94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1889


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

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

Section 1. Nature of this Act.
(a) Public Act 93-25 renamed the Bureau of the Budget as
the Governor's Office of Management and Budget. It also renamed
the Department of Commerce and Community Affairs as the
Department of Commerce and Economic Opportunity. This revisory
Act updates references throughout the Illinois Compiled
Statutes to bring them into conformity with these name changes.

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

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

(5 ILCS 80/5) (from Ch. 127, par. 1905)
Sec. 5. Study and report. The Governor's Office of
Management and Budget Bureau of the Budget shall study the
performance of each regulatory agency and program scheduled for
termination under this Act and report annually to the Governor
the results of such study, including in the report
recommendations with respect to those agencies and programs the
Governor's Office of Management and Budget Bureau of the Budget
determines should be terminated or continued by the State. The
Governor shall review the report of the Governor's Office of
Management and Budget Bureau of the Budget and in each
even-numbered year make recommendations to the General Assembly on the termination or continuation of regulatory agencies and programs.

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

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

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

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

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

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

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

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

(6) The extent to which persons regulated by the agency
or under the program have been required to assess problems in their industry that affect the public;

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

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

and

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

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

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

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

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

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

(1) Establish less stringent compliance or reporting
requirements in the rule for small businesses, not for profit corporations, or small municipalities.

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

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

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

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

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

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

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

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

(4) The conduct of public hearings concerning the impact of the rule on small businesses, not for profit corporations, or small municipalities.
(5) The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities.

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

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

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

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

(4) A description or listing of alternatives to the proposed rule that would minimize the economic impact of the rule. The alternatives must be consistent with the stated objectives of the applicable statutes and regulations.
Section 15. The State Employees Group Insurance Act of 1971 is amended by changing Section 11 as follows:

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

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

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

Universities having employees who are totally compensated
out of the following funds:

(1) Income Funds;
(2) Local auxiliary funds; and
(3) the Agricultural Premium Fund

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

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

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

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

(5 ILCS 410/15)

Sec. 15. Reported information.

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

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

(ii) the total number of persons employed within the agency work force receiving levels of State remuneration within incremental levels of $10,000, and the number and statistical percentage of minorities, women, and
physically disabled persons in the agency work force receiving levels of State remuneration within incremented levels of $10,000;

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

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

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

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

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

(c) To accomplish consistent and uniform classification and collection of information from each State agency, and to ensure full compliance and that all required information is provided, the Index Department of the Office of the Secretary of State, in consultation with the Department of Human Rights, the Department of Central Management Services, and the Office of the Comptroller, shall develop appropriate forms to be used by all State agencies subject to the reporting requirements of this Act.
All State agencies shall make the reports required by this Act using the forms developed under this subsection. The reports must be certified and signed by an official of the agency who is responsible for the information provided. (Source: P.A. 87-1211; 88-126; revised 8-23-03.)

Section 25. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-15 as follows:

Sec. 50-15. Department accountability reports. (a) Beginning in the fiscal year which begins July 1, 1992, each department of State government as listed in Section 5-15 of the Departments of State Government Law (20 ILCS 5/5-15) shall submit an annual accountability report to the Bureau of the Budget (now Governor's Office of Management and Budget) at times designated by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). Each accountability report shall be designed to assist the Bureau (now Office) of the Budget in its duties under Sections 2.2 and 2.3 of the Governor's Office of Management and Budget Bureau of the Budget Act and shall measure the department's performance based on criteria, goals, and objectives established by the department with the oversight and assistance of the Bureau (now Office) of the Budget. Each department shall also submit interim progress reports at times designated by the Director of the Bureau (now Office) of the Budget. (b) (Blank). (c) The Director of the Bureau (now Office) of the Budget shall select not more than 3 departments for a pilot program implementing the procedures of subsection (a) for budget requests for the fiscal years beginning July 1, 1990 and July 1, 1991, and each of the departments elected shall submit accountability reports for those fiscal years.

By April 1, 1991, the Bureau (now Office) of the Budget
shall recommend in writing to the Governor any changes in the
budget review process established pursuant to this Section
suggested by its evaluation of the pilot program. The Governor
shall submit changes to the budget review process that the
Governor plans to adopt, based on the report, to the President
and Minority Leader of the Senate and the Speaker and Minority
Leader of the House of Representatives.
(Source: P.A. 91-239, eff. 1-1-00; 92-850, eff. 8-26-02;
revised 8-23-03.)

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

(15 ILCS 322/20)

Sec. 20. Illinois Literacy Council.

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

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

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

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

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

f) The Secretary of State, in consultation with the Council, shall expend moneys to perform Council functions as authorized by this Act from the Literacy Advancement Fund, a special fund hereby created in the State Treasury. All moneys received from an income tax checkoff for the Literacy Advancement Fund as provided in Section 507I of the Illinois Income Tax Act shall be deposited into the Fund.

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

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

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

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

(Source: P.A. 82-173; revised 8-23-03.)
Sec. 19. Financial records - monthly reports - forms. The comptroller shall maintain complete, accurate and current financial records relating to State funds and to other public funds and assets available to, encumbered or expended by each State agency, including trust funds or other moneys not subject to appropriation, setting out all revenues, charges against all funds, fund and appropriation balances, interfund transfers, warrants outstanding and assets and encumbrances, in a manner consistent with the uniform State accounting system prescribed by the comptroller. Such records shall be public records open to public inspection.

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

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

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

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

The comptroller shall prescribe forms for the periodic
reporting of financial accounts, transactions and other
matters by State agencies, compatible with the reports required
of the comptroller under this Section.
(Source: P.A. 82-789; revised 8-23-03.)

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

Sec. 21. Rules and Regulations - Imprest accounts. The
Comptroller shall promulgate rules and regulations to
implement the exercise of his powers and performance of his
duties under this Act and to guide and assist State agencies in
complying with this Act. Any rule or regulation specifically
requiring the approval of the State Treasurer under this Act
for adoption by the comptroller shall require the approval of
the State Treasurer for modification or repeal.

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

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

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

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

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

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

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

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

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

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

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

(15 ILCS 425/2) (from Ch. 15, par. 602)
Sec. 2. The State Comptroller shall publish manuals and operating procedures which may be used by units of local government in complying with accounting, auditing and reporting requirements. These manuals and procedures shall be designed to account for the various kinds and sizes of units of local government.

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

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

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

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

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

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

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

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

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

Sec. 5-530. In the Department of Agriculture and in
cooperation with the Department of Commerce and Economic Opportunity Community Affairs. An Agricultural Export Advisory Committee composed of the following: 2 members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; 2 members of the Senate, to be appointed by the President of the Senate; the Director of Agriculture, who shall serve as Secretary of the Committee; and not more than 15 members to be appointed by the Governor. The members of the committee shall receive no compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties under this Act.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

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

(20 ILCS 10/3) (from Ch. 127, par. 953)
Sec. 3. On or before the first Friday in April of each odd-numbered year, each agency listed in subsection (a) of Section 4 shall prepare and cause to be submitted to the General Assembly a comprehensive plan providing for the best possible use of available resources for the development of the State's human resources and the provision of social services by the agency. In preparing that plan, each agency shall emphasize coordination and cooperation with other agencies listed in subsection (a) of Section 4 regarding the pursuit of objectives it has in common with the other agencies. Each plan shall contain the information required by Section 6 and shall be prepared and submitted in conformity with Sections 7 through 9 of this Act. The Governor's Office of Management and Budget, or any other agency designated by that Office Bureau, may require that the agency plans required by this Act shall, before submission to the General Assembly, be submitted to it, or such other agency designated by it. The Office Bureau or the designated agency may review and
coordinate the plans and submit them on behalf of the agencies
concerned to the General Assembly.
(Source: P.A. 88-487; revised 8-23-03.)

Section 55. The Illinois Act on the Aging is amended by
changing Section 8.01 as follows:

(20 ILCS 105/8.01) (from Ch. 23, par. 6108.01)
Sec. 8.01. Coordinating Committee; members. The
Coordinating Committee of State Agencies Serving Older Persons
shall consist of the Director of the Department on Aging or his
or her designee as Chairman, the State Superintendent of
Education or his or her designee, the Secretary of Human
Services or his or her designee, the Secretary of
Transportation or his or her designee, and the Directors, or
the designee or designees of any or all of the Directors, of
the following Departments or agencies: Labor; Veterans'
Affairs; Public Health; Public Aid; Children and Family
Services; Commerce and Economic Opportunity Community Affairs;
Insurance; Revenue; Illinois Housing Development Authority;
and Comprehensive State Health Planning.
(Source: P.A. 90-609, eff. 6-30-98; 91-61, eff. 6-30-99;
revised 12-6-03.)

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

(20 ILCS 205/205-40) (was 20 ILCS 205/40.31)
Sec. 205-40. Export consulting service and standards. The
Department, in cooperation with the Department of Commerce and
Economic Opportunity Community Affairs and the Agricultural
Export Advisory Committee, shall (1) provide a consulting
service to those who desire to export farm products,
commodities, and supplies and guide them in their efforts to
improve trade relations; (2) cooperate with agencies and
instrumentalities of the federal government to develop export grade standards for farm products, commodities, and supplies produced in Illinois and adopt reasonable rules and regulations to ensure that exports of those products, commodities, and supplies comply with those standards; (3) upon request and after inspection of any such farm product, commodity, or supplies, certify compliance or noncompliance with those standards; (4) provide an informational program to existing and potential foreign importers of farm products, commodities, and supplies; (5) qualify for U. S. Department of Agriculture matching funds for overseas promotion of farm products, commodities, and supplies according to the federal requirements regarding State expenditures that are eligible for matching funds; and (6) provide a consulting service to persons who desire to export processed or value-added agricultural products and assist those persons in ascertaining legal and regulatory restrictions and market preferences that affect the sale of value-added agricultural products in foreign markets.

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

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

(20 ILCS 230/10)

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

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

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

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

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

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

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

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

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

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

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

Suggestions, including documentation, upon receipt, shall be given confidential treatment and shall not be subject to subpoena or be made public until the agency affected by it has had the opportunity to request continued confidentiality. The agency, if it requests continued confidentiality, shall attest that disclosure would violate federal or State law or rules and regulations pursuant to federal or State law or is a matter covered under Section 7 of the Freedom of Information Act. The Board shall make its decision on continued confidentiality and, if it so classifies the suggestion, shall notify the suggester and agency. A suggestion classified "continued confidential" shall nevertheless be evaluated and considered for award. A suggestion that the Board finds or the suggester states or implies constitutes a disclosure of information that the suggester reasonably believes evidences (1) a violation of any law, rule, or regulation or (2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety may be referred to the appropriate investigatory or law enforcement agency for consideration for investigation and action. The identity of the suggester may not be disclosed without the consent of the suggester during any investigation of the information and any related matters. Such a suggestion shall also be evaluated and an award made when appropriate. That portion of Board meetings that involves the consideration of suggestions classified "continued confidential" or being considered for that classification shall be closed meetings.

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

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

- $1.00 to $5,000 savings ...................... an amount not to exceed $500.00 or a certificate of merit, or both, as determined by the Board
- more than $5,000 up to $20,000 savings....... $500 award
- more than $20,000 up to $100,000 savings...... $1,000 award
- more than $100,000 up to $200,000 savings .... $2,000 award
- more than $200,000 up to $300,000 savings .... $3,000 award
- more than $300,000 up to $400,000 savings .... $4,000 award
- more than $400,000 .......................... $5,000 award

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

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

(20 ILCS 405/405-295) (was 20 ILCS 405/67.30)
Sec. 405-295. Decreased energy consumption. The Department may enter into contracts for equipment or services designed to decrease energy consumption in State programs and State owned or controlled buildings or equipment. Prior to entering into any such contract for a State owned building, the Department shall consult with the Executive Director of the Capital Development Board. The Department may consult with the Department of Commerce and Economic Opportunity Community Affairs regarding any aspect of energy consumption projects.

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

(20 ILCS 405/405-300) (was 20 ILCS 405/67.02)
Sec. 405-300. Lease or purchase of facilities; training programs.
(a) To lease or purchase office and storage space, buildings, land, and other facilities for all State agencies,
authorities, boards, commissions, departments, institutions, and bodies politic and all other administrative units or outgrowths of the executive branch of State government except the Constitutional officers, the State Board of Education and the State colleges and universities and their governing bodies. However, before leasing or purchasing any office or storage space, buildings, land or other facilities in any municipality the Department shall survey the existing State-owned and State-leased property to make a determination of need.

The leases shall be for a term not to exceed 5 years, except that the leases may contain a renewal clause subject to acceptance by the State after that date or an option to purchase. The purchases shall be made through contracts that (i) may provide for the title to the property to transfer immediately to the State or a trustee or nominee for the benefit of the State, (ii) shall provide for the consideration to be paid in installments to be made at stated intervals during a certain term not to exceed 30 years from the date of the contract, and (iii) may provide for the payment of interest on the unpaid balance at a rate that does not exceed a rate determined by adding 3 percentage points to the annual yield on United States Treasury obligations of comparable maturity as most recently published in the Wall Street Journal at the time such contract is signed. The leases and purchase contracts shall be and shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent or purchase installments payable under the terms of the lease or purchase contract. Additionally, the purchase contract shall specify that title to the office and storage space, buildings, land, and other facilities being acquired under the contract shall revert to the Seller in the event of the failure of the General Assembly to appropriate suitable funds. However, this limitation on the term of the leases does not apply to leases to and with the Illinois Building Authority, as provided for in the Building Authority Act. Leases to and with that Authority
may be entered into for a term not to exceed 30 years and shall
be and shall recite that they are subject to termination and
cancellation in any year for which the General Assembly fails
to make an appropriation to pay the rent payable under the
terms of the lease. These limitations do not apply if the lease
or purchase contract contains a provision limiting the
liability for the payment of the rentals or installments
thereof solely to funds received from the Federal government.

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

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

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

(e) To enter into an agreement with a private individual,
trust, partnership, or corporation or a municipality or other
unit of local government, when authorized to do so by the
Department of Corrections, whereby that individual, trust,
partnership, or corporation or municipality or other unit of
local government will construct, remodel, or convert a
structure for the purposes of its serving as a correctional
institution or facility and then lease the structure to the
Department for the use of the Department of Corrections. A
lease entered into pursuant to the authority granted in this
subsection shall be for a term not to exceed 30 years but may
grant to the State the option to purchase the structure
outright.
The leases shall be and shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent payable under the terms of the lease.

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

However, no lease for more than 10,000 square feet of space shall be executed unless the Director, in consultation with the Executive Director of the Capital Development Board, has certified that leasing is in the best interest of the State, considering programmatic requirements, availability of vacant State-owned space, the cost-benefits of purchasing or constructing new space, and other criteria as he or she shall determine. The Director shall not permit multiple leases for less than 10,000 square feet to be executed in order to evade this provision.

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

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

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

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

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

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

(E) the building, land, or facilities:
   (i) is free of any identifiable environmental
   hazard or
   (ii) is subject to a management plan, provided
   by the seller and acceptable to the State, to
   address the known environmental hazard;

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

(G) the State's cost to lease purchase or
   installment purchase the building, land, or facilities
   is less than the cost to lease space of comparable
   quality, size, and location over the lease purchase or
   installment purchase term.

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

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

(B) that a purchase price must not exceed the fair
market value of the buildings, land, or facilities and
that the purchase price must be substantiated by an
appraisal or by a competitive selection process.
(3) If the Department intends to enter into an installment purchase or lease purchase agreement for buildings, land, or facilities under circumstances that do not satisfy the conditions specified by this Section, it must issue a notice to the Secretary of the Senate and the Clerk of the House. The notice shall contain (i) specific details of the State's proposed purchase, including the amounts, purposes, and financing terms; (ii) a specific description of how the proposed purchase varies from the procedures set forth in this Section; and (iii) a specific justification, signed by the Director, stating why it is in the State's best interests to proceed with the purchase. The Department may not proceed with such an installment purchase or lease purchase agreement if, within 60 calendar days after delivery of the notice, the General Assembly, by joint resolution, disapproves the transaction. Delivery may take place on a day and at an hour when the Senate and House are not in session so long as the offices of Secretary and Clerk are open to receive the notice. In determining the 60-day period within which the General Assembly must act, the day on which delivery is made to the Senate and House shall not be counted. If delivery of the notice to the 2 houses occurs on different days, the 60-day period shall begin on the day following the later delivery.

(4) On or before February 15 of each year, the Department shall submit an annual report to the Director of the Governor's Office of Management and Budget and the General Assembly regarding installment purchases or lease purchases of buildings, land, or facilities that were entered into during the preceding calendar year. The report shall include a summary statement of the aggregate amount of the State's obligations under those purchases; specific details pertaining to each purchase, including the amounts, purposes, and financing terms and payment schedule for each purchase; and any other matter that the Department deems advisable.
The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Auditor General, the Speaker, the Minority Leader, and the Clerk of the House of Representatives and the President, the Minority Leader, and the Secretary of the Senate, the Chairs of the Appropriations Committees, and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act. (Source: P.A. 90-520, eff. 6-1-98; 91-239, eff. 1-1-00; revised 8-23-03.)

(20 ILCS 405/405-500)
Sec. 405-500. Matters relating to the Office of the Lieutenant Governor.

(a) It is the purpose of this Section to provide for the administration of the affairs of the Office of the Lieutenant Governor during a period when the Office of Lieutenant Governor is vacant.

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

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

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

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

(c-5) Notwithstanding subsection (c): (i) the Governor
shall appoint an interim member, who shall be interim
chairperson, of the Illinois River Coordinating Council while
the office of the Lieutenant Governor is vacant until January
11, 1999 and (ii) the Governor shall appoint an interim member,
who shall be interim chairperson, of the Illinois Wildlife
Prairie Park Commission while the office of the Lieutenant
Governor is vacant until January 11, 1999.

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

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

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

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

The Department of Central Management Services may amend, extend, or terminate any such contract in accordance with its terms; may agree to terminate a contract at the request of the other party; and may, with the approval of the Governor, enter into new contracts on behalf of the Office of the Lieutenant Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)
Sec. 34.10. Home child care demonstration project; conversion and renovation grants; Department of Human Services.

(a) The legislature finds that the demand for quality child care far outweighs the number of safe, quality spaces for our children. The purpose of this Section is to increase the number of child care providers by:

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

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

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

The Department shall submit:

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

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

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

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

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

(B) any family child care home or child care center program located in a renovated or improved facility shall be licensed by the Department;
(C) the program shall comply with applicable federal and State laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, or sex;

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

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

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

(G) the applicant shall indemnify and save harmless the State and its officers, agents, and employees from and against any and all claims arising out of or resulting from the renovation and improvements made with funds provided by this Section, and, upon request of the Department, the applicant shall procure sufficient insurance to provide that indemnification.

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

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

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

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

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

(4) In considering applications for grants to renovate or improve an existing facility used for the operations of a family child care home or child care center, the Department shall give preference to applications to renovate facilities most in need of repair to address safety and habitability concerns. No grant shall be disbursed unless an agreement is entered into between the applicant and the State, by and through the Department. The agreement shall include the assurances and conditions required by this Section and any other terms which the Department may require.

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

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

(20 ILCS 605/605-75)

Sec. 605-75. Keep Illinois Beautiful.

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

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

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

(2) Promoting the establishment of recycling and programs that reduce litter and other solid waste through re-use and diversion.

(3) Developing local markets for recycled products.

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

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

(6) Beautification projects.

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

The Department may encourage local governments and community organizations to apply for certification of programs by the Board. However, the Department shall give equal consideration to newly certified programs and older certified programs.
(d) The Keep Illinois Beautiful Fund is created as a special fund in the State treasury. Moneys from any public or private source may be deposited into the Keep Illinois Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund shall be appropriated only for the purposes of this Section. Pursuant to action by the Board, the Department of Commerce and Economic Opportunity Community Affairs may authorize grants from moneys appropriated from the Keep Illinois Beautiful Fund for certified community based programs for up to 50% of the cash needs of the program; provided, that at least 50% of the needs of the program shall be contributed to the program in cash, and not in kind, by local sources.

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 605/605-332)
Sec. 605-332. Financial assistance to energy generation facilities.

(a) As used in this Section:

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

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

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

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

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited
(1) the projected or actual completion date of the new electric generating facility for which financial assistance is sought;

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

(3) the actual or projected amount of capital investment by the eligible business in the new electric generating facility.

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

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget Bureau of the Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.
(Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; revised 8-23-03.)
Sec. 605-360. Technology Innovation and Commercialization Grants-In-Aid Council. There is created within the Department a Technology Innovation and Commercialization Grants-in-Aid Council, which shall consist of 2 representatives of the Department of Commerce and Economic Opportunity Community Affairs, appointed by the Department; one representative of the Illinois Board of Higher Education, appointed by the Board; one representative of science or engineering, appointed by the Governor; two representatives of business, appointed by the Governor; one representative of small business, appointed by the Governor; one representative of the Department of Agriculture, appointed by the Director of Agriculture; and one representative of agribusiness, appointed by the Director of Agriculture. The Director of Commerce and Economic Opportunity Community Affairs shall appoint one of the Department's representatives to serve as chairman of the Council. The Council members shall receive no compensation for their services but shall be reimbursed for their expenses actually incurred by them in the performance of their duties under this Section. The Department shall provide staff services to the Council. The Council shall provide for review and evaluation of all applications received by the Department under Section 605-355 and make recommendations on those projects to be funded. The Council shall also assist the Department in monitoring the projects and in evaluating the impact of the program on technological innovation and business development within the State.

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

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

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

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

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

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

(b) Definitions. As used in this Section:

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

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

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

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

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

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

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

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

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

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

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

(2) Training partners (that is, community-based organizations and employers) shall work together to design programs with maximum benefits to local disadvantaged persons and local employers.

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

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

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

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

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

Sec. 605-707. International Tourism Program.

(a) The Department of Commerce and Economic Opportunity must establish a program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department may work in cooperation with local convention and tourism bureaus in Illinois in the coordination of international tourism efforts at the State and local level. The Department may (i) work in cooperation with local convention and tourism bureaus for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, (iv) provide training, research, technical support, and grants to certified convention and tourism bureaus, (v) provide staff, administration, and related support required to manage the programs under this Section, and (vi) provide grants for the development of or the enhancement of international tourism attractions.

(b) The Department shall make grants for expenses related
to international tourism and pay for the staffing, administration, and related support from the International Tourism Fund, a special fund created in the State Treasury. Of the amounts deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for development of international tourism in areas outside of Chicago. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 55% shall be used for grants to convention and tourism bureaus in Chicago, and of that amount not less than 27.5% shall be used for grants to convention and tourism bureaus in Chicago other than the City of Chicago's Office of Tourism, and 45% shall be used for administrative expenses authorized under this Section and development of international tourism in areas outside of Chicago, of which not less than $1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program, and may also be used to provide grants under item (vi) of subsection (a) of this Section.

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

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

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

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

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

(b) Matching grants to existing local
labor-management-community committees. To be eligible for
matching grants pursuant to this subsection, local
labor-management-community committees shall meet all of the
following criteria:

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

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

(3) Service a distinct and identifiable geographic
region.

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

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

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

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

Department of Commerce and Economic Opportunity Community Affairs
Illinois Department of Labor
Economic development agencies
Planning agencies
Colleges, universities, and community colleges
U.S. Department of Labor
Statewide Job Training Partnership Act entities or entities under any successor federal workforce training and development legislation.

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

(i) Enhancing the positive labor-management-community relationship within the State, region, community, and/or work place.

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

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

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

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

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

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

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

(2) Service a distinct and identifiable geographic region.

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

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

Any local labor-management-community committee meeting these criteria may apply to the Department for an annual matching grant, provided that the local committee contributes at least 25% in matching funds of which no more than 50% shall be "in-kind" services. Funds received by a local committee pursuant to this subsection (c) shall be used for the ordinary operating expenses of the local committee. Eligible committees shall be limited to 3 years of funding under this subsection. With respect to those committees participating in this program prior to enactment of this amendatory Act of 1988 that fail to qualify under paragraph (1) of this subsection

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(c), previous years' funding shall be counted in determining whether those committees have reached their funding limit under this subsection (c).

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

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

(f) Grants of up to a maximum of $5,000 to support the planning of regional work, family, and community planning conferences that will be based on specific community concerns.

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

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

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

(20 ILCS 605/605-865)

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

1. consideration of the dependent care scholarship or discounts given by the employer;
2. flexible work hours and schedules;
3. time off for caring for sick or injured dependents;
4. the provision of onsite or nearby dependent care;
5. dependent care referral services; and
6. in-kind contributions to community dependent care programs.

Those employers chosen by the Department may be recognized with annual "family-friendly workplace" awards and a Statewide information and advertising campaign publicizing the employers' awards, their contributions to family-friendly child care, and the methods they used to improve the dependent care experiences of their employees' families.

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

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

(20 ILCS 608/10)

Sec. 10. Executive Office. There is created an Office of Business Permits and Regulatory Assistance (hereinafter referred to as "office") within the Department of Commerce and Community Affairs (now Department of Commerce and Community Opportunity) which shall consolidate existing programs throughout State government, provide assistance to businesses with fewer than 500 employees in meeting State requirements for doing business and perform other functions specified in this
Act. By March 1, 1994, the office shall complete and file with
the Governor and the General Assembly a plan for the
implementation of this Act. Thereafter, the office shall carry
out the provisions of this Act, subject to funding through
appropriation.
(Source: P.A. 88-404; revised 12-6-03.)

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

(20 ILCS 609/2)
Sec. 2. Center for Business Ownership Succession and
Employee Ownership.

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

The purpose of the Center is to foster greater awareness of
the most effective techniques that facilitate business
ownership succession and employee ownership with an emphasis on
the retention and creation of job opportunities.

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

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

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

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

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

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

(c) (Blank).

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

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

(20 ILCS 611/10)
Sec. 10. Definitions. As used in this Act:

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

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

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

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

"Fund" means the Corporate Headquarters Relocation Assistance Fund.

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

"Relocation costs" means the expenses incurred by an eligible business for a qualifying project, including, but not limited to, the following: moving costs and related expenses; purchase of new or replacement equipment; outside professional fees and commissions; premiums for property and casualty insurance coverage; capital investment costs; financing costs; property assembly and development costs, including, but not limited to, the purchase, lease, and construction of equipment, buildings, and land, infrastructure improvements and site development costs, leasehold improvements costs, rehabilitation costs, and costs of studies, surveys, development of plans, and professional services costs such as architectural, engineering, legal, financial, planning, or other related services; "relocation costs", however, does not include moving costs associated with the relocation of the
personal residences of the employees of the eligible business
and does not include any costs that do not directly result from
the relocation of the business to a location within Illinois.
In determining whether costs directly result from the
relocation of the business, the Department shall consider
whether the costs would likely have been incurred by the
business if it had not relocated from its original location.
(Source: P.A. 92-207, eff. 8-1-01; revised 12-6-03.)

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

(20 ILCS 615/3) (from Ch. 23, par. 3453)
Sec. 3. As used in this Act, unless the context clearly
indicates otherwise:
(a) "Displaced homemaker" means a person who (1) has worked
in the home for a substantial number of years providing unpaid
household services for family members; (2) is not gainfully
employed; (3) has difficulty in securing employment; and (4)
was dependent on the income of another family member but is no
longer supported by such income, or was dependent on federal
assistance but is no longer eligible for such assistance.
(b) "Director" means the Director of Commerce and Economic
Opportunity Community Affairs or its successor agency.
(Source: P.A. 81-1509; revised 12-6-03.)

(20 ILCS 615/8) (from Ch. 23, par. 3458)
Sec. 8. Transfer of powers and duties to the Department of
Labor. On July 1, 1992, all powers and duties of the Department
of Commerce and Community Affairs (now Department of Commerce
and Economic Opportunity) under this Act shall be transferred
to the Department of Labor, and references in other Sections of
this Act to the Department of Commerce and Community Affairs
(now Department of Commerce and Economic Opportunity) shall be
deemed to refer to the Department of Labor. All rules,
standards and procedures adopted by the Department of Commerce
and Community Affairs (now Department of Commerce and Economic Opportunity) shall continue in effect as the rules, standards and procedures of the Department of Labor, until they are modified or abolished by that Department.

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

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

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

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

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

(b) "Economic development plan" means the written plan of a municipality which sets forth an economic development program for an economic development project area. Each economic development plan shall include but not be limited to (1) estimated economic development project costs, (2) the sources of funds to pay such costs, (3) the nature and term of any obligations to be issued by the municipality to pay such costs, (4) the most recent equalized assessed valuation of the economic development project area, (5) an estimate of the equalized assessed valuation of the economic development project area after completion of an economic development project, (6) the estimated date of completion of any economic development project proposed to be undertaken, (7) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, (8) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area, (9) a description of the general land uses to apply in the economic development project area, (10) a description of the type, class and number of employees to be employed in the
operation of the facilities to be developed or improved in the
economic development project area, and (11) a commitment by the
municipality to fair employment practices and an affirmative
action plan with respect to any economic development program to
be undertaken by the municipality.

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

(d) "Economic development project area" means any improved
or vacant area which (1) is located within or partially within
or partially without the territorial limits of a municipality,
provided that no area without the territorial limits of a
municipality shall be included in an economic development
project area without the express consent of the Department,
acting as agent for the State, (2) is contiguous, (3) is not
less in the aggregate than three hundred twenty acres, (4) is
suitable for siting by any commercial, manufacturing,
industrial, research or transportation enterprise of
facilities to include but not be limited to commercial
businesses, offices, factories, mills, processing plants,
assembly plants, packing plants, fabricating plants,
industrial or commercial distribution centers, warehouses,
repair overhaul or service facilities, freight terminals,
research facilities, test facilities or transportation
facilities, whether or not such area has been used at any time
for such facilities and whether or not the area has been used
or is suitable for other uses, including commercial
agricultural purposes, and (5) which has been approved and
certified by the Department pursuant to this Act.

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

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

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

(3) Site preparation costs, including but not limited to clearance of any area within an economic development project area by demolition or removal of any existing buildings, structures, fixtures, utilities and improvements and clearing and grading; and including installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public site improvements within or without an economic development project area which are essential to the preparation of the economic development project area for use in accordance with an economic development plan; and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by such developer or nongovernmental person;

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

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

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

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

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

(9) The estimated tax revenues from real property in an
economic development project area acquired by a municipality
which, according to the economic development plan, is to be
used for a private use and which any taxing district would have
received had the municipality not adopted tax increment
allocation financing for an economic development project area
and which would result from such taxing district’s levies made
after the time of the adoption by the municipality of tax
increment allocation financing to the time the current
equalized assessed value of real property in the economic
development project area exceeds the total initial equalized
value of real property in said area;

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

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

(A) private financing costs shall be paid or reimbursed by a municipality only pursuant to the prior official action of the municipality evidencing an intent to pay or reimburse such private financing costs;

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

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

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

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

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

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

(h) "Taxing districts" means counties, townships, municipalities, and school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

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

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

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

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

(b) Funds appropriated for use by community action agencies
in community action programs shall be allocated annually to
existing community action agencies or newly formed community
action agencies by the Department of Commerce and Economic
Opportunity Community Affairs. Allocations will be made
consistent with duly enacted departmental rules.
(Source: P.A. 87-926; revised 12-6-03.)

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

(20 ILCS 630/2) (from Ch. 48, par. 2402)
Sec. 2. For the purposes of this Act, the following words
have the meanings ascribed to them in this Section.
(a) "Coordinator" means the Illinois Emergency Employment
Development Coordinator appointed under Section 3.
(b) "Eligible business" means a for-profit business.
(c) "Eligible employer" means an eligible nonprofit
agency, or an eligible business.
(d) "Eligible job applicant" means a person who:
A. (1) has been a resident of this State for at least one
year; and (2) is unemployed; and (3) is not receiving and is
not qualified to receive unemployment compensation or workers' compensation; and (4) is determined by the employment
administrator to be likely to be available for employment by an
eligible employer for the duration of the job; or
B. Is otherwise eligible for services under the Job
Training Partnership Act (29 USCA 1501 et seq.).

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

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

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

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

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

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

(j) "Excess unemployed" means the number of unemployed in excess of 6.5% of the service delivery area population.

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

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

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

(b) The coordinator shall:

(1) Coordinate the Program with other State agencies;
(2) Coordinate administration of the program with the
general assistance program;
(3) Set policy regarding disbursement of program funds; and
(4) Perform general program marketing and monitoring
functions.
(c) The coordinator shall administer the program within the
Department of Commerce and Economic Opportunity Community
Affairs. The Director of Commerce and Economic Opportunity
Community Affairs shall provide administrative support
services to the coordinator for the purposes of the program.
(d) The coordinator shall report to the Governor, the
Illinois Job Training Coordinating Council and the General
Assembly on a quarterly basis concerning (1) the number of
persons employed under the program; (2) the number and type of
employers under the program; (3) the amount of money spent in
each service delivery area for wages for each type of
employment and each type of other expenses; (4) the number of
persons who have completed participation in the program and
their current employment, educational or training status; and
(5) any information requested by the General Assembly or
governor or deemed pertinent by the coordinator. Each report
shall include cumulative information, as well as information
for each quarter.
(e) Rules. The Director of Commerce and Economic
Opportunity Community Affairs, with the advice of the
coordinator, shall adopt rules for the administration and
enforcement of this Act.
(Source: P.A. 84-1399; revised 12-6-03.)

(20 ILCS 630/5) (from Ch. 48, par. 2405)
Sec. 5. (a) Allocation of funds among eligible job
applicants within a service delivery area shall be determined
by the Private Industry Council for each such service delivery
area. The Private Industry Council shall give priority to
(1) applicants living in households with no other income
source; and
(2) applicants who would otherwise be eligible to receive
genral assistance.

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

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

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

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

(b) The Director of Children and Family Services shall
provide to each employment administrator lists of currently
licensed local day care facilities, updated quarterly, to be
available to all persons employed under the program.

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

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

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

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

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

(a) "Department" means the Department of Commerce and
Economic Opportunity Community Affairs.
(b) "Enterprise Zone" means an area of the State certified by the Department as an Enterprise Zone pursuant to this Act.

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

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

(e) "Agency" means each officer, board, commission and agency created by the Constitution, in the executive branch of State government, other than the State Board of Elections; each officer, department, board, commission, agency, institution, authority, university, body politic and corporate of the State; and each administrative unit or corporate outgrowth of the State government which is created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. No entity shall be considered an "agency" for the purposes of this Act unless authorized by law to make rules or regulations.

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

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

(20 ILCS 655/12-2) (from Ch. 67 1/2, par. 619)
Sec. 12-2. Definitions. Unless the context clearly requires otherwise:

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

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

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

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

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

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

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

(Source: P.A. 84-165; revised 12-6-03.)
changing Section 15 as follows:

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

Sec. 15. Definitions. In this Act:

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

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

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

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

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

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

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

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

(20 ILCS 662/10)

Sec. 10. Definitions. In this Act:

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

"Department" means the Department of Commerce and Economic
"Land development regulation" means any development or land use ordinance or regulation of a county or municipality including zoning and subdivision ordinances.

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

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

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

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

(20 ILCS 665/3) (from Ch. 127, par. 200-23)
Sec. 3. Definitions. The following words and terms, whenever used or referred to in this Act, shall have the following meanings, except where the context may otherwise require:
(a) "Department" means the Department of Commerce and Economic Opportunity Community Affairs of the State of Illinois.
(b) "Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois.
(c) "Promotional activities" means preparing, planning and conducting campaigns of information, advertising and publicity through such media as newspapers, radio, television, magazines, trade journals, moving and still photography, posters, outdoor signboards and personal contact within and without the State of Illinois; dissemination of information, advertising, publicity, photographs and other literature and
material designed to carry out the purpose of this Act; and
participation in and attendance at meetings and conventions
concerned primarily with tourism, including travel to and from
such meetings.
(d) "Municipality" means "municipality" as defined in
Section 1-1-2 of the Illinois Municipal Code, as heretofore and
hereafter amended.
(e) "Tourism" means travel 50 miles or more one-way or an
overnight trip outside of a person's normal routine.
(Source: P.A. 92-38, eff. 6-28-01; revised 12-6-03.)

(20 ILCS 665/4b)
Sec. 4b. Coordinating Committee. There is created a
Coordinating Committee of State agencies involved with tourism
in the State of Illinois. The Committee shall consist of the
Director of Commerce and Economic Opportunity Community
Affairs as chairman, the Lieutenant Governor, the Secretary of
Transportation or his or her designee, and the head executive
officer or his or her designee of the following: the Lincoln
Presidential Library; the Department of Natural Resources; the
Department of Agriculture; the Illinois Arts Council; the
Illinois Community College Board; the Board of Higher
Education; and the Grape and Wine Resources Council. The
Committee shall also include 4 members of the Illinois General
Assembly, one of whom shall be named by the Speaker of the
House of Representatives, one of whom shall be named by the
Minority Leader of the House of Representatives, one of whom
who shall be named by the President of the Senate, and one of
whom shall be named by the Minority Leader of the Senate. The
Committee shall meet at least quarterly and at other times as
called by the chair. The Committee shall coordinate the
promotion and development of tourism activities throughout
State government.
(Source: P.A. 91-473, eff. 1-1-00; 92-600, eff. 7-1-02; revised
12-6-03.)
Section 145. The Particle Accelerator Land Acquisition Act is amended by changing Sections 1 and 3 as follows:

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

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

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

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

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

No conveyance of real property or instrument transferring property by the Department of Commerce and Economic Opportunity Commission, shall be executed by the Department without the prior written approval of the Governor.

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

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

(20 ILCS 687/6-3)

Sec. 6-3. Renewable energy resources program.

(a) The Department of Commerce and Economic Opportunity Community Affairs, to be called the "Department" hereinafter in this Law, shall administer the Renewable Energy Resources Program to provide grants, loans, and other incentives to foster investment in and the development and use of renewable energy resources. The criteria shall be reviewed annually and adjusted as necessary. The criteria should promote the goal of fostering investment in and the development and use, in Illinois, of renewable energy resources.

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

(c) The Department shall accept applications for grants, loans, and other incentives to foster investment in and the development and use of renewable energy resources.

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

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

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

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

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

(20 ILCS 687/6-6)

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

Sec. 6-6. Energy efficiency program.

(a) For the year beginning January 1, 1998, and thereafter as provided in this Section, each electric utility as defined in Section 3-105 of the Public Utilities Act and each alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act supplying electric power and energy to retail customers located in the State of Illinois shall contribute annually a pro rata share of a total amount of $3,000,000 based upon the number of kilowatt-hours sold by each such entity in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Department of Commerce and Economic Opportunity Community Affairs of the pro rata share owed by each electric utility and each alternative retail electric supplier based upon information supplied annually to the Illinois Commerce Commission. On or before June 1 of each year, the Department of Commerce and Economic Opportunity Community Affairs shall send written notification to each electric utility and each alternative retail electric supplier of the amount of pro rata share they
owe. These contributions shall be remitted to the Department of Revenue on or before June 30 of each year the contribution is due on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The funds received pursuant to this Section shall be subject to the appropriation of funds by the General Assembly. The Department of Revenue shall place the funds remitted under this Section in a trust fund, that is hereby created in the State Treasury, called the Energy Efficiency Trust Fund. If an electric utility or alternative retail electric supplier does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility or alternative retail electric supplier. The Illinois Commerce Commission may not renew the certification of any electric utility or alternative retail electric supplier that is delinquent in paying its pro rata share.

(b) The Department of Commerce and Economic Opportunity Community Affairs shall disburse the moneys in the Energy Efficiency Trust Fund to benefit residential electric customers through projects which the Department of Commerce and Economic Opportunity Community Affairs has determined will promote energy efficiency in the State of Illinois. The Department of Commerce and Economic Opportunity Community Affairs shall establish a list of projects eligible for grants from the Energy Efficiency Trust Fund including, but not limited to, supporting energy efficiency efforts for low-income households, replacing energy inefficient windows with more efficient windows, replacing energy inefficient appliances with more efficient appliances, replacing energy inefficient lighting with more efficient lighting, insulating dwellings and buildings, using market incentives to encourage energy efficiency, and such other projects which will increase energy efficiency in homes and rental properties.
(c) The Department of Commerce and Economic Opportunity Community Affairs shall establish criteria and an application process for this grant program.

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

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

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

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

(20 ILCS 688/10)
Sec. 10. Definitions. As used in this Act:
"Department" means the Illinois Department of Commerce and Economic Opportunity Community Affairs.
(Source: P.A. 92-12, eff. 7-1-01; revised 12-6-03.)

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

(20 ILCS 689/10)
Sec. 10. Definitions. As used in this Act:
"Biodiesel" means a renewable diesel fuel derived from biomass that is intended for use in diesel engines.
"Biodiesel blend" means a blend of biodiesel with petroleum-based diesel fuel in which the resultant product
contains no less than 1% and no more than 99% biodiesel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Rural business" means a business, including a cooperative, proprietorship, partnership, corporation or other entity, that is located in a municipality of 20,000 population or less, or in an unincorporated area of a county with a population of less than 350,000, but not in a municipality which is contiguous to a municipality or municipalities with a population greater than 20,000. The business must also be engaged in manufacturing, mining, agriculture, wholesale, transportation, tourism, or utilities or in research and development or services to these basic industrial sectors.

