the certified term of  
18 the enterprise zone, whichever period is shorter.

19 The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ shall have the power to promulgate rules and  
21 regulations to carry out the provisions of this Section  
22 including procedures for complying with the requirements  
23 specified in clauses (1) and (2) of this Section and procedures  
24 for applying for the exemptions authorized under this Section;  
25 to define the amounts and types of eligible investments which  
26 business enterprises must make in order to receive State  
27 utility tax exemptions pursuant to Sections 9-222 and 9-222.1  
28 of this Act; to approve such utility tax exemptions for  
29 business enterprises whose investments are not yet placed in  
30 service; and to require that business enterprises granted tax  
31 exemptions repay the exempted tax should the business  
32 enterprise fail to comply with the terms and conditions of the  
33 certification. However, no business enterprise shall be  
34 required, as a condition for certification under clause (3) of  
35 this Section, to attest that its decision to invest under  
36 clause (1) of this Section and to locate under clause (2) of

1 this Section is predicated upon the availability of the  
2 exemptions authorized by this Section.

3 A business enterprise shall be exempt, in whole or in part,  
4 from the pass-on charges of municipal utility taxes imposed  
5 under Section 9-221, only if it meets the criteria specified in  
6 clauses (1) through (3) of this Section and the municipality  
7 has adopted an ordinance authorizing the exemption under  
8 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.  
9 Upon certification of the business enterprises by the  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ shall notify the Department of Revenue of  
13 such certification. The Department of Revenue shall notify the  
14 public utilities of the exemption status of business  
15 enterprises from the pass-on charges of State and municipal  
16 utility taxes. Such exemption status shall be effective within  
17 3 months after certification of the business enterprise.

18 (Source: P.A. 91-567, eff. 8-14-99; 92-777, eff. 1-1-03;  
19 revised 12-6-03.)

20 (220 ILCS 5/9-222.1A)

21 Sec. 9-222.1A. High impact business. Beginning on August 1,  
22 1998 and thereafter, a business enterprise that is certified as  
23 a High Impact Business by the Department of Commerce and  
24 Economic Opportunity (formerly Department of Commerce and  
25 Community Affairs) is exempt from the tax imposed by Section  
26 2-4 of the Electricity Excise Tax Law, if the High Impact  
27 Business is registered to self-assess that tax, and is exempt  
28 from any additional charges added to the business enterprise's  
29 utility bills as a pass-on of State utility taxes under Section  
30 9-222 of this Act, to the extent the tax or charges are  
31 exempted by the percentage specified by the Department of  
32 Commerce and Economic Opportunity ~~Community Affairs~~ for State  
33 utility taxes, provided the business enterprise meets the  
34 following criteria:

35 (1) (A) it intends either (i) to make a minimum

1 eligible investment of \$12,000,000 that will be placed  
2 in service in qualified property in Illinois and is  
3 intended to create at least 500 full-time equivalent  
4 jobs at a designated location in Illinois; or (ii) to  
5 make a minimum eligible investment of \$30,000,000 that  
6 will be placed in service in qualified property in  
7 Illinois and is intended to retain at least 1,500  
8 full-time equivalent jobs at a designated location in  
9 Illinois; or

10 (B) it meets the criteria of subdivision  
11 (a) (3) (B), (a) (3) (C), or (a) (3) (D) of Section 5.5 of  
12 the Illinois Enterprise Zone Act;

13 (2) it is designated as a High Impact Business by the  
14 Department of Commerce and Economic Opportunity ~~Community~~  
15 ~~Affairs~~; and

16 (3) it is certified by the Department of Commerce and  
17 Economic Opportunity ~~Community Affairs~~ as complying with  
18 the requirements specified in clauses (1) and (2) of this  
19 Section.

20 The Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~ shall determine the period during which the  
22 exemption from the Electricity Excise Tax Law and the charges  
23 imposed under Section 9-222 are in effect, which shall not  
24 exceed 20 years from the date of initial certification, and  
25 shall specify the percentage of the exemption from those taxes  
26 or additional charges.

27 The Department of Commerce and Economic Opportunity  
28 ~~Community Affairs~~ is authorized to promulgate rules and  
29 regulations to carry out the provisions of this Section,  
30 including procedures for complying with the requirements  
31 specified in clauses (1) and (2) of this Section and procedures  
32 for applying for the exemptions authorized under this Section;  
33 to define the amounts and types of eligible investments that  
34 business enterprises must make in order to receive State  
35 utility tax exemptions or exemptions from the additional  
36 charges imposed under Section 9-222 and this Section; to

1 approve such utility tax exemptions for business enterprises  
2 whose investments are not yet placed in service; and to require  
3 that business enterprises granted tax exemptions or exemptions  
4 from additional charges under Section 9-222 repay the exempted  
5 amount if the business enterprise fails to comply with the  
6 terms and conditions of the certification.

7 Upon certification of the business enterprises by the  
8 Department of Commerce and Economic Opportunity ~~Community~~  
9 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~ shall notify the Department of Revenue of the  
11 certification. The Department of Revenue shall notify the  
12 public utilities of the exemption status of business  
13 enterprises from the tax or pass-on charges of State utility  
14 taxes. The exemption status shall take effect within 3 months  
15 after certification of the business enterprise.

16 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised  
17 12-6-03.)

18 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

19 (Section scheduled to be repealed on July 1, 2005)

20 Sec. 13-301.1. Universal Telephone Service Assistance  
21 Program.

22 (a) The Commission shall by rule or regulation establish a  
23 Universal Telephone Service Assistance Program for low income  
24 residential customers. The program shall provide for a  
25 reduction of access line charges, a reduction of connection  
26 charges, or any other alternative to increase accessibility to  
27 telephone service that the Commission deems advisable subject  
28 to the availability of funds for the program as provided in  
29 subsection (d). The Commission shall establish eligibility  
30 requirements for benefits under the program.

31 (b) The Commission shall adopt rules providing for enhanced  
32 enrollment for eligible consumers to receive lifeline service.  
33 Enhanced enrollment may include, but is not limited to, joint  
34 marketing, joint application, or joint processing with the  
35 Low-Income Home Energy Assistance Program, the Medicaid

1 Program, and the Food Stamp Program. The Department of Human  
2 Services, the Department of Public Aid, and the Department of  
3 Commerce and Economic Opportunity ~~Community Affairs~~, upon  
4 request of the Commission, shall assist in the adoption and  
5 implementation of those rules. The Commission and the  
6 Department of Human Services, the Department of Public Aid, and  
7 the Department of Commerce and Economic Opportunity ~~Community~~  
8 ~~Affairs~~ may enter into memoranda of understanding establishing  
9 the respective duties of the Commission and the Departments in  
10 relation to enhanced enrollment.

11 (c) In this Section, "lifeline service" means a retail  
12 local service offering described by 47 C.F.R. Section  
13 54.401(a), as amended.

14 (d) The Commission shall require by rule or regulation that  
15 each telecommunications carrier providing local exchange  
16 telecommunications services notify its customers that if the  
17 customer wishes to participate in the funding of the Universal  
18 Telephone Service Assistance Program he may do so by electing  
19 to contribute, on a monthly basis, a fixed amount that will be  
20 included in the customer's monthly bill. The customer may cease  
21 contributing at any time upon providing notice to the  
22 telecommunications carrier providing local exchange  
23 telecommunications services. The notice shall state that any  
24 contribution made will not reduce the customer's bill for  
25 telecommunications services. Failure to remit the amount of  
26 increased payment will reduce the contribution accordingly.  
27 The Commission shall specify the monthly fixed amount or  
28 amounts that customers wishing to contribute to the funding of  
29 the Universal Telephone Service Assistance Program may choose  
30 from in making their contributions. Every telecommunications  
31 carrier providing local exchange telecommunications services  
32 shall remit the amounts contributed in accordance with the  
33 terms of the Universal Telephone Service Assistance Program.

34 (Source: P.A. 92-22, eff. 6-30-01; revised 12-6-03.)



1 (Section scheduled to be repealed on July 1, 2005)

2 Sec. 13-301.2. Program to Foster Elimination of the Digital  
3 Divide. The Commission shall require by rule that each  
4 telecommunications carrier providing local exchange  
5 telecommunications service notify its end-user customers that  
6 if the customer wishes to participate in the funding of the  
7 Program to Foster Elimination of the Digital Divide he or she  
8 may do so by electing to contribute, on a monthly basis, a  
9 fixed amount that will be included in the customer's monthly  
10 bill. The obligations imposed in this Section shall not be  
11 imposed upon a telecommunications carrier for any of its  
12 end-users subscribing to the services listed below: (1) private  
13 line service which is not directly or indirectly used for the  
14 origination or termination of switched telecommunications  
15 service, (2) cellular radio service, (3) high-speed  
16 point-to-point data transmission at or above 9.6 kilobits, (4)  
17 the provision of telecommunications service by a company or  
18 person otherwise subject to subsection (c) of Section 13-202 to  
19 a telecommunications carrier, which is incidental to the  
20 provision of service subject to subsection (c) of Section  
21 13-202; (5) pay telephone service; or (6) interexchange  
22 telecommunications service. The customer may cease  
23 contributing at any time upon providing notice to the  
24 telecommunications carrier. The notice shall state that any  
25 contribution made will not reduce the customer's bill for  
26 telecommunications services. Failure to remit the amount of  
27 increased payment will reduce the contribution accordingly.  
28 The Commission shall specify the monthly fixed amount or  
29 amounts that customers wishing to contribute to the funding of  
30 the Program to Foster Elimination of the Digital Divide may  
31 choose from in making their contributions. A  
32 telecommunications carrier subject to this obligation shall  
33 remit the amounts contributed by its customers to the  
34 Department of Commerce and Economic Opportunity Community  
35 ~~Affairs~~ for deposit in the Digital Divide Elimination Fund at  
36 the intervals specified in the Commission rules.

1 (Source: P.A. 92-22, eff. 6-30-01; 93-358, eff. 1-1-04; revised  
2 12-6-03.)

3 (220 ILCS 5/15-401)

4 Sec. 15-401. Licensing.

5 (a) No person shall operate as a common carrier by pipeline  
6 unless the person possesses a certificate in good standing  
7 authorizing it to operate as a common carrier by pipeline. No  
8 person shall begin or continue construction of a pipeline or  
9 other facility, other than the repair or replacement of an  
10 existing pipeline or facility, for use in operations as a  
11 common carrier by pipeline unless the person possesses a  
12 certificate in good standing.

13 (b) Requirements for issuance. The Commission, after a  
14 hearing, shall grant an application for a certificate  
15 authorizing operations as a common carrier by pipeline, in  
16 whole or in part, to the extent that it finds that the  
17 application was properly filed; a public need for the service  
18 exists; the applicant is fit, willing, and able to provide the  
19 service in compliance with this Act, Commission regulations,  
20 and orders; and the public convenience and necessity requires  
21 issuance of the certificate.

22 In its determination of public convenience and necessity  
23 for a proposed pipeline or facility designed or intended to  
24 transport crude oil and any alternate locations for such  
25 proposed pipeline or facility, the Commission shall consider,  
26 but not be limited to, the following:

27 (1) any evidence presented by the Illinois  
28 Environmental Protection Agency regarding the  
29 environmental impact of the proposed pipeline or other  
30 facility;

31 (2) any evidence presented by the Illinois Department  
32 of Transportation regarding the impact of the proposed  
33 pipeline or facility on traffic safety, road construction,  
34 or other transportation issues;

35 (3) any evidence presented by the Department of Natural

1 Resources regarding the impact of the proposed pipeline or  
2 facility on any conservation areas, forest preserves,  
3 wildlife preserves, wetlands, or any other natural  
4 resource;

5 (4) any evidence of the effect of the pipeline upon the  
6 economy, infrastructure, and public safety presented by  
7 local governmental units that will be affected by the  
8 proposed pipeline or facility;

9 (5) any evidence of the effect of the pipeline upon  
10 property values presented by property owners who will be  
11 affected by the proposed pipeline or facility;

12 (6) any evidence presented by the Department of  
13 Commerce and Economic Opportunity ~~Community Affairs~~  
14 regarding the current and future economic effect of the  
15 proposed pipeline or facility including, but not limited  
16 to, property values, employment rates, and residential and  
17 business development; and

18 (7) any evidence presented by any other State agency  
19 that participates in the proceeding.

20 In its written order, the Commission shall address all of  
21 the evidence presented, and if the order is contrary to any of  
22 the evidence, the Commission shall state the reasons for its  
23 determination with regard to that evidence. The provisions of  
24 this amendatory Act of 1996 apply to any certificate granted or  
25 denied after the effective date of this amendatory Act of 1996.

26 (c) Duties and obligations of common carriers by pipeline.  
27 Each common carrier by pipeline shall provide adequate service  
28 to the public at reasonable rates and without discrimination.

29 (Source: P.A. 89-42, eff. 1-1-96; 89-573, eff. 7-30-96; revised  
30 12-6-03.)

31 (220 ILCS 5/16-111.1)

32 Sec. 16-111.1. Illinois Clean Energy Community Trust.

33 (a) An electric utility which has sold or transferred  
34 generating facilities in a transaction to which subsection (k)  
35 of Section 16-111 applies is authorized to establish an

1 Illinois clean energy community trust or foundation for the  
2 purposes of providing financial support and assistance to  
3 entities, public or private, within the State of Illinois  
4 including, but not limited to, units of State and local  
5 government, educational institutions, corporations, and  
6 charitable, educational, environmental and community  
7 organizations, for programs and projects that benefit the  
8 public by improving energy efficiency, developing renewable  
9 energy resources, supporting other energy related projects  
10 that improve the State's environmental quality, and supporting  
11 projects and programs intended to preserve or enhance the  
12 natural habitats and wildlife areas of the State. Provided,  
13 however, that the trust or foundation funds shall not be used  
14 for the remediation of environmentally impaired property. The  
15 trust or foundation may also assist in identifying other energy  
16 and environmental grant opportunities.

17 (b) Such trust or foundation shall be governed by a  
18 declaration of trust or articles of incorporation and bylaws  
19 which shall, at a minimum, provide that:

20 (1) There shall be 6 voting trustees of the trust or  
21 foundation, one of whom shall be appointed by the Governor,  
22 one of whom shall be appointed by the President of the  
23 Illinois Senate, one of whom shall be appointed by the  
24 Minority Leader of the Illinois Senate, one of whom shall  
25 be appointed by the Speaker of the Illinois House of  
26 Representatives, one of whom shall be appointed by the  
27 Minority Leader of the Illinois House of Representatives,  
28 and one of whom shall be appointed by the electric utility  
29 establishing the trust or foundation, provided that the  
30 voting trustee appointed by the utility shall be a  
31 representative of a recognized environmental action group  
32 selected by the utility. The Governor shall designate one  
33 of the 6 voting trustees to serve as chairman of the trust  
34 or foundation, who shall serve as chairman of the trust or  
35 foundation at the pleasure of the Governor. In addition,  
36 there shall be 4 non-voting trustees, one of whom shall be

1 appointed by the Director of ~~the Department of~~ Commerce and  
2 Economic Opportunity Community Affairs, one of whom shall  
3 be appointed by the Director of the Illinois Environmental  
4 Protection Agency, one of whom shall be appointed by the  
5 Director of ~~the Department of~~ Natural Resources, and one of  
6 whom shall be appointed by the electric utility  
7 establishing the trust or foundation, provided that the  
8 non-voting trustee appointed by the utility shall bring  
9 financial expertise to the trust or foundation and shall  
10 have appropriate credentials therefor.

11 (2) All voting trustees and the non-voting trustee with  
12 financial expertise shall be entitled to compensation for  
13 their services as trustees, provided, however, that no  
14 member of the General Assembly and no employee of the  
15 electric utility establishing the trust or foundation  
16 serving as a voting trustee shall receive any compensation  
17 for his or her services as a trustee, and provided further  
18 that the compensation to the chairman of the trust shall  
19 not exceed \$25,000 annually and the compensation to any  
20 other trustee shall not exceed \$20,000 annually. All  
21 trustees shall be entitled to reimbursement for reasonable  
22 expenses incurred on behalf of the trust in the performance  
23 of their duties as trustees. All such compensation and  
24 reimbursements shall be paid out of the trust.

25 (3) Trustees shall be appointed within 30 days after  
26 the creation of the trust or foundation and shall serve for  
27 a term of 5 years commencing upon the date of their  
28 respective appointments, until their respective successors  
29 are appointed and qualified.

30 (4) A vacancy in the office of trustee shall be filled  
31 by the person holding the office responsible for appointing  
32 the trustee whose death or resignation creates the vacancy,  
33 and a trustee appointed to fill a vacancy shall serve the  
34 remainder of the term of the trustee whose resignation or  
35 death created the vacancy.

36 (5) The trust or foundation shall have an indefinite

1 term, and shall terminate at such time as no trust assets  
2 remain.

3 (6) The trust or foundation shall be funded in the  
4 minimum amount of \$250,000,000, with the allocation and  
5 disbursement of funds for the various purposes for which  
6 the trust or foundation is established to be determined by  
7 the trustees in accordance with the declaration of trust or  
8 the articles of incorporation and bylaws; provided,  
9 however, that this amount may be reduced by up to  
10 \$25,000,000 if, at the time the trust or foundation is  
11 funded, a corresponding amount is contributed by the  
12 electric utility establishing the trust or foundation to  
13 the Board of Trustees of Southern Illinois University for  
14 the purpose of funding programs or projects related to  
15 clean coal and provided further that \$25,000,000 of the  
16 amount contributed to the trust or foundation shall be  
17 available to fund programs or projects related to clean  
18 coal.

19 (7) The trust or foundation shall be authorized to  
20 employ an executive director and other employees, to enter  
21 into leases, contracts and other obligations on behalf of  
22 the trust or foundation, and to incur expenses that the  
23 trustees deem necessary or appropriate for the fulfillment  
24 of the purposes for which the trust or foundation is  
25 established, provided, however, that salaries and  
26 administrative expenses incurred on behalf of the trust or  
27 foundation shall not exceed \$500,000 in the first fiscal  
28 year after the trust or foundation is established and shall  
29 not exceed \$1,000,000 in each subsequent fiscal year.

30 (8) The trustees may create and appoint advisory boards  
31 or committees to assist them with the administration of the  
32 trust or foundation, and to advise and make recommendations  
33 to them regarding the contribution and disbursement of the  
34 trust or foundation funds.

35 (c)(1) In addition to the allocation and disbursement of  
36 funds for the purposes set forth in subsection (a) of this

1 Section, the trustees of the trust or foundation shall  
2 annually contribute funds in amounts set forth in  
3 subparagraph (2) of this subsection to the Citizens Utility  
4 Board created by the Citizens Utility Board Act; provided,  
5 however, that any such funds shall be used solely for the  
6 representation of the interests of utility consumers  
7 before the Illinois Commerce Commission, the Federal  
8 Energy Regulatory Commission, and the Federal  
9 Communications Commission and for the provision of  
10 consumer education on utility service and prices and on  
11 benefits and methods of energy conservation. Provided,  
12 however, that no part of such funds shall be used to  
13 support (i) any lobbying activity, (ii) activities related  
14 to fundraising, (iii) advertising or other marketing  
15 efforts regarding a particular utility, or (iv)  
16 solicitation of support for, or advocacy of, a particular  
17 position regarding any specific utility or a utility's  
18 docketed proceeding.

19 (2) In the calendar year in which the trust or  
20 foundation is first funded, the trustees shall contribute  
21 \$1,000,000 to the Citizens Utility Board within 60 days  
22 after such trust or foundation is established; provided,  
23 however, that such contribution shall be made after  
24 December 31, 1999. In each of the 6 calendar years  
25 subsequent to the first contribution, if the trust or  
26 foundation is in existence, the trustees shall contribute  
27 to the Citizens Utility Board an amount equal to the total  
28 expenditures by such organization in the prior calendar  
29 year, as set forth in the report filed by the Citizens  
30 Utility Board with the chairman of such trust or foundation  
31 as required by subparagraph (3) of this subsection. Such  
32 subsequent contributions shall be made within 30 days of  
33 submission by the Citizens Utility Board of such report to  
34 the Chairman of the trust or foundation, but in no event  
35 shall any annual contribution by the trustees to the  
36 Citizens Utility Board exceed \$1,000,000. Following such

1 7-year period, an Illinois statutory consumer protection  
2 agency may petition the trust or foundation for  
3 contributions to fund expenditures of the type identified  
4 in paragraph (1), but in no event shall annual  
5 contributions by the trust or foundation for such  
6 expenditures exceed \$1,000,000.

7 (3) The Citizens Utility Board shall file a report with  
8 the chairman of such trust or foundation for each year in  
9 which it expends any funds received from the trust or  
10 foundation setting forth the amount of any expenditures  
11 (regardless of the source of funds for such expenditures)  
12 for: (i) the representation of the interests of utility  
13 consumers before the Illinois Commerce Commission, the  
14 Federal Energy Regulatory Commission, and the Federal  
15 Communications Commission, and (ii) the provision of  
16 consumer education on utility service and prices and on  
17 benefits and methods of energy conservation. Such report  
18 shall separately state the total amount of expenditures for  
19 the purposes or activities identified by items (i) and (ii)  
20 of this paragraph, the name and address of the external  
21 recipient of any such expenditure, if applicable, and the  
22 specific purposes or activities (including internal  
23 purposes or activities) for which each expenditure was  
24 made. Any report required by this subsection shall be filed  
25 with the chairman of such trust or foundation no later than  
26 March 31 of the year immediately following the year for  
27 which the report is required.

28 (d) In addition to any other allocation and disbursement of  
29 funds in this Section, the trustees of the trust or foundation  
30 shall contribute an amount up to \$125,000,000 (1) for deposit  
31 into the General Obligation Bond Retirement and Interest Fund  
32 held in the State treasury to assist in the repayment on  
33 general obligation bonds issued under subsection (d) of Section  
34 7 of the General Obligation Bond Act, and (2) for deposit into  
35 funds administered by agencies with responsibility for  
36 environmental activities to assist in payment for



1 environmental programs. The amount required to be contributed  
2 shall be provided to the trustees in a certification letter  
3 from the Director of the Bureau of the Budget that shall be  
4 provided no later than August 1, 2003. The payment from the  
5 trustees shall be paid to the State no later than December 31st  
6 following the receipt of the letter.

7 (Source: P.A. 93-32, eff. 6-20-03; revised 12-6-03.)

8 Section 685. The Surface Coal Mining Land Conservation and  
9 Reclamation Act is amended by changing Section 1.05 as follows:

10 (225 ILCS 720/1.05) (from Ch. 96 1/2, par. 7901.05)

11 Sec. 1.05. Interagency Committee. There is created the  
12 Interagency Committee on Surface Mining Control and  
13 Reclamation, which shall consist of the Director (or Division  
14 Head) of each of the following State agencies: (a) the  
15 Department of Agriculture, (b) the Environmental Protection  
16 Agency, (c) the Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~, and (d) any other State Agency designated by  
18 the Director as having a programmatic role in the review or  
19 regulation of mining operations and reclamation whose comments  
20 are expected by the Director to be relevant and of material  
21 benefit to the process of reviewing permit applications under  
22 this Act. The Interagency Committee on Surface Mining Control  
23 and Reclamation shall be abolished on June 30, 1997. Beginning  
24 July 1, 1997, all programmatic functions formerly performed by  
25 the Interagency Committee on Surface Mining Control and  
26 Reclamation shall be performed by the Office of Mines and  
27 Minerals within the Department of Natural Resources, except as  
28 otherwise provided by Section 9.04 of this Act.

29 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97;  
30 revised 12-6-03.)

31 Section 690. The Illinois Horse Racing Act of 1975 is  
32 amended by changing Section 28 as follows:

1 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

2 Sec. 28. Except as provided in subsection (g) of Section 27  
3 of this Act, moneys collected shall be distributed according to  
4 the provisions of this Section 28.

5 (a) Thirty per cent of the total of all monies received by  
6 the State as privilege taxes shall be paid into the  
7 Metropolitan Fair and Exposition Authority Reconstruction Fund  
8 in the State treasury until such Fund contains sufficient money  
9 to pay in full, both principal and interest, all of the  
10 outstanding bonds issued pursuant to the Fair and Exposition  
11 Authority Reconstruction Act, approved July 31, 1967, as  
12 amended, and thereafter shall be paid into the Metropolitan  
13 Exposition Auditorium and Office Building Fund in the State  
14 Treasury.

15 (b) Four and one-half per cent of the total of all monies  
16 received by the State as privilege taxes shall be paid into the  
17 State treasury into a special Fund to be known as the  
18 Metropolitan Exposition, Auditorium, and Office Building Fund.

19 (c) Fifty per cent of the total of all monies received by  
20 the State as privilege taxes under the provisions of this Act  
21 shall be paid into the Agricultural Premium Fund.

22 (d) Seven per cent of the total of all monies received by  
23 the State as privilege taxes shall be paid into the Fair and  
24 Exposition Fund in the State treasury; provided, however, that  
25 when all bonds issued prior to July 1, 1984 by the Metropolitan  
26 Fair and Exposition Authority shall have been paid or payment  
27 shall have been provided for upon a refunding of those bonds,  
28 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
29 month into the Build Illinois Fund, and the remainder into the  
30 Fair and Exposition Fund. All excess monies shall be allocated  
31 to the Department of Agriculture for distribution to county  
32 fairs for premiums and rehabilitation as set forth in the  
33 Agricultural Fair Act.

34 (e) The monies provided for in Section 30 shall be paid  
35 into the Illinois Thoroughbred Breeders Fund.

36 (f) The monies provided for in Section 31 shall be paid

1 into the Illinois Standardbred Breeders Fund.

2 (g) Until January 1, 2000, that part representing 1/2 of  
3 the total breakage in Thoroughbred, Harness, Appaloosa,  
4 Arabian, and Quarter Horse racing in the State shall be paid  
5 into the Illinois Race Track Improvement Fund as established in  
6 Section 32.

7 (h) All other monies received by the Board under this Act  
8 shall be paid into the General Revenue Fund of the State.

9 (i) The salaries of the Board members, secretary, stewards,  
10 directors of mutuels, veterinarians, representatives,  
11 accountants, clerks, stenographers, inspectors and other  
12 employees of the Board, and all expenses of the Board incident  
13 to the administration of this Act, including, but not limited  
14 to, all expenses and salaries incident to the taking of saliva  
15 and urine samples in accordance with the rules and regulations  
16 of the Board shall be paid out of the Agricultural Premium  
17 Fund.

18 (j) The Agricultural Premium Fund shall also be used:

19 (1) for the expenses of operating the Illinois State  
20 Fair and the DuQuoin State Fair, including the payment of  
21 prize money or premiums;

22 (2) for the distribution to county fairs, vocational  
23 agriculture section fairs, agricultural societies, and  
24 agricultural extension clubs in accordance with the  
25 Agricultural Fair Act, as amended;

26 (3) for payment of prize monies and premiums awarded  
27 and for expenses incurred in connection with the  
28 International Livestock Exposition and the Mid-Continent  
29 Livestock Exposition held in Illinois, which premiums, and  
30 awards must be approved, and paid by the Illinois  
31 Department of Agriculture;

32 (4) for personal service of county agricultural  
33 advisors and county home advisors;

34 (5) for distribution to agricultural home economic  
35 extension councils in accordance with "An Act in relation  
36 to additional support and finance for the Agricultural and

1 Home Economic Extension Councils in the several counties in  
2 this State and making an appropriation therefor", approved  
3 July 24, 1967, as amended;

4 (6) for research on equine disease, including a  
5 development center therefor;

6 (7) for training scholarships for study on equine  
7 diseases to students at the University of Illinois College  
8 of Veterinary Medicine;

9 (8) for the rehabilitation, repair and maintenance of  
10 the Illinois and DuQuoin State Fair Grounds and the  
11 structures and facilities thereon and the construction of  
12 permanent improvements on such Fair Grounds, including  
13 such structures, facilities and property located on such  
14 State Fair Grounds which are under the custody and control  
15 of the Department of Agriculture;

16 (9) for the expenses of the Department of Agriculture  
17 under Section 5-530 of the Departments of State Government  
18 Law (20 ILCS 5/5-530);

19 (10) for the expenses of the Department of Commerce and  
20 Economic Opportunity ~~Community Affairs~~ under Sections  
21 605-620, 605-625, and 605-630 of the Department of Commerce  
22 and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS  
23 605/605-620, 605/605-625, and 605/605-630);

24 (11) for remodeling, expanding, and reconstructing  
25 facilities destroyed by fire of any Fair and Exposition  
26 Authority in counties with a population of 1,000,000 or  
27 more inhabitants;

28 (12) for the purpose of assisting in the care and  
29 general rehabilitation of disabled veterans of any war and  
30 their surviving spouses and orphans;

31 (13) for expenses of the Department of State Police for  
32 duties performed under this Act;

33 (14) for the Department of Agriculture for soil surveys  
34 and soil and water conservation purposes;

35 (15) for the Department of Agriculture for grants to  
36 the City of Chicago for conducting the Chicagofest.

1 (k) To the extent that monies paid by the Board to the  
2 Agricultural Premium Fund are in the opinion of the Governor in  
3 excess of the amount necessary for the purposes herein stated,  
4 the Governor shall notify the Comptroller and the State  
5 Treasurer of such fact, who, upon receipt of such notification,  
6 shall transfer such excess monies from the Agricultural Premium  
7 Fund to the General Revenue Fund.

8 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,  
9 eff. 6-28-01; revised 12-6-03.)

10 Section 695. The Liquor Control Act of 1934 is amended by  
11 changing Section 12-1 as follows:

12 (235 ILCS 5/12-1)

13 Sec. 12-1. Grape and Wine Resources Council.

14 (a) There is hereby created the Grape and Wine Resources  
15 Council, which shall have the powers and duties specified in  
16 this Article and all other powers necessary and proper to  
17 execute the provisions of this Article.

18 (b) The Council shall consist of 17 members including:

19 (1) The Director of ~~the Illinois Department of~~  
20 Agriculture, ex officio, or the Director's designee.

21 (2) The Dean of the SIU College of Agriculture, or the  
22 Dean's designee.

23 (3) The Dean of the University of Illinois College of  
24 Agriculture, or the Dean's designee.

25 (4) An expert in enology or food science and nutrition  
26 to be named by the Director of ~~the Illinois Department of~~  
27 Agriculture from nominations submitted jointly by the  
28 Deans of the Colleges of Agriculture at Southern Illinois  
29 University and the University of Illinois.

30 (5) An expert in marketing to be named by the Director  
31 of ~~the Illinois Department of~~ Agriculture from nominations  
32 submitted jointly by the Deans of the Colleges of  
33 Agriculture at Southern Illinois University and the  
34 University of Illinois.

1 (6) An expert in viticulture to be named by the  
2 Director of ~~the Illinois Department of~~ Agriculture from  
3 nominations submitted jointly by the Deans of the Colleges  
4 of Agriculture at Southern Illinois University and the  
5 University of Illinois.

6 (7) A representative from the Illinois Division of  
7 Tourism, to be named by the Director of ~~the Illinois~~  
8 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~  
9 ~~Affairs~~.

10 (8) Six persons to be named by the Director of ~~the~~  
11 ~~Illinois Department of~~ Agriculture from nominations from  
12 the President of the Illinois Grape Growers and Vintners  
13 Association, of whom 3 shall be grape growers and 3 shall  
14 be vintners.

15 (9) Four persons, one of whom shall be named by the  
16 Speaker of the House of Representatives, one of whom shall  
17 be named by the Minority Leader of the House of  
18 Representatives, one of whom shall be named by the  
19 President of the Senate, and one of whom shall be named by  
20 the Minority Leader of the Senate.

21 Members of the Council shall receive no compensation, but shall  
22 be reimbursed for necessary expenses incurred in the  
23 performance of their duties. The Council's Chair shall be the  
24 Dean of the College of Agriculture at the University where the  
25 Council is housed.

26 (c) The Council shall be housed at Southern Illinois  
27 University at Carbondale, which shall maintain a collaborative  
28 relationship with the University of Illinois at Champaign.

29 (Source: P.A. 90-77, eff. 7-8-97; revised 12-6-03.)

30 Section 700. The Illinois Public Aid Code is amended by  
31 changing Section 9A-3 as follows:

32 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

33 Sec. 9A-3. Establishment of Program and Level of Services.

34 (a) The Illinois Department shall establish and maintain a

1 program to provide recipients with services consistent with the  
2 purposes and provisions of this Article. The program offered in  
3 different counties of the State may vary depending on the  
4 resources available to the State to provide a program under  
5 this Article, and no program may be offered in some counties,  
6 depending on the resources available. Services may be provided  
7 directly by the Illinois Department or through contract.  
8 References to the Illinois Department or staff of the Illinois  
9 Department shall include contractors when the Illinois  
10 Department has entered into contracts for these purposes. The  
11 Illinois Department shall provide each recipient who  
12 participates with such services available under the program as  
13 are necessary to achieve his employability plan as specified in  
14 the plan.