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

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

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

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

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

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

(20 ILCS 692/5)

Sec. 5. Definitions. In this Act:

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

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

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

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

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

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

(20 ILCS 695/20-10)

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

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

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

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

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

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

(A) The strategy may identify the critical
business development approaches being considered or to
be considered. The approaches may include, but are not
limited to: investment recruitment, such as industry
attraction, expansion and retention; trade development
efforts including international trade, support for
small businesses’ efforts to export products and
services, tourism attraction and development including
cultural tourism; technology development efforts
including technology commercialization and
manufacturing modernization; and business development
efforts, including entrepreneurship and
entrepreneurial education, small business management
assistance, and business financing.

(B) The strategy may identify for the State and
each region the critical workforce training and
development approaches being considered or to be
considered. The approaches may include, but are not
limited to: customized job training, retraining and
skill upgrading, economic adjustment, job creation and
addressing labor shortages in areas of high demand; the
market for and quality of the local labor force; the
quality of the education and workforce infrastructure;
and related issues.

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

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

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

(6) In preparing the strategy or modifications to the strategy, the Department may work with State agencies, boards, and commissions whose programs and activities significantly affect economic activity in the State as appropriate. The Directors of the agencies, boards, and commissions shall provide the assistance to the Department as the Governor deems appropriate.

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

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

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

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

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

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

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

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

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

"Business expense" includes working capital financing, the purchase or lease of machinery and equipment, or the lease or purchase of real property, including construction, renovation, or leasehold improvements, but does not include refinancing current debt.
"Business project" means any specific economic development activity of a commercial, industrial, manufacturing, agricultural, scientific, financial, service or other not-for-profit nature, which is expected to yield an increase in jobs or to result in the retention of jobs or an improvement in production efficiency.

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

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

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

"Intermediary organization" means any participating organization including not-for-profit entities, for-profit entities, State development authorities, institutions of higher education, other public or private corporations, which may include the Illinois Coalition, or other entities necessary or desirable to further the purpose of this Act engaged by the Department through any contract, agreement, memoranda of understanding, or other cooperative arrangement to deliver programs authorized under this Act.

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

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

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

"Qualified security investments" means any stock, convertible security, treasury stock, limited partnership interest, certificate of interest or participation in any profit sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of interest or participation in a patent or application or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument which contains voting rights or which can be converted to contain voting rights in the possession of the Department.

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

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

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

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

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

(c) To enter into contracts, agreements, and memoranda of
understanding; and to provide funds for participation
agreements or to make any other agreements or contracts or to
invest, grant, or loan funds to any participating intermediary
organizations including, not-for-profit entities, for-profit
entities, State agencies or authorities, government owned and
contract operated facilities, institutions of higher
education, other public or private development corporations,
or other entities necessary or desirable to further the purpose
of this Act. Any such agreement or contract by an intermediary
organization to deliver programs authorized under this Act may
include terms and provisions including, but not limited to
organization and development of documentation, review and
approval of projects, servicing and disbursement of funds and
other related activities;

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

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

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

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

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

(i) To require applicants or grantees, upon written request
by the Department, to issue any necessary authorization to the
appropriate federal, State or local authority for the release
of information concerning a business or business project
financed under the provisions of this Act, with the information
requested to include, but not be limited to, financial reports,
returns, or records relating to that business or business
project;

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

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

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

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

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

(20 ILCS 701/10)

Sec. 10. Definitions. In this Act:

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

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

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

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

(Source: P.A. 92-250, eff. 8-3-01; revised 12-6-03.)
Section 190. The Women's Business Ownership Act is amended by changing Section 5 as follows:

(20 ILCS 705/5)

(Section scheduled to be repealed on September 1, 2008)

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

Appointed members shall be uniquely qualified by education, professional knowledge, or experience to serve on the Council and shall reflect the ethnic, cultural, and geographic diversity of the State. Of the 9 members, at least 5 shall be women business owners. For purposes of this Act, a woman business owner shall be defined as a woman who is either:

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

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

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

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

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

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

The first meeting of the Council shall be held within 90 days after the effective date of this Act. The Council shall meet quarterly and may hold other meetings on the call of the Chairperson. Five members shall constitute a quorum. The Council may adopt rules it deems necessary to govern its own procedures. The Department of Commerce and Economic Opportunity Community Affairs shall cooperate with the Council to fulfill the purposes of this Act and shall provide the Council with necessary staff and administrative support. The Council may apply for grants from the public and private sector and is authorized to accept grants, gifts, and donations, which shall be deposited into the Women's Business Ownership Fund.

(Source: P.A. 88-597, eff. 8-28-94; revised 10-29-04.)

Section 195. The Illinois Commission on Volunteerism and Community Service Act is amended by changing Section 7 as follows:
Sec. 7. On the effective date of this amendatory Act of the 91st General Assembly, the authority, powers, and duties in this Act of the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) are transferred to the Department of Human Services. 
(Source: P.A. 91-798, eff. 7-9-00; revised 12-6-03.)

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

(20 ILCS 715/5)

Sec. 5. Definitions. As used in this Act:
"Base years" means the first 2 complete calendar years following the effective date of a recipient receiving development assistance.

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

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

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

"Development assistance" means (1) tax credits and tax exemptions (other than given under tax increment financing) given as an incentive to a recipient business organization pursuant to an initial certification or an initial designation made by the Department under the Economic Development for a Growing Economy Tax Credit Act and the Illinois Enterprise Zone Act, including the High Impact Business program, (2) grants or loans given to a recipient as an incentive to a business organization pursuant to the Large Business Development Program, the Business Development Public Infrastructure
Program, or the Industrial Training Program, (3) the State Treasurer's Economic Program Loans, (4) the Illinois Department of Transportation Economic Development Program, and (5) all successor and subsequent programs and tax credits designed to promote large business relocations and expansions. "Development assistance" does not include tax increment financing, assistance provided under the Illinois Enterprise Zone Act pursuant to local ordinance, participation loans, or financial transactions through statutorily authorized financial intermediaries in support of small business loans and investments or given in connection with the development of affordable housing.

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

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

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

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

(1) An employee of the recipient who performs a job
that was previously performed by another employee in this
State, if that job existed in this State for at least 6
months before hiring the employee.

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

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

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

"Retained employee" means either: (1) the definition therefor in the legislation authorizing the programs described
in the definition of development assistance in the Act or (2) if there is no such definition, then as defined in administrative rules implementing such legislation, provided the administrative rules were in place prior to the effective date of this Act. On and after the effective date of this Act, if there is no definition of "retained employee" in either the legislation authorizing a program that constitutes economic development assistance under this Act or in any administrative rule implementing such legislation that was in place prior to the effective date of this Act, then "retained employee" means any employee defined as having a full-time or full-time equivalent job preserved at a specific facility or site, the continuance of which is threatened by a specific and demonstrable threat, which shall be specified in the application for development assistance.

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

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

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

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

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

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

(20 ILCS 801/1-5)

Sec. 1-5. Purpose. It is the purpose of this Act to change the name of the Department of Conservation to the Department of Natural Resources and to transfer to it various rights, powers, duties, and functions of the Department of Energy and Natural Resources, the Department of Mines and Minerals, the Abandoned Mined Lands Reclamation Council, and the Division of Water Resources of the Department of Transportation. This Act also transfers certain recycling, energy, and oil overcharge functions of the Department of Energy and Natural Resources to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and certain functions of the Department of Conservation related to the Lincoln Monument to the Historic Preservation Agency. This Act consolidates and centralizes the programs and services now offered to citizens by these governmental bodies, resulting in more effective operation of these programs and services.

(Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
(20 ILCS 801/80-20)

Sec. 80-20. Transfer of powers.

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

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

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

All of the rights, powers, and duties vested by law in the Department of Energy and Natural Resources, or in any office, division, or bureau thereof, pertaining to recycling programs and solid waste management, energy conservation and alternative energy programs, coal development and marketing programs, and Exxon overcharge matters are transferred to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity).

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

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

(e) All of the rights, powers, and duties vested by law in the Division of Water Resources of the Department of Transportation or in any office, division, or bureau thereof...
are transferred to the Department of Natural Resources.
(Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
12-6-03.)

(20 ILCS 801/80-25)

Sec. 80-25. Transfer of personnel.

(a) Personnel employed by the Department of Conservation to
perform functions that are retained within the Department of
Natural Resources shall continue their service within the
renamed Department.
(b) Personnel employed by the Department of Energy and
Natural Resources, the Department of Mines and Minerals, the
Abandoned Mined Lands Reclamation Council, or the Division of
Water Resources of the Department of Transportation to perform
functions that are transferred by this Act to the Department of
Natural Resources are transferred to the Department of Natural
Resources.
(c) Personnel employed by the Department of Energy and
Natural Resources to perform functions that are transferred by
this Act to the Department of Commerce and Community Affairs
(now Department of Commerce and Economic Opportunity), are
transferred to the Department of Commerce and Community Affairs
(now Department of Commerce and Economic Opportunity).
(d) Personnel employed by the abolished departments to
perform functions that are not clearly classifiable within the
areas referred to in this Section or who are employed to
perform complex functions that are transferred in part to
different departments under this Act shall be assigned and
transferred to appropriate departments by the Director of
Natural Resources, in consultation with the Director of Central
Management Services.
(e) The rights of State employees, the State, and its
agencies under the Personnel Code and applicable collective
bargaining agreements and retirement plans are not affected by
this Act.
(Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
Sec. 80-30. Transfer of property.

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

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

(b) All books, records, documents, property (real and personal), unexpended appropriations, and pending business pertaining to the rights, powers, and duties transferred by this Act from the Department of Energy and Natural Resources to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall be delivered and transferred to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity).

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

(Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; 90-14, eff. 7-1-97; revised 12-6-03.)
(20 ILCS 801/80-35)
Sec. 80-35. Savings provisions.

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

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

(c) The transfer of rights, powers, and duties to the Department of Natural Resources, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity), and the Historic Preservation Agency under this Act does not invalidate any previous action taken by or in respect to any of their predecessor departments or divisions or their officers or employees. References to these predecessor departments or divisions or their officers or employees in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the successor department, agency, officer, or employee.

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

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

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

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

As soon as practicable after the effective date of this
Act, the Department of Natural Resources, the Department of
Commerce and Community Affairs (now Department of Commerce and
Economic Opportunity), and the Historic Preservation Agency
shall each propose and adopt under the Illinois Administrative
Procedure Act any rules that may be necessary to consolidate
and clarify the rules of their predecessor departments relating
to matters transferred to them under this Act.
(Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
12-6-03.)

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

(20 ILCS 805/805-435) (was 20 ILCS 805/63b2.5)
The Department shall maintain an Office of Conservation
Resource Marketing. The Office shall conduct a program for marketing and promoting the use of conservation resources in Illinois with emphasis on recreation and tourism facilities. The Office shall coordinate its tourism promotion efforts with local community events and shall include a field staff which shall work with the Department of Commerce and Economic Opportunity Community Affairs and local officials to coordinate State and local activities for the purpose of expanding tourism and local economies. The Office shall develop, review, and coordinate brochures and information pamphlets for promoting the use of conservation resources. The Office shall conduct marketing research to identify organizations and target populations that can be encouraged to use Illinois recreation facilities for group events and the many tourist sites.

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

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

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

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

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

Capital Development Board,
Department of Agriculture,
Department of Commerce and Economic Opportunity Community Affairs,
Environmental Protection Agency,
Department of Transportation, and
Historic Preservation Agency.

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

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

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

(b) Establishing guidelines for developing individual Agency Action Plans.

(c) Developing and adopting technical procedures for the consistent identification, delineation and evaluation of existing wetlands and quantification of their functional values and the evaluation of wetland restoration or creation projects.

(d) Developing a research program for wetland function, restoration and creation.

(e) Preparing reports, including:

(1) A biennial report to the Governor and the General Assembly on the impact of State supported activities on wetlands.

(2) A comprehensive report on the status of the State's wetland resources, including recommendations for additional programs, by January 15, 1991.

(f) Development of educational materials to promote the protection of wetlands.

(Source: P.A. 92-651, eff. 7-11-02; revised 12-6-03.)

Section 220. The Outdoor Recreation Resources Act is amended by changing Sections 2 and 2a as follows:

(20 ILCS 860/2) (from Ch. 105, par. 532)

Sec. 2. The Department of Natural Resources is authorized to have prepared, with the Department of Commerce and Economic Opportunity Community Affairs, and to maintain and keep...
up-to-date a comprehensive plan for the development of the outdoor recreation resources of the State.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(20 ILCS 860/2a) (from Ch. 105, par. 532a)
Sec. 2a. The Historic Preservation Agency is authorized to have prepared with the Department of Commerce and Economic Opportunity Community Affairs and to maintain, and keep up-to-date a comprehensive plan for the preservation of the historically significant properties and interests of the State.
(Source: P.A. 84-25; revised 12-6-03.)

Section 225. The Energy Conservation and Coal Development Act is amended by changing Sections 1 and 8 as follows:

(20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)
Sec. 1. Definitions; transfer of duties.
(a) For the purposes of this Act, unless the context otherwise requires:
"Department" means the Department of Commerce and Economic Opportunity Community Affairs.
"Director" means the Director of Commerce and Economic Opportunity Community Affairs.
(b) As provided in Section 80-20 of the Department of Natural Resources Act, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall assume the rights, powers, and duties of the former Department of Energy and Natural Resources under this Act, except as those rights, powers, and duties are otherwise allocated or transferred by law.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(20 ILCS 1105/8) (from Ch. 96 1/2, par. 7408)
Sec. 8. Illinois Coal Development Board.
(a) There shall be established as an advisory board to the
Department, the Illinois Coal Development Board, hereinafter in this Section called the Board. The Board shall be composed of the following voting members: the Director of the Department, who shall be Chairman thereof; the Deputy Director of the Bureau of Business Development within the Department of Commerce and Economic Opportunity Community Affairs; the Director of Natural Resources or that Director's designee; the Director of the Office of Mines and Minerals within the Department of Natural Resources; 4 members of the General Assembly (one each appointed by the President of the Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader); and 8 persons appointed by the Governor, with the advice and consent of the Senate, including representatives of Illinois industries that are involved in the extraction, utilization or transportation of Illinois coal, persons representing financial or banking interests in the State, and persons experienced in international business and economic development. These members shall be chosen from persons of recognized ability and experience in their designated field. The members appointed by the Governor shall serve for terms of 4 years, unless otherwise provided in this subsection. The initial terms of the original appointees shall expire on July 1, 1985, except that the Governor shall designate 3 of the original appointees to serve initial terms that shall expire on July 1, 1983. The initial term of the member appointed by the Governor to fill the office created after July 1, 1985 shall expire on July 1, 1989. The initial terms of the members appointed by the Governor to fill the offices created by this amendatory Act of 1993 shall expire on July 1, 1995, and July 1, 1997, as determined by the Governor. A member appointed by a Legislative Leader shall serve for the duration of the General Assembly for which he or she is appointed, so long as the member remains a member of that General Assembly.

The Board shall meet at least annually or at the call of the Chairman. At any time the majority of the Board may
petition the Chairman for a meeting of the Board. Nine members
of the Board shall constitute a quorum. Members of the Board
shall be reimbursed for actual and necessary expenses incurred
while performing their duties as members of the Board from
funds appropriated to the Department for such purpose.

(b) The Board shall provide advice and make recommendations
on the following Department powers and duties:

(1) To develop an annual agenda which may include but
is not limited to research and methodologies conducted for
the purpose of increasing the utilization of Illinois' coal
and other fossil fuel resources, with emphasis on high
sulfur coal, in the following areas: coal extraction,
preparation and characterization; coal technologies
(combustion, gasification, liquefaction, and related
processes); marketing; public awareness and education, as
those terms are used in the Illinois Coal Technology
Development Assistance Act; transportation; procurement of
sites and issuance of permits; and environmental impacts.

(2) To support and coordinate Illinois coal research,
and to approve projects consistent with the annual agenda
and budget for coal research and the purposes of this Act
and to approve the annual budget and operating plan for
administration of the Board.

(3) To promote the coordination of available research
information on the production, preparation, distribution
and uses of Illinois coal. The Board shall advise the
existing research institutions within the State on areas
where research may be necessary.

(4) To cooperate to the fullest extent possible with
State and federal agencies and departments, independent
organizations, and other interested groups, public and
private, for the purposes of promoting Illinois coal
resources.

(5) To submit an annual report to the Governor and the
General Assembly outlining the progress and
accomplishments made in the year, providing an accounting
of funds received and disbursed, reviewing the status of
research contracts, and furnishing other relevant
information.

(6) To focus on existing coal research efforts in
carrying out its mission; to make use of existing research
facilities in Illinois or other institutions carrying out
research on Illinois coal; as far as practicable, to make
maximum use of the research facilities available at the
Illinois State Geological Survey, the Coal Extraction and
Utilization Research Center, the Illinois Coal Development
Park and universities and colleges located within the State
of Illinois; and to create a consortium or center which
conducts, coordinates and supports coal research
activities in the State of Illinois. Programmatic
activities of such a consortium or center shall be subject
to approval by the Department and shall be consistent with
the purposes of this Act. The Department may authorize
expenditure of funds in support of the administrative and
programmatic operations of such a center or consortium
consistent with its statutory authority. Administrative
actions undertaken by or for such a center or consortium
shall be subject to the approval of the Department.

(7) To make a reasonable attempt, before initiating any
research under this Act, to avoid duplication of effort and
expense by coordinating the research efforts among various
agencies, departments, universities or organizations, as
the case may be.

(8) To adopt, amend and repeal rules, regulations and
bylaws governing the Board's organization and conduct of
business.

(9) To authorize the expenditure of monies from the
Coal Technology Development Assistance Fund, the Public
Utility Fund and other funds in the State Treasury
appropriated to the Department, consistent with the
purposes of this Act.

(10) To seek, accept, and expend gifts or grants in any
form, from any public agency or from any other source. Such
gifts and grants may be held in trust by the Department and
expended at the direction of the Department and in the
exercise of the Department's powers and performance of the
Department's duties.

(11) To publish, from time to time, the results of
Illinois coal research projects funded through the
Department.

(12) To authorize loans from appropriations from the
Build Illinois Bond Purposes Fund, the Build Illinois Bond
Fund and the Illinois Industrial Coal Utilization Fund.

(13) To authorize expenditures of monies for coal
development projects under the authority of Section 13 of
the General Obligation Bond Act.

(c) The Board shall also provide advice and make
recommendations on the following Department powers and duties:

(1) To create and maintain thorough, current and
accurate records on all markets for and actual uses of coal
mined in Illinois, and to make such records available to
the public upon request.

(2) To identify all current and anticipated future
technical, economic, institutional, market, environmental,
regulatory and other impediments to the utilization of
Illinois coal.

(3) To monitor and evaluate all proposals and plans of
public utilities related to compliance with the
requirements of Title IV of the federal Clean Air Act
Amendments of 1990, or with any other law which might
affect the use of Illinois coal, for the purposes of (i)
determining the effects of such proposals or plans on the
use of Illinois coal, and (ii) identifying alternative
plans or actions which would maintain or increase the use
of Illinois coal.

(4) To develop strategies and to propose policies to
promote environmentally responsible uses of Illinois coal
for meeting electric power supply requirements and for
other purposes.
(5) (Blank).
(Source: P.A. 89-445, eff. 2-7-96; 90-348, eff. 1-1-98; 90-454, eff. 8-16-97; revised 12-6-03.)

Section 230. The Illinois Coal and Energy Development Bond Act is amended by changing Sections 3, 3.1, 6, 8, 10, and 11 as follows:

(20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)
Sec. 3. The Department of Commerce and Economic Opportunity Community Affairs shall have the following powers and duties:
(a) To solicit, accept and expend gifts, grants or any form of assistance, from any source, including but not limited to, the federal government or any agency thereof;
(b) To enter into contracts, including, but not limited to, service contracts, with business, industrial, university, governmental or other qualified individuals or organizations to promote development of coal and other energy resources. Such contracts may be for, but are not limited to, the following purposes: (1) the commercial application of existing technology for development of coal resources, (2) to initiate or complete development of new technology for development of coal resources, and (3) for planning, design, acquisition, development, construction, improvement and financing a site or sites and facilities for establishing plants, projects or demonstrations for development of coal resources and research, development and demonstration of alternative forms of energy; and
(c) In the exercise of other powers granted it under this Act, to acquire property, real, personal or mixed, including any rights therein, by exercise of the power of condemnation in accordance with the procedures provided for the exercise of eminent domain under Article VII of the Code of Civil Procedure, as amended, provided, however, the power of condemnation shall be exercised solely for the purposes of
siting and/or rights of way and/or easements appurtenant to coal utilization and/or coal conversion projects. The Department shall not exercise its powers of condemnation until it has used reasonable good faith efforts to acquire such property before filing a petition for condemnation and may thereafter use such powers when it determines that such condemnation of property rights is necessary to avoid unreasonable delay or economic hardship to the progress of activities carried out in the exercise of powers granted under this Act. After June 30, 1985, the Department shall not exercise its power of condemnation for a project which does not receive State or U.S. Government funding. Before use of the power of condemnation for projects not receiving State or U.S. Government funding, the Department shall hold a public hearing to receive comments on the exercise of the power of condemnation. The Department shall use the information received at hearing in making its final decision on the exercise of the power of condemnation. The hearing shall be held in a location reasonably accessible to the public interested in the decision. The Department shall promulgate guidelines for the conduct of the hearing.

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

(20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

Sec. 3.1. The Department of Commerce and Economic Opportunity Community Affairs is authorized to enter into agreements with a county or counties and expend funds authorized by this Act for purposes set forth in the County Coal Processing Act.

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

(20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

Sec. 6. The Department of Commerce and Economic Opportunity Community Affairs is authorized to use $120,000,000 for the purposes specified in this Act. These funds shall be expended only for a grant to the owner of a generating station located
in Illinois and having at least three coal-fired generating units with accredited summer capacity greater than 500 megawatts each at such generating station as specifically authorized by this paragraph. Notwithstanding any of the other provisions of this Act, in considering the approval of projects to be funded under this Act, the Department of Commerce and Economic Opportunity Community Affairs shall give special consideration to projects which are designed to remove sulfur and other pollutants in the preparation and utilization of coal, and in the use and operation of electric utility generating plants and industrial facilities which utilize Illinois coal as their primary source of fuel. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) is directed to enter into a contract with the owner of a generating station located in Illinois and having at least three coal-fired generating units with accredited summer capability greater than 500 megawatts each at such generating station for a grant of $35,000,000 to be made by the State of Illinois to such owner to be used to pay costs of designing, acquiring, constructing, installing and testing facilities to reduce sulfur dioxide emissions at one such generating unit to allow that unit to meet the requirements of the Federal Clean Air Act Amendments of 1990 (P.L. 101-549) while continuing to use coal mined in Illinois as its source of fuel.

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

(20 ILCS 1110/8) (from Ch. 96 1/2, par. 4108)

Sec. 8. Sale of bonds. The bonds shall be issued and sold from time to time in such amounts as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. The bonds shall be serial bonds in the denomination of $5,000 or some multiple thereof, shall be payable within 30 years from their date, shall bear interest payable annually or semiannually from their date at the rate of not more than 15% per annum, or such higher
maximum rate as may be authorized by "An Act to authorize
public corporations to issue bonds, other evidences of
indebtedness and tax anticipation warrants subject to interest
rate limitations set forth therein", approved May 26, 1970, as
amended, shall be dated, and shall be in such form as the
Director of the Governor's Office of Management and Budget
Bureau of the Budget shall fix and determine in the order
authorizing the issuance and sale of the bonds, which order
shall be approved by the Governor prior to the giving of notice
of the sale of any of the bonds. These bonds shall be payable
as to both principal and interest at such place or places,
within or without the State of Illinois, and may be made
registrable as to either principal or as to both principal and
interest, as shall be fixed and determined by the Director of
the Governor's Office of Management and Budget Bureau of the
Budget in the order authorizing the issuance and sale of such
bonds. The bonds may be callable as fixed and determined by the
Director of the Governor's Office of Management and Budget
Bureau of the Budget in the order authorizing the issuance and
sale of the bonds; provided, however, that the State shall not
pay a premium of more than 3% of the principal of any bonds so
called.
(Source: P.A. 91-357, eff. 7-29-99; revised 8-23-03.)

Sec. 10. Bond Proceeds.
The Bonds shall be sold from time to time by the Director
of the Governor's Office of Management and Budget Bureau of the
Budget to the highest and best bidders, for not less than their
par value, upon sealed bids, at not exceeding the maximum
interest rate fixed in the order authorizing the issuance of
the Bonds. The right to reject any and all bids may be
reserved. The Secretary of State shall, from time to time, as
the Bonds are to be sold, advertise in at least two daily
newspapers, one of which is published in the City of
Springfield and one in the City of Chicago, for proposals to
purchase the Bonds. Each of such advertisements for proposals shall be published once at least 10 days prior to the date of the opening of the bids. The executed Bonds shall, upon payment therefor, be delivered to the purchaser, and the proceeds of the Bonds shall be paid into the State Treasury. The proceeds of the Bonds shall be deposited in a separate fund known as the "Coal Development Fund", which separate fund is hereby created. (Source: P.A. 78-1122; revised 8-23-03.)

(20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)
Sec. 11. Expenditure of funds. At all times, the proceeds from the sale of Bonds are subject to appropriation by the General Assembly and may be expended in such amounts and at such times as the Department of Commerce and Economic Opportunity Community Affairs, with the approval of the Illinois Energy Resources Commission, may deem necessary or desirable for the specific purposes contemplated by this Act. (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 235. The Energy Conservation Act is amended by changing Section 4 as follows:

(20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)
Sec. 4. Technical Assistance Programs.
(a) The Department of Commerce and Economic Opportunity Community Affairs shall provide technical assistance in the development of thermal efficiency standards and lighting efficiency standards to units of local government, upon request by such unit.
(b) The Department shall provide technical assistance in the development of a program for energy efficiency in procurement to units of local government, upon request by such unit.
(c) The Technical Assistance Programs provided in this Section shall be supported by funds provided to the State pursuant to the federal "Energy Policy and Conservation Act of
1975" or other federal acts that provide funds for energy
conservation efforts through the use of building codes.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 240. The Illinois Geographic Information Council
Act is amended by changing Section 5-5 as follows:

(20 ILCS 1128/5-5)
Sec. 5-5. Council. The Illinois Geographic Information
Council, hereinafter called the "Council", is created within
the Department of Natural Resources.

The Council shall consist of 17 voting members, as follows:
the Illinois Secretary of State, the Illinois Secretary of
Transportation, the Directors of the Illinois Departments of
Agriculture, Central Management Services, Commerce and
Economic Opportunity Community Affairs, Nuclear Safety, Public
Health, Natural Resources, and Revenue, the Directors of the
Illinois Emergency Management Agency and the Illinois
Environmental Protection Agency, the President of the
University of Illinois, the Chairman of the Illinois Commerce
Commission, plus 4 members of the General Assembly, one each
appointed by the Speaker and Minority Leader of the House and
the President and Minority Leader of the Senate. An ex officio
voting member may designate another person to carry out his or
her duties on the Council.

In addition to the above members, the Governor may appoint
up to 10 additional voting members, representing local,
regional, and federal agencies, professional organizations,
academic institutions, public utilities, and the private
sector.

Members appointed by the Governor shall serve at the
pleasure of the Governor.
(Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;
89-445, eff. 2-7-96; revised 12-6-03.)

Section 245. The Department of Human Services Act is
amended by changing Sections 1-25 and 80-5 as follows:

(20 ILCS 1305/1-25)

Sec. 1-25. Unified electronic management and intake information and reporting system.

(a) The Department of Human Services shall implement and use a unified electronic management and intake information and reporting system. The Department may own and operate the system itself or use equipment, services, or facilities provided by private or other governmental entities under contract or agreement. The system shall be implemented as expeditiously as may be practical and, as originally implemented, shall comply as closely as possible with the plan approved by the Task Force on Human Services Consolidation under this Section.

(b) The Director of the Bureau of the Budget (now Governor's Office of Management and Budget), in consultation with the Task Force on Human Services Consolidation and the directors of the departments reorganized under this Act, shall prepare and submit to the Task Force by January 1, 1997 a plan for the development and implementation of the unified electronic management and intake information and reporting system.

The Task Force shall review the plan and, by February 1, 1997, shall either approve the plan in accordance with subsection (c) or return it to the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) with the Task Force's recommendations for change. If the plan is returned for change, the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) shall revise the plan and, by March 1, 1997, shall submit the revised plan to the Task Force for review and approval. If the Task Force does not approve the revised plan as submitted by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget), it may continue to work with the Director on a further revision of the plan or it may adopt and approve a plan of its own.
(c) To approve a plan under this Section, the Task Force shall file with the Secretary of State a certified copy of the plan and a certified copy of a resolution approving the plan, adopted with the affirmative vote of at least 4 of the voting members of the Task Force.

(d) Until the Task Force on Human Services Consolidation approves a plan for the development and implementation of the unified electronic management and intake information and reporting system, no additional powers or duties (other than those provided in House Bill 2632 of the 89th General Assembly or this amendatory Act of 1996) shall be statutorily transferred from any agency to the Department.

(Source: P.A. 89-506, eff. 7-3-96; revised 8-23-03.)

(20 ILCS 1305/80-5)

Sec. 80-5. Task Force on Human Services Consolidation.

(a) There is hereby established a Task Force on Human Services Consolidation.

(b) The Task Force shall consist of 7 voting members, as follows: one person appointed by the Governor, who shall serve as chair of the Task Force; 2 members appointed by the President of the Senate, one of whom shall be designated a vice chair at the time of appointment; one member appointed by the Senate Minority Leader; 2 members appointed by the Speaker of the House of Representatives, one of whom shall be designated a vice chair at the time of appointment; and one member appointed by the House Minority Leader.

Members appointed by the legislative leaders shall be appointed for the duration of the Task Force; in the event of a vacancy, the appointment to fill the vacancy shall be made by the legislative leader of the same house and party as the leader who made the original appointment. The Governor may at any time terminate the service of the person appointed by the Governor and reappoint a different person to serve as chair of the Task Force.

The following persons (or their designees) shall serve, ex
officio, as nonvoting members of the Task Force: the Director of Public Health, the Director of Public Aid, the Director of Children and Family Services, the Director of the Governor's Office of Management and Budget Bureau of the Budget, and, until their offices are abolished, the Director of Mental Health and Developmental Disabilities, the Director of Rehabilitation Services, and the Director of Alcoholism and Substance Abuse. The Governor may appoint up to 3 additional persons to serve as nonvoting members of the Task Force; such persons shall be officers or employees of a constitutional office or of a department or agency of the executive branch.

The Task Force may begin to conduct business upon the appointment of a majority of the voting members. If the chair has not been appointed but both vice chairs have been appointed, the 2 vice chairs shall preside jointly. If the chair has not been appointed and only one vice chair has been appointed, that vice chair shall preside.

Members shall serve without compensation but may be reimbursed for their expenses.

(c) The Task Force shall gather information and make recommendations relating to the planning, organization, and implementation of human services consolidation. The Task Force shall work to assure that the human services delivery system meets and adheres to the goals of quality, efficiency, accountability, and financial responsibility; to make recommendations in keeping with those goals concerning the design, operation, and organizational structure of the new Department of Human Services; and to recommend any necessary implementing legislation.

The Task Force shall monitor the implementation of human service program reorganization and shall study its effect on the delivery of services to the citizens of Illinois. The Task Force shall make recommendations to the Governor and the General Assembly regarding future consolidation of human service programs and functions.

(d) The Task Force shall:
(1) review and make recommendations on the organizational structure of the new Department of Human Services;

(2) review and approve plans for a unified electronic management and intake information and reporting system as provided in Section 1-25, and monitor and guide the implementation of the system;

(3) review and make recommendations on the consolidation or elimination of fragmented or duplicative programs;

(4) monitor and make recommendations on how best to maximize future federal funding for the new Department of Human Services, specifically including consideration of any federal Medicaid, welfare, or block grant reform;

(5) review and make recommendations on geographic regionalization;

(6) review and make recommendations on development of common intake and client confidentiality processes;

(7) review and make recommendations to foster effective community-based privatization;

(8) obtain a management audit of the Department of Children and Family Services, to be completed and submitted to the Task Force no later than July 1, 1997; and

(9) review any other appropriate matter and make recommendations to assure a high quality, efficient, accountable, and financially responsible system for the delivery of human services to the people of Illinois.

(e) The Task Force may hire any necessary staff or consultants, enter into contracts, and make any expenditures necessary for carrying out its duties, all out of moneys appropriated for that purpose. Staff support services may be provided to the Task Force by the Office of the Governor, the agencies of State government directly involved in the reorganization of the delivery of human services, and appropriate legislative staff.

(f) The Task Force may establish an advisory committee to
ensure maximum public participation in the Task Force's planning, organization, and implementation review process. If established, the advisory committee shall (1) advise and assist the Task Force in its duties, (2) help the Task Force to identify issues of public concern, and (3) meet at least quarterly.

(g) The Task Force shall submit preliminary reports of its findings and recommendations to the Governor and the General Assembly by February 1, 1997 and February 1, 1998 and a final report by January 1, 1999. It may submit other reports as it deems appropriate.

(h) The Task Force is abolished on February 1, 1999.

(Source: P.A. 89-506, eff. 7-3-96; revised 8-23-03.)

Section 250. The Illinois Guaranteed Job Opportunity Act is amended by changing Section 10 as follows:

(20 ILCS 1510/10)
Sec. 10. Definitions. As used in this Act:
"Department" means the Department of Commerce and Economic Opportunity Community Affairs.
"Eligible area" means a county, township, municipality, or ward or precinct of a municipality.
"Participant" means an individual who is determined to be eligible under Section 25.
"Project" means the definable task or group of tasks which:
(1) will be carried out by a public agency, a private nonprofit organization, a private contractor, or a cooperative,
(2) (blank),
(3) will result in a specific product or accomplishment, and
(4) would not otherwise be conducted with existing funds.
"Director" means the Director of Commerce and Economic Opportunity Community Affairs.
Section 255. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-550 as follows:

(20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)

Sec. 2505-550. Jobs Impact Committee and report. With respect to the credits provided for by Sections 209 and 210 of the Illinois Income Tax Act, Section 3-50 of the Use Tax Act, Section 2 of the Service Use Tax Act, Section 2 of the Service Occupation Tax Act, and Section 2-45 of the Retailers' Occupation Tax Act, there is hereby created a Jobs Impact Committee, which shall consist of the Director or the person or persons the Director may designate, and the representative or representatives that shall be designated to serve on the Committee by the Department of Commerce and Economic Opportunity Community Affairs, the Governor's Office of Management and Budget Bureau of the Budget, and the Economic and Fiscal Commission. The Committee, so assembled, shall invite and appoint 2 members of the businesses that are eligible for the credits provided by those Sections. The Committee shall study the use and effectiveness of these credits with regard to job creation relative to the revenue loss to the State from the provision of these credits. The Director shall, on behalf of the Committee, submit the Committee's report to the General Assembly on or before June 30, 1998.

(Source: P.A. 90-552, eff. 12-12-97; 91-239, eff. 1-1-00; revised 8-23-03.)

Section 260. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Sections 2605-45 and 2605-555 as follows:

(20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)
Sec. 2605-45. Division of Administration. The Division of Administration shall exercise the following functions:

(1) Exercise the rights, powers, and duties vested in the Department by the Governor's Office of Management and Budget Bureau of the Budget Act.

(2) Pursue research and the publication of studies pertaining to local law enforcement activities.

(3) Exercise the rights, powers, and duties vested in the Department by the Personnel Code.

(4) Operate an electronic data processing and computer center for the storage and retrieval of data pertaining to criminal activity.

(5) Exercise the rights, powers, and duties vested in the former Division of State Troopers by Section 17 of the State Police Act.

(6) Exercise the rights, powers, and duties vested in the Department by "An Act relating to internal auditing in State government", approved August 11, 1967 (repealed; now the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

(6.5) Exercise the rights, powers, and duties vested in the Department by the Firearm Owners Identification Card Act.

(7) Exercise other duties that may be assigned by the Director to fulfill the responsibilities and achieve the purposes of the Department.

(Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised 8-23-03.)

(20 ILCS 2605/2605-555)

Sec. 2605-555. Pilot program; Project Exile.

(a) The Department shall establish a Project Exile pilot program to combat gun violence.

(b) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent possible, encourage the prosecution in federal court of all
persons who illegally use, attempt to use, or threaten to use firearms against the person or property of another, of all persons who use or possess a firearm in connection with a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, all persons who have been convicted of a felony under the laws of this State or any other jurisdiction who possess any weapon prohibited under Section 24-1 of the Criminal Code of 1961 or any firearm or any firearm ammunition, and of all persons who use or possess a firearm in connection with a violation of an order of protection issued under the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963 or in connection with the offense of domestic battery. The program shall also encourage public outreach by law enforcement agencies.

(c) There is created the Project Exile Fund, a special fund in the State treasury. Moneys appropriated for the purposes of Project Exile and moneys from any other private or public source, including without limitation grants from the Department of Commerce and Economic Opportunity Community Affairs, shall be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the Department of State Police to develop and administer the Project Exile pilot program.

(d) The Department shall report to the General Assembly by March 1, 2003 regarding the implementation and effects of the Project Exile pilot program and shall by that date make recommendations to the General Assembly for changes in the program that the Department deems appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, with the President, the Minority Leader, and the Secretary of the Senate, and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General
Assembly as is required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01; 92-651, eff. 7-11-02; revised 12-6-03.)

Section 265. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2705-255, 2705-285, 2705-405, and 2705-435 as follows:

(20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)
Sec. 2705-255. Appropriations from Build Illinois Bond Fund and Build Illinois Purposes Fund. Any expenditure of funds by the Department for interchanges, for access roads to and from any State or local highway in Illinois, or for other transportation capital improvements related to an economic development project pursuant to appropriations to the Department from the Build Illinois Bond Fund and the Build Illinois Purposes Fund shall be used for funding improvements related to existing or planned scientific, research, manufacturing, or industrial development or expansion in Illinois. In addition, the Department may use those funds to encourage and maximize public and private participation in those improvements. The Department shall consult with the Department of Commerce and Economic Opportunity Community Affairs prior to expending any funds for those purposes pursuant to appropriations from the Build Illinois Bond Fund and the Build Illinois Purposes Fund.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

(20 ILCS 2705/2705-285) (was 20 ILCS 2705/49.06b)
Sec. 2705-285. Ports and waterways. The Department has the power to undertake port and waterway development planning and studies of port and waterway development problems and to provide technical assistance to port districts and units of local government in connection with port and waterway
development activities. The Department may provide financial assistance for the ordinary and contingent expenses of port districts upon the terms and conditions that the Department finds necessary to aid in the development of those districts.

The Department shall coordinate all its activities under this Section with the Department of Commerce and Economic Opportunity Community Affairs.

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

(20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

Sec. 2705-405. Preparation of State Rail Plan. In preparation of the State Rail Plan under Section 2705-400, the Department shall consult with recognized railroad labor organizations, the Department of Commerce and Economic Opportunity Community Affairs, railroad management, affected units of local government, affected State agencies, and affected shipping interests.

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

(20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

Sec. 2705-435. Loans, grants, or contracts to rehabilitate, improve, or construct rail facilities; State Rail Freight Loan Repayment Fund. In addition to the powers under Section 105-430, the Department shall have the power to enter into agreements to loan or grant State funds to any railroad, unit of local government, rail user, or owner or lessee of a railroad right of way to rehabilitate, improve, or construct rail facilities.

For each project proposed for funding under this Section the Department shall, to the extent possible, give preference to cost effective projects that facilitate continuation of existing rail freight service. In the exercise of its powers under this Section, the Department shall coordinate its program with the industrial retention and attraction programs of the Department of Commerce and Economic Opportunity Community Affairs. No funds provided under this Section shall be expended
for the acquisition of a right of way or rolling stock or for operating subsidies. The costs of a project funded under this Section shall be apportioned in accordance with the agreement of the parties for the project. Projects are eligible for a loan or grant under this Section only when the Department determines that the transportation, economic, and public benefits associated with a project are greater than the capital costs of that project incurred by all parties to the agreement and that the project would not have occurred without its participation. In addition, a project to be eligible for assistance under this Section must be included in a State plan for rail transportation and local rail service prepared by the Department. The Department may also expend State funds for professional engineering services to conduct feasibility studies of projects proposed for funding under this Section, to estimate the costs and material requirements for those projects, to provide for the design of those projects, including plans and specifications, and to conduct investigations to ensure compliance with the project agreements.

The Department, acting through the Department of Central Management Services, shall also have the power to let contracts for the purchase of railroad materials and supplies. The Department shall also have the power to let contracts for the rehabilitation, improvement, or construction of rail facilities. Any such contract shall be let, after due public advertisement, to the lowest responsible bidder or bidders, upon terms and conditions to be fixed by the Department. With regard to rehabilitation, improvement, or construction contracts, the Department shall also require the successful bidder or bidders to furnish good and sufficient bonds to ensure proper and prompt completion of the work in accordance with the provisions of the contracts.