15 (b) The Illinois Department, in operating the program,  
16 shall cooperate with public and private education and  
17 vocational training or retraining agencies or facilities, the  
18 Illinois State Board of Education, the Illinois Community  
19 College Board, the Departments of Employment Security and  
20 Commerce and Economic Opportunity ~~Community Affairs~~ or other  
21 sponsoring organizations funded under the federal Workforce  
22 Investment Act and other public or licensed private employment  
23 agencies.

24 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03;  
25 revised 12-6-03.)

26 Section 705. The Energy Assistance Act is amended by  
27 changing Sections 3, 4, 5, 8, and 13 as follows:

28 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

29 Sec. 3. Definitions. As used in this Act, unless the  
30 context otherwise requires:

31 (a) the terms defined in Sections 3-101 through 3-121 of  
32 The Public Utilities Act have the meanings ascribed to them in  
33 that Act;

34 (b) "Department" means the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~;

2 (c) "energy provider" means any utility, municipal  
3 utility, cooperative utility, or any other corporation or  
4 individual which provides winter energy services;

5 (d) "winter" means the period from November 1 of any year  
6 through April 30 of the following year.

7 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

8 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

9 Sec. 4. Energy Assistance Program.

10 (a) The Department of Commerce and Economic Opportunity  
11 ~~Community Affairs~~ is hereby authorized to institute a program  
12 to ensure the availability and affordability of heating and  
13 electric service to low income citizens. The Department shall  
14 implement the program by rule promulgated pursuant to The  
15 Illinois Administrative Procedure Act. The program shall be  
16 consistent with the purposes and objectives of this Act and  
17 with all other specific requirements provided herein. The  
18 Department may enter into such contracts and other agreements  
19 with local agencies as may be necessary for the purpose of  
20 administering the energy assistance program.

21 (b) Nothing in this Act shall be construed as altering or  
22 limiting the authority conferred on the Illinois Commerce  
23 Commission by the Public Utilities Act to regulate all aspects  
24 of the provision of public utility service, including but not  
25 limited to the authority to make rules and adjudicate disputes  
26 between utilities and customers related to eligibility for  
27 utility service, deposits, payment practices, discontinuance  
28 of service, and the treatment of arrearages owing for  
29 previously rendered utility service.

30 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

31 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

32 Sec. 5. Policy Advisory Council.

33 (a) Within the Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~ is created a Low Income Energy



1 Assistance Policy Advisory Council.

2 (b) The Council shall be chaired by the Director of  
3 Commerce and Economic Opportunity ~~Community Affairs~~ or his or  
4 her designee. There shall be 20 members of the Low Income  
5 Energy Assistance Policy Advisory Council, including the  
6 chairperson and the following members:

7 (1) one member designated by the Illinois Commerce  
8 Commission;

9 (2) one member designated by the Illinois Department of  
10 Natural Resources;

11 (3) one member designated by the Illinois Energy  
12 Association to represent electric public utilities serving  
13 in excess of 1 million customers in this State;

14 (4) one member agreed upon by gas public utilities that  
15 serve more than 500,000 and fewer than 1,500,000 customers  
16 in this State;

17 (5) one member agreed upon by gas public utilities that  
18 serve 1,500,000 or more customers in this State;

19 (6) one member designated by the Illinois Energy  
20 Association to represent combination gas and electric  
21 public utilities;

22 (7) one member agreed upon by the Illinois Municipal  
23 Electric Agency and the Association of Illinois Electric  
24 Cooperatives;

25 (8) one member agreed upon by the Illinois Industrial  
26 Energy Consumers;

27 (9) three members designated by the Department to  
28 represent low income energy consumers;

29 (10) two members designated by the Illinois Community  
30 Action Association to represent local agencies that assist  
31 in the administration of this Act;

32 (11) one member designated by the Citizens Utility  
33 Board to represent residential energy consumers;

34 (12) one member designated by the Illinois Retail  
35 Merchants Association to represent commercial energy  
36 customers;

1 (13) one member designated by the Department to  
2 represent independent energy providers; and

3 (14) three members designated by the Mayor of the City  
4 of Chicago.

5 (c) Designated and appointed members shall serve 2 year  
6 terms and until their successors are appointed and qualified.  
7 The designating organization shall notify the chairperson of  
8 any changes or substitutions of a designee within 10 business  
9 days of a change or substitution. Members shall serve without  
10 compensation, but may receive reimbursement for actual costs  
11 incurred in fulfilling their duties as members of the Council.

12 (d) The Council shall have the following duties:

13 (1) to monitor the administration of this Act to ensure  
14 effective, efficient, and coordinated program development  
15 and implementation;

16 (2) to assist the Department in developing and  
17 administering rules and regulations required to be  
18 promulgated pursuant to this Act in a manner consistent  
19 with the purpose and objectives of this Act;

20 (3) to facilitate and coordinate the collection and  
21 exchange of all program data and other information needed  
22 by the Department and others in fulfilling their duties  
23 pursuant to this Act;

24 (4) to advise the Department on the proper level of  
25 support required for effective administration of the Act;

26 (5) to provide a written opinion concerning any  
27 regulation proposed pursuant to this Act, and to review and  
28 comment on any energy assistance or related plan required  
29 to be prepared by the Department;

30 (6) to advise the Department on the use of funds  
31 collected pursuant to Section 11 of this Act, and on any  
32 changes to existing low income energy assistance programs  
33 to make effective use of such funds, so long as such uses  
34 and changes are consistent with the requirements of the  
35 Act.

36 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

1 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

2 Sec. 8. Program Reports.

3 (a) The Department of Natural Resources shall prepare and  
4 submit to the Governor and the General Assembly reports on  
5 September 30 biennially, beginning in 2003, evaluating the  
6 effectiveness of the energy assistance and weatherization  
7 policies authorized by this Act. The first report shall cover  
8 such effects during the first winter during which the program  
9 authorized by this Act, is in operation, and successive reports  
10 shall cover effects since the issuance of the preceding report.

11 (1) Reports issued pursuant to this Section shall be  
12 limited to, information concerning the effects of the  
13 policies authorized by this Act on (1) the ability of  
14 eligible applicants to obtain and maintain adequate and  
15 affordable winter energy services and (2) changes in the  
16 costs and prices of winter energy services for people who  
17 do not receive energy assistance pursuant to this Act.

18 (2) The Department of Natural Resources shall by  
19 September 30, 2002, in consultation with the Policy  
20 Advisory Council, determine the kinds of numerical and  
21 other information needed to conduct the evaluations  
22 required by this Section, and shall advise the Policy  
23 Advisory Council of such information needs in a timely  
24 manner. The Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~, the Department of Human  
26 Services, and the Illinois Commerce Commission shall each  
27 provide such information as the Department of Natural  
28 Resources may require to ensure that the evaluation  
29 reporting requirement established by this Section can be  
30 met.

31 (b) On or before December 31, 2002, 2004, 2006, and 2007,  
32 the Department shall prepare a report for the General Assembly  
33 on the expenditure of funds appropriated for the programs  
34 authorized under this Act.

35 (c) On or before December 31 of each year in 2004, 2006,

1 and 2007, the Department shall, in consultation with the  
2 Council, prepare and submit evaluation reports to the Governor  
3 and the General Assembly outlining the effects of the program  
4 designed under this Act on the following as it relates to the  
5 propriety of continuing the program:

6 (1) the definition of an eligible low income  
7 residential customer;

8 (2) access of low income residential customers to  
9 essential energy services;

10 (3) past due amounts owed to utilities by low income  
11 persons in Illinois;

12 (4) appropriate measures to encourage energy  
13 conservation, efficiency, and responsibility among low  
14 income residential customers;

15 (5) the activities of the Department in the development  
16 and implementation of energy assistance and related  
17 policies and programs, which characterizes progress toward  
18 meeting the objectives and requirements of this Act, and  
19 which recommends any statutory changes which might be  
20 needed to further such progress.

21 (d) The Department shall by September 30, 2002 in  
22 consultation with the Council determine the kinds of numerical  
23 and other information needed to conduct the evaluations  
24 required by this Section.

25 (e) The Illinois Commerce Commission shall require each  
26 public utility providing heating or electric service to compile  
27 and submit any numerical and other information needed by the  
28 Department of Natural Resources to meet its reporting  
29 obligations.

30 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

31 (305 ILCS 20/13)

32 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

33 (a) The Supplemental Low-Income Energy Assistance Fund is  
34 hereby created as a special fund in the State Treasury. The  
35 Supplemental Low-Income Energy Assistance Fund is authorized

1 to receive, by statutory deposit, the moneys collected pursuant  
2 to this Section. Subject to appropriation, the Department shall  
3 use moneys from the Supplemental Low-Income Energy Assistance  
4 Fund for payments to electric or gas public utilities,  
5 municipal electric or gas utilities, and electric cooperatives  
6 on behalf of their customers who are participants in the  
7 program authorized by Section 4 of this Act, for the provision  
8 of weatherization services and for administration of the  
9 Supplemental Low-Income Energy Assistance Fund. The yearly  
10 expenditures for weatherization may not exceed 10% of the  
11 amount collected during the year pursuant to this Section. The  
12 yearly administrative expenses of the Supplemental Low-Income  
13 Energy Assistance Fund may not exceed 10% of the amount  
14 collected during that year pursuant to this Section.

15 (b) Notwithstanding the provisions of Section 16-111 of the  
16 Public Utilities Act but subject to subsection (k) of this  
17 Section, each public utility, electric cooperative, as defined  
18 in Section 3.4 of the Electric Supplier Act, and municipal  
19 utility, as referenced in Section 3-105 of the Public Utilities  
20 Act, that is engaged in the delivery of electricity or the  
21 distribution of natural gas within the State of Illinois shall,  
22 effective January 1, 1998, assess each of its customer accounts  
23 a monthly Energy Assistance Charge for the Supplemental  
24 Low-Income Energy Assistance Fund. The delivering public  
25 utility, municipal electric or gas utility, or electric or gas  
26 cooperative for a self-assessing purchaser remains subject to  
27 the collection of the fee imposed by this Section. The monthly  
28 charge shall be as follows:

29 (1) \$0.40 per month on each account for residential  
30 electric service;

31 (2) \$0.40 per month on each account for residential gas  
32 service;

33 (3) \$4 per month on each account for non-residential  
34 electric service which had less than 10 megawatts of peak  
35 demand during the previous calendar year;

36 (4) \$4 per month on each account for non-residential

1 gas service which had distributed to it less than 4,000,000  
2 therms of gas during the previous calendar year;

3 (5) \$300 per month on each account for non-residential  
4 electric service which had 10 megawatts or greater of peak  
5 demand during the previous calendar year; and

6 (6) \$300 per month on each account for non-residential  
7 gas service which had 4,000,000 or more therms of gas  
8 distributed to it during the previous calendar year.

9 (c) For purposes of this Section:

10 (1) "residential electric service" means electric  
11 utility service for household purposes delivered to a  
12 dwelling of 2 or fewer units which is billed under a  
13 residential rate, or electric utility service for  
14 household purposes delivered to a dwelling unit or units  
15 which is billed under a residential rate and is registered  
16 by a separate meter for each dwelling unit;

17 (2) "residential gas service" means gas utility  
18 service for household purposes distributed to a dwelling of  
19 2 or fewer units which is billed under a residential rate,  
20 or gas utility service for household purposes distributed  
21 to a dwelling unit or units which is billed under a  
22 residential rate and is registered by a separate meter for  
23 each dwelling unit;

24 (3) "non-residential electric service" means electric  
25 utility service which is not residential electric service;  
26 and

27 (4) "non-residential gas service" means gas utility  
28 service which is not residential gas service.

29 (d) At least 45 days prior to the date on which it must  
30 begin assessing Energy Assistance Charges, each public utility  
31 engaged in the delivery of electricity or the distribution of  
32 natural gas shall file with the Illinois Commerce Commission  
33 tariffs incorporating the Energy Assistance Charge in other  
34 charges stated in such tariffs.

35 (e) The Energy Assistance Charge assessed by electric and  
36 gas public utilities shall be considered a charge for public

1 utility service.

2 (f) By the 20th day of the month following the month in  
3 which the charges imposed by the Section were collected, each  
4 public utility, municipal utility, and electric cooperative  
5 shall remit to the Department of Revenue all moneys received as  
6 payment of the Energy Assistance Charge on a return prescribed  
7 and furnished by the Department of Revenue showing such  
8 information as the Department of Revenue may reasonably  
9 require. If a customer makes a partial payment, a public  
10 utility, municipal utility, or electric cooperative may elect  
11 either: (i) to apply such partial payments first to amounts  
12 owed to the utility or cooperative for its services and then to  
13 payment for the Energy Assistance Charge or (ii) to apply such  
14 partial payments on a pro-rata basis between amounts owed to  
15 the utility or cooperative for its services and to payment for  
16 the Energy Assistance Charge.

17 (g) The Department of Revenue shall deposit into the  
18 Supplemental Low-Income Energy Assistance Fund all moneys  
19 remitted to it in accordance with subsection (f) of this  
20 Section.

21 (h) (Blank).

22 On or before December 31, 2002, the Department shall  
23 prepare a report for the General Assembly on the expenditure of  
24 funds appropriated from the Low-Income Energy Assistance Block  
25 Grant Fund for the program authorized under Section 4 of this  
26 Act.

27 (i) The Department of Revenue may establish such rules as  
28 it deems necessary to implement this Section.

29 (j) The Department of Commerce and Economic Opportunity  
30 ~~Community Affairs~~ may establish such rules as it deems  
31 necessary to implement this Section.

32 (k) The charges imposed by this Section shall only apply to  
33 customers of municipal electric or gas utilities and electric  
34 or gas cooperatives if the municipal electric or gas utility or  
35 electric or gas cooperative makes an affirmative decision to  
36 impose the charge. If a municipal electric or gas utility or an

1 electric cooperative makes an affirmative decision to impose  
2 the charge provided by this Section, the municipal electric or  
3 gas utility or electric cooperative shall inform the Department  
4 of Revenue in writing of such decision when it begins to impose  
5 the charge. If a municipal electric or gas utility or electric  
6 or gas cooperative does not assess this charge, the Department  
7 may not use funds from the Supplemental Low-Income Energy  
8 Assistance Fund to provide benefits to its customers under the  
9 program authorized by Section 4 of this Act.

10 In its use of federal funds under this Act, the Department  
11 may not cause a disproportionate share of those federal funds  
12 to benefit customers of systems which do not assess the charge  
13 provided by this Section.

14 This Section is repealed effective December 31, 2007 unless  
15 renewed by action of the General Assembly. The General Assembly  
16 shall consider the results of the evaluations described in  
17 Section 8 in its deliberations.

18 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

19 Section 710. The Family Resource Development Act is amended  
20 by changing Section 5 as follows:

21 (305 ILCS 30/5) (from Ch. 23, par. 6855)

22 Sec. 5. The Department of Human Services, the Illinois  
23 Community College Board and the Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~ may develop as a  
25 demonstration program a Family Resource Development Center for  
26 the benefit and use of an initial 20 low-income families. The  
27 Center shall establish an interdisciplinary approach that  
28 shall increase the coping skills of low-income families and  
29 develop the potential of low-income families through community  
30 economic development programs. Funding for the demonstration  
31 program shall be from existing moneys in supportive services  
32 funds, joint partnership training funds, and other existing  
33 moneys that are intended to meet the educational, vocational  
34 and training needs of recipients. The demonstration program



1 shall be administered in accordance with existing federal and  
2 State statutes and regulations.

3 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

4 Section 715. The State Housing Act is amended by changing  
5 Section 40 as follows:

6 (310 ILCS 5/40) (from Ch. 67 1/2, par. 190)

7 Sec. 40. As used in this Act:

8 "Department" shall mean the Department of Commerce and  
9 Economic Opportunity ~~Community Affairs~~.

10 "Illinois Housing Development Authority" shall mean the  
11 Illinois Housing Development Authority created by the Illinois  
12 Housing Development Act of 1967, as amended.

13 "Community facilities" shall include land, buildings and  
14 equipment for recreation, for social assembly, for education or  
15 health or welfare activities, for the use primarily of tenants  
16 of housing accommodations of a housing corporation.

17 "Cost" of land shall include all of the following items  
18 paid by a housing corporation in connection with the  
19 acquisition thereof when approved by the Illinois Housing  
20 Development Authority; all amounts paid to the vendor on  
21 account of the purchase price, whether in cash, securities or  
22 property; the unpaid balance of any obligation secured by  
23 mortgage remaining upon the premises or created in connection  
24 with the acquisition; all accounts paid for surveys,  
25 examination and insurance of title; attorneys' fees;  
26 brokerage; all awards paid in condemnation and court costs and  
27 fees; all documentary and stamp taxes and filing and recording  
28 fees and fees of the Illinois Housing Development Authority and  
29 other expenses of acquisition approved by the Illinois Housing  
30 Development Authority; and shall also include all special  
31 assessments for benefit upon the premises approved by the  
32 Illinois Housing Development Authority whether levied before  
33 or after the acquisition.

34 "Cost" of buildings and improvements, shall include all of

1 the following items when approved by the Illinois Housing  
2 Development Authority; all amounts, whether in cash,  
3 securities or property, paid for labor and materials for site  
4 preparation and construction, for contractors' and architects'  
5 and engineers' fees, for fees or permits of any municipality,  
6 for workers' compensation, liability, fire and other casualty  
7 insurance, for charges of financing and supervision, for  
8 property taxes during construction and for interest upon  
9 borrowed and invested capital during construction, for fees of  
10 the Illinois Housing Development Authority, and other expenses  
11 of construction approved by the Illinois Housing Development  
12 Authority.

13 "Person" shall be deemed to include firm, association,  
14 trust or corporation.

15 "Project" shall mean all lands, buildings and improvements  
16 acquired, owned, managed, or operated by a housing corporation  
17 designed to provide housing accommodations and community  
18 facilities, stores and offices appurtenant or incidental  
19 thereto, which are planned as a unit, whether or not acquired  
20 or constructed at one time, and which ordinarily are contiguous  
21 or adjacent to one another. The buildings need not be  
22 contiguous or adjacent to one another, and a project may be  
23 entirely composed of either single or multiple dwellings.

24 (Source: P.A. 81-1509; revised 12-6-03.)

25 Section 720. The Housing Authorities Act is amended by  
26 changing Sections 8.13 and 17 as follows:

27 (310 ILCS 10/8.13) (from Ch. 67 1/2, par. 8.13)

28 Sec. 8.13. In addition to the powers conferred by this Act  
29 and other laws, Housing Authorities for municipalities of less  
30 than 500,000 population and for counties, the Department of  
31 Commerce and Economic Opportunity ~~Community Affairs~~, and the  
32 governing bodies of municipal corporations, counties and other  
33 public bodies may exercise the powers delegated to them in  
34 Sections 8.14 to 8.18, inclusive.

1           The provisions of Sections 8.14 to 8.18, inclusive, shall  
2 be deemed to create an additional and alternative method for  
3 the conservation of urban residential areas and the prevention  
4 of slums in municipalities of less than 500,000 to that which  
5 is provided by the "Urban Community Conservation Act," approved  
6 July 13, 1935, and shall not be deemed to alter, amend or  
7 repeal said Urban Community Conservation Act.

8           (Source: P.A. 81-1509; revised 12-6-03)

9           (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

10          Sec. 17. The following terms, wherever used or referred to  
11 in this Act shall have the following respective meanings,  
12 unless in any case a different meaning clearly appears from the  
13 context:

14          (a) "Authority" or "housing authority" shall mean a  
15 municipal corporation organized in accordance with the  
16 provisions of this Act for the purposes, with the powers and  
17 subject to the restrictions herein set forth.

18          (b) "Area" or "area of operation" shall mean: (1) in the  
19 case of an authority which is created hereunder for a city,  
20 village, or incorporated town, the area within the territorial  
21 boundaries of said city, village, or incorporated town, and so  
22 long as no county housing authority has jurisdiction therein,  
23 the area within three miles from such territorial boundaries,  
24 except any part of such area located within the territorial  
25 boundaries of any other city, village, or incorporated town;  
26 and (2) in the case of a county shall include all of the county  
27 except the area of any city, village or incorporated town  
28 located therein in which there is an Authority. When an  
29 authority is created for a county subsequent to the creation of  
30 an authority for a city, village or incorporated town within  
31 the same county, the area of operation of the authority for  
32 such city, village or incorporated town shall thereafter be  
33 limited to the territory of such city, village or incorporated  
34 town, but the authority for such city, village or incorporated  
35 town may continue to operate any project developed in whole or

1 in part in an area previously a part of its area of operation,  
2 or may contract with the county housing authority with respect  
3 to the sale, lease, development or administration of such  
4 project. When an authority is created for a city, village or  
5 incorporated town subsequent to the creation of a county  
6 housing authority which previously included such city, village  
7 or incorporated town within its area of operation, such county  
8 housing authority shall have no power to create any additional  
9 project within the city, village or incorporated town, but any  
10 existing project in the city, village or incorporated town  
11 currently owned and operated by the county housing authority  
12 shall remain in the ownership, operation, custody and control  
13 of the county housing authority.

14 (c) "Presiding officer" shall mean the presiding officer of  
15 the board of a county, or the mayor or president of a city,  
16 village or incorporated town, as the case may be, for which an  
17 Authority is created hereunder.

18 (d) "Commissioner" shall mean one of the members of an  
19 Authority appointed in accordance with the provisions of this  
20 Act.

21 (e) "Government" shall include the State and Federal  
22 governments and the governments of any subdivisions, agency or  
23 instrumentality, corporate or otherwise, of either of them.

24 (f) "Department" shall mean the Department of Commerce and  
25 Economic Opportunity ~~Community Affairs~~.

26 (g) "Project" shall include all lands, buildings, and  
27 improvements, acquired, owned, leased, managed or operated by a  
28 housing authority, and all buildings and improvements  
29 constructed, reconstructed or repaired by a housing authority,  
30 designed to provide housing accommodations and facilities  
31 appurtenant thereto (including community facilities and  
32 stores) which are planned as a unit, whether or not acquired or  
33 constructed at one time even though all or a portion of the  
34 buildings are not contiguous or adjacent to one another; and  
35 the planning of buildings and improvements, the acquisition of  
36 property, the demolition of existing structures, the clearing

1 of land, the construction, reconstruction, and repair of  
2 buildings or improvements and all other work in connection  
3 therewith. As provided in Sections 8.14 to 8.18, inclusive,  
4 "project" also means, for Housing Authorities for  
5 municipalities of less than 500,000 population and for  
6 counties, the conservation of urban areas in accordance with an  
7 approved conservation plan. "Project" shall also include (1)  
8 acquisition of (i) a slum or blighted area or a deteriorated or  
9 deteriorating area which is predominantly residential in  
10 character, or (ii) any other deteriorated or deteriorating area  
11 which is to be developed or redeveloped for predominantly  
12 residential uses, or (iii) platted urban or suburban land which  
13 is predominantly open and which because of obsolete platting,  
14 diversity of ownership, deterioration of structures or of site  
15 improvements, or otherwise substantially impairs or arrests  
16 the sound growth of the community and which is to be developed  
17 for predominantly residential uses, or (iv) open unplatted  
18 urban or suburban land necessary for sound community growth  
19 which is to be developed for predominantly residential uses, or  
20 (v) any other area where parcels of land remain undeveloped  
21 because of improper platting, delinquent taxes or special  
22 assessments, scattered or uncertain ownerships, clouds on  
23 title, artificial values due to excessive utility costs, or any  
24 other impediments to the use of such area for predominantly  
25 residential uses; (2) installation, construction, or  
26 reconstruction of streets, utilities, and other site  
27 improvements essential to the preparation of sites for uses in  
28 accordance with the development or redevelopment plan; and (3)  
29 making the land available for development or redevelopment by  
30 private enterprise or public agencies (including sale, initial  
31 leasing, or retention by the local public agency itself). If in  
32 any city, village or incorporated town there exists a land  
33 clearance commission created under the "Blighted Areas  
34 Redevelopment Act of 1947" having the same area of operation as  
35 a housing authority created in and for any such municipality  
36 such housing authority shall have no power to acquire land of

1 the character described in subparagraph (iii), (iv) or (v) of  
2 paragraph 1 of the definition of "project" for the purpose of  
3 development or redevelopment by private enterprise.

4 (h) "Community facilities" shall include lands, buildings,  
5 and equipment for recreation or social assembly, for education,  
6 health or welfare activities and other necessary utilities  
7 primarily for use and benefit of the occupants of housing  
8 accommodations to be constructed, reconstructed, repaired or  
9 operated hereunder.

10 (i) "Real property" shall include lands, lands under water,  
11 structures, and any and all easements, franchises and  
12 incorporeal hereditaments and estates, and rights, legal and  
13 equitable, including terms for years and liens by way of  
14 judgment, mortgage or otherwise.

15 (j) The term "governing body" shall include the city  
16 council of any city, the president and board of trustees of any  
17 village or incorporated town, the council of any city or  
18 village, and the county board of any county.

19 (k) The phrase "individual, association, corporation or  
20 organization" shall include any individual, private  
21 corporation, insurance company, housing corporation,  
22 neighborhood redevelopment corporation, non-profit  
23 corporation, incorporated or unincorporated group or  
24 association, educational institution, hospital, or charitable  
25 organization, and any mutual ownership or cooperative  
26 organization.

27 (l) "Conservation area", for the purpose of the exercise of  
28 the powers granted in Sections 8.14 to 8.18, inclusive, for  
29 housing authorities for municipalities of less than 500,000  
30 population and for counties, means an area of not less than 2  
31 acres in which the structures in 50% or more of the area are  
32 residential having an average age of 35 years or more. Such an  
33 area is not yet a slum or blighted area as defined in the  
34 Blighted Areas Redevelopment Act of 1947, but such an area by  
35 reason of dilapidation, obsolescence, deterioration or illegal  
36 use of individual structures, overcrowding of structures and

1 community facilities, conversion of residential units into  
2 non-residential use, deleterious land use or layout, decline of  
3 physical maintenance, lack of community planning, or any  
4 combination of these factors may become a slum and blighted  
5 area.

6 (m) "Conservation plan" means the comprehensive program  
7 for the physical development and replanning of a "Conservation  
8 Area" as defined in paragraph (l) embodying the steps required  
9 to prevent such Conservation Area from becoming a slum and  
10 blighted area.

11 (n) "Fair use value" means the fair cash market value of  
12 real property when employed for the use contemplated by a  
13 "Conservation Plan" in municipalities of less than 500,000  
14 population and in counties.

15 (o) "Community facilities" means, in relation to a  
16 "Conservation Plan", those physical plants which implement,  
17 support and facilitate the activities, services and interests  
18 of education, recreation, shopping, health, welfare, religion  
19 and general culture.

20 (p) "Loan agreement" means any agreement pursuant to which  
21 an Authority agrees to loan the proceeds of its revenue bonds  
22 issued with respect to a multifamily rental housing project or  
23 other funds of the Authority to any person upon terms providing  
24 for loan repayment installments at least sufficient to pay when  
25 due all principal of, premium, if any, and interest on the  
26 revenue bonds of the Authority issued with respect to the  
27 multifamily rental housing project, and providing for  
28 maintenance, insurance, and other matters as may be deemed  
29 desirable by the Authority.

30 (q) "Multifamily rental housing" means any rental project  
31 designed for mixed-income or low-income occupancy.

32 (Source: P.A. 92-481, eff. 8-23-01; revised 12-6-03.)

33 Section 725. The Housing Development and Construction Act  
34 is amended by changing Sections 2, 3, 3a, 3b, 5, 8, 9a, and 10  
35 as follows:

1 (310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

2 Sec. 2. Any housing authority now or hereafter organized  
3 under the "Housing Authorities Act," approved March 19, 1934,  
4 as amended, and any Land Clearance Commission heretofore  
5 organized under the Act herein repealed or hereafter organized  
6 under the provisions of the "Blighted Areas Redevelopment Act  
7 of 1947," enacted by the 65th General Assembly, may make  
8 application to the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~ for a grant of state funds from  
10 the appropriation designated for the making of grants under  
11 this Act. No such housing authority or Land Clearance  
12 Commission shall apply for a sum larger than the proportion of  
13 the population of its area of operation to the population of  
14 the State, and where an authority and Land Clearance Commission  
15 have been created by the governing body of the same  
16 municipality, an amount not in excess of one-half (1/2) of the  
17 maximum grant allocable for such municipality on the foregoing  
18 basis of proportion of population may be allocated to the  
19 housing authority and an amount not in excess of one-half (1/2)  
20 of the maximum grant so allocable for such municipality may be  
21 allocated to the Land Clearance Commission.

22 The foregoing provisions of this section in respect to  
23 maximum allocable grants to housing authorities and land  
24 clearance commissions from funds appropriated by the 66th or  
25 any succeeding General Assembly, and applications therefor,  
26 shall be subject to the provisions of Section 3a of this Act.

27 (Source: P.A. 81-1509; revised 12-6-03.)

28 (310 ILCS 20/3) (from Ch. 67 1/2, par. 55)

29 Sec. 3. Every application for a grant shall be accompanied  
30 by a statement of the uses to which a grant is to be applied, a  
31 description of the housing conditions in the area of operation  
32 of the applicant, and a plan for development or redevelopment  
33 or other use to be undertaken by the applicant. Subject to the  
34 provisions of Section 3a the Department of Commerce and



1 Economic Opportunity ~~Community Affairs~~ shall review all  
2 applications for grants and if satisfied that a need therefor  
3 exists in relation to the uses to which it is to be applied and  
4 upon approval of the plan submitted with the application, the  
5 Director of ~~the Department of~~ Commerce and Economic Opportunity  
6 Community Affairs shall transmit to the State Comptroller a  
7 statement of approval and of the amount of the grant. Upon  
8 receipt of such statement by the Comptroller, the approved  
9 grant shall be paid to the applicant from any appropriation  
10 designated for the making of grants under this Act.

11 (Source: P.A. 81-1509; revised 12-6-03.)

12 (310 ILCS 20/3a) (from Ch. 67 1/2, par. 55a)

13 Sec. 3a. Application for grants from funds appropriated by  
14 the 66th or any succeeding General Assembly shall be made not  
15 later than June 30th of the year following the year in which  
16 such appropriation was enacted. Each such application shall be  
17 reviewed by the Department of Commerce and Economic Opportunity  
18 ~~Community Affairs~~ as provided in Section 3 and if approved  
19 shall entitle the applicant to a grant upon the basis of the  
20 population formula prescribed in Section 2. No application  
21 shall be approved unless the Department of Commerce and  
22 Economic Opportunity ~~Community Affairs~~ is satisfied that the  
23 amount approved will be properly employed by the applicant in  
24 carrying out the plan accompanying the application.

25 If any housing authority or land clearance commission has  
26 failed to make application for a grant of funds appropriated by  
27 the 66th or any succeeding General Assembly prior to July 1st  
28 of the year following the year in which the appropriation was  
29 enacted, such portion of the appropriation as remains  
30 unallocated shall be available for distribution by the  
31 Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ to housing authorities and land clearance commissions  
33 which make application and establish a need therefor in  
34 relation to a specific project or projects approved by the  
35 Department. The determination of the relative needs of

1 applicants shall be made by the Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~; provided, that in no  
3 event shall the sum of any initial and supplemental grants to  
4 any applicant exceed 50% of the total appropriation made  
5 available for distribution to all applicants in the State.

6 (Source: P.A. 81-1509; revised 12-6-03.)

7 (310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

8 Sec. 3b. In any municipality or county for which a Land  
9 Clearance Commission has been established, and for which no  
10 Housing Authority has been established, the Land Clearance  
11 Commission, if a recipient of state grants under this Act, may,  
12 subject to the approval of the Department of Commerce and  
13 Economic Opportunity ~~Community Affairs~~, exercise the powers  
14 vested in Housing Authorities under the provisions of this Act  
15 and the "Housing Authorities Act," approved March 19, 1934, as  
16 amended, and apply state grant funds allocated under this Act  
17 to any such purpose. For the purpose of any project so  
18 undertaken, the Land Clearance Commission shall be subject to  
19 all laws and regulations applicable to Housing Authorities. If  
20 a Housing Authority is established for any such municipality or  
21 county, the Land Clearance Commission shall thereafter  
22 exercise only those powers designated in the "Blighted Areas  
23 Redevelopment Act of 1947," approved July 2, 1947, as amended,  
24 and, in respect to pending, uncompleted or existing projects  
25 undertaken as a Housing Authority, the Land Clearance  
26 Commission, subject to the approval of the Department of  
27 Commerce and Economic Opportunity ~~Community Affairs~~, may  
28 either complete or continue such project, or transfer full and  
29 complete power thereover to the Housing Authority.

30 (Source: P.A. 81-1509; revised 12-6-03.)