In the case of an agreement under which State funds are loaned under this Section, the agreement shall provide the terms and conditions of repayment. The agreement shall provide
for the security that the Department shall determine to protect
the State's interest. The funds may be loaned with or without
interest. Loaned funds that are repaid to the Department shall
be deposited in a special fund in the State treasury to be
known as the State Rail Freight Loan Repayment Fund. In the
case of repaid funds deposited in the State Rail Freight Loan
Repayment Fund, the Department shall, subject to
appropriation, have the reuse of those funds and the interest
accrued thereon, which shall also be deposited by the State
Treasurer in the Fund, as the State share in other eligible
projects under this Section. However, no expenditures from the
State Rail Freight Loan Repayment Fund for those projects shall
at any time exceed the total sum of funds repaid and deposited
in the State Rail Freight Loan Repayment Fund and interest
earned by investment by the State Treasurer which the State
Treasurer shall have deposited in that Fund.

For the purposes of promoting efficient rail freight
service, the Department may also provide technical assistance
to railroads, units of local government or rail users, or
owners or lessees of railroad rights-of-way.

The Department shall take whatever actions are necessary or
appropriate to protect the State's interest in the event of
bankruptcy, default, foreclosure, or noncompliance with the
terms and conditions of financial assistance or participation
provided hereunder, including the power to sell, dispose,
lease, or rent, upon terms and conditions determined by the
Secretary to be appropriate, real or personal property that the
Department may receive as a result thereof.

The Department is authorized to make reasonable rules and
regulations consistent with law necessary to carry out the
provisions of this Section.

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

Section 270. The Illinois Capital Budget Act is amended by
changing Sections 1, 4, and 6 as follows:
Sec. 1. The **Governor's Office of Management and Budget** Bureau of the Budget shall coordinate the preparation of annually updated 5 year capital improvement programs and yearly capital budgets based on those programs, in cooperation with all State agencies requesting a capital appropriation.
(Source: P.A. 84-838; revised 8-23-03.)

Sec. 4. (a) The **Governor's Office of Management and Budget** Bureau of the Budget shall be responsible for integrating the long range program plans of State agencies which request capital appropriations into capital plans. The Capital Development Board shall be responsible for developing needs based physical plant plans and technical review and survey of facilities. The **Governor's Office of Management and Budget** Bureau of the Budget shall also be responsible for providing funding and expenditure projections.

(b) The Capital Development Board shall be responsible for development and maintenance of a facility inventory of each State agency which requests a capital appropriation.

(c) Recommendations for capital funding shall be included in the annual budget based on the capital improvement project.

(d) The capital improvement program shall be submitted to the General Assembly by the Governor as part of the annual State budget.
(Source: P.A. 84-838; revised 8-23-03.)

Sec. 6. The **Governor's Office of Management and Budget** Bureau of the Budget shall prepare and submit an assessment of the State's capital project needs to the following: the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate and the Illinois Economic and Fiscal Commission. The assessment shall be included in the Governor's annual State budget and shall
discuss the State's needs in the next fiscal year and in the
next 5 fiscal years.
(Source: P.A. 86-192; revised 8-23-03.)

Section 275. The Capital Development Board Act is amended
by changing Sections 10.04 and 10.09-5 as follows:

(20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)
Sec. 10.04. To construct and repair, or contract for and
supervise the construction and repair of, buildings under the
control of or for the use of any State agency, as authorized by
the General Assembly. To the maximum extent feasible, any
construction or repair work shall utilize the best available
technologies for minimizing building energy costs as
determined through consultation with the Department of
Commerce and Economic Opportunity Community Affairs.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(20 ILCS 3105/10.09-5)
Sec. 10.09-5. Standards for an energy code. To adopt rules,
by January 1, 2004, implementing a statewide energy code for
the construction or repair of State facilities described in
Section 4.01. The energy code adopted by the Board shall
incorporate standards promulgated by the American Society of
Heating, Refrigerating and Air-conditioning Engineers, Inc.,
(ASHRAE). In proposing rules, the Board shall consult with the
Department of Commerce and Economic Opportunity Community
Affairs.
(Source: P.A. 93-190, eff. 7-14-03; revised 12-6-03.)

Section 280. The Historic Preservation Agency Act is
amended by changing Section 20 as follows:

(20 ILCS 3405/20)
Sec. 20. Freedom Trail Commission.
(a) Creation. The Freedom Trail Commission is created
within the Agency. The budgeting, procurement, and related functions of the commission and administrative responsibilities for the staff of the commission shall be performed under the direction and supervision of the Agency.

(b) Membership. The commission shall consist of 16 members, appointed as soon as possible after the effective date of this amendatory Act of the 93rd General Assembly. The members shall be appointed as follows:

(1) one member appointed by the President of the Senate;
(2) one member appointed by the Senate Minority Leader;
(3) one member appointed by the Speaker of the House;
(4) one member appointed by the House Minority Leader;
(5) 9 members appointed by the Governor as follows:
   (i) 3 members from the academic community who are knowledgeable concerning African-American history;
   (ii) one public member who is actively involved in civil rights issues; (iii) one public member who is knowledgeable in the field of historic preservation;
   (iv) one public member who represents local communities in which the underground railroad had a significant presence; and (v) 3 members at large, one of whom shall be a representative of the DuSable Museum and one of whom shall be a representative of the Chicago Historical Society;
   (6) the Director of Commerce and Economic Opportunity Community Affairs, ex officio, or a designee of the Director;
(7) the State Librarian, ex officio, or a designee of the State Library; and
(8) the Director of the Historic Preservation Agency, ex officio, or a designee of that Agency.

Appointed members shall serve at the pleasure of the appointing authority.

(c) Election of chairperson; meetings. At its first meeting, the commission shall elect from among its members a
chairperson and other officers it considers necessary or appropriate. After its first meeting, the commission shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 7 or more members.

(d) Quorum. A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving is required for official action of the commission.

(e) Public meeting. The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the Open Meetings Act.

(f) Freedom of information. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the Freedom of Information Act.

(g) Compensation. Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

(h) Duties. The commission shall do the following:

(1) Prepare a master plan to promote and preserve the history of the freedom trail and underground railroad in the State.

(2) Work in conjunction with State and federal authorities to sponsor commemorations, linkages, seminars, and public forums on the freedom trail and underground railroad in the State and in neighboring states.

(3) Assist in and promote the making of applications for inclusion in the national and State registers of historic places for significant historic places related to the freedom trail and the underground railroad in the State.

(4) Assist in developing and develop partnerships to seek public and private funds to carry out activities to protect, preserve, and promote the legacy of the freedom
trail and the underground railroad in the State.

(5) Work with the Illinois State Board of Education to evaluate, conduct research concerning, and develop a curriculum for use in Illinois public schools regarding the underground railroad, with emphasis on the activities of the underground railroad within the State.


(Source: P.A. 93-487, eff. 8-8-03; revised 12-6-03.)

Section 285. The Small Business Surety Bond Guaranty Act is amended by changing Section 5 as follows:

(20 ILCS 3520/5)

Sec. 5. Definitions.

"Contract term" means the term of the private sector, government, or utility contract, including a maintenance or warranty period of up to 2 years from the date on which final payment under the contract is due.

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

"Fund" means the Small Business Surety Bond Guaranty Fund.

"Principal" means (i) in the case of a bid bond, a person bidding for the award of a contract, or (ii) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of the contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

"Program" means the Small Business Surety Bond Guaranty Program created by this Act.

(Source: P.A. 88-407; 88-665, eff. 9-16-94; revised 12-6-03.)

Section 290. The Illinois Investment and Development Authority Act is amended by changing Section 15 as follows:
Sec. 15. Creation of Illinois Investment and Development Authority; members.

(a) There is created a political subdivision, body politic and corporate, to be known as the Illinois Investment and Development Authority. The exercise by the Authority of the powers conferred by law shall be an essential public function. The governing powers of the Authority shall be vested in a body consisting of 11 members, including, as ex officio members, the Commissioner of Banks and Real Estate and the Director of Commerce and Economic Opportunity Community Affairs or their designees. The other 9 members of the Authority shall be appointed by the Governor, with the advice and consent of the Senate, and shall be designated "public members". The public members shall include representatives from banks and other private financial services industries, community development finance experts, small business development experts, and other community leaders. Not more than 6 members of the Authority may be of the same political party. The Chairperson of the Authority shall be designated by the Governor from among its public members.

(b) Six members of the Authority shall constitute a quorum. However, when a quorum of members of the Authority is physically present at the meeting site, other Authority members may participate in and act at any meeting through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. All official acts of the Authority shall require the approval of at least 5 members.

(c) Of the members initially appointed by the Governor pursuant to this Act, 3 shall serve until the third Monday in January, 2004, 3 shall serve until the third Monday in January, 2005, and 3 shall serve until the third Monday in January, 2006 and all shall serve until their successors are appointed and
qualified. All successors shall hold office for a term of 3
years commencing on the third Monday in January of the year in
which their term commences, except in case of an appointment to
fill a vacancy. Each member appointed under this Section who is
confirmed by the Senate shall hold office during the specified
term and until his or her successor is appointed and qualified.
In case of vacancy in the office when the Senate is not in
session, the Governor may make a temporary appointment until
the next meeting of the Senate, when the Governor shall
nominate such person to fill the office, and any person so
ominated who is confirmed by the Senate, shall hold his or her
office during the remainder of the term and until his or her
successor is appointed and qualified.
(d) Members of the Authority shall not be entitled to
compensation for their services as members, but shall be
entitled to reimbursement for all necessary expenses incurred
in connection with the performance of their duties as members.
(e) The Governor may remove any public member of the
Authority in case of incompetency, neglect of duty, or
malfeasance in office, after service on the member of a copy of
the written charges against him or her and an opportunity to be
publicly heard in person or by counsel in his or her own
defense upon not less than 10 days notice.
(Source: P.A. 92-864, eff. 6-1-03; revised 12-6-03.)

Section 295. The Illinois Building Commission Act is
amended by changing Section 35 as follows:

(20 ILCS 3918/35)

Sec. 35. Administration and enforcement of State building
requirements. The Commission shall also suggest a long-term
plan to improve administration and enforcement of State
building requirements statewide. The plan shall include (i)
recommendations for ways the Department of Commerce and
Economic Opportunity Community Affairs could create a
consolidated clearinghouse on all information concerning
existing State building requirements, (ii) recommendations for a consistent format for State building requirements, (iii) recommendations for a system or procedure for updating existing State building requirements that shall include a procedure for input from the public, (iv) recommendations for a system or procedure for the review, approval, and appeal of building plans, and (v) recommendations for a system or procedure to enforce the State building requirements. The Commission shall submit its suggestions for creating the consolidated clearinghouse to the Department of Commerce and Economic Opportunity Community Affairs as soon as practical after the effective date of this Act.

(Source: P.A. 90-269, eff. 1-1-98; revised 12-6-03.)

Section 300. The Government Buildings Energy Cost Reduction Act of 1991 is amended by changing Sections 10 and 15 as follows:

(20 ILCS 3953/10) (from Ch. 96 1/2, par. 9810)

Sec. 10. Definitions. "Energy conservation project" and "project designed to reduce energy consumption and costs" mean any improvement, repair, alteration or betterment of any building or facility or any equipment, fixture or furnishing to be added to or used in any building or facility that the Director of Commerce and Economic Opportunity Community Affairs has determined will be a cost effective energy related project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility, and will achieve energy cost savings sufficient to cover bond debt service and other project costs within 7 years from the date of project installation.

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

(20 ILCS 3953/15) (from Ch. 96 1/2, par. 9815)

Sec. 15. Creation. There is created within State government the Interagency Energy Conservation Committee, hereinafter
referred to as the Committee. The Committee shall be composed of the Secretary of Human Services and the Directors of the Department of Commerce and Economic Opportunity Community Affairs, the Department of Central Management Services, the Department of Corrections, the Illinois Board of Higher Education, and the Capital Development Board, or their designees. The Director of the Department of Commerce and Economic Opportunity Community Affairs shall serve as Committee chairman, and the Committee's necessary staff and resources shall be drawn from the Department of Commerce and Economic Opportunity Community Affairs.

(Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97; revised 12-6-03.)

Section 305. The Illinois Economic Development Board Act is amended by changing Sections 2, 3, and 4.5 as follows:

(20 ILCS 3965/2) (from Ch. 127, par. 3952)

Sec. 2. The Illinois Economic Development Board, referred to in this Act as the board, is hereby created within the Department of Commerce and Economic Opportunity Community Affairs. The board is charged with the responsibility of assisting the Department with creating a long-term economic development strategy for the State, designed to spur economic growth, enhance opportunities for core Illinois industries, encourage new job creation and investment, that is consistent with the preservation of the State's quality of life and environment.

(Source: P.A. 86-1430; revised 12-6-03.)

(20 ILCS 3965/3) (from Ch. 127, par. 3953)

Sec. 3. The board shall be composed of citizens from both the private and public sectors who are actively engaged in organizations and businesses that support economic expansion, industry enhancement and job creation. The board shall be composed of the following persons:
(a) the Governor or his or her designee;
(b) four members of the General Assembly, one each appointed by the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and House of Representatives;
(c) 20 members appointed by the Governor including representatives of small business, minority owned companies, women owned companies, manufacturing, economic development professionals, and citizens at large.
(d) (blank);
(e) (blank);
(f) (blank);
(g) (blank);
(h) (blank);
(i) (blank);
(j) (blank);
(k) (blank);
(l) (blank);
(m) (blank).

The Director of the Department of Commerce and Economic Opportunity Community Affairs shall serve as an ex officio member of the board.

The Governor shall appoint the members of the board specified in subsections (c) through (m) of this Section, subject to the advice and consent of the Senate, within 30 days after the effective date of this Act. The first meeting of the board shall occur within 60 days after the effective date of this Act.

The Governor shall appoint a chairperson and a vice chairperson of the board. Members shall serve 2-year terms. The position of a legislative member shall become vacant if the member ceases to be a member of the General Assembly. A vacancy in a board position shall be filled by the original appointing authority.

The board shall include representation from each of the State's geographic areas.
The board shall meet quarterly or at the call of the chair and shall create subcommittees as needed to deal with specific issues and concerns. Members shall serve without compensation but may be reimbursed for expenses.  
(Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

(20 ILCS 3965/4.5)
Sec. 4.5. Additional duties. In addition to those duties granted under Section 4, the Illinois Economic Development Board shall:

(1) Establish a Business Investment Location Development Committee for the purpose of making recommendations for designated economic development projects. At the request of the Board, the Director of Commerce and Economic Opportunity Community Affairs or his or her designee; the Director of the Governor's Office of Management and Budget Bureau of the Budget, or his or her designee; the Director of Revenue, or his or her designee; the Director of Employment Security, or his or her designee; and an elected official of the affected locality, such as the chair of the county board or the mayor, may serve as members of the Committee to assist with its analysis and deliberations.

(Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

Section 310. The Illinois Business Regulatory Review Act is amended by changing Sections 15-30 and 15-35 as follows:
(20 ILCS 3966/15-30)

Sec. 15-30. Advisory responsibilities of the Business Regulatory Review Committee. At the direction and request of the Board, the Committee shall provide the following advisory assistance:

(1) To advise the Office of the Governor regarding agency rulemaking and to offer recommendations that improve the State rulemaking process, which may include alternative standards that might be set for enforcement by regulatory agencies.

(2) To advise the General Assembly about whether the State should adopt small business regulatory enforcement fairness legislation modeled after the equivalent federal legislation and regarding how Illinois laws compare with those of other states and how Illinois might implement reforms adopting the better or best practices of these other states.

(3) To advise the Department of Commerce and Economic Opportunity Community Affairs with the operations of the First Stop, small business regulatory review, and similar department programs.

(4) To advise relevant State agencies on the formulation of federally required State rules.

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

(20 ILCS 3966/15-35)

Sec. 15-35. Support for Committee. The Committee shall be provided staff support services by the Department of Commerce and Economic Opportunity Community Affairs, the Office of the Governor, and various regulatory agencies. Members of the Committee shall serve without compensation, but may be reimbursed for expenses.

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

Section 315. The Illinois River Watershed Restoration Act
is amended by changing Section 15 as follows:

(20 ILCS 3967/15)

Sec. 15. Illinois River Coordinating Council.

(a) There is established the Illinois River Coordinating Council, consisting of 13 voting members to be appointed by the Governor. One member shall be the Lieutenant Governor who shall serve as a voting member and as chairperson of the Council. The Agency members of the Council shall include the Director, or his or her designee, of each of the following agencies: the Department of Agriculture, the Department of Commerce and Economic Opportunity Community Affairs, the Illinois Environmental Protection Agency, the Department of Natural Resources, and the Department of Transportation. In addition, the Council shall include one member representing Soil and Water Conservation Districts located within the Watershed of the Illinois River and its tributaries and 6 members representing local communities, not-for-profit organizations working to protect the Illinois River Watershed, business, agriculture, recreation, conservation, and the environment. The Governor may, at his or her discretion, appoint individuals representing federal agencies to serve as ex officio, non-voting members.

(b) Members of the Council shall serve 2-year terms, except that of the initial appointments, 5 members shall be appointed to serve 3-year terms and 4 members to serve one-year terms.

(c) The Council shall meet at least quarterly.

(d) The Office of the Lieutenant Governor shall be responsible for the operations of the Council. The Office may reimburse members of the Council for ordinary and contingent expenses incurred in the performance of Council duties.

(e) This Section is subject to the provisions of Section 405-500 of the Department of Central Management Services Law (20 ILCS 405/405-500).

(Source: P.A. 90-120, eff. 7-16-97; 90-609, eff. 6-30-98; 91-239, eff. 1-1-00; revised 12-6-03.)
Section 320. The Interagency Coordinating Committee on Transportation Act is amended by changing Section 15 as follows:

(20 ILCS 3968/15)

Sec. 15. Committee. The Illinois Coordinating Committee on Transportation is created and shall consist of the following members:

(1) The Governor or his or her designee.

(2) The Secretary of Transportation or his or her designee.

(3) The Secretary of Human Services or his or her designee.

(4) The Director of Aging or his or her designee.

(5) The Director of Public Aid or his or her designee.

(6) The Director of Commerce and Economic Opportunity or his or her designee.

(7) A representative of the Illinois Rural Transit Assistance Center.

(8) A person who is a member of a recognized statewide organization representing older residents of Illinois.

(9) A representative of centers for independent living.


(11) A representative of an existing transportation system that coordinates and provides transit services in a multi-county area for the Department of Transportation, Department of Human Services, Department of Commerce and Economic Opportunity or Department on Aging.

(12) A representative of a statewide organization of rehabilitation facilities or other providers of services for persons with one or more disabilities.

(13) A representative of a community-based organization.

(14) A representative of the Department of Public Health.

(15) A representative of the Rural Partners.

(16) The Director of Employment Security or his or her
designee.

(17) A representative of a statewide business association.


The Governor shall appoint the members of the Committee other than those named in paragraphs (1) through (6) and paragraph (16) of this Section. The Governor or his or her designee shall serve as chairperson of the Committee and shall convene the meetings of the Committee. The Secretary of Transportation and a representative of a community-based organization involved in transportation or their designees, shall serve as co-vice-chairpersons and shall be responsible for staff support for the committee.

(Source: P.A. 93-185, eff. 7-11-03; revised 12-6-03.)

Section 325. The Interagency Coordinating Council Act is amended by changing Section 2 as follows:

(20 ILCS 3970/2) (from Ch. 127, par. 3832)

Sec. 2. Interagency Coordinating Council. There is hereby created an Interagency Coordinating Council which shall be composed of the Directors, or their designees, of the Illinois Department of Children and Family Services, Illinois Department of Commerce and Economic Opportunity Community Affairs, Illinois Department of Corrections, Illinois Department of Employment Security, and Illinois Department of Public Aid; the Secretary of Human Services or his or her designee; the Executive Director, or a designee, of the Illinois Community College Board, the Board of Higher Education, and the Illinois Planning Council on Developmental Disabilities; the State Superintendent of Education, or a designee; and a designee representing the University of Illinois - Division of Specialized Care for Children. The Secretary of Human Services (or the member who is the designee for the Secretary of Human Services) and the State Superintendent of Education (or the member who is the designee
for the State Superintendent of Education) shall be co-chairs of the Council. The co-chairs shall be responsible for ensuring that the functions described in Section 3 of this Act are carried out.

(Source: P.A. 92-452, eff. 8-21-01; revised 12-6-03.)

Section 330. The Illinois Manufacturing Technology Alliance Act is amended by changing Sections 4 and 15 as follows:

(20 ILCS 3990/4) (from Ch. 48, par. 2604)

Sec. 4. Board of Directors.

(a) The Illinois Manufacturing Technology Alliance shall be governed and operated by a Board of Directors consisting of 11 members: 5 public members who shall be representative of industries to be served by the Alliance; 2 public members who shall be researchers in manufacturing technologies; and 4 ex officio members who shall be the Director of the Department of Commerce and Economic Opportunity Community Affairs, the Chief Executive Officer of the Prairie State 2000 Authority, the Executive Director of the Board of Higher Education and the Executive Director of the Illinois Community College Board. An ex officio member may designate a representative to serve as a substitute when such member is unable to attend a meeting of the Board.

(b) The Governor, by and with the advice and consent of the Senate, shall appoint the 5 public members who are representative of industries to be served by the Alliance and the 2 public members who are researchers in manufacturing technologies. To the extent possible, 4 members of the 5 public members who are representatives of industries to be served by the Alliance shall be members of trade associations that are Alliance Partners.

A vacancy in the position of Board member shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. The Governor may remove any public member
from office on a formal finding of incompetence, neglect of
duty or malfeasance in office. Within 30 days after the office
of any appointed member becomes vacant for any reason, the
Governor shall fill the vacancy for the unexpired term in the
same manner as that in which appointments are made. If the
Senate is not in session when the first appointments are made
or when the Governor fills a vacancy, the Governor shall make
temporary appointments until the next meeting of the Senate,
when he shall nominate persons to be confirmed by the Senate.

(c) No more than 4 public members shall be of the same
political party.

(d) Of those public members initially appointed to the
Board, 4 Directors, no more than 2 of the same political party,
shall be appointed to serve until July 1, 1993, and 3
Directors, not more than 2 of the same political party, shall
be appointed to serve until July 1, 1991. Thereafter, each
public member shall be appointed for a 4 year term, or until
his successor is appointed and qualified. The terms of the
public members initially appointed shall commence upon the
appointment of all 7 public members.

(e) No public member may serve as a Director for an
aggregate of more than 10 years.

(Source: P.A. 86-1015; revised 12-6-03.)

(20 ILCS 3990/15) (from Ch. 48, par. 2615)

Sec. 15. Relationship with other Agencies. The Alliance
shall cooperate with the Department of Commerce and Economic
Opportunity Community Affairs, the Board of Higher Education,
the Illinois Community College Board, the Prairie State 2000
Authority and any other agency or authority of the State on any
project or program that improves the competitiveness of small
and medium size Illinois manufacturers. The policies and
programs of the Alliance shall be consistent with economic
development policies of this State.

(Source: P.A. 86-1015; revised 12-6-03.)
Section 335. The Illinois Council on Developmental Disabilities Law is amended by changing Sections 2004 and 2004.5 as follows:

(20 ILCS 4010/2004) (from Ch. 91 1/2, par. 1954)

(a) The council shall be composed of 38 voting members, 27 of whom shall be appointed by the Governor from residents of the State so as to ensure that the membership reasonably represents consumers of services to persons with developmental disabilities.
(b) Eleven voting members shall be the Directors of Public Aid, Public Health, Aging, Children and Family Services, the Guardianship and Advocacy Commission, the State protection and advocacy agency, the State Board of Education, the Division of Specialized Care for Children of the University of Illinois, and the State University Affiliated Program, or their designees, plus the Secretary of Human Services (or his or her designee) and one additional representative of the Department of Human Services designated by the Secretary.
(c) Nineteen voting members shall be persons with developmental disabilities, parents or guardians of such persons, or immediate relatives or guardians of persons with mentally impairing developmental disabilities. None of these members shall be employees of a State agency which receives funds or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, managing employees of any other entity which services funds or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, or persons with an ownership or control interest in such an entity. Of these members:
(1) At least 6 shall be persons with developmental disabilities and at least 6 shall be immediate relatives or guardians of persons with mentally impairing developmental disabilities; and
(2) One member shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

(d) Eight voting members shall be representatives of local agencies, nongovernmental agencies and groups concerned with services to persons with developmental disabilities.

(e) The Governor shall consider nominations made by advocacy and community-based organizations.

(f) Of the initial members appointed by the Governor, 8 shall be appointed for terms of one year, 9 shall be appointed for terms of 2 years, and 9 shall be appointed for terms of 3 years. Thereafter, all members shall be appointed for terms of 3 years. No member shall serve more than 2 successive terms.

(g) Individual terms of office shall be chosen by lot at the initial meeting of the council.

(h) Vacancies in the membership shall be filled in the same manner as initial appointments. Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the unexpired term.

(i) Members shall not receive compensation for their services, but shall be reimbursed for their actual expenses plus up to $50 a day for any loss of wages incurred in the performance of their duties.

(j) Total membership consists of the number of voting members, as defined in this Section, excluding any vacant positions. A quorum shall consist of a simple majority of total membership and shall be sufficient to constitute the transaction of business of the council unless stipulated otherwise in the bylaws of the council.

(k) The council shall meet at least quarterly.

(l) The Director of the Governor's Office of Management and Budget Bureau of the Budget, or his or her designee, shall serve as a nonvoting member of the council.

(Source: P.A. 89-507, eff. 7-1-97; revised 8-23-03.)

(20 ILCS 4010/2004.5)
Sec. 2004.5. Council membership. The General Assembly intends that the reduction in the membership of the Council shall occur through attrition between the effective date of this amendatory Act of the 91st General Assembly and January 1, 2001. In the event that the terms of 10 voting members have not expired by January 1, 2001, members of the Council serving on that date shall continue to serve until their terms expire.

(a) The membership of the Council must reasonably represent the diversity of this State. Not less than 60% of the Council's membership must be individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves.

The Council must also include representatives of State agencies that administer moneys under federal laws that relate to individuals with developmental disabilities; the State University Center for Excellence in Developmental Disabilities Education, Research, and Service; the State protection and advocacy system; and representatives of local and non-governmental agencies and private non-profit groups concerned with services for individuals with developmental disabilities. The members described in this paragraph must have sufficient authority to engage in policy-making, planning, and implementation on behalf of the department, agency, or program that they represent. Those members may not take part in any discussion of grants or contracts for which their departments, agencies, or programs are grantees, contractors, or applicants and must comply with any other relevant conflict of interest provisions in the Council's policies or bylaws.

(b) Seventeen voting members, appointed by the Governor, must be persons with developmental disabilities, parents or guardians of persons with developmental disabilities, or immediate relatives or guardians of persons with mentally-impairing developmental disabilities. None of these members may be employees of a State agency that receives funds
or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et seq.), as now or hereafter amended, managing employees of any other entity that receives moneys or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et seq.), as now or hereafter amended, or persons with an ownership interest in or a controlling interest in such an entity. Of the members appointed under this subsection (b):

(1) at least 6 must be persons with developmental disabilities;

(2) at least 6 must be parents, immediate relatives, or guardians of children and adults with developmental disabilities, including individuals with mentally-impairing developmental disabilities who cannot advocate for themselves; and

(3) 5 members must be a combination of persons described in paragraphs (1) and (2); at least one of whom must be (i) an immediate relative or guardian of an individual with a developmental disability who resides or who previously resided in an institution or (ii) an individual with a developmental disability who resides or who previously resided in an institution.

c Two voting members, appointed by the Governor, must be representatives of local and non-governmental agencies and private non-profit groups concerned with services for individuals with developmental disabilities.

d Nine voting members shall be the Director of Public Aid, or his or her designee; the Director of Aging, or his or her designee; the Director of Children and Family Services, or his or her designee; a representative of the State Board of Education; a representative of the State protection and advocacy system; a representative of the State University Center for Excellence in Developmental Disabilities Education, Research, and Service; representatives of the Office of Developmental Disabilities and the Office of Community Health.
and Prevention of the Department of Human Services (as the
State's lead agency for Title V of the Social Security Act, 42
U.S.C. 701 et seq.) designated by the Secretary of Human
Services; and a representative of the State entity that
administers federal moneys under the federal Rehabilitation
Act.

(e) The Director of the Governor's Office of Management and
Budget Bureau of the Budget, or his or her designee, shall be a
non-voting member of the Council.

(f) The Governor must provide for the timely rotation of
members.

Appointments to the Council shall be for terms of 3 years.
Appointments to fill vacancies occurring before the expiration
of a term shall be for the remainder of the term. Members shall
serve until their successors are appointed.

The Council, at the discretion of the Governor, may
cordinate and provide recommendations for new members to the
Governor based upon their review of the Council's composition
and on input received from other organizations and individuals
representing persons with developmental disabilities,
including the non-State agency members of the Council. The
Council must, at least once each year, advise the Governor on
the Council's membership requirements and vacancies, including
rotation requirements.

No member may serve for more than 2 successive terms.

(g) Members may not receive compensation for their
services, but shall be reimbursed for their reasonable expenses
plus up to $50 per day for any loss of wages incurred in the
performance of their duties.

(h) The total membership of the Council consists of the
number of voting members, as defined in this Section, excluding
any vacant positions. A quorum is a simple majority of the
total membership and is sufficient to constitute the
transaction of the business of the Council unless otherwise
stipulated in the bylaws of the Council.

(i) The Council must meet at least quarterly.
Section 340. The Prairie State 2000 Authority Act is amended by changing Sections 7 and 12 as follows:

(20 ILCS 4020/7) (from Ch. 48, par. 1507)

Sec. 7. (a) The Prairie State 2000 Authority shall be governed and operated by a Board of Directors consisting of the State Treasurer, the Director of the Department of Commerce and Economic Opportunity Community Affairs and the Director of the Department of Employment Security, or their respective designees, as ex officio members, and 4 public members who shall be appointed by the Governor with the advice and consent of the Senate and who shall be of high moral character and expert in educational or vocational training matters, employee benefits, or finance. Each public member shall be appointed for an initial term as provided in paragraph (b) of this Section. Thereafter, each public member shall hold office for a term of 4 years and until his successor has been appointed and assumes office. The Board shall elect a public member to be Chairman. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. The Governor may remove any public member from office on a formal finding of incompetence, neglect of duty or malfeasance in office. Within 30 days after the office of any appointed member becomes vacant for any reason, the Governor shall fill the vacancy for the unexpired term in the same manner as that in which appointments are made. If the Senate is not in session when the first appointments are made or when the Governor fills a vacancy, the Governor shall make temporary appointments until the next meeting of the Senate, when he shall nominate persons to be confirmed by the Senate. No more than 2 public members shall be members of the same political party. Every public member's term shall commence on July 1, except for the terms of the public members initially appointed, whose terms shall commence upon the appointment of all 4 public members.
(b) The initial terms of public members shall be as follows:

(i) Two Directors not members of the same political party shall be appointed to serve until July 1, 1987;

(ii) Two Directors not members of the same political party shall be appointed to serve until July 1, 1985.

No public member may serve as a Director for an aggregate of more than 8 years. A Director appointed under this paragraph (b) shall serve until his successor shall have been appointed and assumes office.

(Source: P.A. 84-1090; revised 12-6-03.)

(20 ILCS 4020/12) (from Ch. 48, par. 1512)

Sec. 12. General Powers and Duties of the Board. Except as otherwise limited by this Act, the Board shall have all powers necessary to meet its responsibilities and to carry out its purposes, including but not limited to the following powers:

(a) To sue and be sued.

(b) To establish and maintain petty cash funds as provided in Section 13.3 of "An Act in relation to State finance", approved June 10, 1919, as amended.

(c) To make, amend and repeal bylaws, rules, regulations and resolutions consistent with this Act.

(d) To make and execute all contracts and instruments necessary or convenient to the exercise of its powers.

(e) To exclusively control and manage the Authority and all monies donated, paid or appropriated for the relief or benefit of unemployed or inappropriately skilled workers.

(f) To order and direct the issuance of benefit vouchers provided for by this Act, signed by the Chairman and the Chief Executive Officer, to persons entitled thereto in amounts to which such persons are entitled under Section 14. The Board may designate any of its members, or any officer or employee of the Authority, to affix the signature of the Chairman and another to affix the signature of the Chief Executive Officer to the benefit vouchers.
(g) Upon determining that appropriate and sufficient educational or vocational training services are being provided by a participating educational or vocational training institution to the bearer of a voucher, to cause prompt payment of the amount stated on the face of the voucher to such participating educational or vocational training institution, on the condition that such amount shall not exceed the benefit levels to which the bearer is entitled.

(h) To undertake such studies with respect to job training which will assist the Authority in carrying out the purposes of this Act. The Board shall prepare a report on the feasibility of individual training accounts.

(i) To annually review the Prairie State 2000 Authority Program and the provisions of this Act and to make recommendations to the Governor and the General Assembly regarding changes to this Act or some other Act to make improvements in the Program.

(j) To have an audit of the accounts of the Authority made annually by persons competent to perform such work and to provide a copy of such audit to the Auditor General who shall review such audit and make such other investigations and audits as he deems necessary, on the condition that the Auditor General shall each biennium conduct an audit independent of the audit conducted by the persons retained by the Board. The Board and the Auditor General shall report the findings revealed by their audits to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Minority Leaders of each house of the General Assembly.

(k) To prepare and submit a budget and request for appropriations for the necessary and contingent operating expenses of the Authority.

(l) To encourage participation in the Program by means of advertising, incentives, and other marketing devices with special attention to geographic areas with levels of unemployment or underemployment which are substantially above the statewide level of unemployment.
(m) To adopt, alter and use a corporate seal.
(n) To accept appropriations, grants and funds from the federal and State governments and any agency thereof and expend those monies in accordance with, and in furtherance of the purposes of, this Act.
(o) To enter into intergovernmental agreements with other governmental entities, including the Department of Employment Security and the Department of Commerce and Economic Opportunity Community Affairs, in order to implement and execute the powers and duties set forth in this Section and all other Sections of this Act.
(Source: P.A. 84-1090; revised 12-6-03.)

Section 345. The Fiscal Note Act is amended by changing Section 2 as follows:

(25 ILCS 50/2) (from Ch. 63, par. 42.32)
Sec. 2. The sponsor of each bill, referred to in Section 1, shall present a copy of the bill, with his request for a fiscal note, to the board, commission, department, agency, or other entity of the State which is to receive or expend the appropriation proposed or which is responsible for collection of the revenue proposed to be increased or decreased, or to be levied or provided for. The sponsor of a bill that amends the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act shall present a copy of the bill, with his or her request for a fiscal note, to the Department of Human Services. The fiscal note shall be prepared by such board, commission, department, agency, or other entity and furnished to the sponsor of the bill within 5 calendar days thereafter; except that whenever, because of the complexity of the measure, additional time is required for preparation of the fiscal note, the board, commission, department, agency, or other entity may so inform the sponsor of the bill and he may approve an extension of the time within which the note is to be furnished, not to extend,
however, beyond June 15, following the date of the request.
Whenever any measure for which a fiscal note is required
affects more than one State board, commission, department,
agency, or other entity, the board, commission, department,
agency, or other entity most affected by its provisions
according to the sponsor shall be responsible for preparation
of the fiscal note. Whenever any measure for which a fiscal
note is required does not affect a specific board, commission,
department, agency or other such entity, or does not amend the
Mental Health and Developmental Disabilities Code or the
Developmental Disability and Mental Disability Services Act,
the sponsor of the measure shall be responsible for preparation
of the fiscal note.

In the case of bills having a potential fiscal impact on
units of local government, the fiscal note shall be prepared by
the Department of Commerce and Economic Opportunity Community
Affairs. In the case of bills having a potential fiscal impact
on school districts, the fiscal note shall be prepared by the
State Superintendent of Education. In the case of bills having
a potential fiscal impact on community college districts, the
fiscal note shall be prepared by the Illinois Community College
Board.
(Source: P.A. 92-567, eff. 1-1-03; revised 12-6-03.)

Section 350. The Home Rule Note Act is amended by changing
Sections 10 and 40 as follows:

(25 ILCS 75/10) (from Ch. 63, par. 42.91-10)
Sec. 10. Preparation of the note. Upon the request of the
sponsor of a bill described in Section 5, the Director of
Commerce and Economic Opportunity Community Affairs or some
person within the Department designated by the Director shall
prepare a written note setting forth the information required
by Section 5. The note shall be designated a home rule note and
shall be furnished to the sponsor within 10 calendar days after
the request, except that whenever, because of the complexity of
the bill, additional time is required for the preparation of
the note, the Department may so notify the sponsor and request
an extension of time not to exceed 5 additional days within
which to furnish the note. An extension may not, however, be
beyond June 15 following the date of the request.
(Source: P.A. 87-229; revised 12-6-03.)

(25 ILCS 75/40) (from Ch. 63, par. 42.91-40)
Sec. 40. Confidentiality. The subject matter of bills
submitted to the Director shall be kept in strict confidence by
the Department of Commerce and Economic Opportunity Community
Affairs, and no information relating to the bill or its home
rule impact shall be divulged by any official or employee of
the Department, except to the bill's sponsor or the sponsor's
designee, before the bill's introduction in the General
Assembly.
(Source: P.A. 87-229; revised 12-6-03.)

Section 355. The Fiscal Control and Internal Auditing Act
is amended by changing Section 2004 as follows:

(30 ILCS 10/2004) (from Ch. 15, par. 2004)
Sec. 2004. Consultations by internal auditor. Each chief
internal auditor may consult with the Auditor General, the
Department of Central Management Services, the Economic and
Fiscal Commission, the appropriations committees of the
General Assembly, the Governor's Office of Management and
Budget Bureau of the Budget, or the Internal Audit Advisory
Board on matters affecting the duties or responsibilities of
the chief internal auditor under this Act.
(Source: P.A. 86-936; revised 8-23-03.)

Section 360. The State Finance Act is amended by changing
Sections 6b-3, 6z-39, 6z-54, 8.14, 8.22, 8.23, 9.03, and 9.04
as follows:
Sec. 6b-3. There shall be paid into the State Housing Fund the moneys recovered from Land Clearance Commissions and Housing Authorities under the provisions of (1) Section 32 of the "Housing Authorities Act", approved March 19, 1934, as amended; (2) Section 9a of "An Act to facilitate the development and construction of housing, to provide governmental assistance therefor, and to repeal an Act herein named," approved July 2, 1947, as amended; and (3) Section 25a of the "Blighted Areas Redevelopment Act of 1947", approved July 2, 1947, as amended.

The moneys in the State Housing Fund shall be used for grants in aid of housing, development, redevelopment projects, and any other programs compatible with the duties and obligations of the Department of Commerce and Economic Opportunity Community Affairs and local housing authorities or land clearance commissions and such funds may be allocated to those authorities and/or programs in accordance with the judgment of the Department of Commerce and Economic Opportunity Community Affairs except that no moneys may be retained in the fund beyond a period 36 months following their deposit. In any instance where moneys are accumulated in the State Housing Fund and not distributed in accordance with determination made by the Department of Commerce and Economic Opportunity Community Affairs within 36 months then such moneys shall be returned to the General Revenue Fund.

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

Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The Governor's Office of Management and Budget Bureau of the Budget shall be the State coordinator and representative with the United States Department of the Treasury for purposes of implementing the federal Cash Management Improvement Act of 1990.

The Governor's Office of Management and Budget Bureau of
the Budget shall: negotiate Treasury-State agreements; develop
and file annual reports; establish the net State liability;
determine State agency shares of the net State liability;
direct State agencies to pay or transfer moneys into the
Federal Financing Cost Reimbursement Fund; and initiate
payments of the net State liability to the U.S. Treasury out of
the Federal Financing Cost Reimbursement Fund. Agencies shall
make payments or transfers to the Federal Financing Cost
Reimbursement Fund as directed by the Governor's Office of
Management and Budget Bureau of the Budget and shall otherwise
cooperate with the Governor's Office of Management and Budget
Bureau of the Budget to implement the federal Cash Management
Improvement Act of 1990.
(Source: P.A. 89-21, eff. 7-1-95; revised 8-23-03.)

(30 ILCS 105/6z-54)
Sec. 6z-54. The Energy Infrastructure Fund.
(a) The Energy Infrastructure Fund is created as a special
fund in the State treasury.
(b) Money in the Energy Infrastructure Fund shall, if and
when the State of Illinois issues any bonded indebtedness for
financial assistance to new electric generating facilities, as
provided in Section 605-332 of the Department of Commerce and
Economic Opportunity Community Affairs Law of the Civil
Administrative Code of Illinois, be set aside and used for the
purpose of paying and discharging annually the principal and
interest on that bonded indebtedness then due and payable, and
for no other purpose.

In addition to other transfers to the General Obligation
Bond Retirement and Interest Fund made pursuant to Section 15
of the General Obligation Bond Act, upon each delivery of bonds
issued for financial assistance to new electric generating
facilities under Section 605-332 of the Department of Commerce
and Economic Opportunity Community Affairs Law of the Civil
Administrative Code of Illinois, the State Comptroller shall
compute and certify to the State Treasurer the total amount of
principal and interest, and premium, if any, on such bonds
during the then current and each succeeding fiscal year. On or
before the last day of each month, the State Treasurer and the
State Comptroller shall transfer from the Energy
Infrastructure Fund to the General Obligation Bond Retirement
and Interest Fund an amount sufficient to pay the aggregate of
the principal of, interest on, and premium, if any, on the
bonds payable on their next payment date, divided by the number
of monthly transfers occurring between the last previous
payment date (or the delivery date if no payment date has yet
occurred) and the next succeeding payment date.