31 (310 ILCS 20/5) (from Ch. 67 1/2, par. 57)

32 Sec. 5. Any grants paid hereunder to a housing authority  
33 shall be deposited in a separate fund and, subject to the  
34 approval of the Department of Commerce and Economic Opportunity

1 ~~Community Affairs~~, may be used for any or all of the following  
2 purposes as the needs of the community may require: the  
3 acquisition of land by purchase, gift or condemnation and the  
4 improvement thereof, the purchase and installation of  
5 temporary housing facilities, the construction of housing  
6 units for rent or sale to veterans, the families of deceased  
7 servicemen, and for persons and families who by reason of  
8 overcrowded housing conditions or displacement by eviction,  
9 fires or other calamities, or slum clearance or other private  
10 or public project involving relocation, are in urgent need of  
11 safe and sanitary housing, the making of grants in connection  
12 with the sale or lease of real property as provided in the  
13 following paragraph of this section, and for any and all  
14 purposes authorized by the "Housing Authorities Act," approved  
15 March 19, 1934, as amended, including administrative expenses  
16 of the housing authorities in relation to the aforesaid  
17 objectives, to the extent and for the purposes authorized and  
18 approved by the Department of Commerce and Economic Opportunity  
19 ~~Community Affairs~~. Each housing authority is vested with power  
20 to exercise the right of eminent domain for the purposes  
21 authorized by this Act. Condemnation proceedings instituted by  
22 any such authority shall be in all respects in the manner  
23 provided for the exercise of the right of eminent domain under  
24 Article VII of the Code of Civil Procedure, as amended.

25 In addition to the foregoing, and for the purpose of  
26 facilitating the development and construction of housing,  
27 housing authorities may, with the approval of the Department of  
28 Commerce and Economic Opportunity ~~Community Affairs~~, enter  
29 into contracts and agreements for the sale or lease of real  
30 property acquired by the Authority through the use of the grant  
31 hereunder, and may sell or lease such property to (1) housing  
32 corporations operating under "An Act in relation to housing,"  
33 approved July 12, 1933, as amended; (2) neighborhood  
34 redevelopment corporations operating under the "Neighborhood  
35 Redevelopment Corporation Law," approved July 9, 1941; (3)  
36 insurance companies operating under Article VIII of

1 theIllinois Insurance Code; (4) non-profit corporations  
2 organized for the purpose of constructing, managing and  
3 operating housing projects and the improvement of housing  
4 conditions, including the sale or rental of housing units to  
5 persons in need thereof; or (5) to any other individual,  
6 association or corporation, including bona fide housing  
7 cooperatives, desiring to engage in a development or  
8 redevelopment project. The term "corporation" as used in this  
9 section, means a corporation organized under the laws of this  
10 or any other state of the United States, or of any country,  
11 which may legally make investments in this State of the  
12 character herein prescribed, including foreign and alien  
13 insurance companies as defined in Section 2 of the "Illinois  
14 Insurance Code." No sale or lease shall be made hereunder to  
15 any of the aforesaid corporations, associations or individuals  
16 unless a plan approved by the Authority has been presented by  
17 the purchaser or lessee for the development or redevelopment of  
18 such property, together with a bond, with satisfactory  
19 sureties, of not less than 10% of the cost of such development  
20 or redevelopment, conditioned upon the completion of such  
21 development or redevelopment; provided that the requirement of  
22 the bond may be waived by the Department of Commerce and  
23 Economic Opportunity Community Affairs if it is satisfied of  
24 the financial ability of the purchaser or lessee to complete  
25 such development or redevelopment in accordance with the  
26 presented plan. To further assure that the real property so  
27 sold or leased shall be used in accordance with the plan, the  
28 Department of Commerce and Economic Opportunity Community  
29 ~~Affairs~~ may require the purchaser or lessee to execute in  
30 writing such undertakings as the Department deems necessary to  
31 obligate such purchaser or lessee (1) to use the property for  
32 the purposes presented in the plan; (2) to commence and  
33 complete the building of the improvements designated in the  
34 plan within the periods of time that the Department of Commerce  
35 and Economic Opportunity Community Affairs fixes as  
36 reasonable, and (3) to comply with such other conditions as are

1 necessary to carry out the purposes of this Act. Any such  
2 property may be sold pursuant to this section for any legal  
3 consideration in an amount to be approved by the Department of  
4 Commerce and Economic Opportunity ~~Community Affairs~~. Subject  
5 to the approval of the Department of Commerce and Economic  
6 Opportunity ~~Community Affairs~~, a housing authority may pay to  
7 any non-profit corporation of the character described in this  
8 section from grants made available from state funds, such sum  
9 of money which, when added to the value of the land so sold or  
10 leased to such non-profit corporation and the value of other  
11 assets of such non-profit corporation available for use in the  
12 project, will enable such non-profit corporation to obtain  
13 Federal Housing Administration insured construction mortgages.  
14 Any such authority may also sell, transfer, convey or assign to  
15 any such non-profit corporation any personal property,  
16 including building materials and supplies, as it deems  
17 necessary to facilitate the completion of the development or  
18 redevelopment by such non-profit corporation.

19 If the area of operation of a housing authority includes a  
20 city, village or incorporated town having a population in  
21 excess of 500,000, as determined by the last preceding Federal  
22 Census, no real property or interest in real property shall be  
23 acquired in such municipality by the housing authority until  
24 such time as the housing authority has advised the governing  
25 body of such municipality of the description of the real  
26 property, or interest therein, proposed to be acquired, and the  
27 governing body of the municipality has approved the acquisition  
28 thereof by the housing authority.

29 (Source: P.A. 90-418, eff. 8-15-97; revised 12-6-03.)

30 (310 ILCS 20/8) (from Ch. 67 1/2, par. 60)

31 Sec. 8. No housing authority or land clearance commission  
32 shall reinvest or use any funds arising from the rental or sale  
33 of any property acquired with funds granted pursuant to this  
34 Act except with the approval of the Department of Commerce and  
35 Economic Opportunity ~~Community Affairs~~.

1 (Source: P.A. 81-1509; revised 12-6-03.)

2 (310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

3 Sec. 9a. In the event that any housing authority or land  
4 clearance commission has failed or refused to initiate any  
5 project or projects for which it has received grants of State  
6 funds under the provisions of this Act or "An Act to promote  
7 the improvement of housing," approved July 26, 1945, and the  
8 Department of Commerce and Economic Opportunity Community  
9 ~~Affairs~~, upon the basis of an investigation, is convinced that  
10 such housing authority or land clearance commission is unable  
11 or unwilling to proceed thereon, the Department may direct the  
12 housing authority or land clearance commission to transfer to  
13 the Department the balance of the State funds then in the  
14 possession of such agency, and upon failure to do so within  
15 thirty days after such demand, the Department shall institute a  
16 civil action for the recovery thereof, which action shall be  
17 maintained by the Attorney General of the State of Illinois or  
18 the state's attorney of the county in which the housing  
19 authority or land clearance commission has its area of  
20 operation.

21 Any officer or member of any such housing authority or land  
22 clearance commission who refuses to comply with the demand of  
23 the Department of Commerce and Economic Opportunity Community  
24 ~~Affairs~~ for the transfer of State funds as herein provided  
25 shall be guilty of a Class A misdemeanor.

26 All State funds recovered by the Department of Commerce and  
27 Economic Opportunity Community ~~Affairs~~ pursuant to this  
28 section shall forthwith be paid into the State Housing Fund in  
29 the State Treasury.

30 (Source: P.A. 81-1509; revised 12-6-03.)

31 (310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

32 Sec. 10. "An Act to promote the improvement of housing",  
33 approved July 26, 1945, is repealed. The repeal of said Act  
34 shall not affect the validity of the organization, acts,

1 contracts, proceedings, conveyances and transactions of  
2 housing authorities and land clearance commissions done or  
3 performed thereunder prior to the effective date of this Act,  
4 and all such acts, contracts, proceedings, conveyances and  
5 transactions, done or performed thereunder, and the  
6 organization of such authorities and land clearance  
7 commissions are ratified, affirmed and declared valid and legal  
8 in all respects. Grants paid to such housing authorities and  
9 land clearance commissions under the act herein repealed may be  
10 used by such authorities and commissions for the purposes for  
11 which such grants were made, and all or any portion thereof  
12 which remains unexpended and unobligated may, in addition, be  
13 used in the manner authorized by Section 22 of the "Blighted  
14 Areas Redevelopment Act of 1947", enacted by the 65th General  
15 Assembly, or, with the approval of the Department of Commerce  
16 and Community Affairs (now Department of Commerce and Economic  
17 Opportunity) for any purpose or purposes authorized by this  
18 Act.

19 (Source: P.A. 81-1509; revised 12-6-03.)

20 Section 730. The Redevelopment Project Rehousing and  
21 Capital Improvements Act is amended by changing Section 2 as  
22 follows:

23 (310 ILCS 30/2) (from Ch. 67 1/2, par. 93)

24 Sec. 2. Any housing authority may apply to the Department  
25 of Commerce and Economic Opportunity ~~Community Affairs~~ for the  
26 grant of a sum from the amount to be appropriated for this Act  
27 to develop housing projects pursuant to the "Housing  
28 Authorities Act", approved March 19, 1934, as amended, to  
29 facilitate and aid in the rehousing of persons eligible for  
30 tenancy under said Act residing in the site of a redevelopment  
31 project who could not otherwise be rehoused in decent, safe and  
32 uncongested dwelling accommodations within their financial  
33 reach.

34 Upon a showing of need of a grant from the amount

1 appropriated for this Act and that the sum so granted will be  
2 satisfactorily employed by the housing authority in the  
3 development of housing projects for the purposes authorized by  
4 this Act, the Director of ~~the Department of~~ Commerce and  
5 Economic Opportunity Community Affairs shall transmit to the  
6 State Comptroller a statement of approval and of the amount of  
7 the grant, and when the municipality has paid to the housing  
8 authority an amount at least equal to the amount of the  
9 approved grant, the Comptroller shall pay the amount of the  
10 approved grant to the housing authority from the appropriation  
11 for grants under this Act. The amount so granted together with  
12 the amount contributed by the city, village or incorporated  
13 town in which the redevelopment project is situated shall be  
14 deposited in a separate fund and shall be applied only to the  
15 planning, acquisition, development, and capital improvements  
16 of the approved housing project or projects for the purposes  
17 authorized by this Act and the Housing Authorities Act. The  
18 expenditure of any moneys from such separate fund and the  
19 location of the rehousing project or projects shall be subject  
20 to the approval of the Department of Commerce and Economic  
21 Opportunity Community Affairs and the governing body of the  
22 municipality in which the redevelopment project is located.

23 (Source: P.A. 91-632, eff. 8-19-99; revised 12-6-03.)

24 Section 735. The Illinois Affordable Housing Act is amended  
25 by changing Sections 6 and 16 as follows:

26 (310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

27 Sec. 6. Advisory Commission.

28 (a) There is hereby created the Illinois Affordable Housing  
29 Advisory Commission. The Commission shall consist of 15  
30 members. Three of the Commissioners shall be the Directors of  
31 the Illinois Housing Development Authority, the Illinois  
32 Finance Authority and the Department of Commerce and Economic  
33 Opportunity Community Affairs or their representatives. One of  
34 the Commissioners shall be the Commissioner of the Chicago



1 Department of Housing or its representative. The remaining 11  
2 members shall be appointed by the Governor, with the advice and  
3 consent of the Senate, and not more than 4 of these Commission  
4 members shall reside in any one county in the State. At least  
5 one Commission member shall be an administrator of a public  
6 housing authority from other than a municipality having a  
7 population in excess of 2,000,000; at least 2 Commission  
8 members shall be representatives of special needs populations  
9 as described in subsection (e) of Section 8; at least 4  
10 Commission members shall be representatives of community-based  
11 organizations engaged in the development or operation of  
12 housing for low-income and very low-income households; and at  
13 least 4 Commission members shall be representatives of advocacy  
14 organizations, one of which shall represent a tenants' advocacy  
15 organization. The Governor shall consider nominations made by  
16 advocacy organizations and community-based organizations.

17 (b) Members appointed to the Commission shall serve a term  
18 of 3 years; however, 3 members first appointed under this Act  
19 shall serve an initial term of one year, and 4 members first  
20 appointed under this Act shall serve a term of 2 years.  
21 Individual terms of office shall be chosen by lot at the  
22 initial meeting of the Commission. The Governor shall appoint  
23 the Chairman of the Commission, and the Commission members  
24 shall elect a Vice Chairman.

25 (c) Members of the Commission shall not be entitled to  
26 compensation, but shall receive reimbursement for actual and  
27 reasonable expenses incurred in the performance of their  
28 duties.

29 (d) Eight members of the Commission shall constitute a  
30 quorum for the transaction of business.

31 (e) The Commission shall meet at least quarterly and its  
32 duties and responsibilities are:

- 33 (1) the study and review of the availability of  
34 affordable housing for low-income and very low-income  
35 households in the State of Illinois and the development of  
36 a plan which addresses the need for additional affordable

1 housing;

2 (2) encouraging collaboration between federal and  
3 State agencies, local government and the private sector in  
4 the planning, development and operation of affordable  
5 housing for low-income and very low-income households;

6 (3) studying, evaluating and soliciting new and  
7 expanded sources of funding for affordable housing;

8 (4) developing, proposing, reviewing, and commenting  
9 on priorities, policies and procedures for uses and  
10 expenditures of Trust Fund monies, including policies  
11 which assure equitable distribution of funds statewide;

12 (5) making recommendations to the Program  
13 Administrator concerning proposed expenditures from the  
14 Trust Fund;

15 (6) making recommendations to the Program  
16 Administrator concerning the developments proposed to be  
17 financed with the proceeds of Affordable Housing Program  
18 Trust Fund Bonds or Notes;

19 (7) reviewing and commenting on the development of  
20 priorities, policies and procedures for the administration  
21 of the Program;

22 (8) monitoring and evaluating all allocations of funds  
23 under this Program; and

24 (9) making recommendations to the General Assembly for  
25 further legislation that may be necessary in the area of  
26 affordable housing.

27 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

28 (310 ILCS 65/16) (from Ch. 67 1/2, par. 1266)

29 Sec. 16. Tax Increment Financing Plan. The Program  
30 Administrator shall, in cooperation with the Department of  
31 Commerce and Economic Opportunity ~~Community Affairs~~, develop a  
32 plan for the use of tax increment financing to increase the  
33 availability of affordable housing. The Program Administrator  
34 shall recommend ways in which local tax increment financing can  
35 be exported from commercial and industrial developments to very

1 low-income, low-income and moderate income housing projects  
2 outside the tax increment financing district, subject to  
3 limitation on dollar amounts. By March 1, 1990, the Program  
4 Administrator shall report to the Governor and the General  
5 Assembly the details of the plan and the Program  
6 Administrator's recommendations for legislative action.

7 (Source: P.A. 86-925; revised 12-6-03.)

8 Section 740. The Blighted Areas Redevelopment Act of 1947  
9 is amended by changing Section 3 as follows:

10 (315 ILCS 5/3) (from Ch. 67 1/2, par. 65)

11 Sec. 3. Definitions. The following terms, wherever used or  
12 referred to in this Act shall have the following respective  
13 meanings, unless in any case a different meaning clearly  
14 appears from the context:

15 (a) "Commission" means a Land Clearance Commission created  
16 pursuant to this Act or heretofore created pursuant to "An Act  
17 to promote the improvement of housing," approved July 26, 1945.

18 (b) "Commissioner" or "Commissioners" shall mean a  
19 Commissioner or Commissioners of a Land Clearance Commission.

20 (c) "Department" means the Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~.

22 (d) "Authority" or "housing authority" shall mean a housing  
23 authority organized in accordance with the provisions of the  
24 Housing Authorities Act.

25 (e) "Municipality" shall mean a city, village or  
26 incorporated town.

27 (f) "Presiding officer" shall mean the presiding officer of  
28 the board of a county, or the mayor or president of a city,  
29 village or incorporated town, as the case may be, for which a  
30 Land Clearance Commission is created.

31 (g) The term "governing body" shall mean the council or the  
32 president and board of trustees of any city, village or  
33 incorporated town, as the case may be, and the county board of  
34 any county.

1 (h) "Area of operation" shall mean (1) in the case of a  
2 Land Clearance Commission created for a municipality, the area  
3 within the territorial boundaries of said municipality; and (2)  
4 in the case of a county shall include the areas within the  
5 territorial boundaries of all municipalities within such  
6 county, except the area of any municipality located therein in  
7 which there has been created a Land Clearance Commission or a  
8 Department of Urban Renewal pursuant to the provisions of the  
9 Urban Renewal Consolidation Act of 1961. When a Land Clearance  
10 Commission or such a Department of Urban Renewal is created for  
11 a municipality subsequent to the creation of a County land  
12 clearance commission whose area of operation of the County land  
13 clearance commission shall not thereafter include the  
14 territory of such municipality, but the County land clearance  
15 commission may continue any redevelopment project previously  
16 commenced in such municipality.

17 (i) "Real property" shall include lands, lands under water,  
18 structures, and any and all easements, franchises and  
19 incorporeal hereditaments and estates, and rights, legal and  
20 equitable, including terms for years and liens by way of  
21 judgment, mortgage or otherwise.

22 (j) "Slum and Blighted Area" means any area of not less in  
23 the aggregate than 2 acres located within the territorial  
24 limits of a municipality where buildings or improvements, by  
25 reason of dilapidation, obsolescence, overcrowding, faulty  
26 arrangement or design, lack of ventilation, light and sanitary  
27 facilities, excessive land coverage, deleterious land use or  
28 layout or any combination of these factors, are detrimental to  
29 the public safety, health, morals or welfare.

30 (k) "Slum and Blighted Area Redevelopment Project" means a  
31 project involving a slum and blighted area as defined in  
32 subsection (j) of this Section including undertakings and  
33 activities of the Commission in a Slum and Blighted Area  
34 Redevelopment Project for the elimination and for the  
35 prevention of the development or spread of slums and blight and  
36 may involve slum clearance and redevelopment in a Slum and

1 Blighted Area Redevelopment Project, or any combination or part  
2 thereof in accordance with an Urban Renewal Program. Such  
3 undertakings and activities may include:

4 1. acquisition of a slum area or a blighted area or  
5 portion thereof;

6 2. demolition and removal of buildings and  
7 improvements;

8 3. installation, construction or reconstruction of  
9 streets, utilities, parks, playgrounds, and other  
10 improvements necessary for the carrying out in the Slum and  
11 Blighted Area Redevelopment Project the objectives of this  
12 Act;

13 4. disposition of any property acquired in the Slum and  
14 Blighted Area Redevelopment Project;

15 5. carrying out plans for a program of voluntary repair  
16 and rehabilitation of buildings or other improvements in  
17 accordance with a redevelopment plan.

18 (1) "Blighted Vacant Area Redevelopment Project" means a  
19 project involving (1) predominantly open platted urban or  
20 suburban land which because of obsolete platting, diversity of  
21 ownership, deterioration of structures or of site  
22 improvements, or taxes or special assessment delinquencies  
23 exceeding the fair value of the land, substantially impairs or  
24 arrests the sound growth of the community and which is to be  
25 developed for residential or other use, provided that such a  
26 project shall not be developed for other than residential use  
27 unless the area, at the time the Commission adopts the  
28 resolution approving the plan for the development of the area,  
29 is zoned for other than residential use and unless the  
30 Commission determines that residential development thereof is  
31 not feasible, and such determination is approved by the  
32 presiding officer and the governing body of the municipality in  
33 which the area is situated and by the Department, or (2) open  
34 unplatted urban or suburban land to be developed for  
35 predominantly residential uses, or (3) a combination of  
36 projects defined in (1) and (2) of this subsection (1).

1 (m) "Redevelopment Project" means a "Slum and Blighted Area  
2 Redevelopment Project" or a "Blighted Vacant Area  
3 Redevelopment Project", as the case may be, as designated in  
4 the determination of the Commission pursuant to Section 13 of  
5 this Act, and may include such additional area of not more in  
6 the aggregate than 160 acres (exclusive of the site of any  
7 abutting Slum and Blighted Area Redevelopment Project or  
8 Blighted Vacant Area Redevelopment Project) located within the  
9 territorial limits of the municipality, abutting and adjoining  
10 in whole or in part a Slum and Blighted Area Redevelopment  
11 Project or Blighted Vacant Area Redevelopment Project, which  
12 the land clearance commission deems necessary for the  
13 protection and completion of such redevelopment project or  
14 projects and of the site improvements to be made therein and  
15 which has been approved by the Department and the governing  
16 body of the municipality in which the area is situated, but the  
17 land clearance commission as to such additional area shall have  
18 power only to make studies, surveys and plans concerning  
19 services to be performed by the municipality or others,  
20 including the extension of project streets and utilities, the  
21 provision of parks, playgrounds or schools, and the zoning of  
22 such peripheral areas.

23 (n) "Match" and any other form of said word when used with  
24 reference to the matching of moneys means match on a dollar for  
25 dollar basis.

26 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

27 Section 745. The Blighted Vacant Areas Development Act of  
28 1949 is amended by changing Section 3 as follows:

29 (315 ILCS 10/3) (from Ch. 67 1/2, par. 91.3)

30 Sec. 3. Definitions. The following terms, wherever used or  
31 referred to in this Act, shall have the following respective  
32 meanings, unless, in any case, a different meaning clearly  
33 appears from the context:

34 (a) "Private interest" and "developer" includes any

1 person, firm, association, trust, or business corporation.

2 (b) "Blighted vacant area" means any undeveloped  
3 contiguous urban area of not less than one acre where there  
4 exists diversity of ownership of lots and tax and special  
5 assessment delinquencies exceeding the fair cash market value  
6 of the land within such area.

7 (c) "Department" means the Department of Commerce and  
8 Economic Opportunity ~~Community Affairs~~.

9 (d) "Municipality" and "corporate authorities of the  
10 municipality" shall have the respective meanings assigned to  
11 these terms in Section 1-1-2 of the Illinois Municipal Code.  
12 "Corporate authorities of the county" shall refer to the  
13 governing body of the county as specified in Section 5-1004 of  
14 the Counties Code.

15 (Source: P.A. 86-1475; revised 12-6-03.)

16 Section 750. The Urban Community Conservation Act is  
17 amended by changing Section 4 as follows:

18 (315 ILCS 25/4) (from Ch. 67 1/2, par. 91.11)

19 Sec. 4. Excepting any municipality for and in which there  
20 exists a Department of Urban Renewal created pursuant to the  
21 provisions of the "Urban Renewal Consolidation Act of 1961",  
22 enacted by the Seventy-Second General Assembly, any  
23 municipality, after 30 days' notice, published in a newspaper  
24 of general circulation within the municipality, and public  
25 hearing, shall have the power to provide for the creation of a  
26 Conservation Board, to operate within the boundaries of such  
27 municipality, pursuant to the provisions of this Act. The  
28 presiding officer of any municipality in which a Conservation  
29 Board is established shall appoint, with the approval of the  
30 governing body and of the Department of Commerce and Economic  
31 Opportunity ~~Community Affairs~~, five residents of the  
32 municipality to act as a Conservation Board, hereinafter  
33 referred to as "the Board." Members of the Board shall be  
34 citizens of broad civic interest, administrative experience

1 and ability in the fields of finance, real estate, building, or  
2 related endeavors, not more than three of whom shall belong to  
3 the same political party. One such member shall be designated  
4 by the presiding officer as Commissioner and shall serve at the  
5 pleasure of the presiding officer. He shall administer the  
6 functions assigned by the Board, preside over its meetings, and  
7 carry out whatever other functions may be assigned to him by  
8 the governing body. The Commissioner shall devote his full-time  
9 attention to the duties of his office and shall receive no  
10 public funds by way of salary, compensation, or remuneration  
11 for services rendered, from any other governmental agency or  
12 public body during his tenure in office, other than the salary  
13 provided by the governing body, except as herein otherwise  
14 specifically provided.

15 Four other members of the Board shall be appointed, to  
16 serve one, two, three and four year terms. After the expiration  
17 of the initial term of office each subsequent term shall be of  
18 four years' duration. A member shall hold office until his  
19 successor shall have been appointed and qualified. Members of  
20 the Board shall be eligible to succeed themselves. Members of  
21 the Board other than the Commissioner shall serve without pay,  
22 except as herein otherwise specifically provided and no member  
23 of the Board shall acquire any interest, direct or indirect, in  
24 any conservation project, or in any property included or  
25 planned to be included in any conservation project, nor shall  
26 any member have any interest in any contract or proposed  
27 contract in connection with any such project. Members may be  
28 dismissed by the Presiding Office of the Municipality for good  
29 cause shown. Such dismissal may be set aside by a two-thirds  
30 vote of the governing body. Notwithstanding anything to the  
31 contrary herein contained, the Commissioner, may, during all or  
32 any part of his term also serve as Chairman or member of a  
33 Redevelopment Commission created pursuant to "The Neighborhood  
34 Redevelopment Corporation Law" approved July 9, 1941, as  
35 amended, and shall be entitled to receive and retain any salary  
36 payable to him as Chairman or member of any such Redevelopment



1 Commission. Three members of the Conservation Board shall  
2 constitute a quorum to transact business and no vacancy shall  
3 impair the right of the remaining members to exercise all the  
4 powers of the Board; and every act, order, rule, regulation or  
5 resolution of the Conservation Board approved by a majority of  
6 the members thereof at a regular or special meeting shall be  
7 deemed to be the act, order, rule, regulation or resolution of  
8 the Conservation Board.

9 The Conservation Board shall designate Conservation Areas  
10 and

11 (a) Approve all conservation plans developed for  
12 Conservation Areas in the manner prescribed herein;

13 (b) Approve each use of eminent domain for the acquisition  
14 of real property for the purposes of this Act, provided that  
15 every property owner affected by condemnation proceedings  
16 shall have the opportunity to be heard by the Board before such  
17 proceedings may be approved;

18 (c) Act as the agent of the Municipality in the  
19 acquisition, management, and disposition of property acquired  
20 pursuant to this Act as hereinafter provided;

21 (d) Act as agent of the governing body, at the discretion  
22 of the governing body, in the enforcement and the  
23 administration of any ordinances relating to the conservation  
24 of urban residential areas and the prevention of slums enacted  
25 by the governing body pursuant to the laws of this State;

26 (e) Report annually to the presiding officer of the  
27 municipality;

28 (f) Shall, as agent for the Municipality upon approval by  
29 the governing body, have power to apply for and accept capital  
30 grants and loans from, and contract with, the United States of  
31 America, the Housing and Home Finance Agency, or any other  
32 Agency or instrumentality of the United States of America, for  
33 or in aid of any of the purposes of this Act, and to secure such  
34 loans by the issuance of debentures, notes, special  
35 certificates, or other evidences of indebtedness, to the United  
36 States of America; and

1 (g) Exercise any and all other powers as shall be necessary  
2 to effectuate the purposes of this Act.

3 (Source: P.A. 81-1509; revised 12-6-03.)

4 Section 755. The Urban Renewal Consolidation Act of 1961 is  
5 amended by changing Sections 5, 16, 17, and 31 as follows:

6 (315 ILCS 30/5) (from Ch. 67 1/2, par. 91.105)

7 Sec. 5. As soon as possible after the adoption of the  
8 ordinance by the governing body, the presiding officer of such  
9 municipality in which a Department of Urban Renewal is  
10 established, shall appoint, with the approval of the governing  
11 body, five members to act as a Department of Urban Renewal,  
12 hereinafter referred to as the "Department". Members of the  
13 Department shall be citizens of broad civic interest,  
14 administrative experience and ability in the fields of finance,  
15 real estate, building or related endeavors, at least three of  
16 whom shall be residents and electors of the municipality, and  
17 not more than three members shall belong to the same political  
18 party.

19 One member shall be designated by the presiding officer as  
20 Chairman and shall serve at the pleasure of the presiding  
21 officer. He shall administer the functions assigned by the  
22 Department, preside over its meetings and carry out whatever  
23 other functions may be assigned to him by the Department and by  
24 the governing body. The Chairman shall devote his full-time  
25 attention to the duties of his office and shall receive no  
26 public funds by way of salary, compensation, or remuneration  
27 for services rendered, from any other governmental agency or  
28 public body during his tenure in office, other than the salary  
29 provided by the governing body.

30 Four other members shall be appointed with initial terms of  
31 one, two, three and four years. At the expiration of the term  
32 of each such member, and of each succeeding member, or in the  
33 event of a vacancy, the presiding officer shall appoint a  
34 member, subject to the approval of the governing body as

1 aforesaid, to hold office, in the case of a vacancy for the  
2 unexpired term, or in the case of expiration for a term of four  
3 years, or until his successor shall have been appointed and  
4 qualified. Members shall be eligible to succeed themselves.  
5 Members other than the Chairman shall serve without  
6 compensation in the form of salary, per diem allowances or  
7 otherwise, but each such member shall be entitled to  
8 reimbursement for any necessary expenditures in connection  
9 with the performance of his duties.

10 Any public officer shall be eligible to serve as a member  
11 of the Department of Urban Renewal, and the acceptance of  
12 appointment as such shall not terminate or impair his other  
13 public office, the provision of any statute to the contrary  
14 notwithstanding; but no officer or employee of the Department  
15 of Commerce and Economic Opportunity ~~Community Affairs~~ shall be  
16 eligible to serve as a member, nor shall more than two public  
17 officers be members of the Department at one time; provided,  
18 however, that any commissioner of a land clearance commission  
19 or member of a conservation board shall be eligible to serve as  
20 a member, and the acceptance of appointment as such shall not  
21 impair his right to serve on such land clearance commission or  
22 conservation board pending its dissolution, the provision of  
23 any statute to the contrary notwithstanding. Members other than  
24 the Chairman may be removed from office by the presiding  
25 officer for good cause shown. Such removal may be set aside by  
26 a two-thirds vote of the governing body.

27 (Source: P.A. 81-1509; revised 12-6-03.)

28 (315 ILCS 30/16) (from Ch. 67 1/2, par. 91.116)

29 Sec. 16. The Department, with the approval of the  
30 Department of Commerce and Economic Opportunity ~~Community~~  
31 ~~Affairs~~ and the governing body of the municipality in which the  
32 redevelopment project is located, may sell and convey not to  
33 exceed 15% of all the real property which is to be used for  
34 residential purposes in the area or areas of a redevelopment  
35 project or projects to a Housing Authority created under an Act

1 entitled "An Act in relation to housing authorities," approved  
2 March 19, 1934, as amended, having jurisdiction within the area  
3 of the redevelopment project or projects, to provide housing  
4 projects pursuant to said last mentioned Act; provided the  
5 Department of Commerce and Economic Opportunity ~~Community~~  
6 ~~Affairs~~ determines that it is not practicable or feasible to  
7 otherwise relocate eligible persons residing in the area of the  
8 redevelopment project or projects in decent, safe and  
9 uncongested dwelling accommodations within their financial  
10 reach, unless such a housing project is undertaken by the  
11 Housing Authority, and provided further that first preference  
12 for occupancy in any such housing project developed by the  
13 Housing Authority on such real property shall be granted to  
14 eligible persons from the area included in the redevelopment  
15 project or projects that cannot otherwise be relocated in  
16 decent, safe and uncongested dwelling accommodations within  
17 their financial reach.

18 Any real property sold and conveyed to a Housing Authority  
19 pursuant to the provisions of this Section shall be sold at its  
20 use value (which may be less than its acquisition cost), which  
21 represents the value at which the Department determines such  
22 land should be made available in order that it may be  
23 redeveloped for the purposes specified in this Section.

24 (Source: P.A. 81-1509; revised 12-6-03.)

25 (315 ILCS 30/17) (from Ch. 67 1/2, par. 91.117)

26 Sec. 17. A Department, with the approval of the Department  
27 of Commerce and Economic Opportunity ~~Community Affairs~~ and the  
28 governing body of the municipality in which the project is  
29 located, may sell and convey any part of the real property  
30 within the area of a slum and blighted area redevelopment  
31 project as defined in Subsection (j) of Section 3 hereof to a  
32 Housing Authority created under an Act entitled "An Act in  
33 relation to housing authorities," approved March 19, 1934, as  
34 amended, having jurisdiction within the area of the  
35 redevelopment project or projects. Any real property sold and

1 conveyed to a Housing Authority pursuant to the provisions of  
2 this Section shall be for the sole purpose of resale pursuant  
3 to the terms and provisions of Section 5 of an Act entitled "An  
4 Act to facilitate the development and construction of housing,  
5 to provide governmental assistance therefor, and to repeal an  
6 Act herein named," approved July 2, 1947, to a nonprofit  
7 corporation, or nonprofit corporations, organized for the  
8 purpose of constructing, managing and operating housing  
9 projects and the improvement of housing conditions, including  
10 the sale or rental of housing units to persons in need thereof.  
11 No sale shall be consummated pursuant to this Section unless  
12 the nonprofit corporation to which the Housing Authority is to  
13 resell, obligates itself to use the land for the purposes  
14 designated in the approved plan referred to in Section 19  
15 hereof and to commence and complete the building of the  
16 improvements within the periods of time which the Department  
17 fixes as reasonable and unless the Department is satisfied that  
18 the nonprofit corporation will have sufficient moneys to  
19 complete the redevelopment in accordance with the approved  
20 plan.

21 Any real property sold and conveyed to a Housing Authority  
22 pursuant to the provisions of this Section shall be sold at its  
23 use value (which may be less than its acquisition cost), which  
24 represents the value at which the Department determines such  
25 land should be made available in order that it may be developed  
26 or redeveloped for the purposes specified in the approved plan.  
27 (Source: P.A. 81-1509; revised 12-6-03.)