(c) To the extent that moneys in the Energy Infrastructure
Fund, in the opinion of the Governor and the Director of the
Governor's Office of Management and Budget Bureau of the
Budget, are in excess of 125% of the maximum debt service in
any fiscal year, such surplus shall, subject to appropriation,
be used by the Department of Commerce and Economic Opportunity
Community Affairs for financial assistance under other coal
development programs administered by the Department, in
accordance with the rules of the Department or for other State
purposes subject to appropriation.

(Source: P.A. 92-12, eff. 7-1-01; 92-651, eff. 7-11-02; revised
8-23-03.)

(30 ILCS 105/8.14) (from Ch. 127, par. 144.14)

Sec. 8.14. Appropriations from the Public Utility Fund
shall be made only to the Illinois Commerce Commission for
ordinary and contingent expenses of the Commission in the
administration of the Public Utilities Act, in the
administration of the Electric Supplier Act, and in the
administration of the Illinois Gas Pipeline Safety Act; to the
Department of Natural Resources for the purpose of conducting
studies concerning environmental pollution problems caused or
contributed to by public utilities and the means for
eliminating or abating those problems, in accordance with the
functions of the Department as specified in the Environmental
Protection Act; and to the Department of Commerce and Economic Opportunity Community Affairs for administration of energy programs, including those specified in the Comprehensive Solar Energy Act of 1977 and the Illinois Coal and Energy Development Bond Act. No money shall be transferred from the Public Utility Fund to any other fund.

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

(30 ILCS 105/8.22) (from Ch. 127, par. 144.22)

Sec. 8.22. Appropriations for the ordinary and contingent expenses of the Department of Commerce and Economic Opportunity Community Affairs may be made from the Intra-Agency Services Fund, provided that the State Comptroller and the State Treasurer shall, within a reasonable time after July 1 of each year, upon the direction of the Governor, transfer from the Intra-Agency Services Fund to the General Revenue Fund such amounts as the Governor has determined to be in excess of the amount required to meet the obligations of the Intra-Agency Services Fund.

(Source: P.A. 82-790; revised 12-6-03.)

(30 ILCS 105/8.23) (from Ch. 127, par. 144.23)

Sec. 8.23. Until October 30, 1983, all moneys held in the following Federal trust funds as of the effective date of this amendatory Act of 1982, for expenditures by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) for general administration, shall be transferred to the Intra-Agency Services Trust Fund by the State Comptroller and the State Treasurer at the direction of the Department and with the approval of the Governor:

(1) The Urban Planning Assistance Fund.

(2) The Economic Opportunity Fund.


(4) The Federal Industrial Services Fund.


(6) The Economic Development Services Fund.
The Human Services Support Fund.

(8) The Local Government Affairs Federal Trust Fund.

(9) The Federal Moderate Rehabilitation Housing Fund.

(Source: P.A. 82-790; revised 12-6-03.)

(30 ILCS 105/9.03) (from Ch. 127, par. 145d)

Sec. 9.03. The certification on every State payroll voucher shall be as follows:

"I certify that the employees named, their respective indicated positions and service times, and appropriation to be charged, as shown on the accompanying payroll sheets are true, complete, correct and according to the provisions of law; that such employees are involved in decision making or have direct line responsibility to a person who has decision making authority concerning the objectives, functions, goals and policies of the organizational unit for which the appropriation was made; that the results of the work performed by these employees and that substantially all of their working time is directly related to the objectives, functions, goals, and policies of the organizational unit for which the appropriation is made; that all working time was expended in the service of the State; and that the employees named are entitled to payment in the amounts indicated. If applicable, the reporting requirements of Section 5.1 of the Governor's Office of Management and Budget Act 'an Act to create the Bureau of the Budget and to define its powers and duties and to make an appropriation', approved April 16, 1969, as amended, have been met.

______________________________  ________________________
(Date)                         (Signature)"

For departments under the Civil Administrative Code, the foregoing certification shall be executed by the Chief Executive Officer of the department from whose appropriation the payment will be made or his designee, in addition to any other certifications or approvals which may be required by law.

The foregoing certification shall not be required for
expenditures from amounts appropriated to the Comptroller for payment of the salaries of State officers.
(Source: P.A. 82-790; revised 8-23-03.)

(30 ILCS 105/9.04) (from Ch. 127, par. 145e)

Sec. 9.04. The certification on behalf of the State agency on every State voucher for goods and services other than a payroll or travel voucher shall be as follows:

"I certify that the goods or services specified on this voucher were for the use of this agency and that the expenditure for such goods or services was authorized and lawfully incurred; that such goods or services meet all the required standards set forth in the purchase agreement or contract to which this voucher relates; and that the amount shown on this voucher is correct and is approved for payment. If applicable, the reporting requirements of Section 5.1 of the Governor's Office of Management and Budget Act 'An Act to create the Bureau of the Budget and to define its powers and duties and to make an appropriation', approved April 16, 1969, as amended, have been met.

........................ ............................
(Date) (Signature)"

For departments under the Civil Administrative Code, the foregoing certification shall be executed by the Chief Executive Officer of the department from whose appropriation the payment will be made or his designee, in addition to any other certifications or approvals which may be required by law.
(Source: P.A. 82-790; revised 8-23-03.)

Section 365. The Federal Commodity Disbursement Act is amended by changing Section 1 as follows:

(30 ILCS 255/1) (from Ch. 127, par. 176b)

Sec. 1. The Governor may receive and disburse funds and commodities made available by the federal government, or any agency thereof. In any case where such funds or commodities are
made available to the State but no designation has been made by
the federal government, or agency thereof, of the officer,
department or agency of this State who or which shall be the
receiving agency, the Governor may make such designation, and
thereupon such officer, department or agency shall be
authorized to receive and expend such funds and commodities for
the purpose or purposes for which they are made available
providing such officer, department or agency complies with the
applicable requirements of Section 5.1 of the Governor's Office
of Management and Budget Act "An Act to create a Bureau of the
Budget and to define its powers and duties and to make an
appropriation", approved April 16, 1969, as now or hereafter
amended.
(Source: P.A. 80-1029; revised 8-23-03.)

Section 370. The General Obligation Bond Act is amended by
changing Sections 7, 12, 13, 14, and 15 as follows:

(30 ILCS 330/7) (from Ch. 127, par. 657)
Sec. 7. Coal and Energy Development. The amount of
$663,200,000 is authorized to be used by the Department of
Commerce and Economic Opportunity (formerly Department of
Commerce and Community Affairs) for coal and energy development
purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois
Coal and Energy Development Bond Act, for the purposes
specified in Section 8.1 of the Energy Conservation and Coal
Development Act, and for the purposes specified in Section
605-332 of the Department of Commerce and Economic Opportunity
Law Community Affairs of the Civil Administrative Code of
Illinois. Of this amount:

(a) $115,000,000 is for the specific purposes of
acquisition, development, construction, reconstruction,
improvement, financing, architectural and technical planning
and installation of capital facilities consisting of
buildings, structures, durable equipment, and land for the
purpose of capital development of coal resources within the
State and for the purposes specified in Section 8.1 of the Energy Conservation and Coal Development Act;

(b) $35,000,000 is for the purposes specified in Section 8.1 of the Energy Conservation and Coal Development Act and making a grant to the owner of a generating station located in Illinois and having at least three coal-fired generating units with accredited summer capability greater than 500 megawatts each at such generating station as provided in Section 6 of that Bond Act;

(c) $13,200,000 is for research, development and demonstration of forms of energy other than that derived from coal, either on or off State property; and

(d) $500,000,000 is for the purpose of providing financial assistance to new electric generating facilities as provided in Section 605-332 of the Department of Commerce and Economic Opportunity Community Affairs Law of the Civil Administrative Code of Illinois.

(Source: P.A. 92-13, eff. 6-22-01; revised 12-1-04.)

(30 ILCS 330/12) (from Ch. 127, par. 662)

Sec. 12. Allocation of Proceeds from Sale of Bonds.

(a) Proceeds from the sale of Bonds, authorized by Section 3 of this Act, shall be deposited in the separate fund known as the Capital Development Fund.

(b) Proceeds from the sale of Bonds, authorized by paragraph (a) of Section 4 of this Act, shall be deposited in the separate fund known as the Transportation Bond, Series A Fund.

(c) Proceeds from the sale of Bonds, authorized by paragraphs (b) and (c) of Section 4 of this Act, shall be deposited in the separate fund known as the Transportation Bond, Series B Fund.

(d) Proceeds from the sale of Bonds, authorized by Section 5 of this Act, shall be deposited in the separate fund known as the School Construction Fund.

(e) Proceeds from the sale of Bonds, authorized by Section
6 of this Act, shall be deposited in the separate fund known as
the Anti-Pollution Fund.

(f) Proceeds from the sale of Bonds, authorized by Section
7 of this Act, shall be deposited in the separate fund known as
the Coal Development Fund.

(f-2) Proceeds from the sale of Bonds, authorized by
Section 7.2 of this Act, shall be deposited as set forth in
Section 7.2.

(f-5) Proceeds from the sale of Bonds, authorized by
Section 7.5 of this Act, shall be deposited as set forth in
Section 7.5.

(g) Proceeds from the sale of Bonds, authorized by Section
8 of this Act, shall be deposited in the Capital Development
Fund.

(h) Subsequent to the issuance of any Bonds for the
purposes described in Sections 2 through 8 of this Act, the
Governor and the Director of the Governor's Office of
Management and Budget Bureau of the Budget may provide for the
reallocation of unspent proceeds of such Bonds to any other
purposes authorized under said Sections of this Act, subject to
the limitations on aggregate principal amounts contained
therein. Upon any such reallocation, such unspent proceeds
shall be transferred to the appropriate funds as determined by
reference to paragraphs (a) through (g) of this Section.
(Source: P.A. 92-596, eff. 6-28-02; 93-2, eff. 4-7-03; revised
8-23-03.)

(30 ILCS 330/13) (from Ch. 127, par. 663)
Sec. 13. Appropriation of Proceeds from Sale of Bonds.
(a) At all times, the proceeds from the sale of Bonds
issued pursuant to this Act are subject to appropriation by the
General Assembly and, except as provided in Section 7.2, may be
obligated or expended only with the written approval of the
Governor, in such amounts, at such times, and for such purposes
as the respective State agencies, as defined in Section 1-7 of
the Illinois State Auditing Act, as amended, deem necessary or
desirable for the specific purposes contemplated in Sections 2 through 8 of this Act.

(b) Proceeds from the sale of Bonds for the purpose of development of coal and alternative forms of energy shall be expended in such amounts and at such times as the Department of Commerce and Economic Opportunity Community Affairs, with the advice and recommendation of the Illinois Coal Development Board for coal development projects, may deem necessary and desirable for the specific purpose contemplated by Section 7 of this Act. In considering the approval of projects to be funded, the Department of Commerce and Economic Opportunity Community Affairs shall give special consideration to projects designed to remove sulfur and other pollutants in the preparation and utilization of coal, and in the use and operation of electric utility generating plants and industrial facilities which utilize Illinois coal as their primary source of fuel.

(c) Any monies received by any officer or employee of the state representing a reimbursement of expenditures previously paid from general obligation bond proceeds shall be deposited into the General Obligation Bond Retirement and Interest Fund authorized in Section 14 of this Act.

(Source: P.A. 93-2, eff. 4-7-03; revised 12-1-04.)

(30 ILCS 330/14) (from Ch. 127, par. 664)

Sec. 14. Repayment.

(a) To provide for the manner of repayment of Bonds, the Governor shall include an appropriation in each annual State Budget of monies in such amount as shall be necessary and sufficient, for the period covered by such budget, to pay the interest, as it shall accrue, on all Bonds issued under this Act, to pay and discharge the principal of such Bonds as shall, by their terms, fall due during such period, and to pay a premium, if any, on Bonds to be redeemed prior to the maturity date. Amounts included in such appropriations for the payment of interest on variable rate bonds shall be the maximum amounts of interest that may be payable for the period covered by the
budget, after taking into account any credits permitted in the
related indenture or other instrument against the amount of
such interest required to be appropriated for such period.
Amounts included in such appropriations for the payment of
interest shall include the amounts certified by the Director of
the Governor's Office of Management and Budget Bureau of the
Budget under subsection (b) of Section 9 of this Act.

(b) A separate fund in the State Treasury called the
"General Obligation Bond Retirement and Interest Fund" is
hereby created.

c) The General Assembly shall annually make
appropriations to pay the principal of, interest on, and
premium, if any, on Bonds sold under this Act from the General
Obligation Bond Retirement and Interest Fund. Amounts included
in such appropriations for the payment of interest on variable
rate bonds shall be the maximum amounts of interest that may be
payable during the fiscal year, after taking into account any
credits permitted in the related indenture or other instrument
against the amount of such interest required to be appropriated
for such period. Amounts included in such appropriations for
the payment of interest shall include the amounts certified by
the Director of the Governor's Office of Management and Budget
Bureau of the Budget under subsection (b) of Section 9 of this
Act.

If for any reason there are insufficient funds in either
the General Revenue Fund or the Road Fund to make transfers to
the General Obligation Bond Retirement and Interest Fund as
required by Section 15 of this Act, or if for any reason the
General Assembly fails to make appropriations sufficient to pay
the principal of, interest on, and premium, if any, on the
Bonds, as the same by their terms shall become due, this Act
shall constitute an irrevocable and continuing appropriation
of all amounts necessary for that purpose, and the irrevocable
and continuing authority for and direction to the State
Treasurer and the Comptroller to make the necessary transfers,
as directed by the Governor, out of and disbursements from the
revenues and funds of the State.

(d) If, because of insufficient funds in either the General Revenue Fund or the Road Fund, monies have been transferred to the General Obligation Bond Retirement and Interest Fund, as required by subsection (c) of this Section, this Act shall constitute the irrevocable and continuing authority for and direction to the State Treasurer and Comptroller to reimburse these funds of the State from the General Revenue Fund or the Road Fund, as appropriate, by transferring, at such times and in such amounts, as directed by the Governor, an amount to these funds equal to that transferred from them.

(Source: P.A. 93-9, eff. 6-3-03; revised 8-23-03.)

(30 ILCS 330/15) (from Ch. 127, par. 665)
Sec. 15. Computation of Principal and Interest; transfers.

(a) Upon each delivery of Bonds authorized to be issued under this Act, the Comptroller shall compute and certify to the Treasurer the total amount of principal of, interest on, and premium, if any, on Bonds issued that will be payable in order to retire such Bonds and the amount of principal of, interest on and premium, if any, on such Bonds that will be payable on each payment date according to the tenor of such Bonds during the then current and each succeeding fiscal year. With respect to the interest payable on variable rate bonds, such certifications shall be calculated at the maximum rate of interest that may be payable during the fiscal year, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period pursuant to subsection (c) of Section 14 of this Act. With respect to the interest payable, such certifications shall include the amounts certified by the Director of the Governor's Office of Management and Budget Bureau of the Budget under subsection (b) of Section 9 of this Act.

On or before the last day of each month the State Treasurer and Comptroller shall transfer from (1) the Road Fund with
respect to Bonds issued under paragraph (a) of Section 4 of this Act or Bonds issued for the purpose of refunding such bonds, and from (2) the General Revenue Fund, with respect to all other Bonds issued under this Act, to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on Bonds payable, by their terms on the next payment date divided by the number of full calendar months between the date of such Bonds and the first such payment date, and thereafter, divided by the number of months between each succeeding payment date after the first. Such computations and transfers shall be made for each series of Bonds issued and delivered. Interest payable on variable rate bonds shall be calculated at the maximum rate of interest that may be payable for the relevant period, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period pursuant to subsection (c) of Section 14 of this Act. Computations of interest shall include the amounts certified by the Director of the Governor's Office of Management and Budget Bureau of the Budget under subsection (b) of Section 9 of this Act. Interest for which moneys have already been deposited into the capitalized interest account within the General Obligation Bond Retirement and Interest Fund shall not be included in the calculation of the amounts to be transferred under this subsection.

The transfer of monies herein and above directed is not required if monies in the General Obligation Bond Retirement and Interest Fund are more than the amount otherwise to be transferred as herein above provided, and if the Governor or his authorized representative notifies the State Treasurer and Comptroller of such fact in writing.

(b) After the effective date of this Act, the balance of, and monies directed to be included in the Capital Development Bond Retirement and Interest Fund, Anti-Pollution Bond Retirement and Interest Fund, Transportation Bond, Series A
Retirement and Interest Fund, Transportation Bond, Series B Retirement and Interest Fund, and Coal Development Bond Retirement and Interest Fund shall be transferred to and deposited in the General Obligation Bond Retirement and Interest Fund. This Fund shall be used to make debt service payments on the State's general obligation Bonds heretofore issued which are now outstanding and payable from the Funds herein listed as well as on Bonds issued under this Act.

(c) The unused portion of federal funds received for a capital facilities project, as authorized by Section 3 of this Act, for which monies from the Capital Development Fund have been expended shall be deposited upon completion of the project in the General Obligation Bond Retirement and Interest Fund. Any federal funds received as reimbursement for the completed construction of a capital facilities project, as authorized by Section 3 of this Act, for which monies from the Capital Development Fund have been expended shall be deposited in the General Obligation Bond Retirement and Interest Fund.

(Source: P.A. 93-2, eff. 4-7-03; 93-9, eff. 6-3-03; revised 8-23-03.)

Section 385. The Metropolitan Civic Center Support Act is amended by changing Sections 2, 5, and 7 as follows:

(30 ILCS 355/2) (from Ch. 85, par. 1392)

Sec. 2. When used in this Act:

"Authority" means the River Forest Metropolitan Exposition, Auditorium and Office Building Authority, the Village Board of Trustees of the Village of Rosemont for the sole purposes of rehabilitating, developing and making improvements to the O'Hare Exposition Center, or any Metropolitan Exposition Auditorium and Office Building Authority, Metropolitan Exposition and Auditorium Authority or Civic Center Authority created prior to the effective date of this amendatory Act of 1983 or hereafter created pursuant to the statutes of the State of Illinois, except those created
pursuant to the Metropolitan Pier and Exposition Authority Act.

"Bonds" means any limited obligation revenue bonds issued
by the Department before July 1, 1989 and by the Bureau (now
Office) on or after July 1, 1989 pursuant to Section 7 of this
Act.

"Bond Fund" means the Illinois Civic Center Bond Fund, as
provided in this Act.

"Bond Retirement Fund" means the Illinois Civic Center Bond
Retirement and Interest Fund, as provided in this Act.

"Bond Sale Order" means any order authorizing the issuance
and sale of Bonds, which order shall be approved by the
Director of the Governor's Office of Management and Budget
Bureau of the Budget.

"Budget Director" means the Director of the Governor's
Office of Management and Budget Bureau of the Budget.

"Bureau" means the Governor's Office of Management and Budget.

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

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

"Local Bonds" means any bonds subject to State Financial
Support under subparagraph (i) of paragraph (b) of subsection
(3) of Section 4 of this Act.

"MEAOB Fund" means the Metropolitan Exposition, Auditorium
and Office Building Fund, as provided in this Act.

"Office" means the Governor's Office of Management and
Budget.

"State Financial Support" means either the payment of debt
service on bonds issued by an Authority or a unit of local
government or the grant to an Authority of the proceeds of
Bonds issued by the Department before July 1, 1989 and by the
Bureau (now Office) on or after July 1, 1989, all in accordance
with subsection (3) of Section 4 of this Act.

(Source: P.A. 86-44; 87-895; revised 8-23-03.)
Sec. 5. To the extent that moneys in the MEAOB Fund, in the opinion of the Governor and the Director of the Governor's Office of Management and Budget, are in excess of 125% of the maximum debt service in any fiscal year, the Governor shall notify the Comptroller and the State Treasurer of that fact, who upon receipt of such notification shall transfer the excess moneys from the MEAOB Fund to the General Revenue Fund.

(Source: P.A. 84-245; 84-1106; revised 8-23-03.)

Sec. 7. The Department before July 1, 1989 and the Bureau (now Office) on and after July 1, 1989 are authorized to issue and sell Bonds in the total amount outstanding at any given time of $200,000,000, herein called "Bonds". Bonds may be issued for advance refunding of any or all bonds issued prior to July 1, 1985 by an Authority or a unit of local government subject to repayment from State financial support pursuant to subparagraph (i) of paragraph (b) of subsection (3) of Section 4 of this Act and for the purpose of providing State financial support to Authorities pursuant to subparagraph (ii) of paragraph (b) of subsection (3) of Section 4 of this Act. Notwithstanding the foregoing, Bonds shall be issued in a total amount outstanding at any given time not to exceed $10,000,000, which amount is included within and is not in addition to the $200,000,000 bond authorization under this Section, for the purpose of making construction and improvement grants by the Secretary of State, as State Librarian, to public libraries and library systems, and the Secretary of State, as State Librarian, is authorized to make those grants from moneys appropriated for those purposes. In addition to the $200,000,000 of Bonds authorized above, bonds may be issued by the Bureau (now Office) on and after July 1, 1989 to refund or advance refund previously issued Bonds if the Budget Director determines that the refunding or advance refunding of Bonds
results in debt service savings to the State measured on a present value basis.
(Source: P.A. 86-44; 86-1414; revised 8-23-03.)

Section 390. The School Construction Bond Act is amended by changing Sections 4 and 6 as follows:

(30 ILCS 390/4) (from Ch. 122, par. 1204)

Sec. 4. The Bonds shall be issued and sold from time to time in such amounts as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. The Bonds shall be serial bonds and shall be in such form, in the denomination of $5,000 or some multiple thereof, payable within 30 years from their date, bearing interest payable annually or semi-annually from their date at the rate of not more than 7% per annum, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of the Bonds, which order shall be approved by the Governor prior to the giving of notice of the sale of any of the Bonds. Said Bonds shall be payable as to both principal and interest at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of such Bonds. The Bonds may be callable as fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of the Bonds; provided however, that the State shall not pay a premium of more than 3% of the principal of any Bonds so called.
(Source: P.A. 78-220; revised 8-23-03.)

(30 ILCS 390/6) (from Ch. 122, par. 1206)
Sec. 6. The Bonds shall be sold from time to time by the Director of the Governor's Office of Management and Budget to the highest and best bidders, for not less than their par value, upon sealed bids, at not exceeding the maximum interest rate fixed in the order authorizing the issuance of the Bonds, provided, that at no one time shall Bonds in excess of the amount of $150,000,000 be offered for sale. The right to reject any and all bids may be reserved. The Secretary of State shall, from time to time, as the Bonds are to be sold, advertise in at least two daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago, for proposals to purchase the Bonds. Each of such advertisements for proposals shall be published once at least 10 days prior to the date of the opening of the bids. The executed Bonds shall, upon payment therefore, be delivered to the purchaser, and the proceeds of the Bonds shall be paid into the State Treasury. The proceeds of the Bonds shall be deposited in a separate fund known as the "School Construction Fund", which separate fund is hereby created.
(Source: P.A. 78-220; revised 8-23-03.)

Section 393. The Transportation Bond Act is amended by changing Section 5 as follows:

(30 ILCS 415/5) (from Ch. 127, par. 705)

Sec. 5. Prior to January 1, 1972, the proceeds from the sale of the Bonds shall be used by and under the direction of the Department of Aeronautics, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Department of Public Works and Buildings, and thereafter such department or agency as shall be designated by law, subject to appropriation by the General Assembly, in such amounts and at such times as the respective department deems necessary or desirable for the purposes provided by Section 2 of this Act.
(Source: P.A. 81-1509; revised 12-6-03.)
Section 395. The Capital Development Bond Act of 1972 is amended by changing Sections 4 and 6 as follows:

(30 ILCS 420/4) (from Ch. 127, par. 754)
Sec. 4. The Bonds shall be issued and sold from time to time in such amounts as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. The Bonds shall be serial bonds and shall be in such form, in the denomination of $5,000 or some multiple thereof, payable within thirty (30) years from their date, bearing interest payable annually or semiannually from their date at the rate of not more than seven per cent (7%) per annum, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of the Bonds, which order shall be approved by the Governor prior to the giving of notice of the sale of any of the Bonds. Said Bonds shall be payable as to both principal and interest at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of such Bonds. The Bonds may be callable as fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of the Bonds; provided however, that the State shall not pay a premium of more than 3% of the principal of any Bonds so called.
(Source: P.A. 77-1916; revised 8-23-03.)

(30 ILCS 420/6) (from Ch. 127, par. 756)
Sec. 6. The Bonds shall be sold from time to time by the Director of the Governor's Office of Management and Budget Bureau of the Budget to the highest and best bidders, for not
less than their par value, upon sealed bids, at not exceeding
the maximum interest rate fixed in the order authorizing the
issuance of the Bonds, provided, that at no one time shall
Bonds in excess of the amount of $150,000,000 be offered for
sale. The right to reject any and all bids may be reserved. The
Secretary of State shall, from time to time, as the Bonds are
to be sold, advertise in at least two daily newspapers, one of
which is published in the City of Springfield and one in the
City of Chicago, for proposals to purchase the Bonds. Each of
such advertisements for proposals shall be published once at
least 10 days prior to the date of the opening of the bids. The
executed Bonds shall, upon payment therefor, be delivered to
the purchaser, and the proceeds of the Bonds shall be paid into
the State Treasury. The proceeds of the Bonds shall be
deposited in a separate fund known as the "Capital Development
Fund", which separate fund is hereby created.
(Source: P.A. 77-1916; revised 8-23-03.)

Section 400. The Build Illinois Bond Act is amended by
changing Section 13 as follows:

(30 ILCS 425/13) (from Ch. 127, par. 2813)
Sec. 13. Computation of Principal and Interest; Transfer
from Build Illinois Bond Account; Payment from Build Illinois
Bond Retirement and Interest Fund. Upon each delivery of Bonds
authorized to be issued under this Act, the trustee under the
Master Indenture shall compute and certify to the Director of
the Governor's Office of Management and Budget Bureau of the
Budget, the Comptroller and the Treasurer (a) the total amount
of the principal of and the interest and the premium, if any,
on the Bonds then being issued and on Bonds previously issued
and outstanding that will be payable in order to retire such
Bonds at their stated maturities or mandatory sinking fund
payment dates and (b) the amount of principal of and interest
and premium, if any, on such Bonds that will be payable on each
principal, interest and mandatory sinking fund payment date
according to the tenor of such Bonds during the then current
and each succeeding fiscal year. Such certifications shall
include with respect to interest payable on Variable Rate Bonds
the maximum amount of interest which may be payable for the
relevant period after taking into account any credits permitted
in the related indenture against the amount of such interest
required to be appropriated for such period pursuant to
subsection (c) of Section 11 of this Act.

On or before June 20, 1993 and on or before each June 20
thereafter so long as Bonds remain outstanding, the trustee
under the Master Indenture shall deliver to the Director of the
Governor's Office of Management and Budget (formerly Bureau of
the Budget), the Comptroller and the Treasurer a certificate
setting forth the "Certified Annual Debt Service Requirement"
(hereinafter defined) for the next succeeding fiscal year. If
Bonds are issued subsequent to the delivery of any such
certificate, upon the issuance of such Bonds the trustee under
the Master Indenture shall deliver a supplemental certificate
setting forth the revisions, if any, in the Certified Annual
Debt Service Requirement resulting from the issuance of such
Bonds. The "Certified Annual Debt Service Requirement" for any
fiscal year shall be an amount equal to (a) the aggregate
amount of principal, interest and premium, if any, payable on
outstanding Bonds during such fiscal year plus (b) the amount
required to be deposited into any reserve fund securing such
Bonds or for the purpose of retiring or defeasing such Bonds
plus (c) the amount of any deficiencies in required transfers
of amounts described in clauses (a) and (b) for any prior
fiscal year, minus (d) the amount, if any, of such interest to
be paid from Bond proceeds on deposit under any indenture;
provided, however, that interest payable on Variable Rate Bonds
shall be calculated at the maximum rate of interest which may
be payable during such fiscal year after taking into account
any credits permitted in the related indenture against the
amount of such interest required to be appropriated for such
period pursuant to subsection (c) of Section 11 of this Act.
In each month during fiscal years 1986 through 1993, the State Treasurer and Comptroller shall transfer, on the last day of such month, from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund and shall make payment from the Build Illinois Bond Retirement and Interest Fund to the trustee under the Master Indenture of an amount equal to $1/12 of 150% of the amount set forth below for each fiscal year, plus any cumulative deficiency in such transfers and payments for prior months; provided that such transfers shall commence in October, 1985 and such amounts for fiscal year 1986 shall equal $1/9 of 150% of the amount set forth below for such fiscal year:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$15,000,000</td>
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<tr>
<td>1987</td>
<td>$25,000,000</td>
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<tr>
<td>1988</td>
<td>$40,000,000</td>
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<tr>
<td>1989</td>
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<td>1991</td>
<td>$133,600,000</td>
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<tr>
<td>1992</td>
<td>$164,400,000</td>
</tr>
<tr>
<td>1993</td>
<td>$188,900,000</td>
</tr>
</tbody>
</table>

provided that payments of such amounts from the Build Illinois Bond Retirement and Interest Fund to the trustee under the Master Indenture shall commence on the last day of the month in which Bonds are initially issued under this Act; and, further provided, that the first such payment to said trustee shall equal the entire amount then on deposit in the Build Illinois Bond Retirement and Interest Fund; and, further provided, that the aggregate amount of transfers and payments for any such fiscal year shall not exceed the amount set forth above for such fiscal year.

In each month in which Bonds are outstanding during fiscal year 1994 and each fiscal year thereafter, the State Treasurer and Comptroller shall transfer, on the last day of such month, from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund and shall make payment from the
Build Illinois Bond Retirement and Interest Fund to the trustee under the Master Indenture of an amount equal to the greater of
(a) 1/12th of 150% of the Certified Annual Debt Service Requirement or (b) the Tax Act Amount (as defined in Section 3 of the "Retailers' Occupation Tax Act", as amended) deposited in the Build Illinois Bond Account during such month, plus any cumulative deficiency in such transfers and payments for prior months; provided that such transfers and payments for any such fiscal year shall not exceed the greater of (a) the Certified Annual Debt Service Requirement or (b) the Tax Act Amount.
(Source: P.A. 91-53, eff. 6-30-99; revised 8-23-03.)

Section 405. The Retirement Savings Act is amended by changing Sections 4, 5, and 7 as follows:

(30 ILCS 430/4) (from Ch. 127, par. 3754)
Sec. 4. In order to provide investors with investment alternatives suitable for retirement purposes, and in furtherance of the public policy of this Act, bonds authorized by the provisions of the General Obligation Bond Act, as now or hereafter amended, in a total aggregate principal amount not to exceed $300,000,000, may be issued and sold from time to time, and as often as practicable, as Retirement Savings Bonds in such amounts as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. Bonds to be issued and sold as Retirement Savings Bonds shall be designated by the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget as "General Obligation Retirement Savings Bonds" in the proceedings authorizing the issuance of such Bonds, and shall be subject to all of the terms and provisions of the General Obligation Bond Act, as now or hereafter amended, except that Retirement Savings Bonds may bear interest payable at such time or times and may be sold at such prices and in such manner as may be determined by the Governor and the Director of the Governor's Office of
Management and Budget Bureau of the Budget. If Retirement
Savings Bonds are sold at public sale, the public sale
procedures shall be as set forth in Section 11 of the General
Obligation Bond Act, as now or hereafter amended. Retirement
Savings Bonds may be sold at negotiated sale if the Director of
the Governor's Office of Management and Budget Bureau of the
Budget determines that a negotiated sale will result in either
a more efficient and economic sale of such Bonds or greater
access to such Bonds by investors who are residents of the
State of Illinois. If any Retirement Savings Bonds are sold at
a negotiated sale, the underwriter or underwriters to which
such Bonds are sold shall (a) have an established retail
presence in the State of Illinois or (b) in the judgment of the
Director of the Governor's Office of Management and Budget
Bureau of the Budget, have sufficient capability to make a
broad distribution of such Bonds to investors resident in the
State of Illinois. In determining the aggregate original
principal amount of Retirement Savings Bonds that has been
issued pursuant to this Act, the aggregate original principal
amount of such Bonds issued and sold shall be taken into
account. Any bond issued under this Act may be payable in one
payment on a fixed date, or as determined appropriate by the
Governor and Director of the Governor's Office of Management
and Budget Bureau of the Budget.

(Source: P.A. 86-892; revised 8-23-03.)

Sec. 5. Security of Retirement Savings Bonds. Any
Retirement Savings Bonds issued under the General Obligation
Bond Act, as now or hereafter amended, in accordance with this
Act shall be direct, general obligations of the State of
Illinois and subject to repayment as provided in the General
Obligation Bond Act, as now or hereafter amended; however in
the proceedings of the Governor and the Director of the
Governor's Office of Management and Budget Bureau of the Budget
authorizing the issuance of Retirement Savings Bonds, such
officials may covenant on behalf of the State with or for the
benefit of the holders of such Bonds as to all matters deemed
advisable by such officials, including the terms and conditions
for creating and maintaining sinking funds, reserve funds and
such other special funds as may be created in such proceedings,
separate and apart from all other funds and accounts of the
State, and such officials may make such other covenants as may
be deemed necessary or desirable to assure the prompt payment
of the principal of and interest on such Bonds. The transfers
to and appropriations from the General Obligation Bond
Retirement and Interest Fund required by the General Obligation
Bond Act, as now or hereafter amended, shall be made to and
from any fund or funds created pursuant to this Section for the
payment of the principal of and interest on any Retirement
Savings Bonds.
(Source: P.A. 86-892; revised 8-23-03.)

(30 ILCS 430/7) (from Ch. 127, par. 3757)
Sec. 7. In order to carry out the purposes of this Act, the
Governor and Director of the Governor's Office of Management
and Budget Bureau of the Budget may include within the
proceedings authorizing the issuance of such Bonds, provisions
or features deemed complementary to the purposes herein and to
make such Bonds attractive to investors saving for retirement
purposes. Such features, in the opinion of the Director of the
Governor's Office of Management and Budget Bureau of the
Budget, shall not adversely impact the State's cost of funds.
Since this type of retirement savings bond may not be
appropriate for all persons, any advertisements regarding the
sale of such Bonds, including bond prospectuses shall include
statements to the effect that (a) these bonds may not be
suitable for all investors and, (b) prior to purchase, it is
recommended that all investors consult with a qualified advisor
regarding the suitability of the bonds as investments for
retirement purposes.
(Source: P.A. 86-892; revised 8-23-03.)
Section 410. The Human Services Provider Bond Reserve Payment Act is amended by changing Section 25 as follows:

(30 ILCS 435/25)

Sec. 25. Report. By November 1 of each year, every State agency shall report to the Governor's Office of Management and Budget Bureau of the Budget and the Auditor General any direct payment to a bond paying agent made by the agency under this Act during the previous fiscal year.
(Source: P.A. 88-117; revised 8-23-03.)

Section 415. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Section 5 as follows:

(30 ILCS 575/5) (from Ch. 127, par. 132.605)

(Section scheduled to be repealed on September 6, 2008)

Sec. 5. Business Enterprise Council.

(1) To help implement, monitor and enforce the goals of this Act, there is created the Business Enterprise Council for Minorities, Females, and Persons with Disabilities, hereinafter referred to as the Council, composed of the Secretary of Human Services and the Directors of the Department of Human Rights, the Department of Commerce and Economic Opportunity Community Affairs, the Department of Central Management Services, the Department of Transportation and the Capital Development Board, or their duly appointed representatives. Ten individuals representing businesses that are minority or female owned or owned by persons with disabilities, 2 individuals representing the business community, and a representative of public universities shall be appointed by the Governor. These members shall serve 2 year terms and shall be eligible for reappointment. Any vacancy occurring on the Council shall also be filled by the Governor. Any member appointed to fill a vacancy occurring prior to the
expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members of the Council shall serve without compensation but shall be reimbursed for any ordinary and necessary expenses incurred in the performance of their duties.

The Director of the Department of Central Management Services shall serve as the Council chairperson and shall select, subject to approval of the council, a Secretary responsible for the operation of the program who shall serve as the Division Manager of the Business Enterprise for Minorities, Females, and Persons with Disabilities Division of the Department of Central Management Services.

The Director of each State agency and the chief executive officer of each State university shall appoint a liaison to the Council. The liaison shall be responsible for submitting to the Council any reports and documents necessary under this Act.

(2) The Council's authority and responsibility shall be to:

(a) Devise a certification procedure to assure that businesses taking advantage of this Act are legitimately classified as businesses owned by minorities, females, or persons with disabilities.

(b) Maintain a list of all businesses legitimately classified as businesses owned by minorities, females, or persons with disabilities to provide to State agencies and State universities.

(c) Review rules and regulations for the implementation of the program for businesses owned by minorities, females, and persons with disabilities.

(d) Review compliance plans submitted by each State agency and State university pursuant to this Act.

(e) Make annual reports as provided in Section 8f to the Governor and the General Assembly on the status of the program.

(f) Serve as a central clearinghouse for information on State contracts, including the maintenance of a list of all pending State contracts upon which businesses owned by
minorities, females, and persons with disabilities may bid. At the Council's discretion, maintenance of the list may include 24-hour electronic access to the list along with the bid and application information.

(g) Establish a toll free telephone number to facilitate information requests concerning the certification process and pending contracts.

(3) No premium bond rate of a surety company for a bond required of a business owned by a minority, female, or person with a disability bidding for a State contract shall be higher than the lowest rate charged by that surety company for a similar bond in the same classification of work that would be written for a business not owned by a minority, female, or person with a disability.

(4) Any Council member who has direct financial or personal interest in any measure pending before the Council shall disclose this fact to the Council and refrain from participating in the determination upon such measure.

(5) The Secretary shall have the following duties and responsibilities:

(a) To be responsible for the day-to-day operation of the Council.

(b) To serve as a coordinator for all of the State's programs for businesses owned by minorities, females, and persons with disabilities and as the information and referral center for all State initiatives for businesses owned by minorities, females, and persons with disabilities.

(c) To establish an enforcement procedure whereby the Council may recommend to the appropriate State legal officer that the State exercise its legal remedies which shall include (1) termination of the contract involved, (2) prohibition of participation by the respondent in public contracts for a period not to exceed one year, (3) imposition of a penalty not to exceed any profit acquired as a result of violation, or (4) any combination thereof.
Such procedures shall require prior approval by Council.

(d) To devise appropriate policies, regulations and procedures for including participation by businesses owned by minorities, females, and persons with disabilities as prime contractors including, but not limited to, (i) encouraging the inclusions of qualified businesses owned by minorities, females, and persons with disabilities on solicitation lists, (ii) investigating the potential of blanket bonding programs for small construction jobs, (iii) investigating and making recommendations concerning the use of the sheltered market process.

(e) To devise procedures for the waiver of the participation goals in appropriate circumstances.

(f) To accept donations and, with the approval of the Council or the Director of Central Management Services, grants related to the purposes of this Act; to conduct seminars related to the purpose of this Act and to charge reasonable registration fees; and to sell directories, vendor lists and other such information to interested parties, except that forms necessary to become eligible for the program shall be provided free of charge to a business or individual applying for the program.

(Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff. 7-1-97; revised 11-3-04.)

Section 420. The Rural Economic Development Act is amended by changing Sections 2-2, 2-3, and 2-4 as follows:

(30 ILCS 710/2-2) (from Ch. 5, par. 2202-2)

Sec. 2-2. The Department of Commerce and Economic Opportunity Community Affairs shall administer programs providing financial assistance in the form of interest subsidies or other forms as allowed by federal law or regulation, court order, or federal administrative order, to individuals and small businesses in rural areas served by rural electric cooperatives for weatherization and energy
For purposes of this Act, weatherization shall include, but not be limited to, insulation, caulking, or weather stripping, adding storm doors or storm windows, repairing or replacing broken windows or doors, cleaning and minor repairs of heating systems, and installation of set-back thermostats.

The Department of Commerce and \textit{Economic Opportunity Community Affairs} shall administer the interest subsidy program directed to assist individual consumers. The financial assistance for individuals shall not exceed $2,000 and may be extended to individuals whose household gross income does not exceed 150 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Each Department administering a program under this Section shall develop the application procedures and terms of the assistance. Each Department shall make use of existing administrative procedures where such procedures are applicable.

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

(30 ILCS 710/2-3) (from Ch. 5, par. 2202-3)

Sec. 2-3. The Department of Commerce and \textit{Economic Opportunity Community Affairs} shall administer a program demonstrating various alternative energy or energy conservation technologies appropriate for the rural areas of the State. Alternative energy shall include, but not be limited to, solar heating and cooling systems, photovoltaic systems, bioconversion, geothermal recycling and reuse of waste heat or energy, utilization of methane gas derived from industrial and agricultural by-products and other technologies identified by the Department.

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

(30 ILCS 710/2-4) (from Ch. 5, par. 2202-4)

Sec. 2-4. The Department of Commerce and \textit{Economic Opportunity Community Affairs} shall provide educational
materials, information and technical assistance to support energy conservation education programs designed to assist Illinois' rural population in dealing with economic problems due to high energy costs.

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

Section 425. The Industrial Development Assistance Law is amended by changing Sections 2 and 3 as follows:

(30 ILCS 720/2) (from Ch. 85, par. 892)
Sec. 2. Declaration of policy. The General Assembly finds and declares as follows:

(A) That the health, safety, morals and general welfare of the people of this State are directly dependent upon the continual encouragement, development, growth and expansion of business, industry and commerce within the State.

(B) That unemployment, the spread of indigency, the heavy burden of public assistance and unemployment compensation can best be avoided by the promotion, attraction, stimulation, development and expansion of business, industry and commerce in the State.

Therefore, it is declared to be the policy of this State to promote the health, safety, morals and general welfare of its inhabitants through its Department of Commerce and Economic Opportunity Community Affairs by means of grants to be made to industrial development agencies which are or may be engaged in planning and promoting programs designed to stimulate the establishment of new or enlarged industrial, commercial and manufacturing enterprises within the counties served by such agencies.

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

(30 ILCS 720/3) (from Ch. 85, par. 893)
Sec. 3. Definitions. "Department" means the Department of Commerce and Economic Opportunity Community Affairs.

"Governing bodies" means, as to any county, municipality or
township, the body empowered to enact ordinances or to adopt
resolutions for the governance of such county, municipality or
township.

"Industrial development agency" means any nonprofit
corporation, organization, association or agency which shall
be designated by proper resolution of the governing body of any
county, concurred in by resolution of the governing bodies of
municipalities or townships within said county having in the
aggregate over 50% of the population of said county, as
determined by the last preceding decennial United States
Census, as the agency authorized to make application to and
receive grants from the Department of Commerce and Economic
Opportunity Community Affairs for the purposes specified in
this Act. Any two or more counties may, by the procedures
provided in this Act, designate a single industrial development
agency to represent such counties for the purposes of this Act.
(Source: P.A. 81-1509; revised 12-6-03.)

Section 430. The Comprehensive Solar Energy Act of 1977 is
amended by changing Section 1.2 as follows:

(30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)
Sec. 1.2. Definitions. As used in this Act:
(a) "Solar Energy" means radiant energy received from the
sun at wave lengths suitable for heat transfer, photosynthetic
use, or photovoltaic use.
(b) "Solar collector" means
(1) An assembly, structure, or design, including
passive elements, used for gathering, concentrating, or
absorbing direct or indirect solar energy, specially
designed for holding a substantial amount of useful thermal
energy and to transfer that energy to a gas, solid, or
liquid or to use that energy directly; or
(2) A mechanism that absorbs solar energy and converts
it into electricity; or
(3) A mechanism or process used for gathering solar
energy through wind or thermal gradients; or

(4) A component used to transfer thermal energy to a
gas, solid, or liquid, or to convert it into electricity.

(c) "Solar storage mechanism" means equipment or elements
(such as piping and transfer mechanisms, containers, heat
exchangers, or controls thereof, and gases, solids, liquids, or
combinations thereof) that are utilized for storing solar
energy, gathered by a solar collector, for subsequent use.

(d) "Solar energy system" means

(1) (a) A complete assembly, structure, or design of a
solar collector, or a solar storage mechanism, which uses
solar energy for generating electricity or for heating or
cooling gases, solids, liquids, or other materials;
(b) The design, materials, or elements of a system and
its maintenance, operation, and labor components, and the
necessary components, if any, of supplemental conventional
energy systems designed or constructed to interface with a
solar energy system; and
(c) Any legal, financial, or institutional orders,
certificates, or mechanisms, including easements, leases,
and agreements, required to ensure continued access to
solar energy, its source, or its use in a solar energy
system, and including monitoring and educational elements
of a demonstration project.

(2) "Solar energy system" does not include

(a) Distribution equipment that is equally usable
in a conventional energy system except for such
components of such equipment as are necessary for
meeting the requirements of efficient solar energy
utilization; and
(b) Components of a solar energy system that serve
structural, insulating, protective, shading,
aesthetic, or other non-solar energy utilization
purposes, as defined in the regulations of the
Department; and
(c) Any facilities of a public utility used to
transmit or distribute gas or electricity.

(e) "Solar Skyspace" means

(1) The maximum three dimensional space extending from a solar energy collector to all positions of the sun necessary for efficient use of the collector.

(2) Where a solar energy system is used for heating purposes only, "solar skyspace" means the maximum three dimensional space extending from a solar energy collector to all positions of the sun between 9 a.m. and 3 p.m. Local Apparent Time from September 22 through March 22 of each year.

(3) Where a solar energy system is used for cooling purposes only, "solar skyspace" means the maximum three dimensional space extending from a solar energy collector to all positions of the sun between 8 a.m. and 4 p.m. Local Apparent Time from March 23 through September 21.

(f) "Solar skyspace easement" means

(1) a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy.

(a) structures on or above ground;

(b) vegetation on or above the ground; or

(c) other activity;

(2) and which shall specifically describe a solar skyspace in three dimensional terms in which the activity, structures, or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collection of solar energy at a particular location.

(g) "Conventional Energy System" shall mean an energy system utilizing fossil fuel, nuclear or hydroelectric energy
and the components of such system, including transmission
lines, burners, furnaces, tanks, boilers, related controls,
distribution systems, room or area units and other components.

(h) "Supplemental Conventional Energy System" shall mean a
conventional energy system utilized for providing energy in
conjunction with a solar energy system that provides not less
than ten percent of the energy for the particular end use.
"Supplemental Conventional Energy System" does not include any
facilities of a public utility used to produce, transmit,
distribute or store gas or electricity.

(i) "Joint Solar Energy System" shall mean a solar energy
system that supplies energy for structures or processes on more
than one lot or in more than one condominium unit or leasehold,
but not to the general public and involving at least two owners
or users.

(j) "Unit of Local Government" shall mean county,
municipality, township, special districts, including school
districts, and units designated as units of local government by
law, which exercise limited governmental powers.

(k) "Department" means the Illinois Department of Commerce
and Economic Opportunity Community Affairs or its successor
agency.

(l) "Public Energy Supplier" shall mean

(1) A public utility as defined in an Act concerning
Public Utilities, approved June 29, 1921, as amended; or

(2) A public utility that is owned or operated by any
political subdivision or municipal corporation of this
State, or owned by such political subdivision or municipal
corporation and operated by any of its lessees or operating
agents; or

(3) An electric cooperative as defined in Section 10.19
of An Act concerning Public Utilities, approved June 29,
1921, as amended.

(m) "Energy Use Sites" shall mean sites where energy is or
may be used or consumed for generating electricity or for
heating or cooling gases, solids, liquids, or other materials
and where solar energy may be used cost effectively, as defined in the regulations of the Department, consistent with the purposes of this Act.

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

Section 435. The Illinois Coal Technology Development Assistance Act is amended by changing Section 2 as follows:

(30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

Sec. 2. As used in this Act:

(a) "coal" or "coal resources" means Illinois coal or coal products extracted from the ground or reclaimed from the waste material produced by coal extraction operations;

(b) "coal demonstration and commercialization" means projects for the construction and operation of facilities to prove the scientific and engineering validity or the commercial application of a coal extraction, preparation, combustion, gasification, liquefaction or other synthetic process, environmental control, or transportation method;

(c) "coal research" means scientific investigations conducted for the purpose of increasing the utilization of coal resources and includes investigations in the areas of extraction, preparation, characterization, combustion, gasification, liquefaction and other synthetic processes, environmental control, marketing, transportation, procurement of sites, and environmental impacts;

(d) "Fund" means the Coal Technology Development Assistance Fund;

(e) "Board" means the Illinois Coal Development Board or its successor;

(f) "Department" means the Department of Commerce and Economic Opportunity Community Affairs;

(g) "public awareness and education" means programs of education, curriculum development, public service announcements, informational advertising and informing the news media on issues related to the use of Illinois coal, the
coal industry and related developments. Public awareness and
education shall be directed toward school age residents of the
State, the citizens of the State and other interested parties.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 440. The Build Illinois Act is amended by changing
Sections 8-2, 9-2, 9-3, 9-4.1, 9-5.1, 9-11, 10-2, and 11-2 as
follows:

(30 ILCS 750/8-2) (from Ch. 127, par. 2708-2)
Sec. 8-2. Definitions. As used in this Article:
(a) "Department" means the Illinois Department of Commerce
and Economic Opportunity Community Affairs.
(b) "Local government" means any unit of local government
as defined in Article VII, Section 1 of the 1970 Illinois
Constitution.
(c) "Business retention, development or expansion project"
means the expansion of an existing, for-profit commercial,
industrial, manufacturing, scientific, agricultural or service
business within Illinois, or the establishment of a new such
business on a site within Illinois, so long as the business to
be established is not relocating from another site within the
State, unless the relocation of such a business will result in
a substantial increase in employment or retention of an
existing such business.
(d) "Public infrastructure" means local roads and streets,
access roads, bridges, and sidewalks; waste disposal systems;
water and sewer line extensions and water distribution and
purification facilities, and sewage treatment facilities; rail
or air or water port improvements; gas and electric utility
facilities; transit capital facilities; development and
improvement of publicly owned industrial and commercial sites,
or other public capital improvements which are an essential
precondition to a business retention, development or expansion
project for the purposes of the Business Development Public
Infrastructure Loan and Grant Program. "Public Infrastructure"
also means capital acquisitions, construction, and improvements to other local facilities and sites, and associated permanent furnishings and equipment that are a necessary precondition to local health, safety and economic development for purposes of the Affordable Financing of Public Infrastructure Loan and Grant Program.

(e) "Local public entity" means any entity as defined by Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act.

(f) "Medical facility" and "public health clinic" mean any entity as defined by subsections (a) and (c), respectively, of Section 6-101 of the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 88-453; revised 12-6-03.)

(30 ILCS 750/9-2) (from Ch. 127, par. 2709-2)

Sec. 9-2. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Financial intermediary" means a community development corporation, a state development credit corporation, a development authority authorized to do business by an act of this State, or other public or private financing institution approved by the Department whose purpose includes financing, promoting, or encouraging economic development.

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

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

(d) "Small business" means any for-profit business in
Illinois including, but not limited to, any sole proprietorship, partnership, corporation, joint venture, association or cooperative, which has, including its affiliates, less than 500 full time employees, or is determined by the Department to be not dominant in its field.

Business concerns are affiliates of one another when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party or parties controls or has the power to control both. Control can be exercised through common ownership, common management and contractual relationships.

(e) "Qualified security" means any note, stock, convertible security, treasury stock, bond, debenture, evidence of indebtedness, limited partnership interest, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument which contains voting rights or can be converted to contain voting rights in the possession of the Department.

(f) "Loan agreement" means an agreement or contract to provide a loan or accept a mortgage or to purchase qualified securities or other means whereby financial aid is made available to a start-up, expanding, or mature, moderate risk small business.

(g) "Loan" means a loan or acceptance of a mortgage or the purchase of qualified securities or other means whereby financial aid is made to a start-up, expanding, or mature, moderate risk small business.

(h) "Equity investment agreement" means an agreement or
contract to provide a loan or accept a mortgage or to purchase qualified securities or other means whereby financial aid is made available to or on behalf of a young, high risk, technology based small business.

(i) "Equity investment" means a loan or acceptance of a mortgage or the purchase of qualified securities or other means whereby financial aid is made to or on behalf of a young, high risk, technology based small business.

(j) "Project" means any specific economic development activity of a commercial, industrial, manufacturing, agricultural, scientific, service or other business, the result of which is expected to yield an increase in or retention of jobs or the modernization or improvement of competitiveness of firms and may include working capital financing, the purchase or lease of machinery and equipment, or the lease or purchase of real property but does not include refinancing current debt.

(k) "Technical assistance agreement" means an agreement or contract or other means whereby financial aid is made available to not-for-profit organizations for the purposes outlined in Section 9-6 of this Article.

(l) "Financial intermediary agreement" means an agreement or contract to provide a loan, investment, or other financial aid to a financial intermediary for the purposes outlined in Section 9-4.4 of this Article.

(m) "Equity intermediary agreement" means an agreement or contract to provide a loan, investment, or other financial aid to a financial intermediary for the purposes outlined in Section 9-5.3 of this Article.

(n) "Other investor" means a venture capital organization or association; an investment partnership, trust or bank; an individual, accounting partnership or corporation that invests funds, or any other entity which provides debt or equity financing for a business project.

(Source: P.A. 88-422; revised 12-6-03.)
Sec. 9-3. Powers and duties. The Department has the power:

(a) To make loans or equity investments to small businesses, and to make loans or grants or investments to or through financial intermediaries. The loans and investments shall be made from appropriations from the Build Illinois Bond Fund, Build Illinois Purposes Fund, Illinois Capital Revolving Loan Fund or Illinois Equity Revolving Fund for the purpose of promoting the creation or retention of jobs within small businesses or to modernize or maintain competitiveness of firms in Illinois. The grants shall be made from appropriations from the Build Illinois Bond Fund, Build Illinois Purposes Fund, or Illinois Capital Revolving Loan Fund for the purpose of technical assistance.

(b) To make loans to or investments in businesses that have received federal Phase I Small Business Innovation Research grants as a bridge while awaiting federal Phase II Small Business Innovation Research grant funds.

(c) To enter into interagency agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, local units of government, universities, research foundations, political subdivisions of the State, financial intermediaries, and regional economic development corporations or organizations for the purposes of carrying out this Article.

(d) To enter into contracts, financial intermediary agreements, or any other agreements or contracts with financial intermediaries necessary or desirable to further the purposes of this Article. Any such agreement or contract may include, without limitation, terms and provisions including, but not limited to loan documentation, review and approval procedures, organization and servicing rights, and default conditions.

(e) To fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including without limitation, any application fees, commitment fees, program fees, financing charges, collection fees, training fees, or publication fees in connection with its activities under this
Article and to accept from any source any gifts, donations, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this Article. All fees, charges, collections, gifts, donations, or other contributions shall be deposited into the Illinois Capital Revolving Loan Fund.

(f) To establish application, notification, contract, and other forms, procedures, rules or regulations deemed necessary and appropriate.

(g) To consent, subject to the provisions of any contract with another person, whenever it deems it necessary or desirable in the fulfillment of the purposes of this Article, to the modification or restructuring of any financial intermediary agreement, loan agreement or any equity investment agreement to which the Department is a party.

(h) To take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation provided hereunder or to otherwise protect or affect the State's interest, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof.

(i) To deposit any "Qualified Securities" which have been received by the Department as the result of any financial intermediary agreement, loan, or equity investment agreement executed in the carrying out of this Act, with the Office of the State Treasurer and held by that office until agreement to transfer such qualified security shall be certified by the Director of the Department of Commerce and Economic Opportunity Community Affairs.

(j) To assist small businesses that seek to apply for public or private capital in preparing the application and to supply them with grant information, plans, reports, assistance, or advice on development finance and to assist
financial intermediaries and participating lenders to build
capacity to make debt or equity investments through
conferences, workshops, seminars, publications, or any other
media.

(k) To provide for staff, administration, and related
support required to manage the programs authorized under this
Article and pay for staffing and administration from the
Illinois Capital Revolving Loan Fund, as appropriated by the
General Assembly. Administration responsibilities may include,
but are not limited to, research and identification of credit
disadvantaged groups; design of comprehensive statewide
capital access plans and programs addressing capital gap and
capital marketplace structure and information barriers;
direction, management, and control of specific projects; and
communicate and cooperation with public development finance
organizations and private debt and equity sources.

(l) To exercise such other powers as are necessary or
incidental to the foregoing.

(Source: P.A. 88-422; revised 12-6-03.)

(30 ILCS 750/9-4.1) (from Ch. 127, par. 2709-4.1)

Sec. 9-4.1. Applications for loans. All applications for
loans to small businesses shall be submitted to the Department
on forms and subject to filing fees prescribed by the
Department. The Department shall conduct such investigation
and obtain such information concerning the application as it
considers necessary and diligent. Complete applications
received by the Department shall be forwarded to a credit
review committee consisting of persons experienced in business
financing, and the Director of the Governor's Office of
Management and Budget or his designee, for
a review and report concerning the advisability of approving
the proposed loan. The review and report shall include facts
about the company's history, job opportunities, stability of
employment, past and present condition and structure, actual
and pro-forma income statements, present and future market
prospects and management qualifications, and any other facts
deemed material to the financing request. The report shall
include a reasoned opinion as to whether providing the
financing would tend to fulfill the purposes of the Article.
The report shall be advisory in nature only. The credit review
committee shall be of such composition, act for such time, and
have such powers as shall be specified by the Department.

After consideration of such report and after such other
action as is deemed appropriate, the Department shall approve
or deny the application. If the Department approves the
application, its approval shall specify the amount of funds to
be provided by the Department loan agreement provisions. The
business applicant shall be promptly notified of such action by
the Department.

(Source: P.A. 88-422; revised 8-23-03.)

(30 ILCS 750/9-5.1) (from Ch. 127, par. 2709-5.1)

Sec. 9-5.1. Applications for Illinois Equity Investments.

(a) All applications for the Illinois Equity Investments to
or on behalf of small businesses shall be submitted to the
Department on forms and subject to filing fees prescribed by
the Department. For business project applications, the
Department shall conduct such investigation and obtain such
information concerning the application as it deems necessary
and diligent. Complete applications received by the Department
shall be forwarded to an outside credit review committee
consisting of persons experienced in new venture equity
financing and the Director of the Governor's Office of
Management and Budget Bureau of the Budget, or his or her
designee, for small business for a review and report concerning
the advisability of approving the proposed investment. The
review and report shall include facts about the company's
history, job opportunities, stability of employment, past and
present condition and structure, actual and pro-forma income
statements, present and future market prospects and management
qualifications, and any other facts deemed material to the
financing request. The report shall be advisory in nature only
and shall include a reasoned opinion as to whether providing
the financing would tend to fulfill this purpose of the Act.
Except for the Director of the Governor's Office of Management
and Budget Bureau of the Budget or his or her designee, the
Department may utilize the services of existing outside
organizations as the credit review committee.

(b) For equity intermediary agreements, applications may
include, but shall not be limited to, history and mission of
the applicant; needs to be served, which shall be consistent
with the purpose of this subsection; products, services, and
results expected from the effort; staffing, management, and
operational procedures; and budget request and capitalization
of the effort. The Department shall review the intermediary
applications to determine the viability of the applicant, the
consistency of the proposed project with the purposes of this
Article, the economic benefits expected to be derived
therefrom, the prospects for continuation of the project after
Departmental assistance has been provided, and other issues
that may be considered necessary.

(c) The Department shall, on the basis of the application,
the report of the credit review committee, and any other
appropriate information, prepare a report concerning the
credit-worthiness of the proposed borrower or intermediary,
the financial commitment of the participating lender or other
investor, the manner in which the proposed small business or
intermediary project will advance the economy of the State, and
the soundness of the proposed equity investment or intermediary
agreement.

After consideration of such report and after such other
action as it deems appropriate, the Department shall approve or
deny the application. If the Department approves the
application, its approval shall specify the amount of funds to
be provided and the Department equity investment agreement
provisions. The small business or intermediary applicant shall
be promptly notified of such action by the Department.
Sec. 9-11. Port Development Revolving Loan Program.

(1) There is created in the State Treasury the Port Development Revolving Loan Fund, referred to in this Section as the Fund. Moneys in the Fund may be appropriated for the purposes of the Port Development Revolving Loan Program created by this Section to be administered by the Department of Commerce and Economic Opportunity Community Affairs in order to facilitate and enhance the utilization of Illinois' navigable waterways or the development of inland intermodal freight facilities or both. The Department may adopt rules for the administration of the Program.

The General Assembly may make appropriations for the purposes of the Program. Repayment of loans made to individual port districts shall be paid back into the Fund to establish an ongoing revolving loan fund to facilitate continuing port development activities in the State.

(2) Loan funds from the Program shall be made available to Illinois port districts on a competitive basis. In order to obtain assistance under the Program, a port district must submit a comprehensive application to the Department for consideration.

Projects eligible for funding under the Program must be intermodal facilities and within the scope of powers and responsibilities as granted in each port district's enabling legislation. Loan funds shall not be used for working capital or administrative purposes by the port district.

(3) The maximum amount which may be loaned from the Program to fund any one project is $3,000,000. Program funds may be used for up to 50% of an individual project financing. The balance of financing for an individual project must be secured by the respective district.

The maximum loan term shall be for 20 years with an interest rate of 5% per annum. Principal and interest payments
shall be made on a semi-annual basis.

(4) In order to receive a loan from the Program, a port district must:

(a) demonstrate that the proposed project shall generate sufficient revenue to support amortization of the loan and be willing to pledge revenues from the project to loan repayment or

(b) demonstrate that the port district can financially support debt service payments through general revenue sources of the port district and pledge the full faith and credit of the port district to loan repayment.

In order to achieve the requirement of paragraph (a) of this subsection (4), the port district may use guarantees provided under facility operating agreements or guaranteed facility use agreements from private concerns to demonstrate loan repayment ability.

Certain infrastructure facilities developed under the Program may be general use public facilities where there is not a definitive and guaranteed revenue stream to support the project, nevertheless the facilities are important to facilitate overall long term port development objectives. In such cases, the full faith and credit of the port district may be used as loan collateral.

(5) A loan agreement shall be executed between the port district and the State stipulating all of the terms and conditions of the loan. The Department shall release funds on a reimbursement basis for eligible costs of the project as incurred. The port district shall certify to the Department that expenses incurred during construction are in accordance with plans and specifications as approved by the Department. Funds may be drawn once per month during construction of the project.

(6) The loan agreement shall contain customary and usual loan default provisions in the event the port district fails to make the required payments. The loan agreement shall stipulate the State's recourse in curing any default.
In the event a port district becomes delinquent in payments to the State, that port district shall not be eligible for any future loans until the delinquency is remedied.

(7) Individual port district project applications shall include the following:

(a) Statement of purpose. A description of the project shall be submitted along with the project's anticipated overall effect on meeting port district objectives.

(b) Project impact. The anticipated net effects of the project shall be enumerated. These impacts may include the economic impact to the State, employment impact, intermodal freight impacts, and environmental impacts.

(c) Cost estimates and preliminary project layout. The overall project development cost estimate and general site and/or facility drawings.

(d) Proposed loan amount. A statement as to the amount proposed from the Program and the port district's intentions as to the source of other financing for the project.

(e) Business Proforma. A detailed business proforma must be supplied which estimates facility/project revenues as well as operating costs and debt service.

(f) Loan collateral and guarantees. The port district's intentions as to how it intends to collateralize the loan amount, including third party guarantees, pledging of project and facility revenue, or pledging general revenues of the district.

(8) The Department shall annually invite Illinois port districts to submit projects for consideration under the Program. The Department shall perform a cost/benefit analysis of each project to determine if a project meets minimum requirements for eligibility. Those applications which meet minimum criteria shall then be ranked by the overall net positive impact on the State.

(a) Minimum criteria shall include:

(i) positive cost/benefit ratio;
(ii) demonstrated economic feasibility of the
project; and
(iii) the ability of the port district to repay the
loan.
(b) Ranking criteria may include:
(i) a cost/benefit ratio of project in relation to
other projects;
(ii) product tonnage to be handled;
(iii) product value to be handled;
(iv) soundness of business proposition;
(v) positive intermodal impacts of Illinois
transportation system;
(vi) meets overall State transportation
objectives;
(vii) economic impact to the State; or
(viii) environmental benefits of the project.

Projects shall be selected according to their ranking up to
the limit of available funds. Selected projects shall be
invited to submit detailed plans, specifications, operating
agreements, environmental clearances, evidence of property
title, and other documentation as necessitated by the project.
When the Department determines all necessary requirements are
met and the remainder of the project financing is available, a
loan agreement shall be executed and project development may
commence.

(Source: P.A. 90-785, eff. 1-1-99; revised 12-6-03.)

(30 ILCS 750/10-2) (from Ch. 127, par. 2710-2)
Sec. 10-2. Definitions. Unless the context clearly
requires otherwise:
(a) "Financial institution" means a trust company, a bank,
a savings bank, a credit union, an investment bank, a broker,
an investment trust, a pension fund, a building and loan
association, a savings and loan association, an insurance
company or any venture capital company which is authorized to
do business in the State.
(b) "Participating lender" means any trust company, bank, savings bank, credit union, investment bank, broker, investment trust, pension fund, building and loan association, savings and loan association, insurance company or venture capital company approved by the Department which assumes a portion of the financing for a business project.

c) "Department" means the Illinois Department of Commerce and Economic Opportunity Community Affairs.

d) "Business" means a for-profit, legal entity in Illinois including, but not limited to, any sole proprietorship, partnership, corporation, joint venture, association or cooperative.

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

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

g) "Fund" means the Large Business Attraction Fund created in Section 10-4.
(Source: P.A. 84-109; revised 12-6-03.)

(30 ILCS 750/11-2) (from Ch. 127, par. 2711-2)
Sec. 11-2. Definitions. As used in this Article:
(a) "Small business incubator" or "Incubator" means a property described in Sections 11-7 and 11-8.
(b) "Community Advisory Board" or "Board" means a board created pursuant to Section 11-4.
(c) "Department" means the Illinois Department of Commerce and Economic Opportunity Community Affairs.
(d) "Educational institution" means a local school district, a private junior college or university, or a State
supported community college or university within the State.

(e) "Local governmental unit" means a county, township, city, village or incorporated town within this State.

(f) "Non-profit organization" means local chambers of commerce, business and economic development corporations and associations, and such other similar organizations so designated by the Department.

(g) "Sponsor" means an educational institution, local governmental unit or non-profit organization which receives Department funds under this Article.

(h) "Costs of establishment" means the actual costs of acquisition, whether by lease, purchase or other devices, and of construction and renovation of the incubator.

(i) "Costs of administration" means the costs of wages or salary for the incubator manager and related clerical and administrative costs.

(Source: P.A. 84-109; revised 12-6-03.)

Section 445. The Gang Control Grant Act is amended by changing Sections 1, 2, and 4 as follows:

(30 ILCS 755/1) (from Ch. 127, par. 3301)

Sec. 1. The purpose of this Act is to provide for grants to community groups in order to improve the quality of life in low and moderate income neighborhoods and to authorize the Department of Commerce and Economic Opportunity Community Affairs to administer such grants to such community groups.

(Source: P.A. 84-1400; revised 12-6-03.)

(30 ILCS 755/2) (from Ch. 127, par. 3302)

Sec. 2. Definition. As used in this Act, the terms specified in this Section have the meanings ascribed to them in this Section.

(a) "Community-based organization" means an organization certified by the Department as an eligible receiver of grants.

(b) "Business entity" means a corporation, partnership or
sole proprietorship engaged in producing goods or selling services or goods for a profit.

(c) "Department" means Department of Commerce and Economic Opportunity Community Affairs.

(d) "Neighborhood" means the area identified by a community-based organization as its geographically defined area containing the following characteristics:

1. a sense of belonging or identity that ties the residents to a given area;
2. social, cultural, political or economic activities around which residents of the area organize themselves;
3. the existence of cohesive organizations formed by residents; and
4. a history of acting or being treated as a distinct cohesive unit.

The term neighborhood may include small municipalities of less than 10,000 population or rural areas which have these characteristics.

(Source: P.A. 84-1400; revised 12-6-03.)

(30 ILCS 755/4) (from Ch. 127, par. 3304)

Sec. 4. (a) No grants may be authorized unless the project for which the grant is made has been approved by the Department.

(b) Any community-based organization seeking to have a project approved for a grant must submit an application to the Department describing its potential contributors and the nature and benefit of the project, such as the number of youth to be served by the project, performance standards or benchmarks, and monetary benefits of the project such as additional non-State funds leveraged or new State or local taxes generated.

The application must also address how the following criteria will be met:

1. The project must contribute to the self help efforts of the residents of the area involved.
(2) The project must involve the residents of the area in planning and implementing the project.

(3) The project must lack sufficient resources.

(4) The community-based organization must be fiscally responsible for the project.

(c) The project must provide alternatives to participation in gangs by juveniles in one of the following ways:

(1) by creating permanent jobs;
(2) by stimulating neighborhood business activity;
(3) by providing job training services;
(4) by providing youth recreation and athletic activities;

or

(5) by strengthening any community-based organizations whose objectives are similar to those listed in items 1 through 4 above.

(d) If the community-based organization demonstrates its ability to meet the criteria in subsection (b), and will provide juvenile gang alternatives in 1 of the ways listed in subsection (c), the Department shall approve the organization's proposed projects and specify the amount of grant it is eligible to receive for such project. Comments from State elected officials representing the districts in which the project is proposed to be located shall be solicited by the Department in making the decision.

(e) Within 45 days of the receipt of an application, the Department shall give notice to the applicant as to whether the application has been approved or disapproved. If the Department disapproves the application, it shall specify the reasons for this decision and allow 60 days for the applicant to make amendments. The Department shall provide assistance upon request to applicants.

(f) On an annual basis, the community-based organization shall furnish a statement to the Department of Commerce and Economic Opportunity Community Affairs on the programmatic and financial status of any approved project and an audited financial statement of the project.
Section 450. The Eliminate the Digital Divide Law is amended by changing Section 5-5 as follows:

(30 ILCS 780/5-5)

Sec. 5-5. Definitions; descriptions. As used in this Article:

"Community-based organization" means a private not-for-profit organization that is located in an Illinois community and that provides services to citizens within that community and the surrounding area.

"Community technology centers" provide computer access and educational services using information technology. Community technology centers are diverse in the populations they serve and programs they offer, but similar in that they provide technology access to individuals, communities, and populations that typically would not otherwise have places to use computer and telecommunications technologies.

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

"National school lunch program" means a program administered by the U.S. Department of Agriculture and state agencies that provides free or reduced price lunches to economically disadvantaged children. A child whose family income is between 130% and 185% of applicable family size income levels contained in the nonfarm poverty guidelines prescribed by the Office of Management and Budget is eligible for a reduced price lunch. A child whose family income is 130% or less of applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget is eligible for a free lunch.

"Telecommunications services" provided by telecommunications carriers include all commercially available telecommunications services in addition to all reasonable charges that are incurred by taking such services, such as
"Other special services" provided by telecommunications carriers include Internet access and installation and maintenance of internal connections in addition to all reasonable charges that are incurred by taking such services, such as state and federal taxes.

(Source: P.A. 91-704, eff. 7-1-00; revised 12-6-03.)

Section 455. The State Mandates Act is amended by changing Section 8 as follows:

(30 ILCS 805/8) (from Ch. 85, par. 2208)

Sec. 8. Exclusions, reimbursement application, review, appeals, and adjudication.

(a) Exclusions: Any of the following circumstances inherent to, or associated with, a mandate shall exclude the State from reimbursement liability under this Act. If the mandate (1) accommodates a request from local governments or organizations thereof; (2) imposes additional duties of a nature which can be carried out by existing staff and procedures at no appreciable net cost increase; (3) creates additional costs but also provides offsetting savings resulting in no aggregate increase in net costs; (4) imposes a cost that is wholly or largely recovered from Federal, State or other external financial aid; (5) imposes additional annual net costs of less than $1,000 for each of the several local governments affected or less than $50,000, in the aggregate, for all local governments affected.

The failure of the General Assembly to make necessary appropriations shall relieve the local government of the obligation to implement any service mandates, tax exemption mandates, and personnel mandates, as specified in Section 6, subsections (b), (c), (d) and (e), unless the exclusion provided for in this Section are explicitly stated in the Act establishing the mandate. In the event that funding is not provided for a State-mandated program by the General Assembly,
the local government may implement or continue the program upon
approval of its governing body. If the local government
approves the program and funding is subsequently provided, the
State shall reimburse the local governments only for costs
incurred subsequent to the funding.

(b) Reimbursement Estimation and Appropriation Procedure.

(1) When a bill is introduced in the General Assembly,
the Legislative Reference Bureau, hereafter referred to as
the Bureau, shall determine whether such bill may require
reimbursement to local governments pursuant to this Act.
The Bureau shall make such determination known in the
Legislative Synopsis and Digest.

In making the determination required by this
subsection (b) the Bureau shall disregard any provision in
a bill which would make inoperative the reimbursement
requirements of Section 6 above, including an express
exclusion of the applicability of this Act, and shall make
the determination irrespective of any such provision.

(2) Any bill or amended bill which creates or expands a
State mandate shall be subject to the provisions of "An Act
requiring fiscal notes in relation to certain bills",
approved June 4, 1965, as amended. The fiscal notes for
such bills or amended bills shall include estimates of the
costs to local government and the costs of any
reimbursement required under this Act. In the case of bills
having a potential fiscal impact on units of local
government, the fiscal note shall be prepared by the
Department. In the case of bills having a potential fiscal
impact on school districts, the fiscal note shall be
prepared by the State Superintendent of Education. In the
case of bills having a potential fiscal impact on community
college districts, the fiscal note shall be prepared by the
Illinois Community College Board. Such fiscal note shall
accompany the bill that requires State reimbursement and
shall be prepared prior to any final action on such a bill
by the assigned committee. However, if a fiscal note is not
filed by the appropriate agency within 30 days of introduction of a bill, the bill can be heard in committee and advanced to the order of second reading. The bill shall then remain on second reading until a fiscal note is filed. A bill discharged from committee shall also remain on second reading until a fiscal note is provided by the appropriate agency.

(3) The estimate required by paragraph (2) above, shall include the amount estimated to be required during the first fiscal year of a bill's operation in order to reimburse local governments pursuant to Section 6, for costs mandated by such bill. In the event that the effective date of such a bill is not the first day of the fiscal year the estimate shall also include the amount estimated to be required for reimbursement for the next following full fiscal year.

(4) For the initial fiscal year, reimbursement funds shall be provided as follows: (i) any statute mandating such costs shall have a companion appropriation bill, and (ii) any executive order mandating such costs shall be accompanied by a bill to appropriate the funds therefor, or, alternatively an appropriation for such funds shall be included in the executive budget for the next following fiscal year.

In subsequent fiscal years appropriations for such costs shall be included in the Governor's budget or supplemental appropriation bills.

(c) Reimbursement Application and Disbursement Procedure.

(1) For the initial fiscal year during which reimbursement is authorized, each local government, or more than one local government wishing to join in filing a single claim, believing itself to be entitled to reimbursement under this Act shall submit to the Department, State Superintendent of Education or Illinois Community College Board within 60 days of the effective date of the mandate a claim for reimbursement accompanied
by its estimate of the increased costs required by the mandate for the balance of the fiscal year. The Department, State Superintendent of Education or Illinois Community College Board shall review such claim and estimate, shall apportion the claim into 3 equal installments and shall direct the Comptroller to pay the installments at equal intervals throughout the remainder of the fiscal year from the funds appropriated for such purposes, provided that the Department, State Superintendent of Education or Illinois Community College Board may (i) audit the records of any local government to verify the actual amount of the mandated cost, and (ii) reduce any claim determined to be excessive or unreasonable.

(2) For the subsequent fiscal years, local governments shall submit claims as specified above on or before October 1 of each year. The Department, State Superintendent of Education or Illinois Community College Board shall apportion the claims into 3 equal installments and shall direct the Comptroller to pay the first installment upon approval of the claims, with subsequent installments to follow on January 1 and March 1, such claims to be paid from funds appropriated therefor, provided that the Department, State Superintendent of Education or Illinois Community College Board (i) may audit the records of any local governments to verify the actual amount of the mandated cost, (ii) may reduce any claim, determined to be excessive or unreasonable, and (iii) shall adjust the payment to correct for any underpayments or overpayments which occurred in the previous fiscal year.

(3) Any funds received by a local government pursuant to this Act may be used for any public purpose.

If the funds appropriated for reimbursement of the costs of local government resulting from the creation or expansion of a State mandate are less than the total of the approved claims, the amount appropriated shall be prorated among the local governments having approved claims.
(d) Appeals and Adjudication.

(1) Local governments may appeal determinations made by State agencies acting pursuant to subsection (c) above. The appeal must be submitted to the State Mandates Board of Review created by Section 9.1 of this Act within 60 days following the date of receipt of the determination being appealed. The appeal must include evidence as to the extent to which the mandate has been carried out in an effective manner and executed without recourse to standards of staffing or expenditure higher than specified in the mandatory statute, if such standards are specified in the statute. The State Mandates Board of Review, after reviewing the evidence submitted to it, may increase or reduce the amount of a reimbursement claim. The decision of the State Mandates Board of Review shall be final subject to judicial review. However, if sufficient funds have not been appropriated, the Department shall notify the General Assembly of such cost, and appropriations for such costs shall be included in a supplemental appropriation bill.

(2) A local government may also appeal directly to the State Mandates Board of Review in those situations in which the Department of Commerce and Economic Opportunity Community Affairs does not act upon the local government's application for reimbursement or request for mandate determination submitted under this Act. The appeal must include evidence that the application for reimbursement or request for mandate determination was properly filed and should have been reviewed by the Department.

An appeal may be made to the Board if the Department does not respond to a local government's application for reimbursement or request for mandate determination within 120 days after filing the application or request. In no case, however, may an appeal be brought more than one year after the application or request is filed with the Department.

(Source: P.A. 89-304, eff. 8-11-95; 89-626, eff. 8-9-96;
Section 460. The Illinois Income Tax Act is amended by changing Sections 211 and 213 as follows:

(35 ILCS 5/211)

Sec. 211. Economic Development for a Growing Economy Tax Credit. For tax years beginning on or after January 1, 1999, a Taxpayer who has entered into an Agreement under the Economic Development for a Growing Economy Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount to be determined in the Agreement. If the Taxpayer is a partnership or Subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code. The Department, in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, shall prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit shall be subject to the conditions set forth in the Agreement and the following limitations:

(1) The tax credit shall not exceed the Incremental Income Tax (as defined in Section 5-5 of the Economic Development for a Growing Economy Tax Credit Act) with respect to the project.

(2) The amount of the credit allowed during the tax year plus the sum of all amounts allowed in prior years shall not exceed 100% of the aggregate amount expended by the Taxpayer during all prior tax years on approved costs defined by Agreement.

(3) The amount of the credit shall be determined on an annual basis. Except as applied in a carryover year pursuant to Section 211(4) of this Act, the credit may not
be applied against any State income tax liability in more
than 10 taxable years; provided, however, that (i) an
eligible business certified by the Department of Commerce
and Economic Opportunity Community Affairs under the
Corporate Headquarters Relocation Act may not apply the
credit against any of its State income tax liability in
more than 15 taxable years and (ii) credits allowed to that
eligible business are subject to the conditions and
requirements set forth in Sections 5-35 and 5-45 of the
Economic Development for a Growing Economy Tax Credit Act.

(4) The credit may not exceed the amount of taxes
imposed pursuant to subsections (a) and (b) of Section 201
of this Act. Any credit that is unused in the year the
credit is computed may be carried forward and applied to
the tax liability of the 5 taxable years following the
excess credit year. The credit shall be applied to the
earliest year for which there is a tax liability. If there
are credits from more than one tax year that are available
to offset a liability, the earlier credit shall be applied
first.

(5) No credit shall be allowed with respect to any
Agreement for any taxable year ending after the
Noncompliance Date. Upon receiving notification by the
Department of Commerce and Economic Opportunity Community
Affairs of the noncompliance of a Taxpayer with an
Agreement, the Department shall notify the Taxpayer that no
credit is allowed with respect to that Agreement for any
taxable year ending after the Noncompliance Date, as stated
in such notification. If any credit has been allowed with
respect to an Agreement for a taxable year ending after the
Noncompliance Date for that Agreement, any refund paid to
the Taxpayer for that taxable year shall, to the extent of
that credit allowed, be an erroneous refund within the
meaning of Section 912 of this Act.

(6) For purposes of this Section, the terms
"Agreement", "Incremental Income Tax", and "Noncompliance
Date” have the same meaning as when used in the Economic Development for a Growing Economy Tax Credit Act.
(Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01; revised 12-6-03.)

(35 ILCS 5/213)
Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and Economic Opportunity Community Affairs under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The Department, in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit may not be carried forward or back. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.
(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

Section 465. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Sections 5-5, 5-25, and 5-45 as follows:

(35 ILCS 10/5-5)
Sec. 5-5. Definitions. As used in this Act:
"Agreement" means the Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of this Act.
"Applicant" means a Taxpayer that is operating a business
located or that the Taxpayer plans to locate within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county.

"Committee" means the Illinois Business Investment Committee created under Section 5-25 of this Act within the Illinois Economic Development Board.

"Credit" means the amount agreed to between the Department and Applicant under this Act, but not to exceed the Incremental Income Tax attributable to the Applicant's project.

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

"Director" means the Director of Commerce and Economic Opportunity Community Affairs.
"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Incremental Income Tax" means the total amount withheld during the taxable year from the compensation of New Employees under Article 7 of the Illinois Income Tax Act arising from employment at a project that is the subject of an Agreement.

"New Employee" means:

(a) A Full-time Employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the tax credit Agreement.

(b) The term "New Employee" does not include:

(1) an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

(2) an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the tax credit Agreement; or

(3) a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

(c) Notwithstanding paragraph (1) of subsection (b), an employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was:

(1) treated under the Agreement as a New Employee; and

(2) promoted by the Taxpayer to another job.