28 (315 ILCS 30/31) (from Ch. 67 1/2, par. 91.131)

29 Sec. 31. When a Department of Urban Renewal has been  
30 established hereunder the presiding officer of the  
31 municipality shall so notify the Department of Commerce and  
32 Economic Opportunity ~~Community Affairs~~ and the land clearance  
33 commission in its area of operation by transmitting to the  
34 Department of Commerce and Economic Opportunity ~~Community~~  
35 ~~Affairs~~ and such land clearance commission a certified copy of

1 the ordinance of the governing body providing for the creation  
2 of such Department.

3 From and after the receipt of such notice such land  
4 clearance commission shall undertake no new development or  
5 redevelopment projects; however, such land clearance  
6 commission shall, pending its dissolution as hereinafter  
7 provided, have and continue to exercise all powers vested in  
8 land clearance commissions by the "Blighted Areas  
9 Redevelopment Act of 1947," approved July 2, 1947, as amended,  
10 with respect to: (1) projects then in progress pending  
11 determination, as hereinafter provided, by the governing body  
12 of the municipality as to which, if any, of the redevelopment  
13 projects then in progress are to be completed by such land  
14 clearance commission, and (2) projects which the governing body  
15 of the municipality determines shall be completed by such land  
16 clearance commission.

17 Such land clearance commission shall promptly prepare a  
18 detailed report covering its operations and activities and the  
19 status of all of its pending development or redevelopment  
20 projects, together with all other pertinent data and  
21 information as may be requested by the Department. The  
22 Department shall cause an audit to be made of the financial  
23 affairs and obligations of such land clearance commission.  
24 Copies of such report and audit shall be furnished the  
25 presiding officer of the municipality, the department, the  
26 governing body of the municipality, the Department of Commerce  
27 and Economic Opportunity ~~Community Affairs~~ and such land  
28 clearance commission.

29 Upon receipt of such audit and report the Department of  
30 Urban Renewal, with the approval of the governing body of the  
31 municipality, shall determine with respect to any  
32 redevelopment project then in progress whether such project  
33 shall be completed by such land clearance commission or by the  
34 Department of Urban Renewal, and shall so notify such land  
35 clearance commission and the Department of Commerce and  
36 Economic Opportunity ~~Community Affairs~~.

1           Such land clearance commission shall, upon receipt of the  
2 determinations of the Department of Urban Renewal with respect  
3 to redevelopment projects then in progress, proceed with the  
4 orderly dissolution of such land clearance commission. When  
5 provision has been made for the refunding or payment of  
6 outstanding bonds of such land clearance commission the  
7 Commissioners of such land clearance commission shall promptly  
8 take appropriate action to convey, transfer, assign, deliver  
9 and pay over to the municipality for the purposes under Part I  
10 of this Act, all cash, real property, securities, contracts,  
11 records, and assets of any kind or nature which will not be  
12 needed for the completion by the land clearance commission of  
13 any redevelopment project which the department may have  
14 determined should be completed by such land clearance  
15 commission and which will not be required for the orderly  
16 dissolution of such land clearance commission. All assets so  
17 conveyed, assigned, transferred and paid over to the  
18 municipality shall be subject to the same rights, liabilities  
19 and obligations as existed prior to the transfer to the  
20 municipality.

21           When all of the cash, real property, securities, contracts,  
22 assets, records and functions of a land clearance commission  
23 have been so conveyed, transferred, assigned, delivered and  
24 paid over to the municipality and provisions have been made for  
25 the refunding or payment of outstanding bonds of such land  
26 clearance commission, and when such land clearance commission  
27 has completed all projects which the Department, as aforesaid,  
28 may have determined should be completed by such land clearance  
29 commission, it shall so notify the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~. When the Department of  
31 Commerce and Economic Opportunity ~~Community Affairs~~ is  
32 satisfied that a proper accounting has been made and that no  
33 contingent liabilities exist, the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~ shall issue a  
35 certificate of dissolution which it shall file in the office in  
36 which deeds of property in the area of operation are recorded,

1 and upon such filing, such land clearance commission shall be  
2 dissolved and cease to exist.

3 (Source: P.A. 81-1509; revised 12-6-03.)

4 Section 760. The Partnership for Long-Term Care Act is  
5 amended by changing Sections 50 and 60 as follows:

6 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

7 Sec. 50. Task force.

8 (a) An executive and legislative advisory task force shall  
9 be created to provide advice and assistance in designing and  
10 implementing the Partnership for Long-term Care Program. The  
11 task force shall be composed of representatives, designated by  
12 the director of each of the following agencies or departments:

13 (1) The Department on Aging.

14 (2) The Department of Public Aid.

15 (3) (Blank).

16 (4) The Department of Insurance.

17 (5) The Department of Commerce and Community Affairs  
18 (now Department of Commerce and Economic Opportunity).

19 (6) The Legislative Research Unit.

20 (b) The task force shall consult with persons knowledgeable  
21 of and concerned with long-term care, including, but not  
22 limited to the following:

23 (1) Consumers.

24 (2) Health care providers.

25 (3) Representatives of long-term care insurance  
26 companies and administrators of health care service plans  
27 that cover long-term care services.

28 (4) Providers of long-term care.

29 (5) Private employers.

30 (6) Academic specialists in long-term care and aging.

31 (7) Representatives of the public employees' and  
32 teachers' retirement systems.

33 (c) The task force shall be established, and its members  
34 designated, not later than March 1, 1993. The task force shall



1 make recommendations to the Department on Aging concerning the  
2 policy components of the program on or before September 1,  
3 1993.

4 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
5 eff. 7-1-97; revised 12-6-03.)

6 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

7 Sec. 60. Administrative costs.

8 (a) The Department on Aging, in conjunction with the  
9 Department of Public Aid, the Department of Insurance, and the  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~, shall submit applications for State or federal grants  
12 or federal waivers, or funding from nationally distributed  
13 private foundation grants, or insurance reimbursements to be  
14 used to pay the administrative expenses of implementation of  
15 the program. The Department on Aging, in conjunction with those  
16 other departments, also shall seek moneys from these same  
17 sources for the purpose of implementing the program, including  
18 moneys appropriated for that purpose.

19 (b) In implementing this Act, the Department on Aging may  
20 negotiate contracts, on a nonbid basis, with long-term care  
21 insurers, health care insurers, health care service plans, or  
22 both, for the provision of coverage for long-term care services  
23 that will meet the certification requirements set forth in  
24 Section 30 and the other requirements of this Act.

25 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
26 eff. 7-1-97; revised 12-6-03.)

27 Section 765. The High Risk Youth Career Development Act is  
28 amended by changing Section 1 as follows:

29 (325 ILCS 25/1) (from Ch. 23, par. 6551)

30 Sec. 1. The Department of Human Services (acting as  
31 successor to the Illinois Department of Public Aid under the  
32 Department of Human Services Act), in cooperation with the  
33 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~, the Illinois State Board of Education, the Department  
2 of Children and Family Services, the Department of Employment  
3 Services and other appropriate State and local agencies, may  
4 establish and administer, on an experimental basis and subject  
5 to appropriation, community-based programs providing  
6 comprehensive, long-term intervention strategies to increase  
7 future employability and career development among high risk  
8 youth. The Department of Human Services, and the other  
9 cooperating agencies, shall establish provisions for community  
10 involvement in the design, development, implementation and  
11 administration of these programs. The programs may provide the  
12 following services: teaching of basic literacy and remedial  
13 reading and writing; vocational training programs which are  
14 realistic in terms of producing lifelong skills necessary for  
15 career development; and supportive services including  
16 transportation and child care during the training period and  
17 for up to one year after placement in a job. The programs shall  
18 be targeted to high risk youth residing in the geographic areas  
19 served by the respective programs. "High risk" means that a  
20 person is at least 16 years of age but not yet 21 years of age  
21 and possesses one or more of the following characteristics:

- 22 (1) Has low income;
- 23 (2) Is a member of a minority;
- 24 (3) Is illiterate;
- 25 (4) Is a school drop out;
- 26 (5) Is homeless;
- 27 (6) Is disabled;
- 28 (7) Is a parent; or
- 29 (8) Is a ward of the State.

30 The Department of Human Services and other cooperating  
31 State agencies shall promulgate rules and regulations,  
32 pursuant to the Illinois Administrative Procedure Act, for the  
33 implementation of this Act, including procedures and standards  
34 for determining whether a person possesses any of the  
35 characteristics specified in this Section.

36 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

1 Section 770. The Developmental Disability and Mental  
2 Disability Services Act is amended by changing Section 10-5 as  
3 follows:

4 (405 ILCS 80/10-5)

5 Sec. 10-5. Task force created. A workforce task force for  
6 persons with disabilities is created, consisting of 16 members.  
7 The task force shall consist of the following members:

8 (1) Two members of the Senate, appointed one each by  
9 the President of the Senate and the Minority Leader of the  
10 Senate.

11 (2) Two members of the House of Representatives,  
12 appointed one each by the Speaker of the House of  
13 Representatives and the Minority Leader of the House of  
14 Representatives.

15 (3) Three members appointed by the Secretary of Human  
16 Services or his or her designee, one each representing the  
17 Office of Developmental Disabilities, the Office of  
18 Rehabilitation Services, and the Office of Mental Health  
19 within the Department.

20 (4) One member representing the Illinois Council on  
21 Developmental Disabilities, selected by the Council.

22 (5) One member appointed by the Director of Aging or  
23 his or her designee.

24 (6) One member appointed by the Director of Employment  
25 Security or his or her designee.

26 (7) One member appointed by the Director of Commerce  
27 and Economic Opportunity ~~Community Affairs~~ or his or her  
28 designee.

29 (8) Two members representing private businesses, one  
30 of the 2 representing the Business Leaders Network,  
31 appointed by the Secretary of Human Services.

32 (9) One member representing the Illinois Network of  
33 Centers for Independent Living, selected by the Network.

34 (10) One member representing the Coalition of Citizens

1 with Disabilities in Illinois, selected by the Coalition.

2 (11) One member representing People First of Illinois,  
3 selected by that organization.

4 (Source: P.A. 92-303, eff. 8-9-01; revised 12-6-03.)

5 Section 775. The Environmental Protection Act is amended by  
6 changing Sections 3.180, 6.1, 21.6, 22.15, 22.16b, 22.23, 27,  
7 55, 55.3, 55.6, 55.7, 58.14, and 58.15 as follows:

8 (415 ILCS 5/3.180) (was 415 ILCS 5/3.07)

9 Sec. 3.180. Department. "Department", when a particular  
10 entity is not specified, means (i) in the case of a function to  
11 be performed on or after July 1, 1995 (the effective date of  
12 the Department of Natural Resources Act), either the Department  
13 of Natural Resources or the Department of Commerce and Economic  
14 Opportunity (formerly Department of Commerce and Community  
15 Affairs), whichever, in the specific context, is the successor  
16 to the Department of Energy and Natural Resources under the  
17 Department of Natural Resources Act; or (ii) in the case of a  
18 function performed before July 1, 1995, the former Illinois  
19 Department of Energy and Natural Resources.

20 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

21 (415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

22 Sec. 6.1. The Department of Commerce and Community Affairs  
23 (now Department of Commerce and Economic Opportunity) shall  
24 conduct studies of the effects of all State and federal sulfur  
25 dioxide regulations and emission standards on the use of  
26 Illinois coal and other fuels, and shall report the results of  
27 such studies to the Governor and the General Assembly. The  
28 reports shall be made by July 1, 1980 and biennially  
29 thereafter.

30 The requirement for reporting to the General Assembly shall  
31 be satisfied by filing copies of the report with the Speaker,  
32 the Minority Leader and the Clerk of the House of  
33 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Research Unit, as  
2 required by Section 3.1 of "An Act to revise the law in  
3 relation to the General Assembly", approved February 25, 1874,  
4 as amended, and filing such additional copies with the State  
5 Government Report Distribution Center for the General Assembly  
6 as is required under paragraph (t) of Section 7 of the State  
7 Library Act.

8 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

9 (415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)

10 Sec. 21.6. Materials disposal ban.

11 (a) Beginning July 1, 1996, no person may knowingly mix  
12 liquid used oil with any municipal waste that is intended for  
13 collection and disposal at a landfill.

14 (b) Beginning July 1, 1996, no owner or operator of a  
15 sanitary landfill shall accept for final disposal liquid used  
16 oil that is discernible in the course of prudent business  
17 operation.

18 (c) For purposes of this Section, "liquid used oil" does  
19 not include used oil filters, rags, absorbent material used to  
20 collect spilled oil or other materials incidentally  
21 contaminated with used oil, or empty containers which  
22 previously contained virgin oil, re-refined oil, or used oil.

23 (d) The Agency and the Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~ shall investigate the manner in  
25 which liquid used oil is currently being utilized and potential  
26 prospects for future use.

27 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

28 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

29 Sec. 22.15. Solid Waste Management Fund; fees.

30 (a) There is hereby created within the State Treasury a  
31 special fund to be known as the "Solid Waste Management Fund",  
32 to be constituted from the fees collected by the State pursuant  
33 to this Section and from repayments of loans made from the Fund  
34 for solid waste projects. Moneys received by the Department of

1 Commerce and Economic Opportunity ~~Community Affairs~~ in  
2 repayment of loans made pursuant to the Illinois Solid Waste  
3 Management Act shall be deposited into the Solid Waste  
4 Management Revolving Loan Fund.

5 (b) The Agency shall assess and collect a fee in the amount  
6 set forth herein from the owner or operator of each sanitary  
7 landfill permitted or required to be permitted by the Agency to  
8 dispose of solid waste if the sanitary landfill is located off  
9 the site where such waste was produced and if such sanitary  
10 landfill is owned, controlled, and operated by a person other  
11 than the generator of such waste. The Agency shall deposit all  
12 fees collected into the Solid Waste Management Fund. If a site  
13 is contiguous to one or more landfills owned or operated by the  
14 same person, the volumes permanently disposed of by each  
15 landfill shall be combined for purposes of determining the fee  
16 under this subsection.

17 (1) If more than 150,000 cubic yards of non-hazardous  
18 solid waste is permanently disposed of at a site in a  
19 calendar year, the owner or operator shall either pay a fee  
20 of 95 cents per cubic yard or, alternatively, the owner or  
21 operator may weigh the quantity of the solid waste  
22 permanently disposed of with a device for which  
23 certification has been obtained under the Weights and  
24 Measures Act and pay a fee of \$2.00 per ton of solid waste  
25 permanently disposed of. In no case shall the fee collected  
26 or paid by the owner or operator under this paragraph  
27 exceed \$1.55 per cubic yard or \$3.27 per ton.

28 (2) If more than 100,000 cubic yards but not more than  
29 150,000 cubic yards of non-hazardous waste is permanently  
30 disposed of at a site in a calendar year, the owner or  
31 operator shall pay a fee of \$52,630.

32 (3) If more than 50,000 cubic yards but not more than  
33 100,000 cubic yards of non-hazardous solid waste is  
34 permanently disposed of at a site in a calendar year, the  
35 owner or operator shall pay a fee of \$23,790.

36 (4) If more than 10,000 cubic yards but not more than

1 50,000 cubic yards of non-hazardous solid waste is  
2 permanently disposed of at a site in a calendar year, the  
3 owner or operator shall pay a fee of \$7,260.

4 (5) If not more than 10,000 cubic yards of  
5 non-hazardous solid waste is permanently disposed of at a  
6 site in a calendar year, the owner or operator shall pay a  
7 fee of \$1050.

8 (c) (Blank.)

9 (d) The Agency shall establish rules relating to the  
10 collection of the fees authorized by this Section. Such rules  
11 shall include, but not be limited to:

12 (1) necessary records identifying the quantities of  
13 solid waste received or disposed;

14 (2) the form and submission of reports to accompany the  
15 payment of fees to the Agency;

16 (3) the time and manner of payment of fees to the  
17 Agency, which payments shall not be more often than  
18 quarterly; and

19 (4) procedures setting forth criteria establishing  
20 when an owner or operator may measure by weight or volume  
21 during any given quarter or other fee payment period.

22 (e) Pursuant to appropriation, all monies in the Solid  
23 Waste Management Fund shall be used by the Agency and the  
24 Department of Commerce and Economic Opportunity Community  
25 ~~Affairs~~ for the purposes set forth in this Section and in the  
26 Illinois Solid Waste Management Act, including for the costs of  
27 fee collection and administration.

28 (f) The Agency is authorized to enter into such agreements  
29 and to promulgate such rules as are necessary to carry out its  
30 duties under this Section and the Illinois Solid Waste  
31 Management Act.

32 (g) On the first day of January, April, July, and October  
33 of each year, beginning on July 1, 1996, the State Comptroller  
34 and Treasurer shall transfer \$500,000 from the Solid Waste  
35 Management Fund to the Hazardous Waste Fund. Moneys transferred  
36 under this subsection (g) shall be used only for the purposes

1 set forth in item (1) of subsection (d) of Section 22.2.

2 (h) The Agency is authorized to provide financial  
3 assistance to units of local government for the performance of  
4 inspecting, investigating and enforcement activities pursuant  
5 to Section 4(r) at nonhazardous solid waste disposal sites.

6 (i) The Agency is authorized to support the operations of  
7 an industrial materials exchange service, and to conduct  
8 household waste collection and disposal programs.

9 (j) A unit of local government, as defined in the Local  
10 Solid Waste Disposal Act, in which a solid waste disposal  
11 facility is located may establish a fee, tax, or surcharge with  
12 regard to the permanent disposal of solid waste. All fees,  
13 taxes, and surcharges collected under this subsection shall be  
14 utilized for solid waste management purposes, including  
15 long-term monitoring and maintenance of landfills, planning,  
16 implementation, inspection, enforcement and other activities  
17 consistent with the Solid Waste Management Act and the Local  
18 Solid Waste Disposal Act, or for any other environment-related  
19 purpose, including but not limited to an environment-related  
20 public works project, but not for the construction of a new  
21 pollution control facility other than a household hazardous  
22 waste facility. However, the total fee, tax or surcharge  
23 imposed by all units of local government under this subsection  
24 (j) upon the solid waste disposal facility shall not exceed:

25 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
26 of non-hazardous solid waste is permanently disposed of at  
27 the site in a calendar year, unless the owner or operator  
28 weighs the quantity of the solid waste received with a  
29 device for which certification has been obtained under the  
30 Weights and Measures Act, in which case the fee shall not  
31 exceed \$1.27 per ton of solid waste permanently disposed  
32 of.

33 (2) \$33,350 if more than 100,000 cubic yards, but not  
34 more than 150,000 cubic yards, of non-hazardous waste is  
35 permanently disposed of at the site in a calendar year.

36 (3) \$15,500 if more than 50,000 cubic yards, but not



1 more than 100,000 cubic yards, of non-hazardous solid waste  
2 is permanently disposed of at the site in a calendar year.

3 (4) \$4,650 if more than 10,000 cubic yards, but not  
4 more than 50,000 cubic yards, of non-hazardous solid waste  
5 is permanently disposed of at the site in a calendar year.

6 (5) \$650 if not more than 10,000 cubic yards of  
7 non-hazardous solid waste is permanently disposed of at the  
8 site in a calendar year.

9 The corporate authorities of the unit of local government  
10 may use proceeds from the fee, tax, or surcharge to reimburse a  
11 highway commissioner whose road district lies wholly or  
12 partially within the corporate limits of the unit of local  
13 government for expenses incurred in the removal of  
14 nonhazardous, nonfluid municipal waste that has been dumped on  
15 public property in violation of a State law or local ordinance.

16 A county or Municipal Joint Action Agency that imposes a  
17 fee, tax, or surcharge under this subsection may use the  
18 proceeds thereof to reimburse a municipality that lies wholly  
19 or partially within its boundaries for expenses incurred in the  
20 removal of nonhazardous, nonfluid municipal waste that has been  
21 dumped on public property in violation of a State law or local  
22 ordinance.

23 If the fees are to be used to conduct a local sanitary  
24 landfill inspection or enforcement program, the unit of local  
25 government must enter into a written delegation agreement with  
26 the Agency pursuant to subsection (r) of Section 4. The unit of  
27 local government and the Agency shall enter into such a written  
28 delegation agreement within 60 days after the establishment of  
29 such fees. At least annually, the Agency shall conduct an audit  
30 of the expenditures made by units of local government from the  
31 funds granted by the Agency to the units of local government  
32 for purposes of local sanitary landfill inspection and  
33 enforcement programs, to ensure that the funds have been  
34 expended for the prescribed purposes under the grant.

35 The fees, taxes or surcharges collected under this  
36 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in  
2 the fund shall be credited to the fund. The monies in the fund  
3 may be accumulated over a period of years to be expended in  
4 accordance with this subsection.

5 A unit of local government, as defined in the Local Solid  
6 Waste Disposal Act, shall prepare and distribute to the Agency,  
7 in April of each year, a report that details spending plans for  
8 monies collected in accordance with this subsection. The report  
9 will at a minimum include the following:

10 (1) The total monies collected pursuant to this  
11 subsection.

12 (2) The most current balance of monies collected  
13 pursuant to this subsection.

14 (3) An itemized accounting of all monies expended for  
15 the previous year pursuant to this subsection.

16 (4) An estimation of monies to be collected for the  
17 following 3 years pursuant to this subsection.

18 (5) A narrative detailing the general direction and  
19 scope of future expenditures for one, 2 and 3 years.

20 The exemptions granted under Sections 22.16 and 22.16a, and  
21 under subsections (c) and (k) of this Section, shall be  
22 applicable to any fee, tax or surcharge imposed under this  
23 subsection (j); except that the fee, tax or surcharge  
24 authorized to be imposed under this subsection (j) may be made  
25 applicable by a unit of local government to the permanent  
26 disposal of solid waste after December 31, 1986, under any  
27 contract lawfully executed before June 1, 1986 under which more  
28 than 150,000 cubic yards (or 50,000 tons) of solid waste is to  
29 be permanently disposed of, even though the waste is exempt  
30 from the fee imposed by the State under subsection (b) of this  
31 Section pursuant to an exemption granted under Section 22.16.

32 (k) In accordance with the findings and purposes of the  
33 Illinois Solid Waste Management Act, beginning January 1, 1989  
34 the fee under subsection (b) and the fee, tax or surcharge  
35 under subsection (j) shall not apply to:

36 (1) Waste which is hazardous waste; or

- 1           (2) Waste which is pollution control waste; or
- 2           (3) Waste from recycling, reclamation or reuse
- 3 processes which have been approved by the Agency as being
- 4 designed to remove any contaminant from wastes so as to
- 5 render such wastes reusable, provided that the process
- 6 renders at least 50% of the waste reusable; or
- 7           (4) Non-hazardous solid waste that is received at a
- 8 sanitary landfill and composted or recycled through a
- 9 process permitted by the Agency; or
- 10           (5) Any landfill which is permitted by the Agency to
- 11 receive only demolition or construction debris or
- 12 landscape waste.

13 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised

14 12-6-03.)

15           (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

16           Sec. 22.16b. (a) Beginning January 1, 1991, the Agency

17 shall assess and collect a fee from the owner or operator of

18 each new municipal waste incinerator. The fee shall be

19 calculated by applying the rates established from time to time

20 for the disposal of solid waste at sanitary landfills under

21 subdivision (b)(1) of Section 22.15 to the total amount of

22 municipal waste accepted for incineration at the new municipal

23 waste incinerator. The exemptions provided by this Act to the

24 fees imposed under subsection (b) of Section 22.15 shall not

25 apply to the fee imposed by this Section.

26           The owner or operator of any new municipal waste

27 incinerator permitted after January 1, 1990, but before July 1,

28 1990 by the Agency for the development or operation of a new

29 municipal waste incinerator shall be exempt from this fee, but

30 shall include the following conditions:

31           (1) The owner or operator shall provide information

32 programs to those communities serviced by the owner or

33 operator concerning recycling and separation of waste not

34 suitable for incineration.

35           (2) The owner or operator shall provide information

1 programs to those communities serviced by the owner or  
2 operator concerning the Agency's household hazardous waste  
3 collection program and participation in that program.

4 For the purposes of this Section, "new municipal waste  
5 incinerator" means a municipal waste incinerator initially  
6 permitted for development or construction on or after January  
7 1, 1990.

8 Amounts collected under this subsection shall be deposited  
9 into the Municipal Waste Incinerator Tax Fund, which is hereby  
10 established as an interest-bearing special fund in the State  
11 Treasury. Monies in the Fund may be used, subject to  
12 appropriation:

13 (1) by the Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~ to fund its public  
15 information programs on recycling in those communities  
16 served by new municipal waste incinerators; and

17 (2) by the Agency to fund its household hazardous waste  
18 collection activities in those communities served by new  
19 municipal waste incinerators.

20 (b) Any permit issued by the Agency for the development or  
21 operation of a new municipal waste incinerator shall include  
22 the following conditions:

23 (1) The incinerator must be designed to provide  
24 continuous monitoring while in operation, with direct  
25 transmission of the resultant data to the Agency, until the  
26 Agency determines the best available control technology  
27 for monitoring the data. The Agency shall establish the  
28 test methods, procedures and averaging periods, as  
29 certified by the USEPA for solid waste incinerator units,  
30 and the form and frequency of reports containing results of  
31 the monitoring. Compliance and enforcement shall be based  
32 on such reports. Copies of the results of such monitoring  
33 shall be maintained on file at the facility concerned for  
34 one year, and copies shall be made available for inspection  
35 and copying by interested members of the public during  
36 business hours.

1           (2) The facility shall comply with the emission limits  
2           adopted by the Agency under subsection (c).

3           (3) The operator of the facility shall take reasonable  
4           measures to ensure that waste accepted for incineration  
5           complies with all legal requirements for incineration. The  
6           incinerator operator shall establish contractual  
7           requirements or other notification and inspection  
8           procedures sufficient to assure compliance with this  
9           subsection (b) (3) which may include, but not be limited to,  
10          routine inspections of waste, lists of acceptable and  
11          unacceptable waste provided to haulers and notification to  
12          the Agency when the facility operator rejects and sends  
13          loads away. The notification shall contain at least the  
14          name of the hauler and the site from where the load was  
15          hailed.

16          (4) The operator may not accept for incineration any  
17          waste generated or collected in a municipality that has not  
18          implemented a recycling plan or is party to an implemented  
19          county plan, consistent with State goals and objectives.  
20          Such plans shall include provisions for collecting,  
21          recycling or diverting from landfills and municipal  
22          incinerators landscape waste, household hazardous waste  
23          and batteries. Such provisions may be performed at the site  
24          of the new municipal incinerator.

25          The Agency, after careful scrutiny of a permit application  
26          for the construction, development or operation of a new  
27          municipal waste incinerator, shall deny the permit if (i) the  
28          Agency finds in the permit application noncompliance with the  
29          laws and rules of the State or (ii) the application indicates  
30          that the mandated air emissions standards will not be reached  
31          within six months of the proposed municipal waste incinerator  
32          beginning operation.

33          (c) The Agency shall adopt specific limitations on the  
34          emission of mercury, chromium, cadmium and lead, and good  
35          combustion practices, including temperature controls from  
36          municipal waste incinerators pursuant to Section 9.4 of the

1 Act.

2 (d) The Agency shall establish household hazardous waste  
3 collection centers in appropriate places in this State. The  
4 Agency may operate and maintain the centers itself or may  
5 contract with other parties for that purpose. The Agency shall  
6 ensure that the wastes collected are properly disposed of. The  
7 collection centers may charge fees for their services, not to  
8 exceed the costs incurred. Such collection centers shall not  
9 (i) be regulated as hazardous waste facilities under RCRA nor  
10 (ii) be subject to local siting approval under Section 39.2 if  
11 the local governing authority agrees to waive local siting  
12 approval procedures.

13 (Source: P.A. 88-474; 89-101, eff. 7-7-95; 89-445, eff. 2-7-96;  
14 revised 12-6-03.)

15 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

16 Sec. 22.23. Batteries.

17 (a) Beginning September 1, 1990, any person selling  
18 lead-acid batteries at retail or offering lead-acid batteries  
19 for retail sale in this State shall:

20 (1) accept for recycling used lead-acid batteries from  
21 customers, at the point of transfer, in a quantity equal to  
22 the number of new batteries purchased; and

23 (2) post in a conspicuous place a written notice at  
24 least 8.5 by 11 inches in size that includes the universal  
25 recycling symbol and the following statements: "DO NOT put  
26 motor vehicle batteries in the trash."; "Recycle your used  
27 batteries."; and "State law requires us to accept motor  
28 vehicle batteries for recycling, in exchange for new  
29 batteries purchased.".

30 (b) Any person selling lead-acid batteries at retail in  
31 this State may either charge a recycling fee on each new  
32 lead-acid battery sold for which the customer does not return a  
33 used battery to the retailer, or provide a recycling credit to  
34 each customer who returns a used battery for recycling at the  
35 time of purchasing a new one.

1 (c) Beginning September 1, 1990, no lead-acid battery  
2 retailer may dispose of a used lead-acid battery except by  
3 delivering it (1) to a battery wholesaler or its agent, (2) to  
4 a battery manufacturer, (3) to a collection or recycling  
5 facility, or (4) to a secondary lead smelter permitted by  
6 either a state or federal environmental agency.

7 (d) Any person selling lead-acid batteries at wholesale or  
8 offering lead-acid batteries for sale at wholesale shall accept  
9 for recycling used lead-acid batteries from customers, at the  
10 point of transfer, in a quantity equal to the number of new  
11 batteries purchased. Such used batteries shall be disposed of  
12 as provided in subsection (c).

13 (e) A person who accepts used lead-acid batteries for  
14 recycling pursuant to subsection (a) or (d) shall not allow  
15 such batteries to accumulate for periods of more than 90 days.

16 (f) Beginning September 1, 1990, no person may knowingly  
17 cause or allow:

18 (1) the placing of a lead-acid battery into any  
19 container intended for collection and disposal at a  
20 municipal waste sanitary landfill; or

21 (2) the disposal of any lead-acid battery in any  
22 municipal waste sanitary landfill or incinerator.

23 (g) The Department of Commerce and Economic Opportunity  
24 ~~Community Affairs~~ shall identify and assist in developing  
25 alternative processing and recycling options for used  
26 batteries.

27 (h) For the purpose of this Section:

28 "Lead-acid battery" means a battery containing lead and  
29 sulfuric acid that has a nominal voltage of at least 6 volts  
30 and is intended for use in motor vehicles.

31 "Motor vehicle" includes automobiles, vans, trucks,  
32 tractors, motorcycles and motorboats.

33 (i) (Blank.)

34 (j) Knowing violation of this Section shall be a petty  
35 offense punishable by a fine of \$100.

36 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

1 (415 ILCS 5/27) (from Ch. 111 1/2, par. 1027)

2 Sec. 27. Rulemaking.

3 (a) The Board may adopt substantive regulations as  
4 described in this Act. Any such regulations may make different  
5 provisions as required by circumstances for different  
6 contaminant sources and for different geographical areas; may  
7 apply to sources outside this State causing, contributing to,  
8 or threatening environmental damage in Illinois; may make  
9 special provision for alert and abatement standards and  
10 procedures respecting occurrences or emergencies of pollution  
11 or on other short-term conditions constituting an acute danger  
12 to health or to the environment; and may include regulations  
13 specific to individual persons or sites. In promulgating  
14 regulations under this Act, the Board shall take into account  
15 the existing physical conditions, the character of the area  
16 involved, including the character of surrounding land uses,  
17 zoning classifications, the nature of the existing air quality,  
18 or receiving body of water, as the case may be, and the  
19 technical feasibility and economic reasonableness of measuring  
20 or reducing the particular type of pollution. The generality of  
21 this grant of authority shall only be limited by the  
22 specifications of particular classes of regulations elsewhere  
23 in this Act.

24 No charge shall be established or assessed by the Board or  
25 Agency against any person for emission of air contaminants from  
26 any source, for discharge of water contaminants from any  
27 source, or for the sale, offer or use of any article.

28 Any person filing with the Board a written proposal for the  
29 adoption, amendment, or repeal of regulations shall provide  
30 information supporting the requested change and shall at the  
31 same time file a copy of such proposal with the Agency and the  
32 Department of Natural Resources. To aid the Board and to assist  
33 the public in determining which facilities will be affected,  
34 the person filing a proposal shall describe, to the extent  
35 reasonably practicable, the universe of affected sources and



1 facilities and the economic impact of the proposed rule.

2 (b) Except as provided below and in Section 28.2, before  
3 the adoption of any proposed rules not relating to  
4 administrative procedures within the Agency or the Board, or  
5 amendment to existing rules not relating to administrative  
6 procedures within the Agency or the Board, the Board shall:

7 (1) request that the Department of Commerce and  
8 Economic Opportunity ~~Community Affairs~~ conduct a study of  
9 the economic impact of the proposed rules. The Department  
10 may within 30 to 45 days of such request produce a study of  
11 the economic impact of the proposed rules. At a minimum,  
12 the economic impact study shall address (A) economic,  
13 environmental, and public health benefits that may be  
14 achieved through compliance with the proposed rules, (B)  
15 the effects of the proposed rules on employment levels,  
16 commercial productivity, the economic growth of small  
17 businesses with 100 or less employees, and the State's  
18 overall economy, and (C) the cost per unit of pollution  
19 reduced and the variability in cost based on the size of  
20 the facility and the percentage of company revenues  
21 expected to be used to implement the proposed rules; and

22 (2) conduct at least one public hearing on the economic  
23 impact of those new rules. At least 20 days before the  
24 hearing, the Board shall notify the public of the hearing  
25 and make the economic impact study, or the Department of  
26 Commerce and Economic Opportunity's ~~Community Affairs'~~  
27 explanation for not producing an economic impact study,  
28 available to the public. Such public hearing may be held  
29 simultaneously or as a part of any Board hearing  
30 considering such new rules.