(d) Notwithstanding subsection (a), the Department may
award Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

(1) the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

(2) the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and

(3) the employee was hired after the date the letter described in paragraph (1) was issued.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-65.

"Pass Through Entity" means an entity that is exempt from the tax under subsection (b) or (c) of Section 205 of the Illinois Income Tax Act.

"Related Member" means a person that, with respect to the Taxpayer during any portion of the taxable year, is any one of the following:

(1) An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

(2) A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or value of the Taxpayer.

(3) A corporation, and any party related to the corporation in a manner that would require an attribution
of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the Taxpayer.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability.

(Source: P.A. 91-476, eff. 8-11-99; 92-651, eff. 7-11-02; revised 12-6-03.)

(35 ILCS 10/5-25)

Sec. 5-25. Review of Application.

(a) In addition to those duties granted under the Illinois Economic Development Board Act, the Illinois Economic Development Board shall form a Business Investment Committee for the purpose of making recommendations for applications. At the request of the Board, the Director of Commerce and Economic Opportunity Community Affairs or his or her designee, the Director of the Governor's Office of Management and Budget Bureau of the Budget or his or her designee, the Director of Revenue or his or her designee, the Director of Employment
Security or his or her designee, and an elected official of the affected locality, such as the chair of the county board or the mayor, may serve as members of the Committee to assist with its analysis and deliberations.

(b) At the Department's request, the Committee shall convene, make inquiries, and conduct studies in the manner and by the methods as it deems desirable, review information with respect to Applicants, and make recommendations for projects to benefit the State. In making its recommendation that an Applicant's application for Credit should or should not be accepted, which shall occur within a reasonable time frame as determined by the nature of the application, the Committee shall determine that all the following conditions exist:

1. The Applicant's project intends, as required by subsection (b) of Section 5-20 to make the required investment in the State and intends to hire the required number of New Employees in Illinois as a result of that project.

2. The Applicant's project is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.

3. That, if not for the Credit, the project would not occur in Illinois, which may be demonstrated by any means including, but not limited to, evidence the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, or demonstration that at least one other state is being considered for the project, or evidence the receipt of the Credit is a major factor in the Applicant's decision and that without the Credit, the Applicant likely would not create new jobs in Illinois, or demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State.

4. A cost differential is identified, using best available data, in the projected costs for the Applicant's
project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive programs shall include state, local, private, and federal funds available.

(5) The political subdivisions affected by the project have committed local incentives with respect to the project, considering local ability to assist.

(6) Awarding the Credit will result in an overall positive fiscal impact to the State, as certified by the Committee using the best available data.

(7) The Credit is not prohibited by Section 5-35 of this Act.

(Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

(35 ILCS 10/5-45)

Sec. 5-45. Amount and duration of the credit.

(a) The Department shall determine the amount and duration of the credit awarded under this Act. The duration of the credit may not exceed 10 taxable years. The credit may be stated as a percentage of the Incremental Income Tax attributable to the applicant's project and may include a fixed dollar limitation.

(b) Notwithstanding subsection (a), and except as the credit may be applied in a carryover year pursuant to Section 211(4) of the Illinois Income Tax Act, the credit may be applied against the State income tax liability in more than 10 taxable years but not in more than 15 taxable years for an eligible business that (i) qualifies under this Act and the Corporate Headquarters Relocation Act and has in fact undertaken a qualifying project within the time frame specified by the Department of Commerce and Economic Opportunity Community Affairs under that Act, and (ii) applies against its State income tax liability, during the entire 15-year period, no more than 60% of the maximum credit per year that would otherwise be available under this Act.
Section 470. The Film Production Services Tax Credit Act is amended by changing Section 10 as follows:

(35 ILCS 15/10)

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

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed $100,000 for productions of 30 minutes or longer, or $50,000 for productions of less than 30 minutes; but does not include a production that:

(1) is news, current events, or public programming, or a program that includes weather or market reports;
(2) is a talk show;
(3) is a production in respect of a game, questionnaire, or contest;
(4) is a sports event or activity;
(5) is a gala presentation or awards show;
(6) is a finished production that solicits funds;
(7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
(8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production
company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year.

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

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

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

(1) Reasonable in the circumstances.

(2) Included in the federal income tax basis of the property.

(3) Incurred by the applicant for services on or after January 1, 2004.

(4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.

(5) Limited to the first $25,000 of wages paid or incurred to each employee of the production.

(6) Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.

(7) Directly attributable to the accredited
production.

(8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.

(9) Paid to persons resident in Illinois at the time the payments were made.

(10) Paid for services rendered in Illinois.

(Source: P.A. 93-543, eff. 1-1-04; revised 11-3-04.)

Section 475. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is
extended beyond the close of the period for which the return is
filed, the retailer, in collecting the tax (except as to motor
vehicles, watercraft, aircraft, and trailers that are required
to be registered with an agency of this State), may collect for
each tax return period, only the tax applicable to that part of
the selling price actually received during such tax return
period.

Except as provided in this Section, on or before the
twentieth day of each calendar month, such retailer shall file
a return for the preceding calendar month. Such return shall be
filed on forms prescribed by the Department and shall furnish
such information as the Department may reasonably require.

The Department may require returns to be filed on a
quarterly basis. If so required, a return for each calendar
quarter shall be filed on or before the twentieth day of the
calendar month following the end of such calendar quarter. The
taxpayer shall also file a return with the Department for each
of the first two months of each calendar quarter, on or before
the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from
which he engages in the business of selling tangible
personal property at retail in this State;

3. The total amount of taxable receipts received by him
during the preceding calendar month from sales of tangible
personal property by him during such preceding calendar
month, including receipts from charge and time sales, but
less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this
Act;

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department
may require.

If a taxpayer fails to sign a return within 30 days after
the proper notice and demand for signature by the Department,
the return shall be considered valid and any amount shown to be
due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average
monthly tax liability of $150,000 or more shall make all
payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 1994, a taxpayer who has
an average monthly tax liability of $100,000 or more shall make
all payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 1995, a taxpayer who has
an average monthly tax liability of $50,000 or more shall make
all payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 2000, a taxpayer who has
an annual tax liability of $200,000 or more shall make all
payments required by rules of the Department by electronic
funds transfer. The term "annual tax liability" shall be the
sum of the taxpayer's liabilities under this Act, and under all
other State and local occupation and use tax laws administered
by the Department, for the immediately preceding calendar year.
The term "average monthly tax liability" means the sum of the
taxpayer's liabilities under this Act, and under all other
State and local occupation and use tax laws administered by the
Department, for the immediately preceding calendar year
divided by 12. Beginning on October 1, 2002, a taxpayer who has
a tax liability in the amount set forth in subsection (b) of
Section 2505-210 of the Department of Revenue Law shall make
all payments required by rules of the Department by electronic
funds transfer.

Before August 1 of each year beginning in 1993, the
Department shall notify all taxpayers required to make payments
by electronic funds transfer. All taxpayers required to make
payments by electronic funds transfer shall make those payments
for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic
funds transfer may make payments by electronic funds transfer
with the permission of the Department.

All taxpayers required to make payment by electronic funds
transfer and any taxpayers authorized to voluntarily make
payments by electronic funds transfer shall make those payments
in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to
effectuate a program of electronic funds transfer and the
requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly
tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's
liability for the same calendar month of the preceding year. If
the month during which such tax liability is incurred begins on
or after January 1, 1987, and prior to January 1, 1988, each
payment shall be in an amount equal to 22.5% of the taxpayer's
actual liability for the month or 26.25% of the taxpayer's
liability for the same calendar month of the preceding year. If
the month during which such tax liability is incurred begins on
or after January 1, 1988, and prior to January 1, 1989, or
begins on or after January 1, 1996, each payment shall be in an
amount equal to 22.5% of the taxpayer's actual liability for
the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year. If the month during which
such tax liability is incurred begins on or after January 1, 1989,
and prior to January 1, 1996, each payment shall be in an
amount equal to 22.5% of the taxpayer's actual liability for
the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year or 100% of the taxpayer's
actual liability for the quarter monthly reporting period. The
amount of such quarter monthly payments shall be credited
against the final tax liability of the taxpayer's return for
that month. Before October 1, 2000, once applicable, the
requirement of the making of quarter monthly payments to the
Department shall continue until such taxpayer's average
monthly liability to the Department during the preceding 4
complete calendar quarters (excluding the month of highest
liability and the month of lowest liability) is less than
$9,000, or until such taxpayer's average monthly liability to
the Department as computed for each calendar quarter of the 4
preceding complete calendar quarter period is less than
$10,000. However, if a taxpayer can show the Department that a
substantial change in the taxpayer's business has occurred
which causes the taxpayer to anticipate that his average
monthly tax liability for the reasonably foreseeable future
will fall below the $10,000 threshold stated above, then such
taxpayer may petition the Department for change in such
taxpayer's reporting status. On and after October 1, 2000, once
applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the
taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.
Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform
Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is
being sold, but may be filed by the retailer at any time sooner
than that if he chooses to do so. The transaction reporting
return and tax remittance or proof of exemption from the tax
that is imposed by this Act may be transmitted to the
Department by way of the State agency with which, or State
officer with whom, the tangible personal property must be
titled or registered (if titling or registration is required)
if the Department and such agency or State officer determine
that this procedure will expedite the processing of
applications for title or registration.

With each such transaction reporting return, the retailer
shall remit the proper amount of tax due (or shall submit
satisfactory evidence that the sale is not taxable if that is
the case), to the Department or its agents, whereupon the
Department shall issue, in the purchaser's name, a tax receipt
(or a certificate of exemption if the Department is satisfied
that the particular sale is tax exempt) which such purchaser
may submit to the agency with which, or State officer with
whom, he must title or register the tangible personal property
that is involved (if titling or registration is required) in
support of such purchaser's application for an Illinois
certificate or other evidence of title or registration to such
tangible personal property.

No retailer's failure or refusal to remit tax under this
Act precludes a user, who has paid the proper tax to the
retailer, from obtaining his certificate of title or other
evidence of title or registration (if titling or registration
is required) upon satisfying the Department that such user has
paid the proper tax (if tax is due) to the retailer. The
Department shall adopt appropriate rules to carry out the
mandate of this paragraph.

If the user who would otherwise pay tax to the retailer
wants the transaction reporting return filed and the payment of
tax or proof of exemption made to the Department before the
retailer is willing to take these actions and such user has not
paid the tax to the retailer, such user may certify to the fact
of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such
If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency
of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from
the State and Local Sales Tax Reform Fund shall have been less
than 1/12 of the Annual Specified Amount, an amount equal to
the difference shall be immediately paid into the Build
Illinois Fund from other moneys received by the Department
pursuant to the Tax Acts; and, further provided, that in no
event shall the payments required under the preceding proviso
result in aggregate payments into the Build Illinois Fund
pursuant to this clause (b) for any fiscal year in excess of
the greater of (i) the Tax Act Amount or (ii) the Annual
Specified Amount for such fiscal year; and, further provided,
that the amounts payable into the Build Illinois Fund under
this clause (b) shall be payable only until such time as the
aggregate amount on deposit under each trust indenture securing
Bonds issued and outstanding pursuant to the Build Illinois
Bond Act is sufficient, taking into account any future
investment income, to fully provide, in accordance with such
indenture, for the defeasance of or the payment of the
principal of, premium, if any, and interest on the Bonds
secured by such indenture and on any Bonds expected to be
issued thereafter and all fees and costs payable with respect
thereto, all as certified by the Director of the Bureau of the
Budget (now Governor's Office of Management and Budget). If on
the last business day of any month in which Bonds are
outstanding pursuant to the Build Illinois Bond Act, the
aggregate of the moneys deposited in the Build Illinois Bond
Account in the Build Illinois Fund in such month shall be less
than the amount required to be transferred in such month from
the Build Illinois Bond Account to the Build Illinois Bond
Retirement and Interest Fund pursuant to Section 13 of the
Build Illinois Bond Act, an amount equal to such deficiency
shall be immediately paid from other moneys received by the
Department pursuant to the Tax Acts to the Build Illinois Fund;
provided, however, that any amounts paid to the Build Illinois
Fund in any fiscal year pursuant to this sentence shall be
deemed to constitute payments pursuant to clause (b) of the
preceding sentence and shall reduce the amount otherwise
payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
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<tr>
<th>Fiscal Year</th>
<th>Deposit</th>
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<tbody>
<tr>
<td>1993</td>
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</table>
2010 139,000,000
2011 146,000,000
2012 153,000,000
2013 161,000,000
2014 170,000,000
2015 179,000,000
2016 189,000,000
2017 199,000,000
2018 210,000,000
2019 221,000,000
2020 233,000,000
2021 246,000,000
2022 260,000,000
2023 and 275,000,000

Beginning July 20, 1993 and in each month of each fiscal
year thereafter, one-eighth of the amount requested in the
certificate of the Chairman of the Metropolitan Pier and
Exposition Authority for that fiscal year, less the amount
deposited into the McCormick Place Expansion Project Fund by
the State Treasurer in the respective month under subsection
(g) of Section 13 of the Metropolitan Pier and Exposition
Authority Act, plus cumulative deficiencies in the deposits
required under this Section for previous months and years,
shall be deposited into the McCormick Place Expansion Project
Fund, until the full amount requested for the fiscal year, but
not in excess of the amount specified above as "Total Deposit",
has been deposited.

Subject to payment of amounts into the Build Illinois Fund
and the McCormick Place Expansion Project Fund pursuant to the
preceding paragraphs or in any amendments thereto hereafter
enacted, beginning July 1, 1993, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of
the net revenue realized for the preceding month from the 6.25%
general rate on the selling price of tangible personal
property.

Subject to payment of amounts into the Build Illinois Fund
and the McCormick Place Expansion Project Fund pursuant to the
preceding paragraphs or in any amendments thereto hereafter
enacted, beginning with the receipt of the first report of
taxes paid by an eligible business and continuing for a 25-year
period, the Department shall each month pay into the Energy
Infrastructure Fund 80% of the net revenue realized from the
6.25% general rate on the selling price of Illinois-mined coal
that was sold to an eligible business. For purposes of this
paragraph, the term "eligible business" means a new electric
generating facility certified pursuant to Section 605-332 of
the Department of Commerce and Economic Opportunity Community
Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department
pursuant to this Act, 75% thereof shall be paid into the State
Treasury and 25% shall be reserved in a special account and
used only for the transfer to the Common School Fund as part of
the monthly transfer from the General Revenue Fund in
accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon
certification of the Department of Revenue, the Comptroller
shall order transferred and the Treasurer shall transfer from
the General Revenue Fund to the Motor Fuel Tax Fund an amount
equal to 1.7% of 80% of the net revenue realized under this Act
for the second preceding month. Beginning April 1, 2000, this
transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue
collected by the State pursuant to this Act, less the amount
paid out during that month as refunds to taxpayers for
overpayment of liability.
For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; revised 10-15-03.)

Section 480. The Service Use Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a
form prescribed by the Department and shall contain such
information as the Department may reasonably require.

The Department may require returns to be filed on a
quarterly basis. If so required, a return for each calendar
quarter shall be filed on or before the twentieth day of the
calendar month following the end of such calendar quarter. The
taxpayer shall also file a return with the Department for each
of the first two months of each calendar quarter, on or before
the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from
which he engages in business as a serviceman in this State;

3. The total amount of taxable receipts received by him
during the preceding calendar month, including receipts
from charge and time sales, but less all deductions allowed
by law;

4. The amount of credit provided in Section 2d of this
Act;

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department
may require.

If a taxpayer fails to sign a return within 30 days after
the proper notice and demand for signature by the Department,
the return shall be considered valid and any amount shown to be
due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average
monthly tax liability of $150,000 or more shall make all
payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 1994, a taxpayer who has
an average monthly tax liability of $100,000 or more shall make
all payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 1995, a taxpayer who has
an average monthly tax liability of $50,000 or more shall make
all payments required by rules of the Department by electronic
funds transfer. Beginning October 1, 2000, a taxpayer who has
an annual tax liability of $200,000 or more shall make all
payments required by rules of the Department by electronic
funds transfer. The term "annual tax liability" shall be the
sum of the taxpayer's liabilities under this Act, and under all
other State and local occupation and use tax laws administered
by the Department, for the immediately preceding calendar year.
The term "average monthly tax liability" means the sum of the
taxpayer's liabilities under this Act, and under all other
State and local occupation and use tax laws administered by the
Department, for the immediately preceding calendar year
divided by 12. Beginning on October 1, 2002, a taxpayer who has
a tax liability in the amount set forth in subsection (b) of
Section 2505-210 of the Department of Revenue Law shall make
all payments required by rules of the Department by electronic
funds transfer.

Before August 1 of each year beginning in 1993, the
Department shall notify all taxpayers required to make payments
by electronic funds transfer. All taxpayers required to make
payments by electronic funds transfer shall make those payments
for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic
funds transfer may make payments by electronic funds transfer
with the permission of the Department.

All taxpayers required to make payment by electronic funds
transfer and any taxpayers authorized to voluntarily make
payments by electronic funds transfer shall make those payments
in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to
effectuate a program of electronic funds transfer and the
requirements of this Section.

If the serviceman is otherwise required to file a monthly
return and if the serviceman's average monthly tax liability to
the Department does not exceed $200, the Department may
authorize his returns to be filed on a quarter annual basis,
with the return for January, February and March of a given year
being due by April 20 of such year; with the return for April,
May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be
entitled to no deduction hereunder upon refunding such tax to
the purchaser.

Any serviceman filing a return hereunder shall also include
the total tax upon the selling price of tangible personal
property purchased for use by him as an incident to a sale of
service, and such serviceman shall remit the amount of such tax
to the Department when filing such return.

If experience indicates such action to be practicable, the
Department may prescribe and furnish a combination or joint
return which will enable servicemen, who are required to file
returns hereunder and also under the Service Occupation Tax
Act, to furnish all the return information required by both
Acts on the one form.

Where the serviceman has more than one business registered
with the Department under separate registration hereunder,
such serviceman shall not file each return that is due as a
single return covering all such registered businesses, but
shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall
pay into the State and Local Tax Reform Fund, a special fund in
the State Treasury, the net revenue realized for the preceding
month from the 1% tax on sales of food for human consumption
which is to be consumed off the premises where it is sold
(other than alcoholic beverages, soft drinks and food which has
been prepared for immediate consumption) and prescription and
nonprescription medicines, drugs, medical appliances and
insulin, urine testing materials, syringes and needles used by
diabetics.

Beginning January 1, 1990, each month the Department shall
pay into the State and Local Sales Tax Reform Fund 20% of the
net revenue realized for the preceding month from the 6.25%
general rate on transfers of tangible personal property, other
than tangible personal property which is purchased outside
Illinois at retail from a retailer and which is titled or
registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall
pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual
Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the
Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<th>Fiscal Year</th>
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<td>2017</td>
<td>199,000,000</td>
</tr>
<tr>
<td>2018</td>
<td>210,000,000</td>
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</tbody>
</table>
2019  221,000,000
2020  233,000,000
2021  246,000,000
2022  260,000,000
2023 and  275,000,000

each fiscal year

thereafter that bonds

are outstanding under

Section 13.2 of the

Metropolitan Pier and

Exposition Authority Act,

but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal
year thereafter, one-eighth of the amount requested in the
certificate of the Chairman of the Metropolitan Pier and
Exposition Authority for that fiscal year, less the amount
deposited into the McCormick Place Expansion Project Fund by
the State Treasurer in the respective month under subsection
(g) of Section 13 of the Metropolitan Pier and Exposition
Authority Act, plus cumulative deficiencies in the deposits
required under this Section for previous months and years,
shall be deposited into the McCormick Place Expansion Project
Fund, until the full amount requested for the fiscal year, but
not in excess of the amount specified above as "Total Deposit",
has been deposited.

Subject to payment of amounts into the Build Illinois Fund
and the McCormick Place Expansion Project Fund pursuant to the
preceding paragraphs or in any amendments thereto hereafter
enacted, beginning July 1, 1993, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of
the net revenue realized for the preceding month from the 6.25%
general rate on the selling price of tangible personal
property.

Subject to payment of amounts into the Build Illinois Fund
and the McCormick Place Expansion Project Fund pursuant to the
preceding paragraphs or in any amendments thereto hereafter
enacted, beginning with the receipt of the first report of
taxes paid by an eligible business and continuing for a 25-year
period, the Department shall each month pay into the Energy
Infrastructure Fund 80% of the net revenue realized from the
6.25% general rate on the selling price of Illinois-mined coal
that was sold to an eligible business. For purposes of this
paragraph, the term "eligible business" means a new electric
generating facility certified pursuant to Section 605-332 of
the Department of Commerce and Economic Opportunity Community
Affairs Law of the Civil Administrative Code of Illinois.

All remaining moneys received by the Department pursuant to
this Act shall be paid into the General Revenue Fund of the
State Treasury.

As soon as possible after the first day of each month, upon
certification of the Department of Revenue, the Comptroller
shall order transferred and the Treasurer shall transfer from
the General Revenue Fund to the Motor Fuel Tax Fund an amount
equal to 1.7% of 80% of the net revenue realized under this Act
for the second preceding month. Beginning April 1, 2000, this
transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue
collected by the State pursuant to this Act, less the amount
paid out during that month as refunds to taxpayers for
overpayment of liability.
(Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;
revised 10-15-03.)

Section 490. The Retailers' Occupation Tax Act is amended
by changing Sections 1d, 1f, 1i, 1j.1, 1k, 1o, and 5l as
follows:

(35 ILCS 120/1d) (from Ch. 120, par. 440d)

Sec. 1d. Subject to the provisions of Section 1f, all
tangible personal property to be used or consumed within an
enterprise zone established pursuant to the "Illinois
Enterprise Zone Act", as amended, or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act, all tangible personal property to be used or consumed by any High Impact Business, in the process of the manufacturing or assembly of tangible personal property for wholesale or retail sale or lease or in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Economic Opportunity Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons is exempt from the tax imposed by this Act. This exemption includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property or in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Economic Opportunity Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons for wholesale or retail sale, or lease, and equipment, manufacturing or graphic arts fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling or graphic arts machinery or equipment.

(Source: P.A. 85-1182; 86-1456; revised 12-6-03.)

(35 ILCS 120/1f) (from Ch. 120, par. 440f)

Sec. 1f. Except for High Impact Businesses, the exemption stated in Sections 1d and 1e of this Act shall only apply to business enterprises which:

(1) either (i) make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois or (ii) make investments which cause the retention of a minimum of 2000 full-time jobs in Illinois or (iii) make investments of a minimum of $40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and

(2) are located in an Enterprise Zone established
pursuant to the Illinois Enterprise Zone Act; and

(3) are certified by the Department of Commerce and Economic Opportunity Community Affairs as complying with the requirements specified in clauses (1), (2) and (3).

Any business enterprise seeking to avail itself of the exemptions stated in Sections 1d or 1e, or both, shall make application to the Department of Commerce and Economic Opportunity Community Affairs in such form and providing such information as may be prescribed by the Department of Commerce and Economic Opportunity Community Affairs. However, no business enterprise shall be required, as a condition for certification under clause (4) of this Section, to attest that its decision to invest under clause (1) of this Section and to locate under clause (2) of this Section is predicated upon the availability of the exemptions authorized by Sections 1d or 1e.

The Department of Commerce and Economic Opportunity Community Affairs shall determine whether the business enterprise meets the criteria prescribed in this Section. If the Department of Commerce and Economic Opportunity Community Affairs determines that such business enterprise meets the criteria, it shall issue a certificate of eligibility for exemption to the business enterprise in such form as is prescribed by the Department of Revenue. The Department of Commerce and Economic Opportunity Community Affairs shall act upon such certification requests within 60 days after receipt of the application, and shall file with the Department of Revenue a copy of each certificate of eligibility for exemption.

The Department of Commerce and Economic Opportunity Community Affairs shall have the power to promulgate rules and regulations to carry out the provisions of this Section including the power to define the amounts and types of eligible investments not specified in this Section which business enterprises must make in order to receive the exemptions stated in Sections 1d and 1e of this Act; and to require that any business enterprise that is granted a tax exemption repay the
exempted tax if the business enterprise fails to comply with the terms and conditions of the certification.

Such certificate of eligibility for exemption shall be presented by the business enterprise to its supplier when making the initial purchase of tangible personal property for which an exemption is granted by Section 1d or Section 1e, or both, together with a certification by the business enterprise that such tangible personal property is exempt from taxation under Section 1d or Section 1e and by indicating the exempt status of each subsequent purchase on the face of the purchase order.

The Department of Commerce and Economic Opportunity Community Affairs shall determine the period during which such exemption from the taxes imposed under this Act is in effect which shall not exceed 20 years.

(Source: P.A. 86-44; 86-1456; revised 12-6-03.)

(35 ILCS 120/1i) (from Ch. 120, par. 440i)

Sec. 1i. High Impact Service Facility means a facility used primarily for the sorting, handling and redistribution of mail, freight, cargo, or other parcels received from agents or employees of the handler or shipper for processing at a common location and redistribution to other employees or agents for delivery to an ultimate destination on an item-by-item basis, and which: (1) will make an investment in a business enterprise project of $100,000,000 dollars or more; (2) will cause the creation of at least 750 to 1,000 jobs or more in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and (3) is certified by the Department of Commerce and Economic Opportunity Community Affairs as contractually obligated to meet the requirements specified in divisions (1) and (2) of this paragraph within the time period as specified by the certification. Any business enterprise project applying for the exemption stated in this Section shall make application to the Department of Commerce and Economic Opportunity Community Affairs in such form and providing such information as may be
prescribed by the Department of Commerce and Economic Opportunity Community Affairs.

The Department of Commerce and Economic Opportunity Community Affairs shall determine whether the business enterprise project meets the criteria prescribed in this Section. If the Department of Commerce and Economic Opportunity Community Affairs determines that such business enterprise project meets the criteria, it shall issue a certificate of eligibility for exemption to the business enterprise in such form as is prescribed by the Department of Revenue. The Department of Commerce and Economic Opportunity Community Affairs shall act upon such certification requests within 60 days after receipt of the application, and shall file with the Department of Revenue a copy of each certificate of eligibility for exemption.

The Department of Commerce and Economic Opportunity Community Affairs shall have the power to promulgate rules and regulations to carry out the provisions of this Section and to require that any business enterprise that is granted a tax exemption repay the exempted tax if the business enterprise fails to comply with the terms and conditions of the certification.

The certificate of eligibility for exemption shall be presented by the business enterprise to its supplier when making the initial purchase of machinery and equipment for which an exemption is granted by Section 1j of this Act, together with a certification by the business enterprise that such machinery and equipment is exempt from taxation under Section 1j of this Act and by indicating the exempt status of each subsequent purchase on the face of the purchase order.

The certification of eligibility for exemption shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of this Act, together with a certification by the business enterprise that such jet fuel and petroleum product, are exempt from taxation
under Section 1j.1 of this Act, and by indicating the exempt
status of each subsequent purchase on the face of the purchase
order.

The Department of Commerce and Economic Opportunity
Community Affairs shall determine the period during which such
exemption from the taxes imposed under this Act will remain in
effect.
(Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

(35 ILCS 120/1j.1)

Sec. 1j.1. Exemption; jet fuel used in the operation of
high impact service facilities. Subject to the provisions of
Section 1i of this Act, jet fuel and petroleum products sold to
and used in the conduct of its business of sorting, handling
and redistribution of mail, freight, cargo or other parcels in
the operation of a high impact service facility, as defined in
Section 1i of this Act, located within an enterprise zone
established pursuant to the Illinois Enterprise Zone Act shall
be exempt from the tax imposed by this Act, provided that the
business enterprise has waived its right to a tax exemption of
the charges imposed under Section 9-222.1 of the Public
Utilities Act. The Department of Commerce and Economic
Opportunity Community Affairs shall promulgate rules necessary
to further define jet fuel and petroleum products sold to,
used, and eligible for exemption in a high impact service
facility. The minimum period for which an exemption from taxes
is granted by this Section is 10 years, regardless of the
duration of the enterprise zone in which the project is
located.
(Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

(35 ILCS 120/1k) (from Ch. 120, par. 440k)

Sec. 1k. Aircraft maintenance facility means a facility
operated by an interstate carrier for hire that is used
primarily for the maintenance, rebuilding or repair of
aircraft, aircraft parts and auxiliary equipment owned or
leased by that carrier and used by that carrier as rolling
stock moving in interstate commerce, and which: (1) will make
an investment by the interstate carrier for hire of
$400,000,000 or more in an enterprise zone; (2) will cause the
creation of at least 5,000 full-time jobs in that enterprise
zone; (3) is located in a county with population not less than
150,000 and not more than 200,000 and that contains 3
enterprise zones as of December 31, 1990; (4) enters into a
legally binding agreement with the Department of Commerce and
Economic Opportunity Community Affairs to comply with clauses
(1) and (2) of this paragraph within a time period specified in
the rules and regulations promulgated pursuant to this Section;
and (5) is certified by the Department of Commerce and Economic
Opportunity Community Affairs to be in compliance with clauses
(1), (2), (3) and (4) of this Section. Any aircraft maintenance
facility applying for the exemption stated in this Section
shall make application to the Department of Commerce and
Economic Opportunity Community Affairs in such form and
providing such information as may be prescribed by the
Department of Commerce and Economic Opportunity Community
Affairs.

The Department of Commerce and Economic Opportunity
Community Affairs shall determine whether the facility meets
the criteria prescribed in this Section. If the Department of
Commerce and Economic Opportunity Community Affairs determines
that the facility meets the criteria, it shall issue a
certificate of eligibility for exemption in the form prescribed
by the Department of Revenue to the business enterprise
operating the facility. The Department of Commerce and Economic
Opportunity Community Affairs shall act upon certification
request within 60 days after receipt of application, and shall
file with the Department of Revenue a copy of each certificate
of eligibility for exemption.

The Department of Commerce and Economic Opportunity
Community Affairs shall promulgate rules and regulations to
carry out the provisions of this Section, and to require that
any business enterprise that is granted a tax exemption pay the
exempted tax to the Department of Revenue if the business
enterprise fails to comply with the terms and conditions of the
certification, and pay all penalties and interest on that
exempted tax as determined by the Department of Revenue.

The certificate of eligibility for exemption shall be
presented by the business enterprise to its supplier when
making the initial purchase of machinery and equipment for
which an exemption is granted by Section 1m or Section 1n of
this Act, or both, together with a certification by the
business enterprise that the machinery and equipment is exempt
from taxation under Section 1m or 1n of this Act. The exempt
status, if any, of each subsequent purchase shall be indicated
on the face of the purchase order.

(Source: P.A. 86-1490; revised 12-6-03.)

(35 ILCS 120/1o)

Sec. 1o. Aircraft support center exemption.

(a) For the purposes of this Act, "aircraft support center"
means a support center operated by a carrier for hire that is
used primarily for the maintenance, rebuilding, or repair of
aircraft, aircraft parts, and auxiliary equipment, and which
carrier:

(1) will make an investment of $30,000,000 or more at a
federal Air Force Base located in this State;

(2) will cause the creation of at least 750 full-time
jobs at a joint use military and civilian airport at that
federal Air Force Base;

(3) enters into a legally binding agreement with the
Department of Commerce and Economic Opportunity Community
Affairs to comply with paragraphs (1) and (2) within a time
period specified in the rules and regulations promulgated
by the Department of Commerce and Economic Opportunity
Community Affairs pursuant to this subsection; and

(4) is certified by the Department of Commerce and
Economic Opportunity Community Affairs to be in compliance
with paragraphs (1), (2), and (3).

Any aircraft support center applying for an exemption stated in this Section shall make application to the Department of Commerce and Economic Opportunity Community Affairs in such form and providing such information as may be prescribed by that Department. The Department of Commerce and Economic Opportunity Community Affairs shall determine whether the aircraft support center meets the criteria prescribed in this subsection. If the Department of Commerce and Economic Opportunity Community Affairs determines that the aircraft support center meets the criteria, it shall issue a certificate of eligibility for exemption in the form prescribed by the Department of Revenue to the carrier operating the aircraft support center. The Department of Commerce and Economic Opportunity Community Affairs shall act upon certification request within 60 days after receipt of application and shall file with the Department of Revenue a copy of each certificate of eligibility for exemption.

The Department of Commerce and Economic Opportunity Community Affairs shall promulgate rules and regulations to carry out the provisions of this subsection and to require that any business operating an aircraft support center that is granted a tax exemption pay the exempted tax to the Department of Revenue if the business fails to comply with the terms and conditions of the certification and pay all penalties and interest on that exempted tax as determined by the Department of Revenue.

The certificate of eligibility for exemption shall be presented by the carrier operating an aircraft support center to its supplier when making the initial purchase of items for which an exemption is granted by this Section together with a certification by the business that the items are exempt from taxation under this Act. The exempt status, if any, of each subsequent purchase shall be indicated on the face of the purchase order.

(b) Subject to the provisions of this subsection, jet fuel
and petroleum products used or consumed by any aircraft support
center directly in the process of maintaining, rebuilding, or
repairing aircraft is exempt from the tax imposed by this Act.
The Department of Revenue shall promulgate any rules necessary
to further define the items eligible for exemption.

(c) This Section is exempt from the provisions of Section
2-70.

(Source: P.A. 90-792, eff. 1-1-99; revised 12-6-03.)

(35 ILCS 120/5l) (from Ch. 120, par. 444l)
Sec. 5l. Beginning January 1, 1995, each retailer who makes
a sale of building materials that will be incorporated into a
High Impact Business location as designated by the Department
of Commerce and Economic Opportunity Community Affairs under
Section 5.5 of the Illinois Enterprise Zone Act may deduct
receipts from such sales when calculating only the 6.25% State
rate of tax imposed by this Act. Beginning on the effective
date of this amendatory Act of 1995, a retailer may also deduct
receipts from such sales when calculating any applicable local
taxes. However, until the effective date of this amendatory Act
of 1995, a retailer may file claims for credit or refund to
recover the amount of any applicable local tax paid on such
sales. No retailer who is eligible for the deduction or credit
under Section 5k of this Act for making a sale of building
materials to be incorporated into real estate in an enterprise
zone by rehabilitation, remodeling or new construction shall be
eligible for the deduction or credit authorized under this
Section.

(Source: P.A. 89-89, eff. 6-30-95; revised 12-6-03.)

Section 495. The Gas Use Tax Law is amended by changing
Section 5-10 as follows:

(35 ILCS 173/5-10)
Sec. 5-10. Imposition of tax. Beginning October 1, 2003, a
tax is imposed upon the privilege of using in this State gas
obtained in a purchase of out-of-state gas at the rate of 2.4
cents per therm or 5% of the purchase price for the billing
period, whichever is the lower rate. Such tax rate shall be
referred to as the "self-assessing purchaser tax rate". Beginning with bills issued by delivering suppliers on and
after October 1, 2003, purchasers may elect an alternative tax
rate of 2.4 cents per therm to be paid under the provisions of
Section 5-15 of this Law to a delivering supplier maintaining a
place of business in this State. Such tax rate shall be
referred to as the "alternate tax rate". The tax imposed under
this Section shall not apply to gas used by business
to businesses certified under Section 9-222.1 of the Public
Utilities Act, as amended, to the extent of such exemption and
during the period of time specified by the Department of
Commerce and Economic Opportunity Community Affairs.
(Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

Section 500. The Property Tax Code is amended by changing
Sections 10-5, 18-165, 29-10, and 29-15 as follows:

(35 ILCS 200/10-5)
Sec. 10-5. Solar energy systems; definitions. It is the
policy of this State that the use of solar energy systems
should be encouraged because they conserve nonrenewable
resources, reduce pollution and promote the health and
well-being of the people of this State, and should be valued in
relation to these benefits.

(a) "Solar energy" means radiant energy received from the
sun at wave lengths suitable for heat transfer, photosynthetic
use, or photovoltaic use.

(b) "Solar collector" means
(1) An assembly, structure, or design, including
passive elements, used for gathering, concentrating, or
absorbing direct and indirect solar energy, specially
designed for holding a substantial amount of useful thermal
energy and to transfer that energy to a gas, solid, or
liquid or to use that energy directly; or

(2) A mechanism that absorbs solar energy and converts it into electricity; or

(3) A mechanism or process used for gathering solar energy through wind or thermal gradients; or

(4) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.

(c) "Solar storage mechanism" means equipment or elements (such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof) that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

(d) "Solar energy system" means

(1)(A) A complete assembly, structure, or design of solar collector, or a solar storage mechanism, which uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials;

(B) The design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system; and

(C) Any legal, financial, or institutional orders, certificates, or mechanisms, including easements, leases, and agreements, required to ensure continued access to solar energy, its source, or its use in a solar energy system, and including monitoring and educational elements of a demonstration project.

(2) "Solar energy system" does not include

(A) Distribution equipment that is equally usable in a conventional energy system except for those components of the equipment that are necessary for meeting the requirements of efficient solar energy utilization; and

(B) Components of a solar energy system that serve structural, insulating, protective, shading,
(3) The solar energy system shall conform to the standards for those systems established by regulation of the Department of Commerce and Economic Opportunity Community Affairs.

(Source: P.A. 88-455; 89-445, eff. 2-7-96; revised 12-6-03.)

(35 ILCS 200/18-165)
Sec. 18-165. Abatement of taxes.
(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) Commercial and industrial.

   (A) The property of any commercial or industrial firm, including but not limited to the property of (i) any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility, or (ii) any firm that is used for the generation and transmission of electricity locating within the taxing district during the immediately preceding year or expanding its presence within the taxing district during the immediately preceding year by construction of a new electric generating facility that uses natural gas as its fuel, or any firm that is used for production operations at a new, expanded, or reopened coal mine within the taxing district, that has been certified as a High Impact
Business by the Illinois Department of Commerce and Economic Opportunity Community Affairs. The property of any firm used for the generation and transmission of electricity shall include all property of the firm used for transmission facilities as defined in Section 5.5 of the Illinois Enterprise Zone Act. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000.

(A-5) Any property in the taxing district of a new electric generating facility, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity Community Affairs Law of the Civil Administrative Code of Illinois. The abatement shall not exceed a period of 10 years. The abatement shall be subject to the following limitations:

(i) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $25,000,000 but less than $50,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 5% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 20% of the taxing district's taxes from the new electric generating facility;

(ii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $50,000,000 but less than $75,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 10% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 35% of the taxing district's taxes from the new electric generating facility;

(iii) if the equalized assessed valuation of the new electric generating facility is equal to or
greater than $75,000,000 but less than $100,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 20% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 50% of the taxing district's taxes from the new electric generating facility;

(iv) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $100,000,000 but less than $125,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 30% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(v) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $125,000,000 but less than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 40% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(vi) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 50% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility.

The abatement is not effective unless the owner of the new electric generating facility agrees to repay to
the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the owner of the new electric generating facility closes the new electric generating facility before the expiration of the entire term of the abatement.

The authorization of taxing districts to abate taxes under this subdivision (a)(1)(A-5) expires on January 1, 2010.

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000. The abatement period may be renewed at the option of the taxing districts.

(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that
(i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2008, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(7) Recreational facilities. Any property in the taxing district (i) that is used for a municipal airport, (ii) that is subject to a leasehold assessment under Section 9-195 of this Code and (iii) which is sublet from a park district that is leasing the property from a municipality, but only if the property is used exclusively for recreational facilities or for parking lots used
(8) Relocated corporate headquarters. If approval occurs within 5 years after the effective date of this amendatory Act of the 92nd General Assembly, any property or a portion of any property in a taxing district that is used by an eligible business for a corporate headquarters as defined in the Corporate Headquarters Relocation Act. Instead of an abatement under this paragraph (8), a taxing district may enter into an agreement with an eligible business to make annual payments to that eligible business in an amount not to exceed the property taxes paid directly or indirectly by that eligible business to the taxing district and any other taxing districts for premises occupied pursuant to a written lease and may make those payments without the need for an annual appropriation. No school district, however, may enter into an agreement with, or abate taxes for, an eligible business unless the municipality in which the corporate headquarters is located agrees to provide funding to the school district in an amount equal to the amount abated or paid by the school district as provided in this paragraph (8). Any abatement ordered or agreement entered into under this paragraph (8) may be effective for the entire term specified by the taxing district, except the term of the abatement or annual payments may not exceed 20 years.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.

(Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247, eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03; revised 12-6-03.)
Sec. 29-10. State must be party to proceedings. No amount may be claimed from the State by or on behalf of any unit of local government for any local improvement made by special assessment or special tax that benefits, or is alleged to benefit, abutting property owned by the State unless the State has been made a party to all proceedings, has been given all notices, and has been afforded the same opportunities for hearing and for objecting to the assessment in the same manner and under the same conditions as provided in the law applicable to the making of the local improvement by special assessment or special tax by that unit of local government.

For the purposes of this Article, any notices required under applicable law must be sent by registered or certified mail to the Director of the Department or the other State officer having jurisdiction over the State property affected, to the Director of Commerce and Economic Opportunity Community Affairs, and to the Attorney General.

(Source: P.A. 86-933; 88-455; revised 12-6-03.)

Sec. 29-15. Payment of assessment. When the Attorney General has certified to the Director of Commerce and Economic Opportunity Community Affairs that the amount, in the nature of a special assessment by which specified abutting State property has been benefited by a specified local improvement, has been determined in compliance with this Article, the Director shall, to the extent that appropriations are available for that purpose, voucher the amount of that assessment, or $25,000, whichever is less, for payment to the appropriate unit of local government. When the amount appropriated in any fiscal year for those purposes is insufficient to pay a special assessment totalling $25,000 or less in full, the balance of that special assessment shall be vouchered for payment from the appropriation for those purposes for the next succeeding fiscal year.
If the amount of the assessment exceeds $25,000, the Director of the Department or the other State officer having jurisdiction over the property affected shall include in the Department's budget for the next succeeding fiscal year a request for the appropriation of the amount by which the assessment exceeds $25,000, plus interest, if any, which shall be vouchered for payment from that appropriation.

(Source: P.A. 86-933; 88-455; revised 12-6-03.)

Section 505. The Gas Revenue Tax Act is amended by changing Section 1 as follows:

(35 ILCS 615/1) (from Ch. 120, par. 467.16)

Sec. 1. For the purposes of this Act: "Gross receipts" means the consideration received for gas distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transportation or storage of gas for an end-user) rendered in connection therewith, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. However, "gross receipts" shall not include receipts from:

(i) any minimum or other charge for gas or gas service where the customer has taken no therms of gas;
(ii) any charge for a dishonored check;
(iii) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;
(iv) any charge for reconnection of service or for replacement or relocation of facilities;
(v) any advance or contribution in aid of construction;
(vi) repair, inspection or servicing of equipment located on customer premises;
(vii) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing,
furnishing, supplying, selling, transporting or storing gas;

(viii) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer;

(ix) any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; and

(x) prior to October 1, 2003, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-state supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility. This exemption includes any charge for gas or gas service, except for those charges solely related to the local distribution of gas by a public utility, to a customer who maintained an account with a public utility (as defined in Section 3-105 of the Public Utilities Act) for the transportation of customer-owned gas on or before March 1, 1995. The provisions of this amendatory Act of 1997 are intended to clarify, rather than change, existing law as to the meaning and scope of this exemption. This exemption (x) expires on September 30, 2003.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Gross receipts" shall not include consideration received from business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity Community.
Affairs.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

"Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, or any city, town, county or other political subdivision of this State.

"Invested capital" means that amount equal to (i) the average of the balances at the beginning and end of each taxable period of the taxpayer's total stockholder's equity and total long-term debt, less investments in and advances to all corporations, as set forth on the balance sheets included in the taxpayer's annual report to the Illinois Commerce Commission for the taxable period; (ii) multiplied by a fraction determined under Sections 301 and 304(a) of the "Illinois Income Tax Act" and reported on the Illinois income tax return for the taxable period ending in or with the taxable period in question. However, notwithstanding the income tax return reporting requirement stated above, beginning July 1, 1979, no taxpayer's denominators used to compute the sales, property or payroll factors under subsection (a) of Section 304 of the Illinois Income Tax Act shall include payroll, property or sales of any corporate entity other than the taxpayer for the purposes of determining an allocation for the invested capital tax. This amendatory Act of 1982, Public Act 82-1024, is not intended to and does not make any change in the meaning of any provision of this Act, it having been the intent of the General Assembly in initially enacting the definition of "invested capital" to provide for apportionment of the invested
capital of each company, based solely upon the sales, property
and payroll of that company.

"Taxable period" means each period which ends after the
effective date of this Act and which is covered by an annual
report filed by the taxpayer with the Illinois Commerce
Commission.
(Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

Section 510. The Public Utilities Revenue Act is amended by
changing Section 1 as follows:

(35 ILCS 620/1) (from Ch. 120, par. 468)
Sec. 1. For the purposes of this Law:
"Consumer Price Index" means the Consumer Price Index For
All Urban Consumers for all items published by the United
States Department of Labor; provided that if this index no
longer exists, the Department of Revenue shall prescribe the
use of a comparable, substitute index.
"Gross receipts" means the consideration received for
electricity distributed, supplied, furnished or sold to
persons for use or consumption and not for resale, and for all
services (including the transmission of electricity for an
end-user) rendered in connection therewith, and includes cash,
services and property of every kind or nature, and shall be
determined without any deduction on account of the cost of the
service, product or commodity supplied, the cost of materials
used, labor or service costs, or any other expense whatsoever.
However, "gross receipts" shall not include receipts from:
(i) any minimum or other charge for electricity or
electric service where the customer has taken no
kilowatt-hours of electricity;
(ii) any charge for a dishonored check;
(iii) any finance or credit charge, penalty or charge
for delayed payment, or discount for prompt payment;
(iv) any charge for reconnection of service or for
replacement or relocation of facilities;
(v) any advance or contribution in aid of construction;
(vi) repair, inspection or servicing of equipment located on customer premises;
(vii) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling or transporting electricity;
(viii) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer; and
(ix) any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amount specified in such provisions of such Act. In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Gross receipts" shall not include consideration received from business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity Community Affairs.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

"Distributing electricity" means delivering electric energy to an end user over facilities owned, leased, or controlled by the taxpayer.

"Taxpayer" for purposes of the tax on the distribution of electricity imposed by this Act means an electric cooperative, an electric utility, or an alternative retail electric supplier
(other than a person that is an alternative retail electric
supplier solely pursuant to subsection (e) of Section 16-115 of
the Public Utilities Act), as those terms are defined in the
Public Utilities Act, engaged in the business of distributing
electricity in this State for use or consumption and not for
resale.

"Taxpayer" for purposes of the Public Utilities Revenue Tax
means a person engaged in the business of distributing,
supplying, furnishing or selling electricity for use or
consumption and not for resale.

"Person" means any natural individual, firm, trust,
estate, partnership, association, joint stock company, joint
adventure, corporation, limited liability company, or a
receiver, trustee, guardian or other representative appointed
by order of any court, or any city, town, county or other
political subdivision of this State.

"Invested capital" in the case of an electric cooperative
subject to the tax imposed by Section 2a.1 means an amount
equal to the product determined by multiplying, (i) the average
of the balances at the beginning and end of the taxable period
of the taxpayer's total equity (including memberships,
patronage capital, operating margins, non-operating margins,
other margins and other equities), as set forth on the balance
sheets included in the taxpayer's annual report to the United
States Department of Agriculture Rural Utilities Services
(established pursuant to the federal Rural Electrification Act
of 1936, as amended), by (ii) the fraction determined under
Sections 301 and 304(a) of the Illinois Income Tax Act, as
amended, for the taxable period.

"Taxable period" means each calendar year which ends after
the effective date of this Act. In the case of an electric
cooperative subject to the tax imposed by Section 2a.1,
"taxable period" means each calendar year ending after the
effective date of this Act and covered by an annual report
filed by the taxpayer with the United States Department of
Agriculture Rural Utilities Services.
Section 515. The Telecommunications Excise Tax Act is amended by changing Section 2 as follows:

(35 ILCS 630/2) (from Ch. 120, par. 2002)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within this State, charges for the channel mileage between each channel termination point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; or (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points. Prior to January 1, 2004, any method consistent with this paragraph or other method that reasonably apportions the total charges for interstate
inter-office channels among the states in which channel
terminations points are located shall be accepted as a
reasonable method to determine the charges for that portion of
the interstate inter-office channel provided within Illinois
for that period. However, "gross charges" shall not include any
of the following:

(1) Any amounts added to a purchaser's bill because of
a charge made pursuant to (i) the tax imposed by this
Article; (ii) charges added to customers' bills pursuant to
the provisions of Sections 9-221 or 9-222 of the Public
Utilities Act, as amended, or any similar charges added to
customers' bills by retailers who are not subject to rate
regulation by the Illinois Commerce Commission for the
purpose of recovering any of the tax liabilities or other
amounts specified in such provisions of such Act; (iii) the
tax imposed by Section 4251 of the Internal Revenue Code;
(iv) 911 surcharges; or (v) the tax imposed by the

(2) Charges for a sent collect telecommunication
received outside of the State.

(3) Charges for leased time on equipment or charges for
the storage of data or information for subsequent retrieval
or the processing of data or information intended to change
its form or content. Such equipment includes, but is not
limited to, the use of calculators, computers, data
processing equipment, tabulating equipment or accounting
equipment and also includes the usage of computers under a
time-sharing agreement.

(4) Charges for customer equipment, including such
equipment that is leased or rented by the customer from any
source, wherein such charges are disaggregated and
separately identified from other charges.

(5) Charges to business enterprises certified under
Section 9-222.1 of the Public Utilities Act, as amended, to
the extent of such exemption and during the period of time
specified by the Department of Commerce and Economic
Opportunity Community Affairs.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable
charges shall be on the retailer of the telecommunications.

(b) "Amount paid" means the amount charged to the
taxpayer's service address in this State regardless of where
such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning
ordinarily and popularly ascribed to it, includes, without
limitation, messages or information transmitted through use of
local, toll and wide area telephone service; private line
services; channel services; telegraph services;
teleitywriter; computer exchange services; cellular mobile
telemcunications service; specialized mobile radio;
stationary two way radio; paging service; or any other form of
mobile and portable one-way or two-way communications; or any
other transmission of messages or information by electronic or
similar means, between or among points by wire, cable,
fiber-optics, laser, microwave, radio, satellite or similar
facilities. As used in this Act, "private line" means a
dedicated non-traffic sensitive service for a single customer,
that entitles the customer to exclusive or priority use of a
communications channel or group of channels, from one or more
specified locations to one or more other specified locations.
The definition of "telecommunications" shall not include value
added services in which computer processing applications are
used to act on the form, content, code and protocol of the
information for purposes other than transmission.
"Telecommunications" shall not include purchases of
telecommunications by a telecommunications service provider
for use as a component part of the service provided by him to
the ultimate retail consumer who originates or terminates the
taxable end-to-end communications. Carrier access charges,
right of access charges, charges for use of inter-company
facilities, and all telecommunications resold in the
subsequent provision of, used as a component of, or integrated
into end-to-end telecommunications service shall be
non-taxable as sales for resale.

(d) "Interstate telecommunications" means all
telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this
State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or
international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan.

(Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878, eff. 1-1-04; 93-286, 1-1-04; revised 12-6-03.)

Section 520. The Telecommunications Infrastructure Maintenance Fee Act is amended by changing Section 10 as follows:

(35 ILCS 635/10)

Sec. 10. Definitions.

(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private
line service shall include charges imposed at each channel
termination point within this State, charges for the channel
mileage between each channel termination point within this
State, and charges for that portion of the interstate
inter-office channel provided within Illinois. Charges for
that portion of the interstate inter-office channel provided in
Illinois shall be determined by the retailer as follows: (i)
for interstate inter-office channels having 2 channel
termination points, only one of which is in Illinois, 50% of
the total charge imposed; or (ii) for interstate inter-office
channels having more than 2 channel termination points, one or
more of which are in Illinois, an amount equal to the total
charge multiplied by a fraction, the numerator of which is the
number of channel termination points within Illinois and the
denominator of which is the total number of channel termination
points. Prior to January 1, 2004, any method consistent with
this paragraph or other method that reasonably apportions the
total charges for interstate inter-office channels among the
states in which channel terminations points are located shall
be accepted as a reasonable method to determine the charges for
that portion of the interstate inter-office channel provided
within Illinois for that period. However, "gross charges" shall
not include any of the following:

(1) Any amounts added to a purchaser's bill because of
a charge made under: (i) the fee imposed by this Section,
(ii) additional charges added to a purchaser's bill under
Section 9-221 or 9-222 of the Public Utilities Act, (iii)
the tax imposed by the Telecommunications Excise Tax Act,
(iv) 911 surcharges, (v) the tax imposed by Section 4251 of
the Internal Revenue Code, or (vi) the tax imposed by the

(2) Charges for a sent collect telecommunication
received outside of this State.

(3) Charges for leased time on equipment or charges for
the storage of data or information or subsequent retrieval
or the processing of data or information intended to change
its form or content. Such equipment includes, but is not
limited to, the use of calculators, computers, data
processing equipment, tabulating equipment, or accounting
equipment and also includes the usage of computers under a
time-sharing agreement.

(4) Charges for customer equipment, including such
equipment that is leased or rented by the customer from any
source, wherein such charges are disaggregated and
separately identified from other charges.

(5) Charges to business enterprises certified under
Section 9-222.1 of the Public Utilities Act to the extent
of such exemption and during the period of time specified
by the Department of Commerce and Economic Opportunity
Community Affairs.

(6) Charges for telecommunications and all services
and equipment provided in connection therewith between a
parent corporation and its wholly owned subsidiaries or
between wholly owned subsidiaries, and only to the extent
that the charges between the parent corporation and wholly
owned subsidiaries or between wholly owned subsidiaries
represent expense allocation between the corporations and
not the generation of profit other than a regulatory
required profit for the corporation rendering such
services.

(7) Bad debts ("bad debt" means any portion of a debt
that is related to a sale at retail for which gross charges
are not otherwise deductible or excludable that has become
worthless or uncollectible, as determined under applicable
federal income tax standards; if the portion of the debt
deemed to be bad is subsequently paid, the retailer shall
report and pay the tax on that portion during the reporting
period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated
telecommunication devices.

(9) Charges for nontaxable services or
telecommunications if (i) those charges are aggregated
with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end
telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Department may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of
business, or any agent or other representative operating within
this State under the authority of the retailer or its
subsidiary, irrespective of whether such place of business or
agent or other representative is located here permanently or
temporarily, or whether such retailer or subsidiary is licensed
to do business in this State.

(f) "Sale of telecommunications at retail" means the
transmitting, supplying, or furnishing of telecommunications
and all services rendered in connection therewith for a
consideration, other than between a parent corporation and its
wholly owned subsidiaries or between wholly owned
subsidiaries, when the gross charge made by one such
corporation to another such corporation is not greater than the
gross charge paid to the retailer for their use or consumption
and not for sale.

(g) "Service address" means the location of
telecommunications equipment from which telecommunications
services are originated or at which telecommunications
services are received. If this is not a defined location, as in
the case of wireless telecommunications, paging systems,
maritime systems, service address means the customer's place of
primary use as defined in the Mobile Telecommunications
Sourcing Conformity Act. For air-to-ground systems, and the
like, "service address" shall mean the location of the
customer's primary use of the telecommunications equipment as
defined by the location in Illinois where bills are sent.
(Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,
eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

Section 525. The Simplified Municipal Telecommunications
Tax Act is amended by changing Section 5-7 as follows:

(35 ILCS 636/5-7)

Sec. 5-7. Definitions. For purposes of the taxes authorized
by this Act:

"Amount paid" means the amount charged to the taxpayer's
service address in such municipality regardless of where such
amount is billed or paid.

"Department" means the Illinois Department of Revenue.

"Gross charge" means the amount paid for the act or
privilege of originating or receiving telecommunications in
such municipality and for all services and equipment provided
in connection therewith by a retailer, valued in money whether
paid in money or otherwise, including cash, credits, services
and property of every kind or nature, and shall be determined
without any deduction on account of the cost of such
telecommunications, the cost of the materials used, labor or
service costs or any other expense whatsoever. In case credit
is extended, the amount thereof shall be included only as and
when paid. "Gross charges" for private line service shall
include charges imposed at each channel termination point
within a municipality that has imposed a tax under this Section
and charges for the portion of the inter-office channels
provided within that municipality. Charges for that portion of
the inter-office channel connecting 2 or more channel
termination points, one or more of which is located within the
jurisdictional boundary of such municipality, shall be
determined by the retailer by multiplying an amount equal to
the total charge for the inter-office channel by a fraction,
the numerator of which is the number of channel termination
points that are located within the jurisdictional boundary of
the municipality and the denominator of which is the total
number of channel termination points connected by the
inter-office channel. Prior to January 1, 2004, any method
consistent with this paragraph or other method that reasonably
apportions the total charges for inter-office channels among
the municipalities in which channel termination points are
located shall be accepted as a reasonable method to determine
the taxable portion of an inter-office channel provided within
a municipality for that period. However, "gross charge" shall
not include any of the following:

(1) Any amounts added to a purchaser's bill because of
a charge made pursuant to: (i) the tax imposed by this Act, 
(ii) the tax imposed by the Telecommunications Excise Tax 
Act, (iii) the tax imposed by Section 4251 of the Internal 
Revenue Code, (iv) 911 surcharges, or (v) charges added to 
customers' bills pursuant to the provisions of Section 
9-221 or 9-222 of the Public Utilities Act, as amended, or 
any similar charges added to customers' bills by retailers 
who are not subject to rate regulation by the Illinois 
Commerce Commission for the purpose of recovering any of 
the tax liabilities or other amounts specified in those 
provisions of the Public Utilities Act. 

(2) Charges for a sent collect telecommunication 
received outside of such municipality. 

(3) Charges for leased time on equipment or charges for 
the storage of data or information for subsequent retrieval 
or the processing of data or information intended to change 
its form or content. Such equipment includes, but is not 
limited to, the use of calculators, computers, data 
processing equipment, tabulating equipment or accounting 
equipment and also includes the usage of computers under a 
time-sharing agreement. 

(4) Charges for customer equipment, including such 
equipment that is leased or rented by the customer from any 
source, wherein such charges are disaggregated and 
separately identified from other charges. 

(5) Charges to business enterprises certified as 
exempt under Section 9-222.1 of the Public Utilities Act to 
the extent of such exemption and during the period of time 
specified by the Department of Commerce and Economic 
Opportunity Community Affairs. 

(6) Charges for telecommunications and all services 
and equipment provided in connection therewith between a 
parent corporation and its wholly owned subsidiaries or 
between wholly owned subsidiaries when the tax imposed 
under this Act has already been paid to a retailer and only 
to the extent that the charges between the parent
corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust,
estate, partnership, association, joint stock company, joint
venture, corporation, limited liability company, or a
receiver, trustee, guardian, or other representative appointed
by order of any court, the Federal and State governments,
including State universities created by statute, or any city,
town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or
use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the
business of making sales at retail as defined in this Section.
The Department may, in its discretion, upon application,
authorize the collection of the tax hereby imposed by any
retailer not maintaining a place of business within this State,
who, to the satisfaction of the Department, furnishes adequate
security to insure collection and payment of the tax. Such
retailer shall be issued, without charge, a permit to collect
such tax. When so authorized, it shall be the duty of such
retailer to collect the tax upon all of the gross charges for
telecommunications in this State in the same manner and subject
to the same requirements as a retailer maintaining a place of
business within this State. The permit may be revoked by the
Department at its discretion.

"Retailer maintaining a place of business in this State",
or any like term, means and includes any retailer having or
maintaining within this State, directly or by a subsidiary, an
office, distribution facilities, transmission facilities,
sales office, warehouse or other place of business, or any
agent or other representative operating within this State under
the authority of the retailer or its subsidiary, irrespective
of whether such place of business or agent or other
representative is located here permanently or temporarily, or
whether such retailer or subsidiary is licensed to do business
in this State.

"Sale at retail" means the transmitting, supplying or
furnishing of telecommunications and all services and
equipment provided in connection therewith for a
consideration, to persons other than the Federal and State
governments, and State universities created by statute and
other than between a parent corporation and its wholly owned
subsidiaries or between wholly owned subsidiaries for their use
or consumption and not for resale.

"Service address" means the location of telecommunications
equipment from which telecommunications services are
originated or at which telecommunications services are
received by a taxpayer. In the event this may not be a defined
location, as in the case of mobile phones, paging systems, and
maritime systems, service address means the customer's place of
primary use as defined in the Mobile Telecommunications
Sourcing Conformity Act. For air-to-ground systems and the
like, "service address" shall mean the location of a taxpayer's
primary use of the telecommunications equipment as defined by
telephone number, authorization code, or location in Illinois
where bills are sent.

"Taxpayer" means a person who individually or through his
or her agents, employees, or permittees engages in the act or
privilege of originating or receiving telecommunications in a
municipality and who incurs a tax liability as authorized by
this Act.

"Telecommunications", in addition to the meaning
ordinarily and popularly ascribed to it, includes, without
limitation, messages or information transmitted through use of
local, toll, and wide area telephone service, private line
services, channel services, telegraph services,
teletypewriter, computer exchange services, cellular mobile
telecommunications service, specialized mobile radio,
stationary two-way radio, paging service, or any other form of
mobile and portable one-way or two-way communications, or any
other transmission of messages or information by electronic or
similar means, between or among points by wire, cable, fiber
optics, laser, microwave, radio, satellite, or similar
facilities. As used in this Act, "private line" means a
dedicated non-traffic sensitive service for a single customer,
that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value-added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act. (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

Section 530. The Electricity Excise Tax Law is amended by changing Sections 2-3 and 2-4 as follows:

(35 ILCS 640/2-3)

Sec. 2-3. Definitions. As used in this Law, unless the context clearly requires otherwise:
(a) "Department" means the Department of Revenue of the State of Illinois.
(b) "Director" means the Director of the Department of Revenue of the State of Illinois.
(c) "Person" means any natural individual, firm, trust,
estate, partnership, association, joint stock company, joint
venture, corporation, limited liability company, or a
receiver, trustee, guardian, or other representative appointed
by order of any court, or any city, town, village, county, or
other political subdivision of this State.

(d) "Purchase price" means the consideration paid for the
distribution, supply, furnishing, sale, transmission or
delivery of electricity to a person for non-residential use or
consumption (and for both residential and non-residential use
or consumption in the case of electricity purchased from a
municipal system or electric cooperative described in
subsection (b) of Section 2-4) and not for resale, and for all
services directly related to the production, transmission or
distribution of electricity distributed, supplied, furnished,
sold, transmitted or delivered for non-residential use or
consumption, and includes transition charges imposed in
accordance with Article XVI of the Public Utilities Act and
instrument funding charges imposed in accordance with Article
XVIII of the Public Utilities Act, as well as cash, services
and property of every kind or nature, and shall be determined
without any deduction on account of the cost of the service,
product or commodity supplied, the cost of materials used,
labor or service costs, or any other expense whatsoever.
However, "purchase price" shall not include consideration paid
for:

(i) any charge for a dishonored check;

(ii) any finance or credit charge, penalty or charge
for delayed payment, or discount for prompt payment;

(iii) any charge for reconnection of service or for
replacement or relocation of facilities;

(iv) any advance or contribution in aid of
construction;

(v) repair, inspection or servicing of equipment
located on customer premises;

(vi) leasing or rental of equipment, the leasing or
rental of which is not necessary to furnishing, supplying
or selling electricity;

(vii) any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such purchaser; and

(viii) any amounts added to purchasers' bills because of charges made pursuant to the tax imposed by this Law.

In case credit is extended, the amount thereof shall be included only as and when payments are made.

"Purchase price" shall not include consideration received from business enterprises certified under Section 9-222.1 or 9-222.1A of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity Community Affairs.

(e) "Purchaser" means any person who acquires electricity for use or consumption and not for resale, for a valuable consideration.

(f) "Non-residential electric use" means any use or consumption of electricity which is not residential electric use.

(g) "Residential electric use" means electricity used or consumed at a dwelling of 2 or fewer units, or electricity for household purposes used or consumed at a building with multiple dwelling units where the electricity is registered by a separate meter for each dwelling unit.

(h) "Self-assessing purchaser" means a purchaser for non-residential electric use who elects to register with and to pay tax directly to the Department in accordance with Sections 2-10 and 2-11 of this Law.

(i) "Delivering supplier" means any person engaged in the business of delivering electricity to persons for use or consumption and not for resale, but not an entity engaged in the practice of resale and redistribution of electricity within a building prior to January 2, 1957, and who, in any case where more than one person participates in the delivery of
electricity to a specific purchaser, is the last of the
suppliers engaged in delivering the electricity prior to its
receipt by the purchaser.

(j) "Delivering supplier maintaining a place of business in
this State", or any like term, means any delivering supplier
having or maintaining within this State, directly or by a
subsidiary, an office, generation facility, transmission
facility, distribution facility, sales office or other place of
business, or any employee, agent or other representative
operating within this State under the authority of such
delivering supplier or such delivering supplier's subsidiary,
irrespective of whether such place of business or agent or
other representative is located in this State permanently or
temporarily, or whether such delivering supplier or such
delivering supplier's subsidiary is licensed to do business in
this State.

(k) "Use" means the exercise by any person of any right or
power over electricity incident to the ownership of that
electricity, except that it does not include the generation,
production, transmission, distribution, delivery or sale of
electricity in the regular course of business or the use of
electricity for such purposes.
(Source: P.A. 91-914, eff. 7-7-00; 92-310, eff. 8-9-01; revised
12-6-03.)

(35 ILCS 640/2-4)

Sec. 2-4. Tax imposed.

(a) Except as provided in subsection (b), a tax is imposed
on the privilege of using in this State electricity purchased
for use or consumption and not for resale, other than by
municipal corporations owning and operating a local
transportation system for public service, at the following
rates per kilowatt-hour delivered to the purchaser:

(i) For the first 2000 kilowatt-hours used or consumed
in a month: 0.330 cents per kilowatt-hour;

(ii) For the next 48,000 kilowatt-hours used or
consumed in a month: 0.319 cents per kilowatt-hour;

(iii) For the next 50,000 kilowatt-hours used or consumed in a month: 0.303 cents per kilowatt-hour;

(iv) For the next 400,000 kilowatt-hours used or consumed in a month: 0.297 cents per kilowatt-hour;

(v) For the next 500,000 kilowatt-hours used or consumed in a month: 0.286 cents per kilowatt-hour;

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.270 cents per kilowatt-hour;

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.254 cents per kilowatt-hour;

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.233 cents per kilowatt-hour;

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.207 cents per kilowatt-hour;

(x) For all electricity in excess of 20,000,000 kilowatt-hours used or consumed in a month: 0.202 cents per kilowatt-hour.

Provided, that in lieu of the foregoing rates, the tax is imposed on a self-assessing purchaser at the rate of 5.1% of the self-assessing purchaser's purchase price for all electricity distributed, supplied, furnished, sold, transmitted and delivered to the self-assessing purchaser in a month.

(b) A tax is imposed on the privilege of using in this State electricity purchased from a municipal system or electric cooperative, as defined in Article XVII of the Public Utilities Act, which has not made an election as permitted by either Section 17-200 or Section 17-300 of such Act, at the lesser of 0.32 cents per kilowatt hour of all electricity distributed, supplied, furnished, sold, transmitted, and delivered by such municipal system or electric cooperative to the purchaser or 5% of each such purchaser's purchase price for all electricity distributed, supplied, furnished, sold, transmitted, and delivered by such municipal system or electric cooperative to the purchaser, whichever is the lower rate as applied to each
purchaser in each billing period.

(c) The tax imposed by this Section 2-4 is not imposed with respect to any use of electricity by business enterprises certified under Section 9-222.1 or 9-222.1A of the Public Utilities Act, as amended, to the extent of such exemption and during the time specified by the Department of Commerce and Economic Opportunity Community Affairs; or with respect to any transaction in interstate commerce, or otherwise, to the extent to which such transaction may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

(Source: P.A. 90-561, eff. 8-1-98; 91-914, eff. 7-7-00; revised 12-6-03.)

Section 535. The Illinois Pension Code is amended by changing Sections 1-103.3, 14-108.4, and 14-134 as follows:

(40 ILCS 5/1-103.3)

Sec. 1-103.3. Application of 1994 amendment; funding standard.

(a) The provisions of this amendatory Act of 1994 that change the method of calculating, certifying, and paying the required State contributions to the retirement systems established under Articles 2, 14, 15, 16, and 18 shall first apply to the State contributions required for State fiscal year 1996.

(b) The General Assembly declares that a funding ratio (the ratio of a retirement system's total assets to its total actuarial liabilities) of 90% is an appropriate goal for State-funded retirement systems in Illinois, and it finds that a funding ratio of 90% is now the generally-recognized norm throughout the nation for public employee retirement systems that are considered to be financially secure and funded in an appropriate and responsible manner.

(c) Every 5 years, beginning in 1999, the Illinois Economic and Fiscal Commission, in consultation with the affected
retirement systems and the Governor's Office of Management and Budget (formerly Bureau of the Budget), shall consider and determine whether the 90% funding ratio adopted in subsection (b) continues to represent an appropriate goal for State-funded retirement systems in Illinois, and it shall report its findings and recommendations on this subject to the Governor and the General Assembly.

(Source: P.A. 88-593, eff. 8-22-94; revised 8-23-03.)

(40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)
Sec. 14-108.4. State police early retirement incentives.
(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during October, 1992, is in active payroll status in a position of employment with the Department of State Police for which eligible creditable service is being earned under Section 14-110;

(2) have not previously retired under this Article;

(3) file a written application requesting the benefits provided in this Section with the Director of State Police and the Board on or before January 20, 1993;

(4) establish eligibility to receive a retirement annuity under Section 14-110 by January 31, 1993 (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement annuity beginning not earlier than January 1, 1993 and not later than February 1, 1993, except that with the written permission of the Director of State Police, the effective date of the retirement annuity may be postponed to no later than July 1, 1993.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be
deemed to be one month older than it actually is.

The creditable service established under this Section shall be deemed eligible creditable service as defined in Section 14-110, and may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12, or the determination of compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's final rate of compensation and one-half of the total retirement contribution rate in effect for the member under subdivision (a)(3) of Section 14-133 on the date of withdrawal.

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution (or so much of it as does not exceed the contribution limitations of Section 415 of the Internal Revenue Code of 1986) must be paid by the employee before the retirement annuity may become payable. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member may either pay the entire contribution before the retirement annuity becomes payable, or may instead make an initial payment before
the retirement annuity becomes payable, equal to the net amount of the lump sum payment for accumulated vacation, sick leave and personal leave (or so much of it as does not exceed the contribution limitations of Section 415 of the Internal Revenue Code of 1986), and have the remaining amount due deducted from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect.

However, if the net amount of the lump sum payment for accumulated vacation, sick leave and personal leave equals or exceeds the contribution required under this Section, but the required contribution exceeds an applicable contribution limitation contained in Section 415 of the Internal Revenue Code of 1986, then the amount of the contribution in excess of the Section 415 limitation shall instead be paid by the annuitant in January of 1994. If this additional amount is not paid as required, the retirement annuity shall be suspended until the required contribution is received.

(d) Notwithstanding Section 14-111, an annuitant who has received any age enhancement or creditable service under this Section and who reenters service under this Article other than as a temporary employee shall thereby forfeit such age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(e) The Board shall determine the unfunded accrued liability created by the granting of early retirement benefits to State policemen under this Section, and shall certify the amount of that liability to the Department of State Police, the State Comptroller, the State Treasurer, and the Bureau of the Budget (now Governor's Office of Management and Budget) by June 1, 1993, or as soon thereafter as is practical. In addition to any other payments to the System required under this Code, the Department of State Police shall pay to the System the amount of that unfunded accrued liability, out of funds appropriated to the Department for that purpose, over a period of 7 years at the rate of 14.3% of the certified amount per year, plus
interest on the unpaid balance at the actuarial rate as
calculated and certified annually by the Board. Beginning in
State fiscal year 1996, the liability created under this
subsection (e) shall be included in the calculation of the
required State contribution under Section 14-131 and no
additional payments need be made under this subsection.
(Source: P.A. 87-1265; 88-593, eff. 8-22-94; revised 8-23-03.)

(40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)
Sec. 14-134. Board created. The retirement system created
by this Article shall be a trust, separate and distinct from
all other entities. The responsibility for the operation of the
system and for making effective this Article is vested in a
board of trustees.

The board shall consist of 7 trustees, as follows:
(a) the Director of the Governor's Office of Management and
Budget Bureau of the Budget; (b) the Comptroller; (c) one
trustee, not a State employee, who shall be Chairman, to be
appointed by the Governor for a 5 year term; (d) two members of
the system, one of whom shall be an annuitant age 60 or over,
having at least 8 years of creditable service, to be appointed
by the Governor for terms of 5 years; (e) one member of the
system having at least 8 years of creditable service, to be
elected from the contributing membership of the system by the
contributing members as provided in Section 14-134.1; (f) one
annuitant of the system who has been an annuitant for at least
one full year, to be elected from and by the annuitants of the
system, as provided in Section 14-134.1. The Director of the
Governor's Office of Management and Budget Bureau of the Budget
and the Comptroller shall be ex-officio members and shall serve
as trustees during their respective terms of office, except
that each of them may designate another officer or employee
from the same agency to serve in his or her place. However, no
ex-officio member may designate a different proxy within one
year after designating a proxy unless the person last so
designated has become ineligible to serve in that capacity.
Except for the elected trustees, any vacancy in the office of trustee shall be filled in the same manner as the office was filled previously.

A trustee shall serve until a successor qualifies, except that a trustee who is a member of the system shall be disqualified as a trustee immediately upon terminating service with the State.

Each trustee is entitled to one vote on the board, and 4 trustees shall constitute a quorum for the transaction of business. The affirmative votes of a majority of the trustees present, but at least 3 trustees, shall be necessary for action by the board at any meeting. The board's action of July 22, 1986, by which it amended the bylaws of the system to increase the number of affirmative votes required for board action from 3 to 4 (in response to Public Act 84-1028, which increased the number of trustees from 5 to 7), and the board's rejection, between that date and the effective date of this amendatory Act of 1993, of proposed actions not receiving at least 4 affirmative votes, are hereby validated.

The trustees shall serve without compensation, but shall be reimbursed from the funds of the system for all necessary expenses incurred through service on the board.

Each trustee shall take an oath of office that he or she will diligently and honestly administer the affairs of the system, and will not knowingly violate or willfully permit the violation of any of the provisions of law applicable to the system. The oath shall be subscribed to by the trustee making it, certified by the officer before whom it is taken, and filed with the Secretary of State. A trustee shall qualify for membership on the board when the oath has been approved by the board.

(Source: P.A. 87-1265; revised 8-23-03.)

Section 540. The Regional Planning Commission Act is amended by changing Section 1 as follows:
Sec. 1. Governing bodies of counties, cities, or other local governmental units, when authorized by the Department of Commerce and Economic Opportunity Community Affairs, may cooperate with the governing bodies of the counties and cities or other governing bodies of any adjoining state or states in the creation of a joint planning commission where such cooperation has been authorized by law by the adjoining state or states. Such a joint planning commission may be designated to be a regional or metropolitan planning commission and shall have powers, duties and functions as authorized by "An Act to provide for regional planning and for the creation, organization and powers of regional planning commissions", approved June 25, 1929, as heretofore or hereafter amended, and, as agreed among the governing bodies. Such a planning commission shall be a legal entity for all purposes.

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

Section 545. The Local Government Financial Planning and Supervision Act is amended by changing Sections 5 and 12 as follows:

(a) This subsection (a) applies through December 31, 1992.

(1) Upon receipt of a petition for establishment of a financial planning and supervision commission, the Governor may direct the establishment of such a commission if the Governor determines that a fiscal emergency exists.

(2) Prior to making such determination, the Governor shall give reasonable notice and opportunity for a hearing to all creditors of the petitioning unit of local government who are subject to the stay provisions of Section 7 of this Act. The determination shall be entered not less than 60 days after the filing of the petition. A determination of fiscal emergency by the Governor shall be
a final administrative decision subject to the provisions
of the Administrative Review Law. The court on such review
may grant exceptions to the stay provisions of Section 7 of
this Act as adequate protection of creditors' interests or
equity may require. The commission shall convene within 30
days of the entry by the Governor of his or her
determination of the fiscal emergency.

(3) (A) The Commission shall consist of 7 Directors.
(B) One Director shall be appointed by the chief
executive officer of the unit of local government.
(C) One Director shall be appointed by the majority
vote of the governing body of the unit of local
government.
(D) Five Directors shall be appointed by the
Governor, with the advice and consent of the Senate.
The Governor shall select one of the Directors to serve
as Chairperson during the term of his or her
appointment. Of the initial Directors so appointed, 3
shall be appointed to serve for terms expiring 3 years
from the date of their appointment, and 2 shall be
appointed to serve for terms expiring 2 years from the
date of their appointment. Thereafter, each Director
appointed by the Governor shall be appointed to hold
office for a term of 3 years and until his or her
successor has been appointed as provided in Section
8-12-7 of the Illinois Municipal Code. Directors shall
be eligible for reappointment. Any vacancy which shall
arise shall be filled by appointment by the Governor,
with the advice and consent of the Senate, for the
unexpired term and until a successor Director has been
appointed as provided in Section 8-12-7 of the Illinois
Municipal Code. A vacancy shall occur upon
resignation, death, conviction of a felony, or removal
from office of a Director. A Director may be removed
for incompetency, malfeasance, or neglect of duty at
the instance of the Governor. If the Senate is not in
session or is in recess when appointments subject to
its confirmation are made, the Governor shall make
temporary appointments which shall be subject to
subsequent Senate approval.
(b) This subsection (b) applies on and after January 1,
1993.

(1) Upon receipt of a petition for establishment of a financial planning and supervision commission, the Governor may direct the establishment of such a commission if the Governor determines that a fiscal emergency exists.

(2) Prior to making such determination, the Governor shall give reasonable notice and opportunity for a hearing to all creditors of the petitioning unit of local government. The determination shall be entered not less than 60 days after the filing of the petition. A determination of fiscal emergency by the Governor shall be a final administrative decision subject to the provisions of the Administrative Review Law. The court on such review may grant exceptions to the stay provisions of Section 7 of this Act as adequate protection of creditors' interests or equity may require. The commission shall convene within 30 days of the entry by the Governor of his or her determination of the fiscal emergency.

(3) A commission shall consist of 11 members:

(A) Eight members as follows: the Governor, the State Comptroller, the Director of Revenue, the Director of the Governor's Office of Management and Budget Bureau of the Budget, the State Treasurer, the Executive Director of the Illinois Finance Authority, the Director of the Department of Commerce and Economic Opportunity Community Affairs and the presiding officer of the governing body of the unit of local government, or their respective designees. A designee, when present, shall be counted in determining whether a quorum is present at any meeting of the commission and may vote and participate in all proceedings and actions
of the commission. The designations shall be in
writing, executed by the member making the
designation, and filed with the secretary of the
commission. The designations may be changed from time
to time in like manner, but due regard shall be given
to the need for continuity. The Governor shall appoint
a chairman of the commission from among the 8 members
described in this subparagraph (A).

(B) Three members nominated and appointed as
follows: the governing body and chief governing
officer of the unit of local government shall submit in
writing to the chairman of the commission the
nomination of 5 persons agreed to by them and meeting
the qualifications set forth in this Act. Nominations
shall accompany the petition for establishment of the
financial planning and supervision commission. If the
chairman is not satisfied that at least 3 of the
nominees are well qualified, he shall notify the
governing body of the unit of local government to
submit in writing, within 5 days, additional nominees,
not exceeding 3. The chairman shall appoint 3 members
from all the nominees so submitted or a lesser number
that he considers well qualified. Each of the 3
appointed members shall serve for a term of one year,
subject to removal by the chairman for misfeasance,
nonfeasance or malfeasance in office. Upon the
expiration of the term of an appointed member, or in
the event of the death, resignation, incapacity or
removal, or other ineligibility to serve of an
appointed member, the chairman shall appoint a
successor pursuant to the process of original
appointment.

Each of the 3 appointed members shall be an
individual:

(i) Who has knowledge and experience in
financial matters, financial management, or
business organization or operations, including experience in the private sector in management of business or financial enterprise, or in management consulting, public accounting, or other professional activity; and (ii) Who has not at any time during the 2 years preceding the date of appointment held any elected public office.

The governing body and chief governing officer of the unit of local government, to the extent possible, shall nominate members whose residency, office, or principal place of professional or business activity is situated within the unit of local government.

An appointed member of the commission shall not become a candidate for elected public office while serving as a member of the commission.

(4) Immediately after his appointment of the initial 3 appointed members of the commission, the chairman shall call the first meeting of the commission and shall cause written notice of the time, date and place of the first meeting to be given to each member of the commission at least 48 hours in advance of the meeting.

(5) The commission members shall select one of their number to serve as treasurer of the commission.

(Source: P.A. 93-205, eff. 1-1-04; revised 8-23-03.)

(50 ILCS 320/12) (from Ch. 85, par. 7212)

Sec. 12. Expenses incurred by commission. Any expense or obligation incurred by the financial planning and supervision commission under this Act shall be payable solely from appropriations made for that purpose by the General Assembly.

The commission is authorized to maintain monies appropriated for its use in a local account for such purposes to be held outside the State Treasury. Disbursements from this account shall require the approval and signatures of the chairman of the commission and the treasurer of the commission.
The commission shall be authorized to request the State Comptroller and State Treasurer to issue State warrants against appropriations made for its use, in anticipation of commission expenses, for deposit into the local account.

The compensation and expenses of a financial advisor retained by the commission shall be paid from monies appropriated to the Department of Commerce and Economic Opportunity Community Affairs for that purpose. Those appropriations shall only be committed, obligated, and expended by the Department of Commerce and Economic Opportunity Community Affairs as the result of an order signed by the chairman of the commission identifying the selected "financial advisor" pursuant to subsection (c) of Section 6 of this Act and stating the maximum compensation awarded to the financial advisor under the contract. A copy of the order shall be filed with the State Comptroller prior to any disbursement of funds.

(Source: P.A. 86-1211; revised 12-6-03.)