31 In adopting any such new rule, the Board shall, in its  
32 written opinion, make a determination, based upon the evidence  
33 in the public hearing record, including but not limited to the  
34 economic impact study, as to whether the proposed rule has any  
35 adverse economic impact on the people of the State of Illinois.

36 (c) On proclamation by the Governor, pursuant to Section 8

1 of the Illinois Emergency Services and Disaster Act of 1975,  
2 that a disaster emergency exists, or when the Board finds that  
3 a severe public health emergency exists, the Board may, in  
4 relation to any proposed regulation, order that such regulation  
5 shall take effect without delay and the Board shall proceed  
6 with the hearings and studies required by this Section while  
7 the regulation continues in effect.

8 When the Board finds that a situation exists which  
9 reasonably constitutes a threat to the public interest, safety  
10 or welfare, the Board may adopt regulations pursuant to and in  
11 accordance with Section 5-45 of the Illinois Administrative  
12 Procedure Act.

13 (d) To the extent consistent with any deadline for adoption  
14 of any regulations mandated by State or federal law, prior to  
15 initiating any hearing on a regulatory proposal, the Board may  
16 assign a qualified hearing officer who may schedule a  
17 prehearing conference between the proponents and any or all of  
18 the potentially affected persons. The notice requirements of  
19 Section 28 shall not apply to such prehearing conferences. The  
20 purposes of such conference shall be to maximize understanding  
21 of the intent and application of the proposal, to reach  
22 agreement on aspects of the proposal, if possible, and to  
23 attempt to identify and limit the issues of disagreement among  
24 the participants to promote efficient use of time at hearing.  
25 No record need be kept of the prehearing conference, nor shall  
26 any participant or the Board be bound by any discussions  
27 conducted at the prehearing conference. However, with the  
28 consent of all participants in the prehearing conference, a  
29 prehearing order delineating issues to be heard, agreed facts,  
30 and other matters may be entered by the hearing officer. Such  
31 an order will not be binding on nonparticipants in the  
32 prehearing conference.

33 (Source: P.A. 90-489, eff. 1-1-98; 91-357, eff. 7-29-99;  
34 revised 12-6-03.)

1           Sec. 55. Prohibited activities.

2           (a) No person shall:

3                 (1) Cause or allow the open dumping of any used or  
4 waste tire.

5                 (2) Cause or allow the open burning of any used or  
6 waste tire.

7                 (3) Except at a tire storage site which contains more  
8 than 50 used tires, cause or allow the storage of any used  
9 tire unless the tire is altered, reprocessed, converted,  
10 covered, or otherwise prevented from accumulating water.

11                (4) Cause or allow the operation of a tire storage site  
12 except in compliance with Board regulations.

13                (5) Abandon, dump or dispose of any used or waste tire  
14 on private or public property, except in a sanitary  
15 landfill approved by the Agency pursuant to regulations  
16 adopted by the Board.

17                (6) Fail to submit required reports, tire removal  
18 agreements, or Board regulations.

19           (b) (Blank.)

20                (b-1) Beginning January 1, 1995, no person shall knowingly  
21 mix any used or waste tire, either whole or cut, with municipal  
22 waste, and no owner or operator of a sanitary landfill shall  
23 accept any used or waste tire for final disposal; except that  
24 used or waste tires, when separated from other waste, may be  
25 accepted if: (1) the sanitary landfill provides and maintains a  
26 means for shredding, slitting, or chopping whole tires and so  
27 treats whole tires and, if approved by the Agency in a permit  
28 issued under this Act, uses the used or waste tires for  
29 alternative uses, which may include on-site practices such as  
30 lining of roadways with tire scraps, alternative daily cover,  
31 or use in a leachate collection system or (2) the sanitary  
32 landfill, by its notification to the Illinois Industrial  
33 Materials Exchange Service, makes available the used or waste  
34 tire to an appropriate facility for reuse, reprocessing, or  
35 converting, including use as an alternate energy fuel. If,  
36 within 30 days after notification to the Illinois Industrial

1 Materials Exchange Service of the availability of waste tires,  
2 no specific request for the used or waste tires is received by  
3 the sanitary landfill, and the sanitary landfill determines it  
4 has no alternative use for those used or waste tires, the  
5 sanitary landfill may dispose of slit, chopped, or shredded  
6 used or waste tires in the sanitary landfill. In the event the  
7 physical condition of a used or waste tire makes shredding,  
8 slitting, chopping, reuse, reprocessing, or other alternative  
9 use of the used or waste tire impractical or infeasible, then  
10 the sanitary landfill, after authorization by the Agency, may  
11 accept the used or waste tire for disposal.

12 Sanitary landfills and facilities for reuse, reprocessing,  
13 or converting, including use as alternative fuel, shall (i)  
14 notify the Illinois Industrial Materials Exchange Service of  
15 the availability of and demand for used or waste tires and (ii)  
16 consult with the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~ regarding the status of  
18 marketing of waste tires to facilities for reuse.

19 (c) Any person who sells new or used tires at retail or  
20 operates a tire storage site or a tire disposal site which  
21 contains more than 50 used or waste tires shall give notice of  
22 such activity to the Agency. Any person engaging in such  
23 activity for the first time after January 1, 1990, shall give  
24 notice to the Agency within 30 days after the date of  
25 commencement of the activity. The form of such notice shall be  
26 specified by the Agency and shall be limited to information  
27 regarding the following:

28 (1) the name and address of the owner and operator;

29 (2) the name, address and location of the operation;

30 (3) the type of operations involving used and waste  
31 tires (storage, disposal, conversion or processing); and

32 (4) the number of used and waste tires present at the  
33 location.

34 (d) Beginning January 1, 1992, no person shall cause or  
35 allow the operation of:

36 (1) a tire storage site which contains more than 50

1 used tires, unless the owner or operator, by January 1,  
2 1992 (or the January 1 following commencement of operation,  
3 whichever is later) and January 1 of each year thereafter,  
4 (i) registers the site with the Agency, (ii) certifies to  
5 the Agency that the site complies with any applicable  
6 standards adopted by the Board pursuant to Section 55.2,  
7 (iii) reports to the Agency the number of tires  
8 accumulated, the status of vector controls, and the actions  
9 taken to handle and process the tires, and (iv) pays the  
10 fee required under subsection (b) of Section 55.6; or

11 (2) a tire disposal site, unless the owner or operator  
12 (i) has received approval from the Agency after filing a  
13 tire removal agreement pursuant to Section 55.4, or (ii)  
14 has entered into a written agreement to participate in a  
15 consensual removal action under Section 55.3.

16 The Agency shall provide written forms for the annual  
17 registration and certification required under this subsection  
18 (d).

19 (e) No person shall cause or allow the storage, disposal,  
20 treatment or processing of any used or waste tire in violation  
21 of any regulation or standard adopted by the Board.

22 (f) No person shall arrange for the transportation of used  
23 or waste tires away from the site of generation with a person  
24 known to openly dump such tires.

25 (g) No person shall engage in any operation as a used or  
26 waste tire transporter except in compliance with Board  
27 regulations.

28 (h) No person shall cause or allow the combustion of any  
29 used or waste tire in an enclosed device unless a permit has  
30 been issued by the Agency authorizing such combustion pursuant  
31 to regulations adopted by the Board for the control of air  
32 pollution and consistent with the provisions of Section 9.4 of  
33 this Act.

34 (i) No person shall cause or allow the use of pesticides to  
35 treat tires except as prescribed by Board regulations.

36 (j) No person shall fail to comply with the terms of a tire

1 removal agreement approved by the Agency pursuant to Section  
2 55.4.

3 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 6-20-03; 93-52,  
4 eff. 6-30-03; revised 12-6-03.)

5 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

6 Sec. 55.3. (a) Upon finding that an accumulation of used or  
7 waste tires creates an immediate danger to health, the Agency  
8 may take action pursuant to Section 34 of this Act.

9 (b) Upon making a finding that an accumulation of used or  
10 waste tires creates a hazard posing a threat to public health  
11 or the environment, the Agency may undertake preventive or  
12 corrective action in accordance with this subsection. Such  
13 preventive or corrective action may consist of any or all of  
14 the following:

15 (1) Treating and handling used or waste tires and other  
16 infested materials within the area for control of  
17 mosquitoes and other disease vectors.

18 (2) Relocation of ignition sources and any used or  
19 waste tires within the area for control and prevention of  
20 tire fires.

21 (3) Removal of used and waste tire accumulations from  
22 the area.

23 (4) Removal of soil and water contamination related to  
24 tire accumulations.

25 (5) Installation of devices to monitor and control  
26 groundwater and surface water contamination related to  
27 tire accumulations.

28 (6) Such other actions as may be authorized by Board  
29 regulations.

30 (c) The Agency may, subject to the availability of  
31 appropriated funds, undertake a consensual removal action for  
32 the removal of up to 1,000 used or waste tires at no cost to the  
33 owner according to the following requirements:

34 (1) Actions under this subsection shall be taken  
35 pursuant to a written agreement between the Agency and the

1 owner of the tire accumulation.

2 (2) The written agreement shall at a minimum specify:

3 (i) that the owner relinquishes any claim of an  
4 ownership interest in any tires that are removed, or in  
5 any proceeds from their sale;

6 (ii) that tires will no longer be allowed to be  
7 accumulated at the site;

8 (iii) that the owner will hold harmless the Agency  
9 or any employee or contractor utilized by the Agency to  
10 effect the removal, for any damage to property incurred  
11 during the course of action under this subsection,  
12 except for gross negligence or intentional misconduct;  
13 and

14 (iv) any conditions upon or assistance required  
15 from the owner to assure that the tires are so located  
16 or arranged as to facilitate their removal.

17 (3) The Agency may by rule establish conditions and  
18 priorities for removal of used and waste tires under this  
19 subsection.

20 (4) The Agency shall prescribe the form of written  
21 agreements under this subsection.

22 (d) The Agency shall have authority to provide notice to  
23 the owner or operator, or both, of a site where used or waste  
24 tires are located and to the owner or operator, or both, of the  
25 accumulation of tires at the site, whenever the Agency finds  
26 that the used or waste tires pose a threat to public health or  
27 the environment, or that there is no owner or operator  
28 proceeding in accordance with a tire removal agreement approved  
29 under Section 55.4.

30 The notice provided by the Agency shall include the  
31 identified preventive or corrective action, and shall provide  
32 an opportunity for the owner or operator, or both, to perform  
33 such action.

34 For sites with more than 250,000 passenger tire  
35 equivalents, following the notice provided for by this  
36 subsection (d), the Agency may enter into a written

1 reimbursement agreement with the owner or operator of the site.  
2 The agreement shall provide a schedule for the owner or  
3 operator to reimburse the Agency for costs incurred for  
4 preventive or corrective action, which shall not exceed 5 years  
5 in length. An owner or operator making payments under a written  
6 reimbursement agreement pursuant to this subsection (d) shall  
7 not be liable for punitive damages under subsection (h) of this  
8 Section.

9 (e) In accordance with constitutional limitations, the  
10 Agency shall have authority to enter at all reasonable times  
11 upon any private or public property for the purpose of taking  
12 whatever preventive or corrective action is necessary and  
13 appropriate in accordance with the provisions of this Section,  
14 including but not limited to removal, processing or treatment  
15 of used or waste tires, whenever the Agency finds that used or  
16 waste tires pose a threat to public health or the environment.

17 (f) In undertaking preventive, corrective or consensual  
18 removal action under this Section the Agency may consider use  
19 of the following: rubber reuse alternatives, shredding or other  
20 conversion through use of mobile or fixed facilities, energy  
21 recovery through burning or incineration, and landfill  
22 disposal. To the extent practicable, the Agency shall consult  
23 with the Department of Commerce and Economic Opportunity  
24 ~~Community Affairs~~ regarding the availability of alternatives  
25 to landfilling used and waste tires, and shall make every  
26 reasonable effort to coordinate tire cleanup projects with  
27 applicable programs that relate to such alternative practices.

28 (g) Except as otherwise provided in this Section, the owner  
29 or operator of any site or accumulation of used or waste tires  
30 at which the Agency has undertaken corrective or preventive  
31 action under this Section shall be liable for all costs thereof  
32 incurred by the State of Illinois, including reasonable costs  
33 of collection. Any monies received by the Agency hereunder  
34 shall be deposited into the Used Tire Management Fund. The  
35 Agency may in its discretion store, dispose of or convey the  
36 tires that are removed from an area at which it has undertaken



1 a corrective, preventive or consensual removal action, and may  
2 sell or store such tires and other items, including but not  
3 limited to rims, that are removed from the area. The net  
4 proceeds of any sale shall be credited against the liability  
5 incurred by the owner or operator for the costs of any  
6 preventive or corrective action.

7 (h) Any person liable to the Agency for costs incurred  
8 under subsection (g) of this Section may be liable to the State  
9 of Illinois for punitive damages in an amount at least equal  
10 to, and not more than 2 times, the costs incurred by the State  
11 if such person failed without sufficient cause to take  
12 preventive or corrective action pursuant to notice issued under  
13 subsection (d) of this Section.

14 (i) There shall be no liability under subsection (g) of  
15 this Section for a person otherwise liable who can establish by  
16 a preponderance of the evidence that the hazard created by the  
17 tires was caused solely by:

18 (1) an act of God;

19 (2) an act of war; or

20 (3) an act or omission of a third party other than an  
21 employee or agent, and other than a person whose act or  
22 omission occurs in connection with a contractual  
23 relationship with the person otherwise liable.

24 For the purposes of this subsection, "contractual  
25 relationship" includes, but is not limited to, land contracts,  
26 deeds and other instruments transferring title or possession,  
27 unless the real property upon which the accumulation is located  
28 was acquired by the defendant after the disposal or placement  
29 of used or waste tires on, in or at the property and one or more  
30 of the following circumstances is also established by a  
31 preponderance of the evidence:

32 (A) at the time the defendant acquired the  
33 property, the defendant did not know and had no reason  
34 to know that any used or waste tires had been disposed  
35 of or placed on, in or at the property, and the  
36 defendant undertook, at the time of acquisition, all

1 appropriate inquiries into the previous ownership and  
2 uses of the property consistent with good commercial or  
3 customary practice in an effort to minimize liability;

4 (B) the defendant is a government entity which  
5 acquired the property by escheat or through any other  
6 involuntary transfer or acquisition, or through the  
7 exercise of eminent domain authority by purchase or  
8 condemnation; or

9 (C) the defendant acquired the property by  
10 inheritance or bequest.

11 (j) Nothing in this Section shall affect or modify the  
12 obligations or liability of any person under any other  
13 provision of this Act, federal law, or State law, including the  
14 common law, for injuries, damages or losses resulting from the  
15 circumstances leading to Agency action under this Section.

16 (k) The costs and damages provided for in this Section may  
17 be imposed by the Board in an action brought before the Board  
18 in accordance with Title VIII of this Act, except that  
19 subsection (c) of Section 33 of this Act shall not apply to any  
20 such action.

21 (l) The Agency shall, when feasible, consult with the  
22 Department of Public Health prior to taking any action to  
23 remove or treat an infested tire accumulation for control of  
24 mosquitoes or other disease vectors. The Agency may by contract  
25 or agreement secure the services of the Department of Public  
26 Health, any local public health department, or any other  
27 qualified person in treating any such infestation as part of an  
28 emergency or preventive action.

29 (m) Neither the State, the Agency, the Board, the Director,  
30 nor any State employee shall be liable for any damage or injury  
31 arising out of or resulting from any action taken under this  
32 Section.

33 (Source: P.A. 92-24, eff. 7-1-01; revised 12-6-03.)

34 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

35 Sec. 55.6. Used Tire Management Fund.

1 (a) There is hereby created in the State Treasury a special  
2 fund to be known as the Used Tire Management Fund. There shall  
3 be deposited into the Fund all monies received as (1) recovered  
4 costs or proceeds from the sale of used tires under Section  
5 55.3 of this Act, (2) repayment of loans from the Used Tire  
6 Management Fund, or (3) penalties or punitive damages for  
7 violations of this Title, except as provided by subdivision  
8 (b) (4) or (b) (4-5) of Section 42.

9 (b) Beginning January 1, 1992, in addition to any other  
10 fees required by law, the owner or operator of each site  
11 required to be registered under subsection (d) of Section 55  
12 shall pay to the Agency an annual fee of \$100. Fees collected  
13 under this subsection shall be deposited into the Environmental  
14 Protection Permit and Inspection Fund.

15 (c) Pursuant to appropriation, monies up to an amount of \$2  
16 million per fiscal year from the Used Tire Management Fund  
17 shall be allocated as follows:

18 (1) 38% shall be available to the Agency for the  
19 following purposes, provided that priority shall be given  
20 to item (i):

21 (i) To undertake preventive, corrective or removal  
22 action as authorized by and in accordance with Section  
23 55.3, and to recover costs in accordance with Section  
24 55.3.

25 (ii) For the performance of inspection and  
26 enforcement activities for used and waste tire sites.

27 (iii) To assist with marketing of used tires by  
28 augmenting the operations of an industrial materials  
29 exchange service.

30 (iv) To provide financial assistance to units of  
31 local government for the performance of inspecting,  
32 investigating and enforcement activities pursuant to  
33 subsection (r) of Section 4 at used and waste tire  
34 sites.

35 (v) To provide financial assistance for used and  
36 waste tire collection projects sponsored by local

1 government or not-for-profit corporations.

2 (vi) For the costs of fee collection and  
3 administration relating to used and waste tires, and to  
4 accomplish such other purposes as are authorized by  
5 this Act and regulations thereunder.

6 (2) 23% shall be available to the Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~ for  
8 the following purposes, provided that priority shall be  
9 given to item (A):

10 (A) To provide grants or loans for the purposes of:

11 (i) assisting units of local government and  
12 private industry in the establishment of  
13 facilities and programs to collect, process and  
14 utilize used and waste tires and tire derived  
15 materials;

16 (ii) demonstrating the feasibility of  
17 innovative technologies as a means of collecting,  
18 storing, processing and utilizing used and waste  
19 tires and tire derived materials; and

20 (iii) applying demonstrated technologies as a  
21 means of collecting, storing, processing, and  
22 utilizing used and waste tires and tire derived  
23 materials.

24 (B) To develop educational material for use by  
25 officials and the public to better understand and  
26 respond to the problems posed by used tires and  
27 associated insects.

28 (C) (Blank).

29 (D) To perform such research as the Director deems  
30 appropriate to help meet the purposes of this Act.

31 (E) To pay the costs of administration of its  
32 activities authorized under this Act.

33 (3) 25% shall be available to the Illinois Department  
34 of Public Health for the following purposes:

35 (A) To investigate threats or potential threats to  
36 the public health related to mosquitoes and other

1 vectors of disease associated with the improper  
2 storage, handling and disposal of tires, improper  
3 waste disposal, or natural conditions.

4 (B) To conduct surveillance and monitoring  
5 activities for mosquitoes and other arthropod vectors  
6 of disease, and surveillance of animals which provide a  
7 reservoir for disease-producing organisms.

8 (C) To conduct training activities to promote  
9 vector control programs and integrated pest management  
10 as defined in the Vector Control Act.

11 (D) To respond to inquiries, investigate  
12 complaints, conduct evaluations and provide technical  
13 consultation to help reduce or eliminate public health  
14 hazards and nuisance conditions associated with  
15 mosquitoes and other vectors.

16 (E) To provide financial assistance to units of  
17 local government for training, investigation and  
18 response to public nuisances associated with  
19 mosquitoes and other vectors of disease.

20 (4) 2% shall be available to the Department of  
21 Agriculture for its activities under the Illinois  
22 Pesticide Act relating to used and waste tires.

23 (5) 2% shall be available to the Pollution Control  
24 Board for administration of its activities relating to used  
25 and waste tires.

26 (6) 10% shall be available to the Department of Natural  
27 Resources for the Illinois Natural History Survey to  
28 perform research to study the biology, distribution,  
29 population ecology, and biosystematics of tire-breeding  
30 arthropods, especially mosquitoes, and the diseases they  
31 spread.

32 (d) By January 1, 1998, and biennially thereafter, each  
33 State agency receiving an appropriation from the Used Tire  
34 Management Fund shall report to the Governor and the General  
35 Assembly on its activities relating to the Fund.

36 (e) Any monies appropriated from the Used Tire Management

1 Fund, but not obligated, shall revert to the Fund.

2 (f) In administering the provisions of subdivisions (1),  
3 (2) and (3) of subsection (c) of this Section, the Agency, the  
4 Department of Commerce and Economic Opportunity ~~Community~~  
5 ~~Affairs~~, and the Illinois Department of Public Health shall  
6 ensure that appropriate funding assistance is provided to any  
7 municipality with a population over 1,000,000 or to any  
8 sanitary district which serves a population over 1,000,000.

9 (g) Pursuant to appropriation, monies in excess of \$2  
10 million per fiscal year from the Used Tire Management Fund  
11 shall be used as follows:

12 (1) 55% shall be available to the Agency to undertake  
13 preventive, corrective or renewed action as authorized by  
14 and in accordance with Section 55.3 and to recover costs in  
15 accordance with Section 55.3.

16 (2) 45% shall be available to the Department of  
17 Commerce and Economic Opportunity ~~Community Affairs~~ to  
18 provide grants or loans for the purposes of:

19 (i) assisting units of local government and  
20 private industry in the establishment of facilities  
21 and programs to collect, process and utilize waste  
22 tires and tire derived material;

23 (ii) demonstrating the feasibility of innovative  
24 technologies as a means of collecting, storing,  
25 processing, and utilizing used and waste tires and tire  
26 derived materials; and

27 (iii) applying demonstrated technologies as a  
28 means of collecting, storing, processing, and  
29 utilizing used and waste tires and tire derived  
30 materials.

31 (Source: P.A. 91-856, eff. 6-22-00; 92-16, eff. 6-28-01;  
32 revised 12-6-03.)

33 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

34 Sec. 55.7. The Department of Commerce and Economic  
35 Opportunity ~~Community Affairs~~ may adopt regulations as

1 necessary for the administration of the grant and loan programs  
2 funded from the Used Tire Management Fund, including but not  
3 limited to procedures and criteria for applying for,  
4 evaluating, awarding and terminating grants and loans. The  
5 Department of Commerce and Economic Opportunity ~~Community~~  
6 ~~Affairs~~ may by rule specify criteria for providing grant  
7 assistance rather than loan assistance; such criteria shall  
8 promote the expeditious development of alternatives to the  
9 disposal of used tires, and the efficient use of monies for  
10 assistance. Evaluation criteria may be established by rule,  
11 considering such factors as:

12 (1) the likelihood that a proposal will lead to the  
13 actual collection and processing of used tires and  
14 protection of the environment and public health in  
15 furtherance of the purposes of this Act;

16 (2) the feasibility of the proposal;

17 (3) the suitability of the location for the proposed  
18 activity;

19 (4) the potential of the proposal for encouraging  
20 recycling and reuse of resources; and

21 (5) the potential for development of new technologies  
22 consistent with the purposes of this Act.

23 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

24 (415 ILCS 5/58.14)

25 Sec. 58.14. Environmental Remediation Tax Credit review.

26 (a) Prior to applying for the Environmental Remediation Tax  
27 Credit under Section 201 of the Illinois Income Tax Act,  
28 Remediation Applicants shall first submit to the Agency an  
29 application for review of remediation costs. The application  
30 and review process shall be conducted in accordance with the  
31 requirements of this Section and the rules adopted under  
32 subsection (g). A preliminary review of the estimated  
33 remediation costs for development and implementation of the  
34 Remedial Action Plan may be obtained in accordance with  
35 subsection (d).

1 (b) No application for review shall be submitted until a No  
2 Further Remediation Letter has been issued by the Agency and  
3 recorded in the chain of title for the site in accordance with  
4 Section 58.10. The Agency shall review the application to  
5 determine whether the costs submitted are remediation costs,  
6 and whether the costs incurred are reasonable. The application  
7 shall be on forms prescribed and provided by the Agency. At a  
8 minimum, the application shall include the following:

9 (1) information identifying the Remediation Applicant  
10 and the site for which the tax credit is being sought and  
11 the date of acceptance of the site into the Site  
12 Remediation Program;

13 (2) a copy of the No Further Remediation Letter with  
14 official verification that the letter has been recorded in  
15 the chain of title for the site and a demonstration that  
16 the site for which the application is submitted is the same  
17 site as the one for which the No Further Remediation Letter  
18 is issued;

19 (3) a demonstration that the release of the regulated  
20 substances of concern for which the No Further Remediation  
21 Letter was issued were not caused or contributed to in any  
22 material respect by the Remediation Applicant. After the  
23 Pollution Control Board rules are adopted pursuant to the  
24 Illinois Administrative Procedure Act for the  
25 administration and enforcement of Section 58.9 of the  
26 Environmental Protection Act, determinations as to credit  
27 availability shall be made consistent with those rules;

28 (4) an itemization and documentation, including  
29 receipts, of the remediation costs incurred;

30 (5) a demonstration that the costs incurred are  
31 remediation costs as defined in this Act and its rules;

32 (6) a demonstration that the costs submitted for review  
33 were incurred by the Remediation Applicant who received the  
34 No Further Remediation Letter;

35 (7) an application fee in the amount set forth in  
36 subsection (e) for each site for which review of



1 remediation costs is requested and, if applicable,  
2 certification from the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~ that the site is located in  
4 an enterprise zone;

5 (8) any other information deemed appropriate by the  
6 Agency.

7 (c) Within 60 days after receipt by the Agency of an  
8 application meeting the requirements of subsection (b), the  
9 Agency shall issue a letter to the applicant approving,  
10 disapproving, or modifying the remediation costs submitted in  
11 the application. If the remediation costs are approved as  
12 submitted, the Agency's letter shall state the amount of the  
13 remediation costs to be applied toward the Environmental  
14 Remediation Tax Credit. If an application is disapproved or  
15 approved with modification of remediation costs, the Agency's  
16 letter shall set forth the reasons for the disapproval or  
17 modification and state the amount of the remediation costs, if  
18 any, to be applied toward the Environmental Remediation Tax  
19 Credit.

20 If a preliminary review of a budget plan has been obtained  
21 under subsection (d), the Remediation Applicant may submit,  
22 with the application and supporting documentation under  
23 subsection (b), a copy of the Agency's final determination  
24 accompanied by a certification that the actual remediation  
25 costs incurred for the development and implementation of the  
26 Remedial Action Plan are equal to or less than the costs  
27 approved in the Agency's final determination on the budget  
28 plan. The certification shall be signed by the Remediation  
29 Applicant and notarized. Based on that submission, the Agency  
30 shall not be required to conduct further review of the costs  
31 incurred for development and implementation of the Remedial  
32 Action Plan and may approve costs as submitted.

33 Within 35 days after receipt of an Agency letter  
34 disapproving or modifying an application for approval of  
35 remediation costs, the Remediation Applicant may appeal the  
36 Agency's decision to the Board in the manner provided for the

1 review of permits in Section 40 of this Act.

2 (d) (1) A Remediation Applicant may obtain a preliminary  
3 review of estimated remediation costs for the development  
4 and implementation of the Remedial Action Plan by  
5 submitting a budget plan along with the Remedial Action  
6 Plan. The budget plan shall be set forth on forms  
7 prescribed and provided by the Agency and shall include but  
8 shall not be limited to line item estimates of the costs  
9 associated with each line item (such as personnel,  
10 equipment, and materials) that the Remediation Applicant  
11 anticipates will be incurred for the development and  
12 implementation of the Remedial Action Plan. The Agency  
13 shall review the budget plan along with the Remedial Action  
14 Plan to determine whether the estimated costs submitted are  
15 remediation costs and whether the costs estimated for the  
16 activities are reasonable.

17 (2) If the Remedial Action Plan is amended by the  
18 Remediation Applicant or as a result of Agency action, the  
19 corresponding budget plan shall be revised accordingly and  
20 resubmitted for Agency review.

21 (3) The budget plan shall be accompanied by the  
22 applicable fee as set forth in subsection (e).

23 (4) Submittal of a budget plan shall be deemed an  
24 automatic 60-day waiver of the Remedial Action Plan review  
25 deadlines set forth in this Section and its rules.

26 (5) Within the applicable period of review, the Agency  
27 shall issue a letter to the Remediation Applicant  
28 approving, disapproving, or modifying the estimated  
29 remediation costs submitted in the budget plan. If a budget  
30 plan is disapproved or approved with modification of  
31 estimated remediation costs, the Agency's letter shall set  
32 forth the reasons for the disapproval or modification.

33 (6) Within 35 days after receipt of an Agency letter  
34 disapproving or modifying a budget plan, the Remediation  
35 Applicant may appeal the Agency's decision to the Board in  
36 the manner provided for the review of permits in Section 40

1 of this Act.

2 (e) The fees for reviews conducted under this Section are  
3 in addition to any other fees or payments for Agency services  
4 rendered pursuant to the Site Remediation Program and shall be  
5 as follows:

6 (1) The fee for an application for review of  
7 remediation costs shall be \$1,000 for each site reviewed.

8 (2) The fee for the review of the budget plan submitted  
9 under subsection (d) shall be \$500 for each site reviewed.

10 (3) In the case of a Remediation Applicant submitting  
11 for review total remediation costs of \$100,000 or less for  
12 a site located within an enterprise zone (as set forth in  
13 paragraph (i) of subsection (1) of Section 201 of the  
14 Illinois Income Tax Act), the fee for an application for  
15 review of remediation costs shall be \$250 for each site  
16 reviewed. For those sites, there shall be no fee for review  
17 of a budget plan under subsection (d).

18 The application fee shall be made payable to the State of  
19 Illinois, for deposit into the Hazardous Waste Fund.

20 Pursuant to appropriation, the Agency shall use the fees  
21 collected under this subsection for development and  
22 administration of the review program.

23 (f) The Agency shall have the authority to enter into any  
24 contracts or agreements that may be necessary to carry out its  
25 duties and responsibilities under this Section.

26 (g) Within 6 months after July 21, 1997, the Agency shall  
27 propose rules prescribing procedures and standards for its  
28 administration of this Section. Within 6 months after receipt  
29 of the Agency's proposed rules, the Board shall adopt on second  
30 notice, pursuant to Sections 27 and 28 of this Act and the  
31 Illinois Administrative Procedure Act, rules that are  
32 consistent with this Section. Prior to the effective date of  
33 rules adopted under this Section, the Agency may conduct  
34 reviews of applications under this Section and the Agency is  
35 further authorized to distribute guidance documents on costs  
36 that are eligible or ineligible as remediation costs.

1 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

2 (415 ILCS 5/58.15)

3 Sec. 58.15. Brownfields Programs.

4 (A) Brownfields Redevelopment Loan Program.

5 (a) The Agency shall establish and administer a revolving  
6 loan program to be known as the "Brownfields Redevelopment Loan  
7 Program" for the purpose of providing loans to be used for site  
8 investigation, site remediation, or both, at brownfields  
9 sites. All principal, interest, and penalty payments from loans  
10 made under this subsection (A) shall be deposited into the  
11 Brownfields Redevelopment Fund and reused in accordance with  
12 this Section.

13 (b) General requirements for loans:

14 (1) Loans shall be at or below market interest rates in  
15 accordance with a formula set forth in regulations  
16 promulgated under subdivision (A)(c) of this subsection  
17 (A).

18 (2) Loans shall be awarded subject to availability of  
19 funding based on the order of receipt of applications  
20 satisfying all requirements as set forth in the regulations  
21 promulgated under subdivision (A)(c) of this subsection  
22 (A).

23 (3) The maximum loan amount under this subsection (A)  
24 for any one project is \$1,000,000.

25 (4) In addition to any requirements or conditions  
26 placed on loans by regulation, loan agreements under the  
27 Brownfields Redevelopment Loan Program shall include the  
28 following requirements:

29 (A) the loan recipient shall secure the loan  
30 repayment obligation;

31 (B) completion of the loan repayment shall not  
32 exceed 15 years or as otherwise prescribed by Agency  
33 rule; and

34 (C) loan agreements shall provide for a confession  
35 of judgment by the loan recipient upon default.

1 (5) Loans shall not be used to cover expenses incurred  
2 prior to the approval of the loan application.

3 (6) If the loan recipient fails to make timely payments  
4 or otherwise fails to meet its obligations as provided in  
5 this subsection (A) or implementing regulations, the  
6 Agency is authorized to pursue the collection of the  
7 amounts past due, the outstanding loan balance, and the  
8 costs thereby incurred, either pursuant to the Illinois  
9 State Collection Act of 1986 or by any other means provided  
10 by law, including the taking of title, by foreclosure or  
11 otherwise, to any project or other property pledged,  
12 mortgaged, encumbered, or otherwise available as security  
13 or collateral.

14 (c) The Agency shall have the authority to enter into any  
15 contracts or agreements that may be necessary to carry out its  
16 duties or responsibilities under this subsection (A). The  
17 Agency shall have the authority to promulgate regulations  
18 setting forth procedures and criteria for administering the  
19 Brownfields Redevelopment Loan Program. The regulations  
20 promulgated by the Agency for loans under this subsection (A)  
21 shall include, but need not be limited to, the following  
22 elements:

23 (1) loan application requirements;

24 (2) determination of credit worthiness of the loan  
25 applicant;

26 (3) types of security required for the loan;

27 (4) types of collateral, as necessary, that can be  
28 pledged for the loan;

29 (5) special loan terms, as necessary, for securing the  
30 repayment of the loan;

31 (6) maximum loan amounts;

32 (7) purposes for which loans are available;

33 (8) application periods and content of applications;

34 (9) procedures for Agency review of loan applications,  
35 loan approvals or denials, and loan acceptance by the loan  
36 recipient;

- 1 (10) procedures for establishing interest rates;
- 2 (11) requirements applicable to disbursement of loans  
3 to loan recipients;
- 4 (12) requirements for securing loan repayment  
5 obligations;
- 6 (13) conditions or circumstances constituting default;
- 7 (14) procedures for repayment of loans and delinquent  
8 loans including, but not limited to, the initiation of  
9 principal and interest payments following loan acceptance;
- 10 (15) loan recipient responsibilities for work  
11 schedules, work plans, reports, and record keeping;
- 12 (16) evaluation of loan recipient performance,  
13 including auditing and access to sites and records;
- 14 (17) requirements applicable to contracting and  
15 subcontracting by the loan recipient, including  
16 procurement requirements;
- 17 (18) penalties for noncompliance with loan  
18 requirements and conditions, including stop-work orders,  
19 termination, and recovery of loan funds; and
- 20 (19) indemnification of the State of Illinois and the  
21 Agency by the loan recipient.

22 (d) Moneys in the Brownfields Redevelopment Fund may be  
23 used as a source of revenue or security for the principal and  
24 interest on revenue or general obligation bonds issued by the  
25 State or any political subdivision or instrumentality thereof,  
26 if the proceeds of those bonds will be deposited into the Fund.

27 (B) Brownfields Site Restoration Program.

28 (a) (1) The Agency, with the assistance of the Department  
29 of Commerce and Economic Opportunity ~~Community Affairs~~,  
30 must establish and administer a program for the payment of  
31 remediation costs to be known as the Brownfields Site  
32 Restoration Program. The Agency, through the Program,  
33 shall provide Remediation Applicants with financial  
34 assistance for the investigation and remediation of  
35 abandoned or underutilized properties. The investigation

1 and remediation shall be performed in accordance with this  
2 Title XVII of this Act.

3 (2) For each State fiscal year in which funds are made  
4 available to the Agency for payment under this subsection  
5 (B), the Agency must, subject to the availability of funds,  
6 allocate 20% of the funds to be available to Remediation  
7 Applicants within counties with populations over  
8 2,000,000. The remaining funds must be made available to  
9 all other Remediation Applicants in the State.

10 (3) The Agency must not approve payment in excess of  
11 \$750,000 to a Remediation Applicant for remediation costs  
12 incurred at a remediation site. Eligibility must be  
13 determined based on a minimum capital investment in the  
14 redevelopment of the site, and payment amounts must not  
15 exceed the net economic benefit to the State of the  
16 remediation project. In addition to these limitations, the  
17 total payment to be made to an applicant must not exceed an  
18 amount equal to 20% of the capital investment at the site.

19 (4) Only those remediation projects for which a No  
20 Further Remediation Letter is issued by the Agency after  
21 December 31, 2001 are eligible to participate in the  
22 Brownfields Site Restoration Program. The program does not  
23 apply to any sites that have received a No Further  
24 Remediation Letter prior to December 31, 2001 or for costs  
25 incurred prior to the Department of Commerce and Economic  
26 Opportunity (formerly Department of Commerce and Community  
27 Affairs) approving a site eligible for the Brownfields Site  
28 Restoration Program.

29 (5) Brownfields Site Restoration Program funds shall  
30 be subject to availability of funding and distributed based  
31 on the order of receipt of applications satisfying all  
32 requirements as set forth in this Section.

33 (b) Prior to applying to the Agency for payment, a  
34 Remediation Applicant shall first submit to the Agency its  
35 proposed remediation costs. The Agency shall make a  
36 pre-application assessment, which is not to be binding upon the

1 Department of Commerce and Economic Opportunity Community  
2 ~~Affairs~~ or upon future review of the project, relating only to  
3 whether the Agency has adequate funding to reimburse the  
4 applicant for the remediation costs if the applicant is found  
5 to be eligible for reimbursement of remediation costs. If the  
6 Agency determines that it is likely to have adequate funding to  
7 reimburse the applicant for remediation costs, the Remediation  
8 Applicant may then submit to the Department of Commerce and  
9 Economic Opportunity Community ~~Affairs~~ an application for  
10 review of eligibility. The Department must review the  
11 eligibility application to determine whether the Remediation  
12 Applicant is eligible for the payment. The application must be  
13 on forms prescribed and provided by the Department of Commerce  
14 and Economic Opportunity Community ~~Affairs~~. At a minimum, the  
15 application must include the following:

16 (1) Information identifying the Remediation Applicant  
17 and the site for which the payment is being sought and the  
18 date of acceptance into the Site Remediation Program.

19 (2) Information demonstrating that the site for which  
20 the payment is being sought is abandoned or underutilized  
21 property. "Abandoned property" means real property  
22 previously used for, or that has the potential to be used  
23 for, commercial or industrial purposes that reverted to the  
24 ownership of the State, a county or municipal government,  
25 or an agency thereof, through donation, purchase, tax  
26 delinquency, foreclosure, default, or settlement,  
27 including conveyance by deed in lieu of foreclosure; or  
28 privately owned property that has been vacant for a period  
29 of not less than 3 years from the time an application is  
30 made to the Department of Commerce and Economic Opportunity  
31 ~~Community Affairs~~. "Underutilized property" means real  
32 property of which less than 35% of the commercially usable  
33 space of the property and improvements thereon are used for  
34 their most commercially profitable and economically  
35 productive uses.

36 (3) Information demonstrating that remediation of the



1 site for which the payment is being sought will result in a  
2 net economic benefit to the State of Illinois. The "net  
3 economic benefit" must be determined based on factors  
4 including, but not limited to, the capital investment, the  
5 number of jobs created, the number of jobs retained if it  
6 is demonstrated the jobs would otherwise be lost, capital  
7 improvements, the number of construction-related jobs,  
8 increased sales, material purchases, other increases in  
9 service and operational expenditures, and other factors  
10 established by the Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~. Priority must be given to  
12 sites located in areas with high levels of poverty, where  
13 the unemployment rate exceeds the State average, where an  
14 enterprise zone exists, or where the area is otherwise  
15 economically depressed as determined by the Department of  
16 Commerce and Economic Opportunity ~~Community Affairs~~.

17 (4) An application fee in the amount set forth in  
18 subdivision (B)(c) for each site for which review of an  
19 application is being sought.

20 (c) The fee for eligibility reviews conducted by the  
21 Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~ under this subsection (B) is \$1,000 for each site  
23 reviewed. The application fee must be made payable to the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~ for deposit into the Workforce, Technology, and  
26 Economic Development Fund. These application fees shall be used  
27 by the Department for administrative expenses incurred under  
28 this subsection (B).

29 (d) Within 60 days after receipt by the Department of  
30 Commerce and Economic Opportunity ~~Community Affairs~~ of an  
31 application meeting the requirements of subdivision (B)(b),  
32 the Department of Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~ must issue a letter to the applicant approving the  
34 application, approving the application with modifications, or  
35 disapproving the application. If the application is approved or  
36 approved with modifications, the Department of Commerce and

1 Economic Opportunity's ~~Community Affairs~~ letter must also  
2 include its determination of the "net economic benefit" of the  
3 remediation project and the maximum amount of the payment to be  
4 made available to the applicant for remediation costs. The  
5 payment by the Agency under this subsection (B) must not exceed  
6 the "net economic benefit" of the remediation project, as  
7 determined by the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~.

9 (e) An application for a review of remediation costs must  
10 not be submitted to the Agency unless the Department of  
11 Commerce and Economic Opportunity ~~Community Affairs~~ has  
12 determined the Remediation Applicant is eligible under  
13 subdivision (B)(d). If the Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~ has determined that a  
15 Remediation Applicant is eligible under subdivision (B)(d),  
16 the Remediation Applicant may submit an application for payment  
17 to the Agency under this subsection (B). Except as provided in  
18 subdivision (B)(f), an application for review of remediation  
19 costs must not be submitted until a No Further Remediation  
20 Letter has been issued by the Agency and recorded in the chain  
21 of title for the site in accordance with Section 58.10. The  
22 Agency must review the application to determine whether the  
23 costs submitted are remediation costs and whether the costs  
24 incurred are reasonable. The application must be on forms  
25 prescribed and provided by the Agency. At a minimum, the  
26 application must include the following:

27 (1) Information identifying the Remediation Applicant  
28 and the site for which the payment is being sought and the  
29 date of acceptance of the site into the Site Remediation  
30 Program.

31 (2) A copy of the No Further Remediation Letter with  
32 official verification that the letter has been recorded in  
33 the chain of title for the site and a demonstration that  
34 the site for which the application is submitted is the same  
35 site as the one for which the No Further Remediation Letter  
36 is issued.

1           (3) A demonstration that the release of the regulated  
2 substances of concern for which the No Further Remediation  
3 Letter was issued was not caused or contributed to in any  
4 material respect by the Remediation Applicant. The Agency  
5 must make determinations as to reimbursement availability  
6 consistent with rules adopted by the Pollution Control  
7 Board for the administration and enforcement of Section  
8 58.9 of this Act.

9           (4) A copy of the Department of Commerce and Economic  
10 Opportunity's ~~Community Affairs'~~ letter approving  
11 eligibility, including the net economic benefit of the  
12 remediation project.

13           (5) An itemization and documentation, including  
14 receipts, of the remediation costs incurred.

15           (6) A demonstration that the costs incurred are  
16 remediation costs as defined in this Act and rules adopted  
17 under this Act.

18           (7) A demonstration that the costs submitted for review  
19 were incurred by the Remediation Applicant who received the  
20 No Further Remediation Letter.

21           (8) An application fee in the amount set forth in  
22 subdivision (B)(j) for each site for which review of  
23 remediation costs is requested.

24           (9) Any other information deemed appropriate by the  
25 Agency.

26           (f) An application for review of remediation costs may be  
27 submitted to the Agency prior to the issuance of a No Further  
28 Remediation Letter if the Remediation Applicant has a Remedial  
29 Action Plan approved by the Agency under the terms of which the  
30 Remediation Applicant will remediate groundwater for more than  
31 one year. The Agency must review the application to determine  
32 whether the costs submitted are remediation costs and whether  
33 the costs incurred are reasonable. The application must be on  
34 forms prescribed and provided by the Agency. At a minimum, the  
35 application must include the following:

36           (1) Information identifying the Remediation Applicant

1 and the site for which the payment is being sought and the  
2 date of acceptance of the site into the Site Remediation  
3 Program.

4 (2) A copy of the Agency letter approving the Remedial  
5 Action Plan.

6 (3) A demonstration that the release of the regulated  
7 substances of concern for which the Remedial Action Plan  
8 was approved was not caused or contributed to in any  
9 material respect by the Remediation Applicant. The Agency  
10 must make determinations as to reimbursement availability  
11 consistent with rules adopted by the Pollution Control  
12 Board for the administration and enforcement of Section  
13 58.9 of this Act.

14 (4) A copy of the Department of Commerce and Economic  
15 Opportunity's ~~Community Affairs'~~ letter approving  
16 eligibility, including the net economic benefit of the  
17 remediation project.

18 (5) An itemization and documentation, including  
19 receipts, of the remediation costs incurred.

20 (6) A demonstration that the costs incurred are  
21 remediation costs as defined in this Act and rules adopted  
22 under this Act.

23 (7) A demonstration that the costs submitted for review  
24 were incurred by the Remediation Applicant who received  
25 approval of the Remediation Action Plan.

26 (8) An application fee in the amount set forth in  
27 subdivision (B)(j) for each site for which review of  
28 remediation costs is requested.

29 (9) Any other information deemed appropriate by the  
30 Agency.

31 (g) For a Remediation Applicant seeking a payment under  
32 subdivision (B)(f), until the Agency issues a No Further  
33 Remediation Letter for the site, no more than 75% of the  
34 allowed payment may be claimed by the Remediation Applicant.  
35 The remaining 25% may be claimed following the issuance by the  
36 Agency of a No Further Remediation Letter for the site. For a

1 Remediation Applicant seeking a payment under subdivision  
2 (B) (e), until the Agency issues a No Further Remediation Letter  
3 for the site, no payment may be claimed by the Remediation  
4 Applicant.

5 (h) (1) Within 60 days after receipt by the Agency of an  
6 application meeting the requirements of subdivision (B) (e)  
7 or (B) (f), the Agency must issue a letter to the applicant  
8 approving, disapproving, or modifying the remediation  
9 costs submitted in the application. If an application is  
10 disapproved or approved with modification of remediation  
11 costs, then the Agency's letter must set forth the reasons  
12 for the disapproval or modification.

13 (2) If a preliminary review of a budget plan has been  
14 obtained under subdivision (B) (i), the Remediation  
15 Applicant may submit, with the application and supporting  
16 documentation under subdivision (B) (e) or (B) (f), a copy of  
17 the Agency's final determination accompanied by a  
18 certification that the actual remediation costs incurred  
19 for the development and implementation of the Remedial  
20 Action Plan are equal to or less than the costs approved in  
21 the Agency's final determination on the budget plan. The  
22 certification must be signed by the Remediation Applicant  
23 and notarized. Based on that submission, the Agency is not  
24 required to conduct further review of the costs incurred  
25 for development and implementation of the Remedial Action  
26 Plan and may approve costs as submitted.

27 (3) Within 35 days after receipt of an Agency letter  
28 disapproving or modifying an application for approval of  
29 remediation costs, the Remediation Applicant may appeal  
30 the Agency's decision to the Board in the manner provided  
31 for the review of permits in Section 40 of this Act.

32 (i) (1) A Remediation Applicant may obtain a preliminary  
33 review of estimated remediation costs for the development  
34 and implementation of the Remedial Action Plan by  
35 submitting a budget plan along with the Remedial Action  
36 Plan. The budget plan must be set forth on forms prescribed

1 and provided by the Agency and must include, but is not  
2 limited to, line item estimates of the costs associated  
3 with each line item (such as personnel, equipment, and  
4 materials) that the Remediation Applicant anticipates will  
5 be incurred for the development and implementation of the  
6 Remedial Action Plan. The Agency must review the budget  
7 plan along with the Remedial Action Plan to determine  
8 whether the estimated costs submitted are remediation  
9 costs and whether the costs estimated for the activities  
10 are reasonable.

11 (2) If the Remedial Action Plan is amended by the  
12 Remediation Applicant or as a result of Agency action, the  
13 corresponding budget plan must be revised accordingly and  
14 resubmitted for Agency review.

15 (3) The budget plan must be accompanied by the  
16 applicable fee as set forth in subdivision (B)(j).

17 (4) Submittal of a budget plan must be deemed an  
18 automatic 60-day waiver of the Remedial Action Plan review  
19 deadlines set forth in this subsection (B) and rules  
20 adopted under this subsection (B).

21 (5) Within the applicable period of review, the Agency  
22 must issue a letter to the Remediation Applicant approving,  
23 disapproving, or modifying the estimated remediation costs  
24 submitted in the budget plan. If a budget plan is  
25 disapproved or approved with modification of estimated  
26 remediation costs, the Agency's letter must set forth the  
27 reasons for the disapproval or modification.

28 (6) Within 35 days after receipt of an Agency letter  
29 disapproving or modifying a budget plan, the Remediation  
30 Applicant may appeal the Agency's decision to the Board in  
31 the manner provided for the review of permits in Section 40  
32 of this Act.

33 (j) The fees for reviews conducted by the Agency under this  
34 subsection (B) are in addition to any other fees or payments  
35 for Agency services rendered pursuant to the Site Remediation  
36 Program and are as follows:

1           (1) The fee for an application for review of  
2 remediation costs is \$1,000 for each site reviewed.

3           (2) The fee for the review of the budget plan submitted  
4 under subdivision (B) (i) is \$500 for each site reviewed.

5           The application fee and the fee for the review of the  
6 budget plan must be made payable to the State of Illinois, for  
7 deposit into the Brownfields Redevelopment Fund.

8           (k) Moneys in the Brownfields Redevelopment Fund may be  
9 used for the purposes of this Section, including payment for  
10 the costs of administering this subsection (B). Any moneys  
11 remaining in the Brownfields Site Restoration Program Fund on  
12 the effective date of this amendatory Act of the 92nd General  
13 Assembly shall be transferred to the Brownfields Redevelopment  
14 Fund. Total payments made to all Remediation Applicants by the  
15 Agency for purposes of this subsection (B) must not exceed  
16 \$1,000,000 in State fiscal year 2002.

17           (l) The Department and the Agency are authorized to enter  
18 into any contracts or agreements that may be necessary to carry  
19 out their duties and responsibilities under this subsection  
20 (B).

21           (m) Within 6 months after the effective date of this  
22 amendatory Act of 2002, the Department of Commerce and  
23 Community Affairs (now Department of Commerce and Economic  
24 Opportunity) and the Agency must propose rules prescribing  
25 procedures and standards for the administration of this  
26 subsection (B). Within 9 months after receipt of the proposed  
27 rules, the Board shall adopt on second notice, pursuant to  
28 Sections 27 and 28 of this Act and the Illinois Administrative  
29 Procedures Act, rules that are consistent with this subsection  
30 (B). Prior to the effective date of rules adopted under this  
31 subsection (B), the Department of Commerce and Community  
32 Affairs (now Department of Commerce and Economic Opportunity)  
33 and the Agency may conduct reviews of applications under this  
34 subsection (B) and the Agency is further authorized to  
35 distribute guidance documents on costs that are eligible or  
36 ineligible as remediation costs.

1 (Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01; 92-715,  
2 eff. 7-23-02; revised 12-6-03.)

3 Section 780. The Solid Waste Planning and Recycling Act is  
4 amended by changing Section 3 as follows:

5 (415 ILCS 15/3) (from Ch. 85, par. 5953)

6 Sec. 3. As used in this Act, unless the context clearly  
7 indicates otherwise:

8 "Agency" means the Illinois Environmental Protection  
9 Agency.

10 "Composting" means the biological process by which  
11 microorganisms decompose the organic fraction of waste,  
12 producing a humus-like material that may be used as a soil  
13 conditioner.

14 "County" means any county of the State and includes the  
15 City of Chicago.

16 "Department" means the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~.

18 "Municipal waste" means garbage, general household,  
19 institutional and commercial waste, industrial lunchroom or  
20 office waste, landscape waste, and construction and demolition  
21 debris.

22 "Person" means any individual, partnership, cooperative  
23 enterprise, unit of local government, institution, corporation  
24 or agency, or any other legal entity whatsoever which is  
25 recognized by law as the subject of rights and duties.

26 "Recycling, reclamation or reuse" means a method,  
27 technique or process designed to remove any contaminant from  
28 waste so as to render the waste reusable, or any process by  
29 which materials that would otherwise be disposed of or  
30 discarded are collected, separated or processed and returned to  
31 the economic mainstream in the form of raw materials or  
32 products.

33 "Recycling center" means a facility that accepts only  
34 segregated, nonhazardous, nonspecial, homogeneous,



1 nonputrescible materials, such as dry paper, glass, cans or  
2 plastics, for subsequent use in the secondary materials market.  
3 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

4 Section 785. The Illinois Solid Waste Management Act is  
5 amended by changing Sections 2.1, 3, 3.1, 5, 6, 6a, and 7 as  
6 follows:

7 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

8 Sec. 2.1. Definitions. When used in this Act, unless the  
9 context otherwise requires, the following terms have the  
10 meanings ascribed to them in this Section:

11 "Department", when a particular entity is not specified,  
12 means (i) in the case of a function to be performed on or after  
13 July 1, 1995 (the effective date of the Department of Natural  
14 Resources Act), the Department of Commerce and Community  
15 Affairs (now Department of Commerce and Economic Opportunity),  
16 as successor to the former Department of Energy and Natural  
17 Resources under the Department of Natural Resources Act; or  
18 (ii) in the case of a function required to be performed before  
19 July 1, 1995, the former Illinois Department of Energy and  
20 Natural Resources.

21 "Deinked stock" means paper that has been processed to  
22 remove inks, clays, coatings, binders and other contaminants.

23 "End product" means only those items that are designed to  
24 be used until disposal; items designed to be used in production  
25 of a subsequent item are excluded.

26 "High grade printing and writing papers" includes offset  
27 printing paper, duplicator paper, writing paper (stationery),  
28 office paper, note pads, xerographic paper, envelopes, form  
29 bond including computer paper and carbonless forms, book  
30 papers, bond papers, ledger paper, book stock and cotton fiber  
31 papers.

32 "Paper and paper products" means high grade printing and  
33 writing papers, tissue products, newsprint, unbleached  
34 packaging and recycled paperboard.

1 "Postconsumer material" means only those products  
2 generated by a business or consumer which have served their  
3 intended end uses, and which have been separated or diverted  
4 from solid waste; wastes generated during production of an end  
5 product are excluded.

6 "Recovered paper material" means paper waste generated  
7 after the completion of the papermaking process, such as  
8 postconsumer materials, envelope cuttings, bindery trimmings,  
9 printing waste, cutting and other converting waste, butt rolls,  
10 and mill wrappers, obsolete inventories, and rejected unused  
11 stock. "Recovered paper material", however, does not include  
12 fibrous waste generated during the manufacturing process such  
13 as fibers recovered from waste water or trimmings of paper  
14 machine rolls (mill broke), or fibrous byproducts of  
15 harvesting, extraction or woodcutting processes, or forest  
16 residues such as bark.

17 "Recycled paperboard" includes recycled paperboard  
18 products, folding cartons and pad backing.

19 "Recycling" means the process by which solid waste is  
20 collected, separated and processed for reuse as either a raw  
21 material or a product which itself is subject to recycling, but  
22 does not include the combustion of waste for energy recovery or  
23 volume reduction.

24 "Tissue products" includes toilet tissue, paper towels,  
25 paper napkins, facial tissue, paper doilies, industrial  
26 wipers, paper bags and brown papers.

27 "Unbleached packaging" includes corrugated and fiber  
28 boxes.

29 "USEPA Guidelines for federal procurement" means all  
30 minimum recycled content standards recommended by the U.S.  
31 Environmental Protection Agency.

32 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

33 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

34 Sec. 3. State agency materials recycling program.

35 (a) All State agencies responsible for the maintenance of

1 public lands in the State shall, to the maximum extent  
2 feasible, give due consideration and preference to the use of  
3 compost materials in all land maintenance activities which are  
4 to be paid with public funds.

5 (b) The Department of Central Management Services, in  
6 coordination with the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~, shall implement waste reduction  
8 programs, including source separation and collection, for  
9 office wastepaper, corrugated containers, newsprint and mixed  
10 paper, in all State buildings as appropriate and feasible. Such  
11 waste reduction programs shall be designed to achieve waste  
12 reductions of at least 25% of all such waste by December 31,  
13 1995, and at least 50% of all such waste by December 31, 2000.  
14 Any source separation and collection program shall include, at  
15 a minimum, procedures for collecting and storing recyclable  
16 materials, bins or containers for storing materials, and  
17 contractual or other arrangements with buyers of recyclable  
18 materials. If market conditions so warrant, the Department of  
19 Central Management Services, in coordination with the  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~, may modify programs developed pursuant to this  
22 Section.

23 The Department of Commerce and Community Affairs (now  
24 Department of Commerce and Economic Opportunity) shall conduct  
25 waste categorization studies of all State facilities for  
26 calendar years 1991, 1995 and 2000. Such studies shall be  
27 designed to assist the Department of Central Management  
28 Services to achieve the waste reduction goals established in  
29 this subsection.

30 (c) Each State agency shall, upon consultation with the  
31 Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~, periodically review its procurement procedures and  
33 specifications related to the purchase of products or supplies.  
34 Such procedures and specifications shall be modified as  
35 necessary to require the procuring agency to seek out products  
36 and supplies that contain recycled materials, and to ensure

1 that purchased products or supplies are reusable, durable or  
2 made from recycled materials whenever economically and  
3 practically feasible. In choosing among products or supplies  
4 that contain recycled material, consideration shall be given to  
5 products and supplies with the highest recycled material  
6 content that is consistent with the effective and efficient use  
7 of the product or supply.

8 (d) Wherever economically and practically feasible, the  
9 Department of Central Management Services shall procure  
10 recycled paper and paper products as follows:

11 (1) Beginning July 1, 1989, at least 10% of the total  
12 dollar value of paper and paper products purchased by the  
13 Department of Central Management Services shall be  
14 recycled paper and paper products.

15 (2) Beginning July 1, 1992, at least 25% of the total  
16 dollar value of paper and paper products purchased by the  
17 Department of Central Management Services shall be  
18 recycled paper and paper products.

19 (3) Beginning July 1, 1996, at least 40% of the total  
20 dollar value of paper and paper products purchased by the  
21 Department of Central Management Services shall be  
22 recycled paper and paper products.

23 (4) Beginning July 1, 2000, at least 50% of the total  
24 dollar value of paper and paper products purchased by the  
25 Department of Central Management Services shall be  
26 recycled paper and paper products.

27 (e) Paper and paper products purchased from private vendors  
28 pursuant to printing contracts are not considered paper  
29 products for the purposes of subsection (d). However, the  
30 Department of Central Management Services shall report to the  
31 General Assembly on an annual basis the total dollar value of  
32 printing contracts awarded to private sector vendors that  
33 included the use of recycled paper.

34 (f) (1) Wherever economically and practically feasible, the  
35 recycled paper and paper products referred to in subsection  
36 (d) shall contain postconsumer or recovered paper

1 materials as specified by paper category in this  
2 subsection:

3 (i) Recycled high grade printing and writing paper  
4 shall contain at least 50% recovered paper material.  
5 Such recovered paper material, until July 1, 1994,  
6 shall consist of at least 20% deinked stock or  
7 postconsumer material; and beginning July 1, 1994,  
8 shall consist of at least 25% deinked stock or  
9 postconsumer material; and beginning July 1, 1996,  
10 shall consist of at least 30% deinked stock or  
11 postconsumer material; and beginning July 1, 1998,  
12 shall consist of at least 40% deinked stock or  
13 postconsumer material; and beginning July 1, 2000,  
14 shall consist of at least 50% deinked stock or  
15 postconsumer material.

16 (ii) Recycled tissue products, until July 1, 1994,  
17 shall contain at least 25% postconsumer material; and  
18 beginning July 1, 1994, shall contain at least 30%  
19 postconsumer material; and beginning July 1, 1996,  
20 shall contain at least 35% postconsumer material; and  
21 beginning July 1, 1998, shall contain at least 40%  
22 postconsumer material; and beginning July 1, 2000,  
23 shall contain at least 45% postconsumer material.

24 (iii) Recycled newsprint, until July 1, 1994,  
25 shall contain at least 40% postconsumer material; and  
26 beginning July 1, 1994, shall contain at least 50%  
27 postconsumer material; and beginning July 1, 1996,  
28 shall contain at least 60% postconsumer material; and  
29 beginning July 1, 1998, shall contain at least 70%  
30 postconsumer material; and beginning July 1, 2000,  
31 shall contain at least 80% postconsumer material.

32 (iv) Recycled unbleached packaging, until July 1,  
33 1994, shall contain at least 35% postconsumer  
34 material; and beginning July 1, 1994, shall contain at  
35 least 40% postconsumer material; and beginning July 1,  
36 1996, shall contain at least 45% postconsumer

1 material; and beginning July 1, 1998, shall contain at  
2 least 50% postconsumer material; and beginning July 1,  
3 2000, shall contain at least 55% postconsumer  
4 material.

5 (v) Recycled paperboard, until July 1, 1994, shall  
6 contain at least 80% postconsumer material; and  
7 beginning July 1, 1994, shall contain at least 85%  
8 postconsumer material; and beginning July 1, 1996,  
9 shall contain at least 90% postconsumer material; and  
10 beginning July 1, 1998, shall contain at least 95%  
11 postconsumer material.

12 (2) For the purposes of this Section, "postconsumer  
13 material" includes:

14 (i) paper, paperboard, and fibrous wastes from  
15 retail stores, office buildings, homes, and so forth,  
16 after the waste has passed through its end usage as a  
17 consumer item, including used corrugated boxes, old  
18 newspapers, mixed waste paper, tabulating cards, and  
19 used cordage; and

20 (ii) all paper, paperboard, and fibrous wastes  
21 that are diverted or separated from the municipal solid  
22 waste stream.

23 (3) For the purposes of this Section, "recovered paper  
24 material" includes:

25 (i) postconsumer material;

26 (ii) dry paper and paperboard waste generated  
27 after completion of the papermaking process (that is,  
28 those manufacturing operations up to and including the  
29 cutting and trimming of the paper machine reel into  
30 smaller rolls or rough sheets), including envelope  
31 cuttings, bindery trimmings, and other paper and  
32 paperboard waste resulting from printing, cutting,  
33 forming, and other converting operations, or from bag,  
34 box and carton manufacturing, and butt rolls, mill  
35 wrappers, and rejected unused stock; and

36 (iii) finished paper and paperboard from obsolete

1 inventories of paper and paperboard manufacturers,  
2 merchants, wholesalers, dealers, printers, converters,  
3 or others.

4 (g) The Department of Central Management Services may adopt  
5 regulations to carry out the provisions and purposes of this  
6 Section.

7 (h) Every State agency shall, in its procurement documents,  
8 specify that, whenever economically and practically feasible,  
9 a product to be procured must consist, wholly or in part, of  
10 recycled materials, or be recyclable or reusable in whole or in  
11 part. When applicable, if state guidelines are not already  
12 prescribed, State agencies shall follow USEPA guidelines for  
13 federal procurement.

14 (i) All State agencies shall cooperate with the Department  
15 of Central Management Services in carrying out this Section.  
16 The Department of Central Management Services may enter into  
17 cooperative purchasing agreements with other governmental  
18 units in order to obtain volume discounts, or for other reasons  
19 in accordance with the Governmental Joint Purchasing Act, or in  
20 accordance with the Intergovernmental Cooperation Act if  
21 governmental units of other states or the federal government  
22 are involved.

23 (j) The Department of Central Management Services shall  
24 submit an annual report to the General Assembly concerning its  
25 implementation of the State's collection and recycled paper  
26 procurement programs. This report shall include a description  
27 of the actions that the Department of Central Management  
28 Services has taken in the previous fiscal year to implement  
29 this Section. This report shall be submitted on or before  
30 November 1 of each year.

31 (k) The Department of Central Management Services, in  
32 cooperation with all other appropriate departments and  
33 agencies of the State, shall institute whenever economically  
34 and practically feasible the use of re-refined motor oil in all  
35 State-owned motor vehicles and the use of remanufactured and  
36 retread tires whenever such use is practical, beginning no

1 later than July 1, 1992.

2 (l) (Blank).

3 (m) The Department of Central Management Services, in  
4 coordination with the Department of Commerce and Community  
5 Affairs (now Department of Commerce and Economic Opportunity),  
6 shall implement an aluminum can recycling program in all State  
7 buildings within 270 days of the effective date of this  
8 amendatory Act of 1997. The program shall provide for (1) the  
9 collection and storage of used aluminum cans in bins or other  
10 appropriate containers made reasonably available to occupants  
11 and visitors of State buildings and (2) the sale of used  
12 aluminum cans to buyers of recyclable materials.

13 Proceeds from the sale of used aluminum cans shall be  
14 deposited into I-CYCLE accounts maintained in the State Surplus  
15 Property Revolving Fund and, subject to appropriation, shall be  
16 used by the Department of Central Management Services and any  
17 other State agency to offset the costs of implementing the  
18 aluminum can recycling program under this Section.

19 All State agencies having an aluminum can recycling program  
20 in place shall continue with their current plan. If a State  
21 agency has an existing recycling program in place, proceeds  
22 from the aluminum can recycling program may be retained and  
23 distributed pursuant to that program, otherwise all revenue  
24 resulting from these programs shall be forwarded to Central  
25 Management Services, I-CYCLE for placement into the  
26 appropriate account within the State Surplus Property  
27 Revolving Fund, minus any operating costs associated with the  
28 program.

29 (Source: P.A. 89-445, eff. 2-7-96; 90-180, eff. 7-23-97;  
30 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; revised 12-6-03.)

31 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

32 Sec. 3.1. Institutions of higher learning.

33 (a) For purposes of this Section "State-supported  
34 institutions of higher learning" or "institutions" means the  
35 University of Illinois, Southern Illinois University, the



1 colleges and universities under the jurisdiction of the Board  
2 of Governors of State Colleges and Universities, the colleges  
3 and universities under the jurisdiction of the Board of Regents  
4 of Regency Universities, and the public community colleges  
5 subject to the Public Community College Act.

6 (b) Each State-supported institution of higher learning  
7 shall develop a comprehensive waste reduction plan covering a  
8 period of 10 years which addresses the management of solid  
9 waste generated by academic, administrative, student housing  
10 and other institutional functions. The waste reduction plan  
11 shall be developed by January 1, 1995. The initial plan  
12 required under this Section shall be updated by the institution  
13 every 5 years, and any proposed amendments to the plan shall be  
14 submitted for review in accordance with subsection (f).

15 (c) Each waste reduction plan shall address, at a minimum,  
16 the following topics: existing waste generation by volume,  
17 waste composition, existing waste reduction and recycling  
18 activities, waste collection and disposal costs, future waste  
19 management methods, and specific goals to reduce the amount of  
20 waste generated that is subject to landfill disposal.

21 (d) Each waste reduction plan shall provide for recycling  
22 of marketable materials currently present in the institution's  
23 waste stream, including but not limited to landscape waste,  
24 corrugated cardboard, computer paper, and white office paper,  
25 and shall provide for the investigation of potential markets  
26 for other recyclable materials present in the institution's  
27 waste stream. The recycling provisions of the waste reduction  
28 plan shall be designed to achieve, by January 1, 2000, at least  
29 a 40% reduction (referenced to a base year of 1987) in the  
30 amount of solid waste that is generated by the institution and  
31 identified in the waste reduction plan as being subject to  
32 landfill disposal.

33 (e) Each waste reduction plan shall evaluate the  
34 institution's procurement policies and practices to eliminate  
35 procedures which discriminate against items with recycled  
36 content, and to identify products or items which are procured

1 by the institution on a frequent or repetitive basis for which  
2 products with recycled content may be substituted. Each waste  
3 reduction plan shall prescribe that it will be the policy of  
4 the institution to purchase products with recycled content  
5 whenever such products have met specifications and standards of  
6 equivalent products which do not contain recycled content.

7 (f) Each waste reduction plan developed in accordance with  
8 this Section shall be submitted to the Department of Commerce  
9 and Economic Opportunity ~~Community Affairs~~ for review and  
10 approval. The Department's review shall be conducted in  
11 cooperation with the Board of Higher Education and the Illinois  
12 Community College Board.

13 (g) The Department of Commerce and Economic Opportunity  
14 ~~Community Affairs~~ shall provide technical assistance,  
15 technical materials, workshops and other information necessary  
16 to assist in the development and implementation of the waste  
17 reduction plans. The Department shall develop guidelines and  
18 funding criteria for providing grant assistance to  
19 institutions for the implementation of approved waste  
20 reduction plans.

21 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

22 (415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

23 Sec. 5. Informational Clearinghouse. The Department of  
24 Commerce and Economic Opportunity ~~Community Affairs~~, in  
25 cooperation with the Environmental Protection Agency, shall  
26 maintain a central clearinghouse of information regarding the  
27 implementation of this Act. In particular, this clearinghouse  
28 shall include data regarding solid waste research and planning,  
29 solid waste management practices, markets for recyclable  
30 materials and intergovernmental cooperation.

31 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

32 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

33 Sec. 6. The Department of Commerce and Economic Opportunity  
34 ~~Community Affairs~~ shall be the lead agency for implementation

1 of this Act and shall have the following powers:

2 (a) To provide technical and educational assistance for  
3 applications of technologies and practices which will minimize  
4 the land disposal of non-hazardous solid waste; economic  
5 feasibility of implementation of solid waste management  
6 alternatives; analysis of markets for recyclable materials and  
7 energy products; application of the Geographic Information  
8 System to provide analysis of natural resource, land use, and  
9 environmental impacts; evaluation of financing and ownership  
10 options; and evaluation of plans prepared by units of local  
11 government pursuant to Section 22.15 of the Environmental  
12 Protection Act.

13 (b) To provide technical assistance in siting pollution  
14 control facilities, defined as any waste storage site, sanitary  
15 landfill, waste disposal site, waste transfer station or waste  
16 incinerator.

17 (c) To provide loans or recycling and composting grants to  
18 businesses and not-for-profit and governmental organizations  
19 for the purposes of increasing the quantity of materials  
20 recycled or composted in Illinois; developing and implementing  
21 innovative recycling methods and technologies; developing and  
22 expanding markets for recyclable materials; and increasing the  
23 self-sufficiency of the recycling industry in Illinois. The  
24 Department shall work with and coordinate its activities with  
25 existing for-profit and not-for-profit collection and  
26 recycling systems to encourage orderly growth in the supply of  
27 and markets for recycled materials and to assist existing  
28 collection and recycling efforts.

29 The Department shall develop a public education program  
30 concerning the importance of both composting and recycling in  
31 order to preserve landfill space in Illinois.

32 (d) To establish guidelines and funding criteria for the  
33 solicitation of projects under this Act, and to receive and  
34 evaluate applications for loans or grants for solid waste  
35 management projects based upon such guidelines and criteria.  
36 Funds may be loaned with or without interest. Loan repayments

1 shall be deposited into the Solid Waste Management Revolving  
2 Loan Fund.

3 (e) To support and coordinate solid waste research in  
4 Illinois, and to approve the annual solid waste research agenda  
5 prepared by the University of Illinois.

6 (f) To provide loans or grants for research, development  
7 and demonstration of innovative technologies and practices,  
8 including but not limited to pilot programs for collection and  
9 disposal of household wastes.

10 (g) To promulgate such rules and regulations as are  
11 necessary to carry out the purposes of subsections (c), (d) and  
12 (f) of this Section.

13 (h) To cooperate with the Environmental Protection Agency  
14 for the purposes specified herein.

15 There is hereby created the Solid Waste Management  
16 Revolving Loan Fund, a special fund in the State Treasury,  
17 hereinafter referred to as the "Fund". The Department is  
18 authorized to accept any and all grants, repayments of interest  
19 and principal on loans, matching funds, reimbursements,  
20 appropriations, income derived from investments, or other  
21 things of value from the federal or state governments or from  
22 any institution, person, partnership, joint venture,  
23 corporation, public or private, for deposit in the Fund. Any  
24 moneys collected as a result of foreclosures of loans or other  
25 financing agreements, or the violation of any terms thereof,  
26 shall also be deposited in the Fund.

27 The Department is authorized to use moneys deposited in the  
28 Fund, subject to appropriation, expressly for the purpose of  
29 implementing a revolving loan program according to procedures  
30 established pursuant to this Act. Moneys in the Fund shall be  
31 used by the Department for the purpose of financing additional  
32 projects and for the Department's administrative expenses  
33 related thereto.

34 (Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96;  
35 revised 12-6-03.)

1 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

2 Sec. 6a. The Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~ shall:

4 (1) Work with nationally based consumer groups and trade  
5 associations to develop nationally recognized logos which may  
6 be used to indicate whether a container is recyclable, made of  
7 recycled materials, or both.

8 (2) Work with nationally based consumer groups and trade  
9 associations to develop nationally recognized criteria for  
10 determining under what conditions the logos may be used.

11 (3) Develop and conduct a public education and awareness  
12 campaign to encourage the public to look for and buy products  
13 in containers which are recyclable or made of recycled  
14 materials.

15 (4) Develop and prepare educational materials describing  
16 the benefits and methods of recycling for distribution to  
17 elementary schools in Illinois.

18 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

19 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

20 Sec. 7. It is the intent of this Act to provide the  
21 framework for a comprehensive solid waste management program in  
22 Illinois.

23 The Department shall prepare and submit to the Governor and  
24 the General Assembly on or before January 1, 1992, a report  
25 evaluating the effectiveness of the programs provided under  
26 this Act and Section 22.14 of the Environmental Protection Act;  
27 assessing the need for a continuation of existing programs,  
28 development and implementation of new programs and appropriate  
29 funding mechanisms; and recommending legislative and  
30 administrative action to fully implement a comprehensive solid  
31 waste management program in Illinois.

32 The Department shall investigate the suitability and  
33 advisability of providing tax incentives for Illinois  
34 businesses to use recycled products and purchase or lease  
35 recycling equipment, and shall report to the Governor and the

1 General Assembly by January 1, 1987, on the results of this  
2 investigation.

3 By July 1, 1989, the Department shall submit to the  
4 Governor and members of the General Assembly a waste reduction  
5 report:

6 (a) that describes various mechanisms that could be  
7 utilized to stimulate and enhance the reduction of  
8 industrial and post-consumer waste in the State, including  
9 their advantages and disadvantages. The mechanisms to be  
10 analyzed shall include, but not be limited to, incentives  
11 for prolonging product life, methods for ensuring product  
12 recyclability, taxes for excessive packaging, tax  
13 incentives, prohibitions on the use of certain products,  
14 and performance standards for products; and

15 (b) that includes specific recommendations to  
16 stimulate and enhance waste reduction in the industrial and  
17 consumer sector, including, but not limited to,  
18 legislation, financial incentives and disincentives, and  
19 public education.

20 The Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~, with the cooperation of the State Board of  
22 Education, the Illinois Environmental Protection Agency, and  
23 others as needed, shall develop, coordinate and conduct an  
24 education program for solid waste management and recycling. The  
25 program shall include, but not be limited to, education for the  
26 general public, businesses, government, educators and  
27 students.

28 The education program shall address, at a minimum, the  
29 following topics: the solid waste management alternatives of  
30 recycling, composting, and source reduction; resource  
31 allocation and depletion; solid waste planning; reuse of  
32 materials; pollution prevention; and household hazardous  
33 waste.

34 The Department of Commerce and Economic Opportunity  
35 ~~Community Affairs~~ shall cooperate with municipal and county  
36 governments, regional school superintendents, education

1 service centers, local school districts, and planning agencies  
2 and committees to coordinate local and regional education  
3 programs and workshops and to expedite the exchange of  
4 technical information.

5 By March 1, 1989, the Department shall prepare a report on  
6 strategies for distributing and marketing landscape waste  
7 compost from centralized composting sites operated by units of  
8 local government. The report shall, at a minimum, evaluate the  
9 effects of product quality, assured supply, cost and public  
10 education on the availability of compost, free delivery, and  
11 public sales composting program. The evaluation of public sales  
12 programs shall focus on direct retail sale of bagged compost at  
13 the site or special distribution centers and bulk sale of  
14 finished compost to wholesalers for resale.

15 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

16 Section 790. The Illinois Groundwater Protection Act is  
17 amended by changing Section 4 as follows:

18 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

19 Sec. 4. (a) There shall be established within State  
20 government an interagency committee which shall be known as the  
21 Interagency Coordinating Committee on Groundwater. The  
22 Committee shall be composed of the Director, or his designee,  
23 of the following agencies:

24 (1) The Illinois Environmental Protection Agency, who  
25 shall chair the Committee.

26 (2) The Illinois Department of Natural Resources.

27 (3) The Illinois Department of Public Health.

28 (4) The Office of Mines and Minerals within the  
29 Department of Natural Resources.

30 (5) The Office of the State Fire Marshal.

31 (6) The Division of Water Resources of the Department  
32 of Natural Resources.

33 (7) The Illinois Department of Agriculture.

34 (8) The Illinois Emergency Management Agency.

1 (9) The Illinois Department of Nuclear Safety.

2 (10) The Illinois Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~.

4 (b) The Committee shall meet not less than twice each  
5 calendar year and shall:

6 (1) Review and coordinate the State's policy on  
7 groundwater protection.

8 (2) Review and evaluate State laws, regulations and  
9 procedures that relate to groundwater protection.

10 (3) Review and evaluate the status of the State's  
11 efforts to improve the quality of the groundwater and of  
12 the State enforcement efforts for protection of the  
13 groundwater and make recommendations on improving the  
14 State efforts to protect the groundwater.

15 (4) Recommend procedures for better coordination among  
16 State groundwater programs and with local programs related  
17 to groundwater protection.

18 (5) Review and recommend procedures to coordinate the  
19 State's response to specific incidents of groundwater  
20 pollution and coordinate dissemination of information  
21 between agencies responsible for the State's response.

22 (6) Make recommendations for and prioritize the  
23 State's groundwater research needs.

24 (7) Review, coordinate and evaluate groundwater data  
25 collection and analysis.

26 (8) Beginning on January 1, 1990, report biennially to  
27 the Governor and the General Assembly on groundwater  
28 quality, quantity, and the State's enforcement efforts.

29 (c) The Chairman of the Committee shall propose a  
30 groundwater protection regulatory agenda for consideration by  
31 the Committee and the Council. The principal purpose of the  
32 agenda shall be to systematically consider the groundwater  
33 protection aspects of relevant federal and State regulatory  
34 programs and to identify any areas where improvements may be  
35 warranted. To the extent feasible, the agenda may also serve to  
36 facilitate a more uniform and coordinated approach toward



1 protection of groundwaters in Illinois. Upon adoption of the  
2 final agenda by the Committee, the Chairman of the Committee  
3 shall assign a lead agency and any support agencies to prepare  
4 a regulatory assessment report for each item on the agenda.  
5 Each regulatory assessment report shall specify the nature of  
6 the groundwater protection provisions being implemented and  
7 shall evaluate the results achieved therefrom. Special  
8 attention shall be given to any preventive measures being  
9 utilized for protection of groundwaters. The reports shall be  
10 completed in a timely manner. After review and consideration by  
11 the Committee, the reports shall become the basis for  
12 recommending further legislative or regulatory action.

13 (d) No later than January 1, 1992, the Interagency  
14 Coordinating Committee on Groundwater shall provide a  
15 comprehensive status report to the Governor and the General  
16 Assembly concerning implementation of this Act.

17 (e) The Committee shall consider findings and  
18 recommendations that are provided by the Council, and respond  
19 in writing regarding such matters. The Chairman of the  
20 Committee shall designate a liaison person to serve as a  
21 facilitator of communications with the Council.

22 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

23 Section 795. The Degradable Plastic Act is amended by  
24 changing Section 2 as follows:

25 (415 ILCS 80/2) (from Ch. 111 1/2, par. 7902)

26 Sec. 2. Definitions. As used in this Act, the following  
27 terms shall have the meanings indicated, unless the context  
28 otherwise requires:

29 "Agency" means the Illinois Environmental Protection  
30 Agency.

31 "Department" means the Department of Commerce and Economic  
32 Opportunity ~~Community Affairs~~.

33 "Degradable" means capable of disintegrating, by naturally  
34 occurring biological or physical processes in the environment

1 within a period of 3 years after disposal, into fragments that  
2 are small relative to the original size, or into particles of a  
3 molecular weight that is low when compared to the molecular  
4 weight of the original material.

5 "Plastic container" means a package, bag, bottle, cup,  
6 wrapping, blister-pack or other device that is made of plastic,  
7 plastic-coated paper, or other synthetic polymeric material,  
8 and is used to contain or protect merchandise ultimately  
9 intended for retail sale, or to contain waste for disposal.

10 "Recyclable plastic container" means a container composed  
11 entirely (exclusive of any readily detachable lid, closure,  
12 handle or label) of one type of plastic for which the  
13 Department finds that there exists an effective recycling  
14 market in this State.

15 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

16 Section 800. The Recycled Newsprint Use Act is amended by  
17 changing Section 2002.50 as follows:

18 (415 ILCS 110/2002.50) (from Ch. 96 1/2, par. 9752.50)

19 Sec. 2002.50. "Department" means the Department of  
20 Commerce and Economic Opportunity ~~Community Affairs~~.

21 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

22 Section 805. The Alternate Fuels Act is amended by changing  
23 Sections 15, 21, 25, 31, 32, and 40 as follows:

24 (415 ILCS 120/15)

25 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
26 dedicate sufficient resources to implement the purposes of  
27 Section 30 of this Act. Such rules shall be consistent with the  
28 provisions of the Clean Air Act Amendments of 1990 and any  
29 regulations promulgated pursuant thereto. The Secretary of  
30 State may promulgate rules to implement Section 35 of this Act.  
31 The Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ may promulgate rules to implement Section 25 of this

1 Act.

2 (Source: P.A. 89-410; 90-726, eff. 8-7-98; revised 12-6-03.)

3 (415 ILCS 120/21)

4 Sec. 21. Alternate Fuel Infrastructure Advisory Board. The  
5 Governor shall appoint an Alternate Fuel Infrastructure  
6 Advisory Board. The Advisory Board shall be chaired by the  
7 Director of ~~the Department of~~ Commerce and Economic Opportunity  
8 ~~Community Affairs~~, who may be represented at all meetings by a  
9 designee. Other members appointed by the Governor shall consist  
10 of one representative from the ethanol industry, one  
11 representative from the natural gas industry, one  
12 representative from the auto manufacturing industry, one  
13 representative from the liquid petroleum gas industry, one  
14 representative from the Agency, one representative from the  
15 heavy duty engine manufacturing industry, one representative  
16 from Illinois private fleet operators, and one representative  
17 of local government from the Chicago nonattainment area.

18 The Advisory Board shall (1) prepare and recommend to the  
19 Department of Commerce and Economic Opportunity (formerly  
20 Department of Commerce and Community Affairs) a program  
21 implementing Section 31 of this Act and (2) recommend criteria  
22 and procedures to be followed in awarding grants.

23 Members of the Advisory Board shall not be reimbursed their  
24 costs and expenses of participation. All decisions of the  
25 Advisory Board shall be decided on a one vote per member basis  
26 with a majority of the Advisory Board membership to rule.

27 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

28 (415 ILCS 120/25)

29 Sec. 25. Ethanol fuel research program. The Department of  
30 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
31 administer a research program to reduce the costs of producing  
32 ethanol fuels and increase the viability of ethanol fuels, new  
33 ethanol engine technologies, and ethanol refueling  
34 infrastructure. This research shall be funded from the

1 Alternate Fuels Fund. The research program shall remain in  
2 effect, subject to appropriation after calendar year 2004, or  
3 until funds are no longer available.

4 (Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03;  
5 revised 12-6-03.)

6 (415 ILCS 120/31)

7 Sec. 31. Alternate Fuel Infrastructure Program. Subject to  
8 appropriation, the Department of Commerce and Community  
9 Affairs (now Department of Commerce and Economic  
10 Opportunity) shall establish a grant program to provide funding  
11 for the building of E85 blend, propane, and compressed natural  
12 gas (CNG) fueling facilities, including private on-site  
13 fueling facilities, to be built within the covered area or in  
14 Illinois metropolitan areas over 100,000 in population. The  
15 Department of Commerce and Economic Opportunity ~~Community~~  
16 ~~Affairs~~ shall be responsible for reviewing the proposals and  
17 awarding the grants.

18 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

19 (415 ILCS 120/32)

20 Sec. 32. Clean Fuel Education Program. Subject to  
21 appropriation, the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~, in cooperation with the Agency  
23 and Chicago Area Clean Cities, shall administer the Clean Fuel  
24 Education Program, the purpose of which is to educate fleet  
25 administrators and Illinois' citizens about the benefits of  
26 using alternate fuels. The program shall include a media  
27 campaign.

28 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

29 (415 ILCS 120/40)

30 Sec. 40. Appropriations from the Alternate Fuels Fund.

31 (a) User Fees Funds. The Agency shall estimate the amount  
32 of user fees expected to be collected under Section 35 of this  
33 Act for each fiscal year. User fee funds shall be deposited

1 into and distributed from the Alternate Fuels Fund in the  
2 following manner:

3 (1) In each of fiscal years 1999, 2000, 2001, 2002, and  
4 2003, an amount not to exceed \$200,000, and beginning in  
5 fiscal year 2004 an annual amount not to exceed \$225,000,  
6 may be appropriated to the Agency from the Alternate Fuels  
7 Fund to pay its costs of administering the programs  
8 authorized by Section 30 of this Act. Up to \$200,000 may be  
9 appropriated to the Office of the Secretary of State in  
10 each of fiscal years 1999, 2000, 2001, 2002, and 2003 from  
11 the Alternate Fuels Fund to pay the Secretary of State's  
12 costs of administering the programs authorized under this  
13 Act. Beginning in fiscal year 2004 and in each fiscal year  
14 thereafter, an amount not to exceed \$225,000 may be  
15 appropriated to the Secretary of State from the Alternate  
16 Fuels Fund to pay the Secretary of State's costs of  
17 administering the programs authorized under this Act.

18 (2) In fiscal years 1999, 2000, 2001, and 2002, after  
19 appropriation of the amounts authorized by item (1) of  
20 subsection (a) of this Section, the remaining moneys  
21 estimated to be collected during each fiscal year shall be  
22 appropriated as follows: 80% of the remaining moneys shall  
23 be appropriated to fund the programs authorized by Section  
24 30, and 20% shall be appropriated to fund the programs  
25 authorized by Section 25. In fiscal year 2004 and each  
26 fiscal year thereafter, after appropriation of the amounts  
27 authorized by item (1) of subsection (a) of this Section,  
28 the remaining moneys estimated to be collected during each  
29 fiscal year shall be appropriated as follows: 70% of the  
30 remaining moneys shall be appropriated to fund the programs  
31 authorized by Section 30 and 30% shall be appropriated to  
32 fund the programs authorized by Section 31.

33 (3) (Blank).

34 (4) Moneys appropriated to fund the programs  
35 authorized in Sections 25 and 30 shall be expended only  
36 after they have been collected and deposited into the

1 Alternate Fuels Fund.

2 (b) General Revenue Fund Appropriations. General Revenue  
3 Fund amounts appropriated to and deposited into the Alternate  
4 Fuels Fund shall be distributed from the Alternate Fuels Fund  
5 in the following manner:

6 (1) In each of fiscal years 2003 and 2004, an amount  
7 not to exceed \$50,000 may be appropriated to the Department  
8 of Commerce and Community Affairs (now Department of  
9 Commerce and Economic Opportunity) from the Alternate  
10 Fuels Fund to pay its costs of administering the programs  
11 authorized by Sections 31 and 32.

12 (2) In each of fiscal years 2003 and 2004, an amount  
13 not to exceed \$50,000 may be appropriated to the Department  
14 of Commerce and Community Affairs (now Department of  
15 Commerce and Economic Opportunity) to fund the programs  
16 authorized by Section 32.

17 (3) In each of fiscal years 2003 and 2004, after  
18 appropriation of the amounts authorized in items (1) and  
19 (2) of subsection (b) of this Section, the remaining moneys  
20 received from the General Revenue Fund shall be  
21 appropriated as follows: 52.632% of the remaining moneys  
22 shall be appropriated to fund the programs authorized by  
23 Sections 25 and 30 and 47.368% of the remaining moneys  
24 shall be appropriated to fund the programs authorized by  
25 Section 31. The moneys appropriated to fund the programs  
26 authorized by Sections 25 and 30 shall be used as follows:  
27 20% shall be used to fund the programs authorized by  
28 Section 25, and 80% shall be used to fund the programs  
29 authorized by Section 30.

30 Moneys appropriated to fund the programs authorized in  
31 Section 31 shall be expended only after they have been  
32 deposited into the Alternate Fuels Fund.

33 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised  
34 12-6-03.)

35 Section 810. The Interstate Ozone Transport Oversight Act

1 is amended by changing Section 20 as follows:

2 (415 ILCS 130/20)

3 Sec. 20. Legislative referral and public hearings.

4 (a) Not later than 10 days after the development of any  
5 proposed memorandum of understanding by the Ozone Transport  
6 Assessment Group potentially requiring the State of Illinois to  
7 undertake emission reductions in addition to those specified by  
8 the Clean Air Act Amendments of 1990, or subsequent to the  
9 issuance of a request made by the United States Environmental  
10 Protection Agency on or after June 1, 1997 for submission of a  
11 State Implementation Plan for Illinois relating to ozone  
12 attainment and before submission of the Plan, the Director  
13 shall submit the proposed memorandum of understanding or State  
14 Implementation Plan to the House Committee and the Senate  
15 Committee for their consideration. At that time, the Director  
16 shall also submit information detailing any alternate  
17 strategies.

18 (b) To assist the legislative review required by this Act,  
19 the Department of Natural Resources and the Department of  
20 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
21 conduct a joint study of the impacts on the State's economy  
22 which may result from implementation of the emission reduction  
23 strategies contained within any proposed memorandum of  
24 understanding or State Implementation Plan relating to ozone  
25 and from implementation of any alternate strategies. The study  
26 shall include, but not be limited to, the impacts on economic  
27 development, employment, utility costs and rates, personal  
28 income, and industrial competitiveness which may result from  
29 implementation of the emission reduction strategies contained  
30 within any proposed memorandum of agreement or State  
31 Implementation Plan relating to ozone and from implementation  
32 of any alternate strategies. The study shall be submitted to  
33 the House Committee and Senate Committee not less than 10 days  
34 prior to any scheduled hearing conducted pursuant to subsection  
35 (c) of this Section.

1 (c) Upon receipt of the information required by subsections  
2 (a) and (b) of this Section, the House Committee and Senate  
3 Committee shall each convene one or more public hearings to  
4 receive comments from agencies of government and other  
5 interested parties on the memorandum of understanding's or  
6 State Implementation Plan's prospective economic and  
7 environmental impacts, including its impacts on energy use,  
8 economic development, utility costs and rates, and  
9 competitiveness. Additionally, comments shall be received on  
10 the prospective economic and environmental impacts, including  
11 impacts on energy use, economic development, utility costs and  
12 rates, and competitiveness, which may result from  
13 implementation of any alternate strategies.

14 (Source: P.A. 89-566, eff. 7-26-96; 90-500, eff. 8-19-97;  
15 revised 12-6-03.)

16 Section 815. The Illinois Poison Prevention Packaging Act  
17 is amended by changing Section 6 as follows:

18 (430 ILCS 40/6) (from Ch. 111 1/2, par. 296)

19 Sec. 6. (a) For the purpose of assisting in carrying out  
20 the purposes of this Act, the Director may appoint a technical  
21 advisory committee, designating a member thereof to be a  
22 chairman, composed of not more than 18 members who are  
23 representative of (1) the Department of Public Health, (2) the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~, (3) manufacturers of household substances subject to  
26 this Act, (4) scientists with expertise related to this Act and  
27 licensed practitioners in the medical field, (5) consumers, and  
28 (6) manufacturers of packages and closures for household  
29 substances. The Director may consult with the technical  
30 advisory committee in making findings and in establishing  
31 standards pursuant to this Act.

32 (b) Members of the technical advisory committee who are not  
33 regular full-time employees of the State of Illinois shall,  
34 while attending meetings of such committee, be entitled to



1 receive compensation at a rate fixed by the Director, but not  
2 exceeding \$100 per diem, including travel time, and while so  
3 serving away from their homes or regular places of business,  
4 they may be allowed travel expenses.

5 (Source: P.A. 81-1509; revised 12-6-03.)

6 Section 820. The Agricultural Areas Conservation and  
7 Protection Act is amended by changing Section 20.1 as follows:

8 (505 ILCS 5/20.1) (from Ch. 5, par. 1020.1)

9 Sec. 20.1. Report to General Assembly and State Agencies.

10 The Department of Agriculture shall make an annual report to  
11 the General Assembly on the location and size of all  
12 agricultural areas created or dissolved during the past year  
13 and of any other alterations of agricultural areas. For the  
14 purpose of planning project alternatives, the Department of  
15 Agriculture shall provide a description of all agricultural  
16 areas to the following agencies and shall notify the following  
17 agencies of the creation, alteration, or dissolution of  
18 agricultural areas: the Governor's Office of Management and  
19 Budget Bureau of the Budget, the Department of Natural  
20 Resources, the Illinois Commerce Commission, the Department of  
21 Commerce and Economic Opportunity ~~Community Affairs~~, the  
22 Environmental Protection Agency, the Capital Development  
23 Board, and the Department of Transportation.

24 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

25 Section 825. The County Cooperative Extension Law is  
26 amended by changing Section 2b as follows:

27 (505 ILCS 45/2b) (from Ch. 5, par. 242b)

28 Sec. 2b. The Cooperative Extension Service of the  
29 University of Illinois shall establish a Rural Transition  
30 Program to be operated in cooperation with the Department of  
31 Commerce and Economic Opportunity ~~Community Affairs~~ to provide  
32 assessments, career counseling, on-the-job training, tuition

1 reimbursements, classroom training, financial management  
2 training, work experience opportunities, job search skills,  
3 job placement, youth programs, and support service to farmers  
4 and their families, agriculture-related employees, other rural  
5 residents, and small rural businesses who are being forced out  
6 of farming or other primary means of employment or whose  
7 standard of living or employment has been reduced because of  
8 prevailing economic conditions in the agricultural or rural  
9 economy. Eligible farmers and their families shall include  
10 those who can demonstrate proof of financial stress, proof of  
11 foreclosure, proof of bankruptcy, proof of inability to secure  
12 needed capital, proof of voluntary foreclosure or proof of  
13 income eligibility for assistance programs administered by the  
14 Department of Human Services (acting as successor to the  
15 Department of Public Aid under the Department of Human Services  
16 Act). Eligible agriculture related employees shall mean tenant  
17 farmers or other farm employees and employees of businesses  
18 related to agricultural production who are facing  
19 displacement, unemployment or underemployment due to a closure  
20 or reduction in operation of such business or farm due to poor  
21 economic conditions that prevail in the agricultural or rural  
22 economy. Other eligible rural residents shall include those  
23 residing in rural areas whose employment or standard of living  
24 has been reduced due to the poor economic conditions that  
25 prevail in the agricultural or rural economy. Eligible small  
26 rural businesses shall include those existing or new businesses  
27 established and operating in rural areas that lack access to  
28 other sources of services provided by this Section. In carrying  
29 out the provisions of this Section, the Cooperative Extension  
30 Service may enter into agreements with the Department of  
31 Commerce and Community Affairs, community colleges, vocational  
32 schools, and any other State or local private or public agency  
33 or entity deemed necessary.

34 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

35 Section 830. The Farmland Preservation Act is amended by

1 changing Section 3 as follows:

2 (505 ILCS 75/3) (from Ch. 5, par. 1303)

3 Sec. 3. An Inter-Agency Committee on Farmland Preservation  
4 is created. The Directors or Chairpersons of the following  
5 agencies, or their representatives, shall serve as members of  
6 the Committee:

7 (a) the Capital Development Board;

8 (b) the Department of Natural Resources;

9 (c) the Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~;

11 (d) the Environmental Protection Agency;

12 (e) the Department of Transportation;

13 (f) the Governor's Office of Management and Budget ~~Bureau~~  
14 ~~of the Budget~~;

15 (g) the Illinois Commerce Commission; and

16 (h) the Department of Agriculture.

17 The Director of the Department of Agriculture, or his  
18 representative, shall serve as chairman.

19 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

20 Section 835. The Illinois Forestry Development Act is  
21 amended by changing Section 6a as follows:

22 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

23 (Section scheduled to be repealed on December 31, 2008)

24 Sec. 6a. Illinois Forestry Development Council.

25 (a) The Illinois Forestry Development Council is hereby  
26 re-created by this amendatory Act of the 91st General Assembly.

27 (b) The Council shall consist of 24 members appointed as  
28 follows:

29 (1) four members of the General Assembly, one appointed  
30 by the President of the Senate, one appointed by the Senate  
31 Minority Leader, one appointed by the Speaker of the House  
32 of Representatives, and one appointed by the House Minority  
33 Leader;

1 (2) one member appointed by the Governor to represent  
2 the Governor;

3 (3) the Directors of the Departments of Natural  
4 Resources, Agriculture, and Commerce and Economic  
5 Opportunity ~~Community Affairs~~, the Executive Director of  
6 the Illinois Finance Authority, and the Director of the  
7 Office of Rural Affairs, or their designees;

8 (4) the chairman of the Department of Forestry or a  
9 forestry academician, appointed by the Dean of Agriculture  
10 at Southern Illinois University at Carbondale;

11 (5) the head of the Department of Natural Resources and  
12 Environmental Sciences or a forestry academician,  
13 appointed by the Dean of Agriculture at the University of  
14 Illinois;

15 (6) two members, appointed by the Governor, who shall  
16 be private timber growers;

17 (7) one member, appointed by the president of the  
18 Illinois Wood Products Association, who shall be involved  
19 in primary forestry industry;

20 (8) one member, appointed by the president of the  
21 Illinois Wood Products Association, who shall be involved  
22 in secondary forestry industry;

23 (9) one member who is actively involved in  
24 environmental issues, appointed by the Governor;

25 (10) the president of the Association of Illinois Soil  
26 and Water Conservation Districts;

27 (11) two persons who are actively engaged in farming,  
28 appointed by the Governor;

29 (12) one member, appointed by the Governor, whose  
30 primary area of expertise is urban forestry;

31 (13) one member appointed by the President of the  
32 Illinois Arborists Association;

33 (14) the Supervisor of the Shawnee National Forest and  
34 the United States Department of Agriculture Natural  
35 Resource Conservation Service's State Conservationist, ex  
36 officio, or their designees.

1 (c) Members of the Council shall serve without compensation  
2 but shall be reimbursed for actual expenses incurred in the  
3 performance of their duties which are not otherwise reimbursed.

4 (d) The Council shall select from its membership a  
5 chairperson and such other officers as it considers necessary.

6 (e) Other individuals, agencies and organizations may be  
7 invited to participate as deemed advisable by the Council.

8 (f) The Council shall study and evaluate the forestry  
9 resources and forestry industry of Illinois. The Council shall:

10 (1) determine the magnitude, nature and extent of the  
11 State's forestry resources;

12 (2) determine current uses and project future demand  
13 for forest products, services and benefits in Illinois;

14 (3) determine and evaluate the ownership  
15 characteristics of the State's forests, the motives for  
16 forest ownership and the success of incentives necessary to  
17 stimulate development of forest resources;

18 (4) determine the economic development and management  
19 opportunities that could result from improvements in local  
20 and regional forest product marketing and from the  
21 establishment of new or additional wood-related businesses  
22 in Illinois;

23 (5) confer with and offer assistance to the Illinois  
24 Finance Authority relating to its implementation of forest  
25 industry assistance programs authorized by the Illinois  
26 Finance Authority Act;

27 (6) determine the opportunities for increasing  
28 employment and economic growth through development of  
29 forest resources;

30 (7) determine the effect of current governmental  
31 policies and regulations on the management of woodlands and  
32 the location of wood products markets;

33 (8) determine the staffing and funding needs for  
34 forestry and other conservation programs to support and  
35 enhance forest resources development;

36 (9) determine the needs of forestry education programs

1 in this State;

2 (10) confer with and offer assistance to the Department  
3 of Natural Resources relating to the implementation of  
4 urban forestry assistance grants pursuant to the Urban and  
5 Community Forestry Assistance Act; and

6 (11) determine soil and water conservation benefits  
7 and wildlife habitat enhancement opportunities that can be  
8 promoted through approved forestry management plans.

9 (g) The Council shall report (i) its findings and  
10 recommendations for future State action and (ii) its evaluation  
11 of Urban/Community Forestry Assistance Grants to the General  
12 Assembly no later than July 1 of each year.

13 (h) This Section 6a is repealed December 31, 2008.

14 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

15 Section 840. The Illinois Youth and Young Adult Employment  
16 Act of 1986 is amended by changing Section 5 as follows:

17 (525 ILCS 50/5) (from Ch. 48, par. 2555)

18 Sec. 5. Cooperation. The Department of Natural Resources  
19 shall have the full cooperation of the Department of Commerce  
20 and Economic Opportunity ~~Community Affairs~~, the Illinois State  
21 Job Coordinating Council created by the Federal Job Training  
22 Partnership Act (Public Law 97-300), and the Department of  
23 Employment Security to carry out the purposes of this Act.

24 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

25 Section 845. The Bikeway Act is amended by changing Section  
26 4 as follows:

27 (605 ILCS 30/4) (from Ch. 121, par. 604)

28 Sec. 4. In expending funds available for purposes of this  
29 Act, the Department shall cooperate with municipalities,  
30 townships, counties, road districts, park districts and other  
31 appropriate agencies and organizations and, where possible and  
32 practicable, shall allocate its expenditures among the several

1 regions of the State, proportionally to the bicycling  
2 population.

3 The Secretary of Transportation shall serve as chairman of  
4 and shall at least quarterly convene an interagency council on  
5 the bikeways program, comprised of the Director of Natural  
6 Resources, the Director of Commerce and Economic Opportunity  
7 ~~Community Affairs~~, the State Superintendent of Education, a  
8 county engineer or county superintendent of highways chosen by  
9 the statewide association of county engineers, a  
10 representative of the Cook County Forest Preserve District, and  
11 the Secretary of Transportation, for the purpose of determining  
12 policy and priorities in effectuating the purposes of this Act.  
13 (Source: P.A. 89-337, eff. 1-1-96; 89-445, eff. 2-7-96; revised  
14 12-6-03.)

15 Section 850. The Illinois Aeronautics Act is amended by  
16 changing Section 34b as follows:

17 (620 ILCS 5/34b)

18 Sec. 34b. Airport Land Loan Program.

19 (a) The Department may make loans to public airport owners  
20 for the purchase of any real estate interests as may be needed  
21 for essential airport purposes, including future needs,  
22 subject to the following conditions:

23 (1) loans may be made only to public airport owners  
24 that are operating an airport as of January 1, 1999; and

25 (2) loans may not be made for airports that provide  
26 scheduled commercial air service in counties of greater  
27 than 5,000,000 population.

28 The loans are payable from the Airport Land Loan Revolving  
29 Fund, subject to appropriation. All repayments of loans made  
30 pursuant to this Section, including interest thereon and  
31 penalties, shall be deposited in the Airport Land Loan  
32 Revolving Fund. The Treasurer shall deposit all investment  
33 earnings arising from balances in the Airport Land Loan  
34 Revolving Fund in that Fund.

1 (b) All loans under this Section shall be made by contract  
2 between the Department and the public airport owner, which  
3 contract shall include the following provisions:

4 (1) The annual rate of interest shall be the lesser of

5 (A) 2 percent below the Prime Rate charged by banks, as  
6 published by the Federal Reserve Board, in effect at the  
7 time the Department approves the loan, or (B) a rate  
8 determined by the Department, after consultation with the  
9 Governor's Office of Management and Budget ~~Bureau of the~~  
10 ~~Budget~~, that will not adversely affect the tax-exempt  
11 status of interest on the bonds of the State issued in  
12 whole or in part to make deposits into the Airport Land  
13 Loan Revolving Fund, nor diminish the benefit to the State  
14 of the tax-exempt status of the interest on such bonds.

15 (2) The term of any loan shall not exceed five years,  
16 but it may be for less by mutual agreement.

17 (3) Loan payments shall be scheduled in equal amounts  
18 for the periods determined under paragraph (4) of this  
19 Section. The loan payments shall be calculated so that the  
20 loan is completely repaid, with interest, on outstanding  
21 balances, by the end of the term determined under paragraph  
22 (2) of this Section. There shall be no penalty for early  
23 payment ahead of the payment schedule.

24 (4) The period of loan payments shall be annual, unless  
25 by mutual agreement a period of less than one year is  
26 chosen.

27 (5) The loan shall be secured with the land purchased,  
28 in whole or in part, with the loan and considered as  
29 collateral. The public airport owner shall assign a first  
30 priority interest in the property to the State.

31 (6) If the loan payment is not made within 15 days  
32 after the scheduled date determined under paragraph (3) of  
33 this Section, a penalty of 10% of the payment shall be  
34 assessed. If 30 days after the scheduled payment date no  
35 payment has been received, the loan shall be considered in  
36 default.



1           (7) As soon as a loan is considered in default, the  
2           Department shall notify the public airport owner and  
3           attempt to enter into a renegotiation of the loan payment  
4           amounts and schedule determined under paragraph (3) of this  
5           Section. In no case shall the term of the loan be extended  
6           beyond the initial term determined under paragraph (2) of  
7           this Section; nor shall the interest rate be lowered nor  
8           any interest be forgiven. If a renegotiation of loan  
9           payment amounts and schedule is obtained to the  
10          Department's satisfaction within 30 days of notification  
11          of default, then the new payment schedule shall replace the  
12          one determined by paragraph (3) of this Section and shall  
13          be used to measure compliance with the loan for purposes of  
14          default. If after 30 days of notification of default the  
15          Department has not obtained a renegotiation to its  
16          satisfaction, the Department shall declare the loan  
17          balance due and payable immediately. If the public airport  
18          owner cannot immediately pay the balance of the loan, the  
19          Department shall proceed to foreclose.

20          (c) The Department may promulgate any rules that it finds  
21          appropriate to implement this Airport Land Loan Program.

22          (d) The Airport Land Loan Revolving Fund is created in the  
23          State Treasury.

24          (Source: P.A. 91-543, eff. 8-14-99; 91-712, eff. 7-1-00;  
25          revised 8-23-03.)

26          Section 855. The Illinois Vehicle Code is amended by  
27          changing Section 3-1001 as follows:

28                 (625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

29          Sec. 3-1001. A tax is hereby imposed on the privilege of  
30          using, in this State, any motor vehicle as defined in Section  
31          1-146 of this Code acquired by gift, transfer, or purchase, and  
32          having a year model designation preceding the year of  
33          application for title by 5 or fewer years prior to October 1,  
34          1985 and 10 or fewer years on and after October 1, 1985 and

1 prior to January 1, 1988. On and after January 1, 1988, the tax  
 2 shall apply to all motor vehicles without regard to model year.  
 3 Except that the tax shall not apply

4 (i) if the use of the motor vehicle is otherwise taxed  
 5 under the Use Tax Act;

6 (ii) if the motor vehicle is bought and used by a  
 7 governmental agency or a society, association, foundation  
 8 or institution organized and operated exclusively for  
 9 charitable, religious or educational purposes;

10 (iii) if the use of the motor vehicle is not subject to  
 11 the Use Tax Act by reason of subsection (a), (b), (c), (d),  
 12 (e) or (f) of Section 3-55 of that Act dealing with the  
 13 prevention of actual or likely multistate taxation;

14 (iv) to implements of husbandry;

15 (v) when a junking certificate is issued pursuant to  
 16 Section 3-117(a) of this Code;

17 (vi) when a vehicle is subject to the replacement  
 18 vehicle tax imposed by Section 3-2001 of this Act;

19 (vii) when the transfer is a gift to a beneficiary in  
 20 the administration of an estate and the beneficiary is a  
 21 surviving spouse.

22 Prior to January 1, 1988, the rate of tax shall be 5% of  
 23 the selling price for each purchase of a motor vehicle covered  
 24 by Section 3-1001 of this Code. Except as hereinafter provided,  
 25 beginning January 1, 1988, the rate of tax shall be as follows  
 26 for transactions in which the selling price of the motor  
 27 vehicle is less than \$15,000:

Number of Years Transpired After	Applicable Tax
Model Year of Motor Vehicle	
1 or less	\$390
2	290
3	215
4	165
5	115
6	90
7	80

1	8	65
2	9	50
3	10	40
4	over 10	25

5 Except as hereinafter provided, beginning January 1, 1988, the  
 6 rate of tax shall be as follows for transactions in which the  
 7 selling price of the motor vehicle is \$15,000 or more:

8	Selling Price	Applicable Tax
9	\$15,000 - \$19,999	\$ 750
10	\$20,000 - \$24,999	\$1,000
11	\$25,000 - \$29,999	\$1,250
12	\$30,000 and over	\$1,500

13 For the following transactions, the tax rate shall be \$15 for  
 14 each motor vehicle acquired in such transaction:

15 (i) when the transferee or purchaser is the spouse,  
 16 mother, father, brother, sister or child of the transferor;

17 (ii) when the transfer is a gift to a beneficiary in  
 18 the administration of an estate and the beneficiary is not  
 19 a surviving spouse;

20 (iii) when a motor vehicle which has once been  
 21 subjected to the Illinois retailers' occupation tax or use  
 22 tax is transferred in connection with the organization,  
 23 reorganization, dissolution or partial liquidation of an  
 24 incorporated or unincorporated business wherein the  
 25 beneficial ownership is not changed.

26 A claim that the transaction is taxable under subparagraph  
 27 (i) shall be supported by such proof of family relationship as  
 28 provided by rules of the Department.

29 For a transaction in which a motorcycle, motor driven cycle  
 30 or motorized pedalcycle is acquired the tax rate shall be \$25.

31 On and after October 1, 1985, 1/12 of \$5,000,000 of the  
 32 moneys received by the Department of Revenue pursuant to this  
 33 Section shall be paid each month into the Build Illinois Fund  
 34 and the remainder into the General Revenue Fund.

35 At the end of any fiscal year in which the moneys received  
 36 by the Department of Revenue pursuant to this Section exceeds

1 the Annual Specified Amount, as defined in Section 3 of the  
2 Retailers' Occupation Tax Act, the State Comptroller shall  
3 direct the State Treasurer to transfer such excess amount from  
4 the General Revenue Fund to the Build Illinois Purposes Fund.

5 The tax imposed by this Section shall be abated and no  
6 longer imposed when the amount deposited to secure the bonds  
7 issued pursuant to the Build Illinois Bond Act is sufficient to  
8 provide for the payment of the principal of, and interest and  
9 premium, if any, on the bonds, as certified to the State  
10 Comptroller and the Director of Revenue by the Director of the  
11 Governor's Office of Management and Budget Bureau of the  
12 ~~Budget.~~

13 (Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

14 Section 860. The Code of Civil Procedure is amended by  
15 changing Section 7-103.3 as follows:

16 (735 ILCS 5/7-103.3)

17 Sec. 7-103.3. Quick-take; coal development purposes.  
18 Quick-take proceedings under Section 7-103 may be used by the  
19 Department of Commerce and Economic Opportunity ~~Community~~  
20 ~~Affairs~~ for the purpose specified in the Illinois Coal  
21 Development Bond Act.

22 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

23 Section 865. The Illinois Human Rights Act is amended by  
24 changing Section 2-105 as follows:

25 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

26 Sec. 2-105. Equal Employment Opportunities; Affirmative  
27 Action.

28 (A) Public Contracts. Every party to a public contract and  
29 every eligible bidder shall:

30 (1) Refrain from unlawful discrimination and  
31 discrimination based on citizenship status in employment  
32 and undertake affirmative action to assure equality of

1 employment opportunity and eliminate the effects of past  
2 discrimination;

3 (2) Comply with the procedures and requirements of the  
4 Department's regulations concerning equal employment  
5 opportunities and affirmative action;

6 (3) Provide such information, with respect to its  
7 employees and applicants for employment, and assistance as  
8 the Department may reasonably request;

9 (4) Have written sexual harassment policies that shall  
10 include, at a minimum, the following information: (i) the  
11 illegality of sexual harassment; (ii) the definition of  
12 sexual harassment under State law; (iii) a description of  
13 sexual harassment, utilizing examples; (iv) the vendor's  
14 internal complaint process including penalties; (v) the  
15 legal recourse, investigative and complaint process  
16 available through the Department and the Commission; (vi)  
17 directions on how to contact the Department and Commission;  
18 and (vii) protection against retaliation as provided by  
19 Section 6-101 of this Act. A copy of the policies shall be  
20 provided to the Department upon request.

21 (B) State Agencies. Every State executive department,  
22 State agency, board, commission, and instrumentality shall:

23 (1) Comply with the procedures and requirements of the  
24 Department's regulations concerning equal employment  
25 opportunities and affirmative action;

26 (2) Provide such information and assistance as the  
27 Department may request.

28 (3) Establish, maintain, and carry out a continuing  
29 affirmative action plan consistent with this Act and the  
30 regulations of the Department designed to promote equal  
31 opportunity for all State residents in every aspect of  
32 agency personnel policy and practice. For purposes of these  
33 affirmative action plans, the race and national origin  
34 categories to be included in the plans are: African  
35 American, Hispanic or Latino, Native American, Asian, and  
36 any other category as required by Department rule. This

1 plan shall include a current detailed status report:

2 (a) indicating, by each position in State service,  
3 the number, percentage, and average salary of  
4 individuals employed by race, national origin, sex and  
5 disability, and any other category that the Department  
6 may require by rule;

7 (b) identifying all positions in which the  
8 percentage of the people employed by race, national  
9 origin, sex and disability, and any other category that  
10 the Department may require by rule, is less than  
11 four-fifths of the percentage of each of those  
12 components in the State work force;

13 (c) specifying the goals and methods for  
14 increasing the percentage by race, national origin,  
15 sex and disability, and any other category that the  
16 Department may require by rule, in State positions;

17 (d) indicating progress and problems toward  
18 meeting equal employment opportunity goals, including,  
19 if applicable, but not limited to, Department of  
20 Central Management Services recruitment efforts,  
21 publicity, promotions, and use of options designating  
22 positions by linguistic abilities;

23 (e) establishing a numerical hiring goal for the  
24 employment of qualified persons with disabilities in  
25 the agency as a whole, to be based on the proportion of  
26 people with work disabilities in the Illinois labor  
27 force as reflected in the most recent decennial Census.

28 (4) If the agency has 1000 or more employees, appoint a  
29 full-time Equal Employment Opportunity officer, subject to  
30 the Department's approval, whose duties shall include:

31 (a) Advising the head of the particular State  
32 agency with respect to the preparation of equal  
33 employment opportunity programs, procedures,  
34 regulations, reports, and the agency's affirmative  
35 action plan.

36 (b) Evaluating in writing each fiscal year the

1 sufficiency of the total agency program for equal  
2 employment opportunity and reporting thereon to the  
3 head of the agency with recommendations as to any  
4 improvement or correction in recruiting, hiring or  
5 promotion needed, including remedial or disciplinary  
6 action with respect to managerial or supervisory  
7 employees who have failed to cooperate fully or who are  
8 in violation of the program.

9 (c) Making changes in recruitment, training and  
10 promotion programs and in hiring and promotion  
11 procedures designed to eliminate discriminatory  
12 practices when authorized.

13 (d) Evaluating tests, employment policies,  
14 practices and qualifications and reporting to the head  
15 of the agency and to the Department any policies,  
16 practices and qualifications that have unequal impact  
17 by race, national origin as required by Department  
18 rule, sex or disability or any other category that the  
19 Department may require by rule, and to assist in the  
20 recruitment of people in underrepresented  
21 classifications. This function shall be performed in  
22 cooperation with the State Department of Central  
23 Management Services.

24 (e) Making any aggrieved employee or applicant for  
25 employment aware of his or her remedies under this Act.

26 In any meeting, investigation, negotiation,  
27 conference, or other proceeding between a State  
28 employee and an Equal Employment Opportunity officer,  
29 a State employee (1) who is not covered by a collective  
30 bargaining agreement and (2) who is the complaining  
31 party or the subject of such proceeding may be  
32 accompanied, advised and represented by (1) an  
33 attorney licensed to practice law in the State of  
34 Illinois or (2) a representative of an employee  
35 organization whose membership is composed of employees  
36 of the State and of which the employee is a member. A

1 representative of an employee, other than an attorney,  
2 may observe but may not actively participate, or advise  
3 the State employee during the course of such meeting,  
4 investigation, negotiation, conference or other  
5 proceeding. Nothing in this Section shall be construed  
6 to permit any person who is not licensed to practice  
7 law in Illinois to deliver any legal services or  
8 otherwise engage in any activities that would  
9 constitute the unauthorized practice of law. Any  
10 representative of an employee who is present with the  
11 consent of the employee, shall not, during or after  
12 termination of the relationship permitted by this  
13 Section with the State employee, use or reveal any  
14 information obtained during the course of the meeting,  
15 investigation, negotiation, conference or other  
16 proceeding without the consent of the complaining  
17 party and any State employee who is the subject of the  
18 proceeding and pursuant to rules and regulations  
19 governing confidentiality of such information as  
20 promulgated by the appropriate State agency.  
21 Intentional or reckless disclosure of information in  
22 violation of these confidentiality requirements shall  
23 constitute a Class B misdemeanor.

24 (5) Establish, maintain and carry out a continuing  
25 sexual harassment program that shall include the  
26 following:

27 (a) Develop a written sexual harassment policy  
28 that includes at a minimum the following information:  
29 (i) the illegality of sexual harassment; (ii) the  
30 definition of sexual harassment under State law; (iii)  
31 a description of sexual harassment, utilizing  
32 examples; (iv) the agency's internal complaint process  
33 including penalties; (v) the legal recourse,  
34 investigative and complaint process available through  
35 the Department and the Commission; (vi) directions on  
36 how to contact the Department and Commission; and (vii)



1 protection against retaliation as provided by Section  
2 6-101 of this Act. The policy shall be reviewed  
3 annually.

4 (b) Post in a prominent and accessible location and  
5 distribute in a manner to assure notice to all agency  
6 employees without exception the agency's sexual  
7 harassment policy. Such documents may meet, but shall  
8 not exceed, the 6th grade literacy level. Distribution  
9 shall be effectuated within 90 days of the effective  
10 date of this amendatory Act of 1992 and shall occur  
11 annually thereafter.

12 (c) Provide training on sexual harassment  
13 prevention and the agency's sexual harassment policy  
14 as a component of all ongoing or new employee training  
15 programs.

16 (6) Notify the Department 30 days before effecting any  
17 layoff. Once notice is given, the following shall occur:

18 (a) No layoff may be effective earlier than 10  
19 working days after notice to the Department, unless an  
20 emergency layoff situation exists.

21 (b) The State executive department, State agency,  
22 board, commission, or instrumentality in which the  
23 layoffs are to occur must notify each employee targeted  
24 for layoff, the employee's union representative (if  
25 applicable), and the State Dislocated Worker Unit at  
26 the Department of Commerce and Economic Opportunity  
27 ~~Community Affairs~~.

28 (c) The State executive department, State agency,  
29 board, commission, or instrumentality in which the  
30 layoffs are to occur must conform to applicable  
31 collective bargaining agreements.

32 (d) The State executive department, State agency,  
33 board, commission, or instrumentality in which the  
34 layoffs are to occur should notify each employee  
35 targeted for layoff that transitional assistance may  
36 be available to him or her under the Economic

1 Dislocation and Worker Adjustment Assistance Act  
2 administered by the Department of Commerce and  
3 Economic Opportunity ~~Community Affairs~~. Failure to  
4 give such notice shall not invalidate the layoff or  
5 postpone its effective date.

6 As used in this subsection (B), "disability" shall be  
7 defined in rules promulgated under the Illinois Administrative  
8 Procedure Act.

9 (C) Civil Rights Violations. It is a civil rights violation  
10 for any public contractor or eligible bidder to:

11 (1) fail to comply with the public contractor's or  
12 eligible bidder's duty to refrain from unlawful  
13 discrimination and discrimination based on citizenship  
14 status in employment under subsection (A)(1) of this  
15 Section; or

16 (2) fail to comply with the public contractor's or  
17 eligible bidder's duties of affirmative action under  
18 subsection (A) of this Section, provided however, that the  
19 Department has notified the public contractor or eligible  
20 bidder in writing by certified mail that the public  
21 contractor or eligible bidder may not be in compliance with  
22 affirmative action requirements of subsection (A). A  
23 minimum of 60 days to comply with the requirements shall be  
24 afforded to the public contractor or eligible bidder before  
25 the Department may issue formal notice of non-compliance.

26 (Source: P.A. 91-178, eff. 1-1-00; revised 12-6-03.)

27 Section 870. The Hot Water Heater Efficiency Act is amended  
28 by changing Section 1 as follows:

29 (815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

30 Sec. 1. (a) No new storage hot water heater which is not  
31 certified as meeting the energy efficiency standards of the  
32 American Society of Heating, Refrigerating and Air  
33 Conditioning Engineers, Inc., as set forth as the current  
34 ASHRAE 90 Standard, shall be purchased for resale or

1 installation in the State after June 1, 1986; provided,  
2 however, that nothing contained herein shall prevent sales from  
3 being made in the State for use outside the State and provided  
4 that the inventory of storage hot water heaters existing on  
5 April 1, 1986 may be sold after June 1, 1986. Upon the  
6 effective date of this Act, no retail seller or distributor  
7 shall increase its inventory of storage hot water heaters which  
8 are not certified as being in compliance with the current  
9 ASHRAE 90 Standard, and all storage hot water heaters sold  
10 after June 1, 1986 shall be certified and labeled by the  
11 manufacturer as being in compliance with the current ASHRAE 90  
12 Standard.

13 (b) The Department of Commerce and Economic Opportunity  
14 ~~Community Affairs~~ shall provide technical assistance and  
15 information to retail sellers and distributors of storage hot  
16 water heaters doing business in Illinois to facilitate  
17 compliance with the provisions of this Act.

18 (c) This Act does not apply to storage hot water heaters  
19 with a capacity of 20 or fewer gallons designed expressly for  
20 use in recreational vehicles.

21 (d) Any violation of subsection (a) shall be a petty  
22 offense; provided a fine of not less than \$50 nor more than  
23 \$500 shall be imposed, and all fines shall be imposed  
24 consecutively. Each storage hot water heater sold in violation  
25 of this Act shall constitute a separate offense.

26 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

27 Section 875. The Waste Oil Recovery Act is amended by  
28 changing Sections 2.8 and 6 as follows:

29 (815 ILCS 440/2.8) (from Ch. 96 1/2, par. 7702.8)

30 Sec. 2.8. "Department" means the Department of Commerce and  
31 Economic Opportunity ~~Community Affairs~~.

32 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

33 (815 ILCS 440/6) (from Ch. 96 1/2, par. 7706)

1           Sec. 6. Any establishment engaged in retail sales of  
2 automotive lubricating oils is urged to post a sign clearly  
3 visible to the public in every area where automotive  
4 lubricating oils are sold, indicating the closest used oil  
5 storage facility. The sign shall be a minimum size of 8 1/2  
6 inches by 11 inches and shall be available from the Department  
7 of Commerce and Economic Opportunity ~~Community Affairs~~ upon  
8 request by a retail seller of 500 or more gallons per year of  
9 automotive lubricating oil.

10       (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

11           Section 880. The Unemployment Insurance Act is amended by  
12 changing Section 2103 as follows:

13           (820 ILCS 405/2103) (from Ch. 48, par. 663)

14           Sec. 2103. Unemployment compensation administration and  
15 other workforce development costs. All moneys received by the  
16 State or by the Director from any source for the financing of  
17 the cost of administration of this Act, including all federal  
18 moneys allotted or apportioned to the State or to the Director  
19 for that purpose, including moneys received directly or  
20 indirectly from the federal government under the Job Training  
21 Partnership Act, and including moneys received from the  
22 Railroad Retirement Board as compensation for services or  
23 facilities supplied to said Board, or any moneys made available  
24 by this State or its political subdivisions and matched by  
25 moneys granted to this State pursuant to the provisions of the  
26 Wagner-Peyser Act, shall be received and held by the State  
27 Treasurer as ex-officio custodian thereof, separate and apart  
28 from all other State moneys, in the Title III Social Security  
29 and Employment Fund, and such funds shall be distributed or  
30 expended upon the direction of the Director and, except money  
31 received pursuant to the last paragraph of Section 2100B, shall  
32 be distributed or expended solely for the purposes and in the  
33 amounts found necessary by the Secretary of Labor of the United  
34 States of America, or other appropriate federal agency, for the

1 proper and efficient administration of this Act.  
2 Notwithstanding any provision of this Section, all money  
3 requisitioned and deposited with the State Treasurer pursuant  
4 to the last paragraph of Section 2100B shall remain part of the  
5 unemployment trust fund and shall be used only in accordance  
6 with the conditions specified in the last paragraph of Section  
7 2100B.

8 If any moneys received from the Secretary of Labor, or  
9 other appropriate federal agency, under Title III of the Social  
10 Security Act, or any moneys granted to this State pursuant to  
11 the provisions of the Wagner-Peyser Act, or any moneys made  
12 available by this State or its political subdivisions and  
13 matched by moneys granted to this State pursuant to the  
14 provisions of the Wagner-Peyser Act, are found by the Secretary  
15 of Labor, or other appropriate Federal agency, because of any  
16 action or contingency, to have been lost or expended for  
17 purposes other than, or in amounts in excess of, those found  
18 necessary, by the Secretary of Labor, or other appropriate  
19 Federal agency, for the proper administration of this Act, it  
20 is the policy of this State that such moneys shall be replaced  
21 by moneys appropriated for such purpose from the general funds  
22 of this State for expenditure as provided in the first  
23 paragraph of this Section. The Director shall report to the  
24 Governor's Office of Management and Budget ~~Bureau of the~~  
25 ~~Budget~~, in the same manner as is provided generally for the  
26 submission by State Departments of financial requirements for  
27 the ensuing fiscal year, and the Governor shall include in his  
28 budget report to the next regular session of the General  
29 Assembly, the amount required for such replacement.

30 Moneys in the Title III Social Security and Employment Fund  
31 shall not be commingled with other State funds, but they shall  
32 be deposited as required by law and maintained in a separate  
33 account on the books of a savings and loan association or bank.

34 The State Treasurer shall be liable on his general official  
35 bond for the faithful performance of his duties as custodian of  
36 all moneys in the Title III Social Security and Employment

1 Fund. Such liability on his official bond shall exist in  
2 addition to the liability upon any separate bond given by him.  
3 All sums recovered for losses sustained by the fund herein  
4 described shall be deposited therein.

5 Upon the effective date of this amendatory Act of 1987  
6 (January 1, 1988), the Comptroller shall transfer all  
7 unobligated funds from the Job Training Fund into the Title III  
8 Social Security and Employment Fund.

9 On September 1, 2000, or as soon thereafter as may be  
10 reasonably practicable, the State Comptroller shall transfer  
11 all unobligated moneys from the Job Training Partnership Fund  
12 into the Title III Social Security and Employment Fund. The  
13 moneys transferred pursuant to this amendatory Act may be used  
14 or expended for purposes consistent with the conditions under  
15 which those moneys were received by the State.

16 Beginning on the effective date of this amendatory Act of  
17 the 91st General Assembly, all moneys that would otherwise be  
18 deposited into the Job Training Partnership Fund shall instead  
19 be deposited into the Title III Social Security and Employment  
20 Fund, to be used for purposes consistent with the conditions  
21 under which those moneys are received by the State, except that  
22 any moneys that may be necessary to pay liabilities outstanding  
23 as of June 30, 2000 shall be deposited into the Job Training  
24 Partnership Fund.

25 (Source: P.A. 91-704, eff. 7-1-00; revised 8-23-03.)

26 Section 995. No acceleration or delay. Where this Act makes  
27 changes in a statute that is represented in this Act by text  
28 that is not yet or no longer in effect (for example, a Section  
29 represented by multiple versions), the use of that text does  
30 not accelerate or delay the taking effect of (i) the changes  
31 made by this Act or (ii) provisions derived from any other  
32 Public Act.

33 Section 996. No revival or extension. This Act does not  
34 revive or extend any Section or Act otherwise repealed.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.

1

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## Statutes amended in order of appearance

3	5 ILCS 80/5	from Ch. 127, par. 1905
4	5 ILCS 80/6	from Ch. 127, par. 1906
5	5 ILCS 100/5-30	from Ch. 127, par. 1005-30
6	5 ILCS 375/11	from Ch. 127, par. 531
7	5 ILCS 410/15	
8	15 ILCS 20/50-10	was 15 ILCS 20/38.1
9	15 ILCS 20/50-15	was 15 ILCS 20/38.2
10	15 ILCS 322/20	
11	15 ILCS 405/9.02	from Ch. 15, par. 209.02
12	15 ILCS 405/19	from Ch. 15, par. 219
13	15 ILCS 405/21	from Ch. 15, par. 221
14	15 ILCS 405/22.2	from Ch. 15, par. 222.2
15	15 ILCS 425/2	from Ch. 15, par. 602
16	20 ILCS 5/5-330	was 20 ILCS 5/9.18
17	20 ILCS 5/5-530	was 20 ILCS 5/6.01a
18	20 ILCS 10/3	from Ch. 127, par. 953
19	20 ILCS 105/4.02	from Ch. 23, par. 6104.02
20	20 ILCS 105/8.01	from Ch. 23, par. 6108.01
21	20 ILCS 205/205-40	was 20 ILCS 205/40.31
22	20 ILCS 230/10	
23	20 ILCS 405/405-130	was 20 ILCS 405/67.28
24	20 ILCS 405/405-295	was 20 ILCS 405/67.30
25	20 ILCS 405/405-300	was 20 ILCS 405/67.02
26	20 ILCS 405/405-500	
27	20 ILCS 415/8a	from Ch. 127, par. 63b108a
28	20 ILCS 505/34.10	from Ch. 23, par. 5034.10
29	20 ILCS 605/605-75	
30	20 ILCS 605/605-105	was 20 ILCS 605/46.35
31	20 ILCS 605/605-112	was 20 ILCS 605/46.34b
32	20 ILCS 605/605-332	
33	20 ILCS 605/605-360	was 20 ILCS 605/46.19a in part
34	20 ILCS 605/605-415	
35	20 ILCS 605/605-512	was 20 ILCS 605/46.70



1	20 ILCS 605/605-707	was 20 ILCS 605/46.6d
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3	20 ILCS 605/605-865	
4	20 ILCS 608/10	
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7	20 ILCS 615/3	from Ch. 23, par. 3453
8	20 ILCS 615/8	from Ch. 23, par. 3458
9	20 ILCS 620/3	from Ch. 67 1/2, par. 1003
10	20 ILCS 625/2	from Ch. 127, par. 2602
11	20 ILCS 630/2	from Ch. 48, par. 2402
12	20 ILCS 630/3	from Ch. 48, par. 2403
13	20 ILCS 630/5	from Ch. 48, par. 2405
14	20 ILCS 630/7	from Ch. 48, par. 2407
15	20 ILCS 655/3	from Ch. 67 1/2, par. 603
16	20 ILCS 655/12-2	from Ch. 67 1/2, par. 619
17	20 ILCS 660/15	from Ch. 5, par. 2715
18	20 ILCS 662/10	
19	20 ILCS 665/3	from Ch. 127, par. 200-23
20	20 ILCS 665/4b	
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8	20 ILCS 860/2	from Ch. 105, par. 532
9	20 ILCS 860/2a	from Ch. 105, par. 532a
10	20 ILCS 1105/1	from Ch. 96 1/2, par. 7401
11	20 ILCS 1105/8	from Ch. 96 1/2, par. 7408
12	20 ILCS 1110/3	from Ch. 96 1/2, par. 4103
13	20 ILCS 1110/3.1	from Ch. 96 1/2, par. 4103.1
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