Section 550. The Illinois Municipal Budget Law is amended by changing Section 2 as follows:

(50 ILCS 330/2) (from Ch. 85, par. 802)

Sec. 2. The following terms, unless the context otherwise indicates, have the following meaning:

(1) "Municipality" means and includes all municipal corporations and political subdivisions of this State, or any such unit or body hereafter created by authority of law, except the following: (a) The State of Illinois; (b) counties; (c) cities, villages and incorporated towns; (d) sanitary districts created under "An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois Rivers", approved May 29, 1889, as amended; (e) forest preserve districts having a population of 500,000 or more, created under "An Act to provide for the creation and management of forest preserve districts and repealing certain Acts therein named", approved June 27, 1913, as amended; (f) school districts; (g)
the Chicago Park District created under "An Act in relation to
the creation, maintenance, operation and improvement of the
Chicago Park District", approved, June 10, 1933, as amended;
(h) park districts created under "The Park District Code",
approved July 8, 1947, as amended; (i) the Regional
Transportation Authority created under the "Regional
Transportation Authority Act", enacted by the 78th General
Assembly; and (j) the Illinois Sports Facilities Authority.

(2) "Governing body" means the corporate authorities,
body, or other officer of the municipality authorized by law to
raise revenue, appropriate funds, or levy taxes for the
operation and maintenance thereof.

(3) "Department" means the Department of Commerce and
Economic Opportunity Community Affairs.

(Source: P.A. 85-1034; revised 12-6-03.)

Section 555. The Emergency Telephone System Act is amended
by changing Section 13 as follows:

(50 ILCS 750/13) (from Ch. 134, par. 43)
Sec. 13. On or before February 16, 1979, and again on or
before February 16, 1981, the Commission shall report to the
General Assembly the progress in the implementation of systems
required by this Act. Such reports shall contain his
recommendations for additional legislation.

In December of 1979 and in December of 1980 the Commission,
with the advice and assistance of the Attorney General, shall
submit recommendations to the Bureau of the Budget (now
Governor's Office of Management and Budget) and to the Governor
specifying amounts necessary to further implement the
organization of telephone systems specified in this Act during
the succeeding fiscal year. The report specified in this
paragraph shall contain, in addition, an estimate of the fiscal
impact to local public agencies which will be caused by
implementation of this Act.

By March 1 in 1979 and every even-numbered year thereafter,
each telephone company shall file a report with the Commission and the General Assembly specifying, in such detail as the Commission has by rule or regulation required, the extent to which it has implemented a planned emergency telephone system and its projected further implementation of such a system.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 84-1438; revised 8-23-03.)

Section 560. The Local Land Resource Management Planning Act is amended by changing Sections 3 and 8 as follows:

(50 ILCS 805/3) (from Ch. 85, par. 5803)

Sec. 3. Definitions. As used in this Act, the following words and phrases have the following meanings:

A. "Department" means the Department of Commerce and Economic Opportunity Community Affairs.

B. "Local Land Resource Management Plan" means a map of existing and generalized proposed land use and a policy statement in the form of words, numbers, illustrations, or other symbols of communication adopted by the municipal and county governing bodies. The Local Land Resource Management Plan may interrelate functional, visual and natural systems and activities relating to the use of land. It shall include but not be limited to sewer and water systems, energy distribution systems, recreational facilities, public safety facilities and their relationship to natural resources, air, water and land.
quality management or conservation programs within its jurisdiction. Such a plan shall be deemed to be "joint or compatible" when so declared by joint resolution of the affected municipality and county, or when separate plans have been referred to the affected municipality or county for review and suggestions, and such suggestions have been duly considered by the adopting jurisdiction and a reasonable basis for provisions of a plan that are contrary to the suggestions is stated in a resolution of the adopting jurisdiction.

C. "Land" means the earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.

D. "Municipality" means any city, village or incorporated town.

E. "Unit of local government" means any county, municipality, township or special district which exercises limited governmental functions or provides services in respect to limited governmental subjects.

(Source: P.A. 84-865; revised 12-6-03.)

(50 ILCS 805/8) (from Ch. 85, par. 5808)

Sec. 8. Planning Grants. (a) The Department of Commerce and Economic Opportunity Community Affairs may make annual grants to counties and municipalities to develop, update, administer and implement Local Land Resource Management Plans, as defined in this Act.

(b) A recipient local government may receive an initial grant to develop a plan after filing a resolution of intent to develop a plan. The plan shall be completed within 18 months of the receipt of the grant.

(c) The amount of the initial grant and the annual grant to be received by the recipient shall be based on the most recent updated U. S. Census at a rate of one dollar per person, but shall not be less than $20,000 and shall not exceed $100,000 per fiscal year.

(d) The Department of Commerce and Economic Opportunity
Community Affairs may promulgate such rules and regulations establishing procedures for determining entitlement and eligible uses of such grants as it deems necessary for the purposes of this Act.

(Source: P.A. 84-865; revised 12-6-03.)

Section 565. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Section 3 as follows:

(55 ILCS 85/3) (from Ch. 34, par. 7003)

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

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

(b) "Economic development plan" means the written plan of a county which sets forth an economic development program for an economic development project area. Each economic development plan shall include but not be limited to (1) estimated economic development project costs, (2) the sources of funds to pay such costs, (3) the nature and term of any obligations to be issued by the county to pay such costs, (4) the most recent equalized assessed valuation of the economic development project area, (5) an estimate of the equalized assessed valuation of the economic development project area after completion of the economic development plan, (6) the estimated date of completion of any economic development project proposed to be undertaken, (7) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, (8) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area, (9) a description of the general land uses to apply in the economic development project area, (10) a description of the type, class and number of employees to be employed in the
operation of the facilities to be developed or improved in the
economic development project area and (11) a commitment by the
county to fair employment practices and an affirmative action
plan with respect to any economic development program to be
undertaken by the county.

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

(d) "Economic development project area" means any improved
or vacant area which is located within the corporate limits of
a county and which (1) is within the unincorporated area of
such county, or, with the consent of any affected municipality,
is located partially within the unincorporated area of such
county and partially within one or more municipalities, (2) is
contiguous, (3) is not less in the aggregate than 100 acres,
(4) is suitable for siting by any commercial, manufacturing,
industrial, research or transportation enterprise of
facilities to include but not be limited to commercial
businesses, offices, factories, mills, processing plants,
assembly plants, packing plants, fabricating plants,
industrial or commercial distribution centers, warehouses,
repair overhaul or service facilities, freight terminals,
research facilities, test facilities or transportation
facilities, whether or not such area has been used at any time
for such facilities and whether or not the area has been used
or is suitable for such facilities and whether or not the area
has been used or is suitable for other uses, including
commercial agricultural purposes, and (5) which has been
certified by the Department pursuant to this Act.

(e) "Economic development project costs" means and
includes the sum total of all reasonable or necessary costs
incurred by a county incidental to an economic development
project, including, without limitation, the following:

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

(2) Property assembly costs within an economic
development project area, including but not limited to
acquisition of land and other real or personal property or
rights or interests therein, and specifically including
payments to developers or other non-governmental persons
as reimbursement for property assembly costs incurred by
such developer or other non-governmental person;

(3) Site preparation costs, including but not limited
to clearance of any area within an economic development
project area by demolition or removal of any existing
buildings, structures, fixtures, utilities and
improvements and clearing and grading; and including
installation, repair, construction, reconstruction, or
relocation of public streets, public utilities, and other
public site improvements within or without an economic
development project area which are essential to the
preparation of the economic development project area for
use in accordance with an economic development plan; and
specifically including payments to developers or other
non-governmental persons as reimbursement for site
preparation costs incurred by such developer or
non-governmental person;

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

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

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

(7) All or a portion of a taxing district's capital costs resulting from an economic development project necessarily incurred or estimated to be incurred by a taxing district in the furtherance of the objectives of an economic development project, to the extent that the county by written agreement accepts, approves and agrees to incur or to reimburse such costs;

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

(9) The estimated tax revenues from real property in an economic development project area acquired by a county which, according to the economic development plan, is to be used for a private use and which any taxing district would have received had the county not adopted property tax allocation financing for an economic development project area and which would result from such taxing district's levies made after the time of the adoption by the county of property tax allocation financing to the time the current equalized assessed value of real property in the economic development project area exceeds the total initial equalized value of real property in that area;

(10) Costs of rebating ad valorem taxes paid by any developer or other nongovernmental person in whose name the general taxes were paid for the last preceding year on any lot, block, tract or parcel of land in the economic
development project area, provided that:

(i) such economic development project area is located in an enterprise zone created pursuant to the Illinois Enterprise Zone Act;

(ii) such ad valorem taxes shall be rebated only in such amounts and for such tax year or years as the county and any one or more affected taxing districts shall have agreed by prior written agreement;

(iii) any amount of rebate of taxes shall not exceed the portion, if any, of taxes levied by the county or such taxing district or districts which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property existing at the time property tax allocation financing was adopted for said economic development project area; and

(iv) costs of rebating ad valorem taxes shall be paid by a county solely from the special tax allocation fund established pursuant to this Act and shall be paid from the proceeds of any obligations issued by a county.

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

(12) Private financing costs incurred by developers or other non-governmental persons in connection with an economic development project, and specifically including payments to developers or other non-governmental persons as reimbursement for such costs incurred by such developer or other non-governmental persons provided that:

(A) private financing costs shall be paid or reimbursed by a county only pursuant to the prior official action of the county evidencing an intent to pay such private financing costs;

(B) except as provided in subparagraph (D) of this Section, the aggregate amount of such costs paid or reimbursed by a county in any one year shall not exceed 30% of such costs paid or incurred by such developer or other non-governmental person in that year;

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

(D) if there are not sufficient funds available in the special tax allocation fund in any year to make such payment or reimbursement in full, any amount of such private financing costs remaining to be paid or reimbursed by a county shall accrue and be payable when
funds are available in the special tax allocation fund
to make such payment; and

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

(f) "Obligations" means any instrument evidencing the
obligation of a county to pay money, including without
limitation, bonds, notes, installment or financing contracts,
certificates, tax anticipation warrants or notes, vouchers,
and any other evidence of indebtedness.

(g) "Taxing districts" means municipalities, townships,
counties, and school, road, park, sanitary, mosquito
abatement, forest preserve, public health, fire protection,
river conservancy, tuberculosis sanitarium and any other
county corporations or districts with the power to levy taxes
on real property.

(Source: P.A. 90-655, eff. 7-30-98; revised 12-6-03.)

Section 570. The Illinois Municipal Code is amended by
changing Sections 8-11-2, 11-31.1-14, 11-48.3-29, 11-74.4-6,
11-74.4-8a, and 11-74.6-10 as follows:

(65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)
Sec. 8-11-2. The corporate authorities of any municipality
may tax any or all of the following occupations or privileges:

1. (Blank).

2. Persons engaged in the business of distributing,
supplying, furnishing, or selling gas for use or
consumption within the corporate limits of a municipality
of 500,000 or fewer population, and not for resale, at a
rate not to exceed 5% of the gross receipts therefrom.
2a. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of over 500,000 population, and not for resale, at a rate not to exceed 8% of the gross receipts therefrom. If imposed, this tax shall be paid in monthly payments.

3. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

   (i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;

   (ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;

   (iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour;

   (iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour;

   (v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour;

   (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour;

   (vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour;

   (viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.31 cents per kilowatt-hour;

   (ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and

   (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

   If a municipality imposes a tax at rates lower than either the maximum rates specified in this Section or the alternative maximum rates promulgated by the Illinois Commerce Commission, as provided below, the tax rates shall
be imposed upon the kilowatt hour categories set forth above with the same proportional relationship as that which exists among such maximum rates. Notwithstanding the foregoing, until December 31, 2008, no municipality shall establish rates that are in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues such municipality could have received under the tax authorized by this subparagraph in the last full calendar year prior to the effective date of Section 65 of this amendatory Act of 1997; provided that this shall not be a limitation on the amount of tax revenues actually collected by such municipality.

Upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission shall, within 90 days after receipt of such request, promulgate alternative rates for each of these kilowatt-hour categories that will reflect, as closely as reasonably practical for that municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. A municipality that has adopted an ordinance imposing a tax pursuant to subparagraph 3 as it existed prior to the effective date of Section 65 of this amendatory Act of 1997 may, rather than imposing the tax permitted by this amendatory Act of 1997, continue to impose the tax pursuant to that ordinance with respect to gross receipts received from residential customers through July 31, 1999, and with respect to gross receipts from any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such customer before December 31, 2000. No ordinance imposing the tax permitted by this amendatory Act of 1997 shall be applicable to any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public
Utilities Act but in no case later than the last bill issued to such non-residential customer before December 31, 2000.

4. Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas, water, or electricity, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any of the taxes enumerated in this Section may be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(a) If the corporate authorities of any home rule municipality have adopted an ordinance that imposed a tax on
public utility customers, between July 1, 1971, and October 1, 1981, on the good faith belief that they were exercising authority pursuant to Section 6 of Article VII of the 1970 Illinois Constitution, that action of the corporate authorities shall be declared legal and valid, notwithstanding a later decision of a judicial tribunal declaring the ordinance invalid. No municipality shall be required to rebate, refund, or issue credits for any taxes described in this paragraph, and those taxes shall be deemed to have been levied and collected in accordance with the Constitution and laws of this State.

(b) In any case in which (i) prior to October 19, 1979, the corporate authorities of any municipality have adopted an ordinance imposing a tax authorized by this Section (or by the predecessor provision of the "Revised Cities and Villages Act") and have explicitly or in practice interpreted gross receipts to include either charges added to customers' bills pursuant to the provision of paragraph (a) of Section 36 of the Public Utilities Act or charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such paragraph (a) of Section 36 of that Act, and (ii) on or after October 19, 1979, a judicial tribunal has construed gross receipts to exclude all or part of those charges, then neither that municipality nor any taxpayer who paid the tax shall be required to rebate, refund, or issue credits for any tax imposed or charge collected from customers pursuant to the municipality's interpretation prior to October 19, 1979. This paragraph reflects a legislative finding that it would be contrary to the public interest to require a municipality or its taxpayers to refund taxes or charges attributable to the municipality's more inclusive interpretation of gross receipts prior to October 19, 1979, and is not intended to prescribe or limit judicial construction of this Section. The legislative finding set forth in this subsection does not apply to taxes imposed after the effective date of this amendatory Act of 1995.
(c) The tax authorized by subparagraph 3 shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to an ordinance authorized by subparagraph 3 and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this subsection (c), any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, in the manner prescribed by the municipality. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to subparagraph 3.

(d) For the purpose of the taxes enumerated in this Section:
"Gross receipts" means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include that portion of the consideration received for distributing, supplying, furnishing, or selling gas or water to business enterprises described in paragraph (e) of this Section to the extent and during the period in which the exemption authorized by paragraph (e) is in effect or for school districts or units of local government described in paragraph (f) during the period in which the exemption authorized in paragraph (f) is in effect.

For utility bills issued on or after May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1997, but before May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include two-thirds of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amount added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the
Public Utilities Act. For utility bills issued on or after May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act.

For purposes of this Section "gross receipts" shall not include amounts added to customers' bills under Section 9-221 of the Public Utilities Act. This paragraph is not intended to nor does it make any change in the meaning of "gross receipts" for the purposes of this Section, but is intended to remove possible ambiguities, thereby confirming the existing meaning of "gross receipts" prior to the effective date of this amendatory Act of 1995.

"Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Person maintaining a place of business in this State" shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public utility" shall have the meaning ascribed to it in
Section 3-105 of the Public Utilities Act and shall include alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchase at retail" shall mean any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" shall mean any person who uses or consumes, within the corporate limits of the municipality, electricity acquired in a purchase at retail.

(e) Any municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity pursuant to this Section whose territory includes any part of an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone may, by a majority vote of its corporate authorities, exempt from those taxes for a period not exceeding 20 years any specified percentage of gross receipts of public utilities received from, or electricity used or consumed by, business enterprises that:

(1) either (i) make investments that cause the creation of a minimum of 200 full-time equivalent jobs in Illinois, (ii) make investments of at least $175,000,000 that cause the creation of a minimum of 150 full-time equivalent jobs in Illinois, or (iii) make investments that cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) are either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) Department of Commerce and Economic Opportunity Community Affairs designated High Impact Businesses located in a federally designated Foreign Trade Zone or Sub-Zone; and

(3) are certified by the Department of Commerce and Economic Opportunity Community Affairs as complying with the requirements specified in clauses (1) and (2) of this
paragraph (e).

Upon adoption of the ordinance authorizing the exemption, the municipal clerk shall transmit a copy of that ordinance to the Department of Commerce and Economic Opportunity Community Affairs. The Department of Commerce and Economic Opportunity Community Affairs shall determine whether the business enterprises located in the municipality meet the criteria prescribed in this paragraph. If the Department of Commerce and Economic Opportunity Community Affairs determines that the business enterprises meet the criteria, it shall grant certification. The Department of Commerce and Economic Opportunity Community Affairs shall act upon certification requests within 30 days after receipt of the ordinance.

Upon certification of the business enterprise by the Department of Commerce and Economic Opportunity Community Affairs, the Department of Commerce and Economic Opportunity Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of the gross receipts received from, and the electricity used or consumed by, the certified business enterprises. Such exemption status shall be effective within 3 months after certification.

(f) A municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity under this Section and whose territory includes part of another unit of local government or a school district may by ordinance exempt the other unit of local government or school district from those taxes.

(g) The amendment of this Section by Public Act 84-127 shall take precedence over any other amendment of this Section by any other amendatory Act passed by the 84th General Assembly before the effective date of Public Act 84-127.

(h) In any case in which, before July 1, 1992, a person engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, has determined the municipality within which the gross
receipts from the business originated by reference to the
location of its transmitting or switching equipment, then (i)
neither the municipality to which tax was paid on that basis
nor the taxpayer that paid tax on that basis shall be required
to rebate, refund, or issue credits for any such tax or charge
collected from customers to reimburse the taxpayer for the tax
and (ii) no municipality to which tax would have been paid with
respect to those gross receipts if the provisions of this
amendatory Act of 1991 had been in effect before July 1, 1992,
shall have any claim against the taxpayer for any amount of the
tax.
(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02;
92-526, eff. 1-1-03; revised 12-6-03.)

(65 ILCS 5/11-31.1-14) (from Ch. 24, par. 11-31.1-14)
Sec. 11-31.1-14. Application for grants. Any municipality
adopting this Division may make application to the Department
of Commerce and Economic Opportunity Community Affairs for
grants to help defray the cost of establishing and maintaining
a code hearing department as provided in this Division. The
application for grants shall be in the manner and form
prescribed by the Department of Commerce and Economic
Opportunity Community Affairs.
(Source: P.A. 81-1509; revised 12-6-03.)

(65 ILCS 5/11-48.3-29) (from Ch. 24, par. 11-48.3-29)
Sec. 11-48.3-29. The Authority shall receive financial
support from the Department of Commerce and Economic
Opportunity Community Affairs in the amounts that may be
appropriated for such purpose.
(Source: P.A. 86-279; revised 12-6-03.)

(65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)
Sec. 11-74.4-6. (a) Except as provided herein, notice of
the public hearing shall be given by publication and mailing.
Notice by publication shall be given by publication at least
twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed redevelopment project area. Notice by mailing shall be given by depositing such notice in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the project redevelopment area. Said notice shall be mailed not less than 10 days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of such property. For redevelopment project areas with redevelopment plans or proposed redevelopment plans that would require removal of 10 or more inhabited residential units or that contain 75 or more inhabited residential units, the municipality shall make a good faith effort to notify by mail all residents of the redevelopment project area. At a minimum, the municipality shall mail a notice to each residential address located within the redevelopment project area. The municipality shall endeavor to ensure that all such notices are effectively communicated and shall include (in addition to notice in English) notice in the predominant language other than English when appropriate.

(b) The notices issued pursuant to this Section shall include the following:

(1) The time and place of public hearing;

(2) The boundaries of the proposed redevelopment project area by legal description and by street location where possible;

(3) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(4) A description of the redevelopment plan or redevelopment project for the proposed redevelopment project area if a plan or project is the subject matter of
the hearing.

(5) Such other matters as the municipality may deem appropriate.

(c) Not less than 45 days prior to the date set for hearing, the municipality shall give notice by mail as provided in subsection (a) to all taxing districts of which taxable property is included in the redevelopment project area, project or plan and to the Department of Commerce and Economic Opportunity Community Affairs, and in addition to the other requirements under subsection (b) the notice shall include an invitation to the Department of Commerce and Economic Opportunity Community Affairs and each taxing district to submit comments to the municipality concerning the subject matter of the hearing prior to the date of hearing.

(d) In the event that any municipality has by ordinance adopted tax increment financing prior to 1987, and has complied with the notice requirements of this Section, except that the notice has not included the requirements of subsection (b), paragraphs (2), (3) and (4), and within 90 days of the effective date of this amendatory Act of 1991, that municipality passes an ordinance which contains findings that: (1) all taxing districts prior to the time of the hearing required by Section 11-74.4-5 were furnished with copies of a map incorporated into the redevelopment plan and project substantially showing the legal boundaries of the redevelopment project area; (2) the redevelopment plan and project, or a draft thereof, contained a map substantially showing the legal boundaries of the redevelopment project area and was available to the public at the time of the hearing; and (3) since the adoption of any form of tax increment financing authorized by this Act, and prior to June 1, 1991, no objection or challenge has been made in writing to the municipality in respect to the notices required by this Section, then the municipality shall be deemed to have met the notice requirements of this Act and all actions of the municipality taken in connection with such notices as were given are hereby
validated and hereby declared to be legally sufficient for all purposes of this Act.

(e) If a municipality desires to propose a redevelopment plan for a redevelopment project area that would result in the displacement of residents from 10 or more inhabited residential units or for a redevelopment project area that contains 75 or more inhabited residential units, the municipality shall hold a public meeting before the mailing of the notices of public hearing as provided in subsection (c) of this Section. The meeting shall be for the purpose of enabling the municipality to advise the public, taxing districts having real property in the redevelopment project area, taxpayers who own property in the proposed redevelopment project area, and residents in the area as to the municipality's possible intent to prepare a redevelopment plan and designate a redevelopment project area and to receive public comment. The time and place for the meeting shall be set by the head of the municipality's Department of Planning or other department official designated by the mayor or city or village manager without the necessity of a resolution or ordinance of the municipality and may be held by a member of the staff of the Department of Planning of the municipality or by any other person, body, or commission designated by the corporate authorities. The meeting shall be held at least 14 business days before the mailing of the notice of public hearing provided for in subsection (c) of this Section.

Notice of the public meeting shall be given by mail. Notice by mail shall be not less than 15 days before the date of the meeting and shall be sent by certified mail to all taxing districts having real property in the proposed redevelopment project area and to all entities requesting that information that have registered with a person and department designated by the municipality in accordance with registration guidelines established by the municipality pursuant to Section 11-74.4-4.2. The municipality shall make a good faith effort to notify all residents and the last known persons who paid
property taxes on real estate in a redevelopment project area. This requirement shall be deemed to be satisfied if the municipality mails, by regular mail, a notice to each residential address and the person or persons in whose name property taxes were paid on real property for the last preceding year located within the redevelopment project area. Notice shall be in languages other than English when appropriate. The notices issued under this subsection shall include the following:

1. The time and place of the meeting.
2. The boundaries of the area to be studied for possible designation as a redevelopment project area by street and location.
3. The purpose or purposes of establishing a redevelopment project area.
5. The name, telephone number, and address of the person who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the development of the area to be studied.
6. Notification that all interested persons will be given an opportunity to be heard at the public meeting.
7. Such other matters as the municipality deems appropriate.

At the public meeting, any interested person or representative of an affected taxing district may be heard orally and may file, with the person conducting the meeting, statements that pertain to the subject matter of the meeting.

(Source: P.A. 91-478, eff. 11-1-99; revised 12-6-03.)

(65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)
Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality which has adopted tax increment allocation financing prior to January 1, 1987, may by ordinance (1) authorize the Department of Revenue, subject to appropriation, to annually certify and
cause to be paid from the Illinois Tax Increment Fund to such
municipality for deposit in the municipality's special tax
allocation fund an amount equal to the Net State Sales Tax
Increment and (2) authorize the Department of Revenue to
annually notify the municipality of the amount of the Municipal
Sales Tax Increment which shall be deposited by the
municipality in the municipality's special tax allocation
fund. Provided that for purposes of this Section no amendments
adding additional area to the redevelopment project area which
has been certified as the State Sales Tax Boundary shall be
taken into account if such amendments are adopted by the
municipality after January 1, 1987. If an amendment is adopted
which decreases the area of a State Sales Tax Boundary, the
municipality shall update the list required by subsection
(3)(a) of this Section. The Retailers' Occupation Tax
liability, Use Tax liability, Service Occupation Tax liability
and Service Use Tax liability for retailers and servicemen
located within the disconnected area shall be excluded from the
base from which tax increments are calculated and the revenue
from any such retailer or serviceman shall not be included in
calculating incremental revenue payable to the municipality. A
municipality adopting an ordinance under this subsection (1) of
this Section for a redevelopment project area which is
certified as a State Sales Tax Boundary shall not be entitled
to payments of State taxes authorized under subsection (2) of
this Section for the same redevelopment project area. Nothing
herein shall be construed to prevent a municipality from
receiving payment of State taxes authorized under subsection
(2) of this Section for a separate redevelopment project area
that does not overlap in any way with the State Sales Tax
Boundary receiving payments of State taxes pursuant to
subsection (1) of this Section.

A certified copy of such ordinance shall be submitted by
the municipality to the Department of Commerce and Economic
Opportunity Community Affairs and the Department of Revenue not
later than 30 days after the effective date of the ordinance.
Upon submission of the ordinances, and the information required pursuant to subsection 3 of this Section, the Department of Revenue shall promptly determine the amount of such taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in the redevelopment project area during the base year, and shall certify all the foregoing "initial sales tax amounts" to the municipality within 60 days of submission of the list required of subsection (3)(a) of this Section.

If a retailer or serviceman with a place of business located within a redevelopment project area also has one or more other places of business within the municipality but outside the redevelopment project area, the retailer or serviceman shall, upon request of the Department of Revenue, certify to the Department of Revenue the amount of taxes paid pursuant to the Retailers' Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Municipal Service Occupation Tax Act at each place of business which is located within the redevelopment project area in the manner and for the periods of time requested by the Department of Revenue.

When the municipality determines that a portion of an increase in the aggregate amount of taxes paid by retailers and servicemen under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, or the Service Occupation Tax Act is the result of a retailer or serviceman initiating retail or service operations in the redevelopment project area by such retailer or serviceman with a resulting termination of retail or service operations by such retailer or serviceman at another location in Illinois in the standard metropolitan statistical area of such municipality, the Department of Revenue shall be notified that the retailers occupation tax liability, use tax liability, service occupation tax liability, or service use tax liability from such retailer's or serviceman's terminated
operation shall be included in the base Initial Sales Tax
Amounts from which the State Sales Tax Increment is calculated
for purposes of State payments to the affected municipality;
provided, however, for purposes of this paragraph
"termination" shall mean a closing of a retail or service
operation which is directly related to the opening of the same
retail or service operation in a redevelopment project area
which is included within a State Sales Tax Boundary, but it
shall not include retail or service operations closed for
reasons beyond the control of the retailer or serviceman, as
determined by the Department.

If the municipality makes the determination referred to in
the prior paragraph and notifies the Department and if the
relocation is from a location within the municipality, the
Department, at the request of the municipality, shall adjust
the certified aggregate amount of taxes that constitute the
Municipal Sales Tax Increment paid by retailers and servicemen
on transactions at places of business located within the State
Sales Tax Boundary during the base year using the same
procedures as are employed to make the adjustment referred to
in the prior paragraph. The adjusted Municipal Sales Tax
Increment calculated by the Department shall be sufficient to
satisfy the requirements of subsection (1) of this Section.

When a municipality which has adopted tax increment
allocation financing in 1986 determines that a portion of the
aggregate amount of taxes paid by retailers and servicemen
under the Retailers Occupation Tax Act, Use Tax Act, Service
Use Tax Act, or Service Occupation Tax Act, the Municipal
Retailers' Occupation Tax Act and the Municipal Service
Occupation Tax Act, includes revenue of a retailer or
serviceman which terminated retailer or service operations in
1986, prior to the adoption of tax increment allocation
financing, the Department of Revenue shall be notified by such
municipality that the retailers' occupation tax liability, use
tax liability, service occupation tax liability or service use
tax liability, from such retailer's or serviceman's terminated
operations shall be excluded from the Initial Sales Tax Amounts
for such taxes. The revenue from any such retailer or
serviceman which is excluded from the base year under this
paragraph, shall not be included in calculating incremental
revenues if such retailer or serviceman reestablishes such
business in the redevelopment project area.

For State fiscal year 1992, the Department of Revenue shall
budget, and the Illinois General Assembly shall appropriate
from the Illinois Tax Increment Fund in the State treasury, an
amount not to exceed $18,000,000 to pay to each eligible
municipality the Net State Sales Tax Increment to which such
municipality is entitled.

Beginning on January 1, 1993, each municipality's
proportional share of the Illinois Tax Increment Fund shall be
determined by adding the annual Net State Sales Tax Increment
and the annual Net Utility Tax Increment to determine the
Annual Total Increment. The ratio of the Annual Total Increment
of each municipality to the Annual Total Increment for all
municipalities, as most recently calculated by the Department,
shall determine the proportional shares of the Illinois Tax
Increment Fund to be distributed to each municipality.

Beginning in October, 1993, and each January, April, July
and October thereafter, the Department of Revenue shall certify
to the Treasurer and the Comptroller the amounts payable
quarter annually during the fiscal year to each municipality
under this Section. The Comptroller shall promptly then draw
warrants, ordering the State Treasurer to pay such amounts from
the Illinois Tax Increment Fund in the State treasury.

The Department of Revenue shall utilize the same periods
established for determining State Sales Tax Increment to
determine the Municipal Sales Tax Increment for the area within
a State Sales Tax Boundary and certify such amounts to such
municipal treasurer who shall transfer such amounts to the
special tax allocation fund.

The provisions of this subsection (1) do not apply to
additional municipal retailers' occupation or service
occupation taxes imposed by municipalities using their home
rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4
and 8-11-1.5 of this Act. A municipality shall not receive from
the State any share of the Illinois Tax Increment Fund unless
such municipality deposits all its Municipal Sales Tax
Increment and the local incremental real property tax revenues,
as provided herein, into the appropriate special tax allocation
fund. If, however, a municipality has extended the estimated
dates of completion of the redevelopment project and retirement
of obligations to finance redevelopment project costs by
municipal ordinance to December 31, 2013 under subsection (n)
of Section 11-74.4-3, then that municipality shall continue to
receive from the State a share of the Illinois Tax Increment
Fund so long as the municipality deposits, from any funds
available, excluding funds in the special tax allocation fund,
an amount equal to the municipal share of the real property tax
increment revenues into the special tax allocation fund during
the extension period. The amount to be deposited by the
municipality in each of the tax years affected by the extension
to December 31, 2013 shall be equal to the municipal share of
the property tax increment deposited into the special tax
allocation fund by the municipality for the most recent year
that the property tax increment was distributed. A municipality
located within an economic development project area created
under the County Economic Development Project Area Property Tax
Allocation Act which has abated any portion of its property
taxes which otherwise would have been deposited in its special
tax allocation fund shall not receive from the State the Net
Sales Tax Increment.

(2) A municipality which has adopted tax increment
allocation financing with regard to an industrial park or
industrial park conservation area, prior to January 1, 1988,
may by ordinance authorize the Department of Revenue to
annually certify and pay from the Illinois Tax Increment Fund
to such municipality for deposit in the municipality's special
tax allocation fund an amount equal to the Net State Utility
Tax Increment. Provided that for purposes of this Section no amendments adding additional area to the redevelopment project area shall be taken into account if such amendments are adopted by the municipality after January 1, 1988. Municipalities adopting an ordinance under this subsection (2) of this Section for a redevelopment project area shall not be entitled to payment of State taxes authorized under subsection (1) of this Section for the same redevelopment project area which is within a State Sales Tax Boundary. Nothing herein shall be construed to prevent a municipality from receiving payment of State taxes authorized under subsection (1) of this Section for a separate redevelopment project area within a State Sales Tax Boundary that does not overlap in any way with the redevelopment project area receiving payments of State taxes pursuant to subsection (2) of this Section.

A certified copy of such ordinance shall be submitted to the Department of Commerce and Economic Opportunity Community Affairs and the Department of Revenue not later than 30 days after the effective date of the ordinance.

When a municipality determines that a portion of an increase in the aggregate amount of taxes paid by industrial or commercial facilities under the Public Utilities Act, is the result of an industrial or commercial facility initiating operations in the redevelopment project area with a resulting termination of such operations by such industrial or commercial facility at another location in Illinois, the Department of Revenue shall be notified by such municipality that such industrial or commercial facility's liability under the Public Utility Tax Act shall be included in the base from which tax increments are calculated for purposes of State payments to the affected municipality.

After receipt of the calculations by the public utility as required by subsection (4) of this Section, the Department of Revenue shall annually budget and the Illinois General Assembly shall annually appropriate from the General Revenue Fund through State Fiscal Year 1989, and thereafter from the
Illinois Tax Increment Fund, an amount sufficient to pay to each eligible municipality the amount of incremental revenue attributable to State electric and gas taxes as reflected by the charges imposed on persons in the project area to which such municipality is entitled by comparing the preceding calendar year with the base year as determined by this Section. Beginning on January 1, 1993, each municipality's proportional share of the Illinois Tax Increment Fund shall be determined by adding the annual Net State Utility Tax Increment and the annual Net Utility Tax Increment to determine the Annual Total Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

A municipality shall not receive any share of the Illinois Tax Increment Fund from the State unless such municipality imposes the maximum municipal charges authorized pursuant to Section 9-221 of the Public Utilities Act and deposits all municipal utility tax incremental revenues as certified by the public utilities, and all local real estate tax increments into such municipality's special tax allocation fund.

(3) Within 30 days after the adoption of the ordinance required by either subsection (1) or subsection (2) of this Section, the municipality shall transmit to the Department of Commerce and Economic Opportunity Community Affairs and the Department of Revenue the following:

(a) if applicable, a certified copy of the ordinance required by subsection (1) accompanied by a complete list of street names and the range of street numbers of each street located within the redevelopment project area for which payments are to be made under this Section in both the base year and in the year preceding the payment year; and the addresses of persons registered with the Department of Revenue; and, the name under which each such retailer or serviceman conducts business at that address, if different
from the corporate name; and the Illinois Business Tax
Number of each such person (The municipality shall update
this list in the event of a revision of the redevelopment
project area, or the opening or closing or name change of
any street or part thereof in the redevelopment project
area, or if the Department of Revenue informs the
municipality of an addition or deletion pursuant to the
monthly updates given by the Department.);

(b) if applicable, a certified copy of the ordinance
required by subsection (2) accompanied by a complete list
of street names and range of street numbers of each street
located within the redevelopment project area, the utility
customers in the project area, and the utilities serving
the redevelopment project areas;

(c) certified copies of the ordinances approving the
redevelopment plan and designating the redevelopment
project area;

(d) a copy of the redevelopment plan as approved by the
municipality;

(e) an opinion of legal counsel that the municipality
had complied with the requirements of this Act; and

(f) a certification by the chief executive officer of
the municipality that with regard to a redevelopment
project area: (1) the municipality has committed all of the
municipal tax increment created pursuant to this Act for
deposit in the special tax allocation fund, (2) the
redevelopment projects described in the redevelopment plan
would not be completed without the use of State incremental
revenues pursuant to this Act, (3) the municipality will
pursue the implementation of the redevelopment plan in an
expeditious manner, (4) the incremental revenues created
pursuant to this Section will be exclusively utilized for
the development of the redevelopment project area, and (5)
the increased revenue created pursuant to this Section
shall be used exclusively to pay redevelopment project
costs as defined in this Act.
The Department of Revenue upon receipt of the information set forth in paragraph (b) of subsection (3) shall immediately forward such information to each public utility furnishing natural gas or electricity to buildings within the redevelopment project area. Upon receipt of such information, each public utility shall promptly:

(a) provide to the Department of Revenue and the municipality separate lists of the names and addresses of persons within the redevelopment project area receiving natural gas or electricity from such public utility. Such list shall be updated as necessary by the public utility. Each month thereafter the public utility shall furnish the Department of Revenue and the municipality with an itemized listing of charges imposed pursuant to Sections 9-221 and 9-222 of the Public Utilities Act on persons within the redevelopment project area.

(b) determine the amount of charges imposed pursuant to Sections 9-221 and 9-222 of the Public Utilities Act on persons in the redevelopment project area during the base year, both as a result of municipal taxes on electricity and gas and as a result of State taxes on electricity and gas and certify such amounts both to the municipality and the Department of Revenue; and

(c) determine the amount of charges imposed pursuant to Sections 9-221 and 9-222 of the Public Utilities Act on persons in the redevelopment project area on a monthly basis during the base year, both as a result of State and municipal taxes on electricity and gas and certify such separate amounts both to the municipality and the Department of Revenue.

After the determinations are made in paragraphs (b) and (c), the public utility shall monthly during the existence of the redevelopment project area notify the Department of Revenue and the municipality of any increase in charges over the base year determinations made pursuant to paragraphs (b) and (c).

The payments authorized under this Section shall be
deposited by the municipal treasurer in the special tax allocation fund of the municipality, which for accounting purposes shall identify the sources of each payment as: municipal receipts from the State retailers occupation, service occupation, use and service use taxes; and municipal public utility taxes charged to customers under the Public Utilities Act and State public utility taxes charged to customers under the Public Utilities Act.

(6) Before the effective date of this amendatory Act of the 91st General Assembly, any municipality receiving payments authorized under this Section for any redevelopment project area or area within a State Sales Tax Boundary within the municipality shall submit to the Department of Revenue and to the taxing districts which are sent the notice required by Section 6 of this Act annually within 180 days after the close of each municipal fiscal year the following information for the immediately preceding fiscal year:

(a) Any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary.

(b) Audited financial statements of the special tax allocation fund.

(c) Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of this Act during the preceding fiscal year.

(d) An opinion of legal counsel that the municipality is in compliance with this Act.

(e) An analysis of the special tax allocation fund which sets forth:

(1) the balance in the special tax allocation fund at the beginning of the fiscal year;

(2) all amounts deposited in the special tax allocation fund by source;

(3) all expenditures from the special tax allocation fund by category of permissible
redevelopment project cost; and

(4) the balance in the special tax allocation fund at the end of the fiscal year including a breakdown of that balance by source. Such ending balance shall be designated as surplus if it is not required for anticipated redevelopment project costs or to pay debt service on bonds issued to finance redevelopment project costs, as set forth in Section 11-74.4-7 hereof.

(f) A description of all property purchased by the municipality within the redevelopment project area including:

1. Street address
2. Approximate size or description of property
3. Purchase price
4. Seller of property.

(g) A statement setting forth all activities undertaken in furtherance of the objectives of the redevelopment plan, including:

1. Any project implemented in the preceding fiscal year
2. A description of the redevelopment activities undertaken
3. A description of any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the redevelopment project area or the area within the State Sales Tax Boundary.

(h) With regard to any obligations issued by the municipality:

1. copies of bond ordinances or resolutions
2. copies of any official statements
3. an analysis prepared by financial advisor or underwriter setting forth: (a) nature and term of obligation; and (b) projected debt service including required reserves and debt coverage.
(i) A certified audit report reviewing compliance with this statute performed by an independent public accountant certified and licensed by the authority of the State of Illinois. The financial portion of the audit must be conducted in accordance with Standards for Audits of Governmental Organizations, Programs, Activities, and Functions adopted by the Comptroller General of the United States (1981), as amended. The audit report shall contain a letter from the independent certified public accountant indicating compliance or noncompliance with the requirements of subsection (q) of Section 11-74.4-3. If the audit indicates that expenditures are not in compliance with the law, the Department of Revenue shall withhold State sales and utility tax increment payments to the municipality until compliance has been reached, and an amount equal to the ineligible expenditures has been returned to the Special Tax Allocation Fund.

(6.1) After July 29, 1988 and before the effective date of this amendatory Act of the 91st General Assembly, any funds which have not been designated for use in a specific development project in the annual report shall be designated as surplus. No funds may be held in the Special Tax Allocation Fund for more than 36 months from the date of receipt unless the money is required for payment of contractual obligations for specific development project costs. If held for more than 36 months in violation of the preceding sentence, such funds shall be designated as surplus. Any funds designated as surplus must first be used for early redemption of any bond obligations. Any funds designated as surplus which are not disposed of as otherwise provided in this paragraph, shall be distributed as surplus as provided in Section 11-74.4-7.

(7) Any appropriation made pursuant to this Section for the 1987 State fiscal year shall not exceed the amount of $7 million and for the 1988 State fiscal year the amount of $10 million. The amount which shall be distributed to each municipality shall be the incremental revenue to which each
municipality is entitled as calculated by the Department of Revenue, unless the requests of the municipality exceed the appropriation, then the amount to which each municipality shall be entitled shall be prorated among the municipalities in the same proportion as the increment to which the municipality would be entitled bears to the total increment which all municipalities would receive in the absence of this limitation, provided that no municipality may receive an amount in excess of 15% of the appropriation. For the 1987 Net State Sales Tax Increment payable in Fiscal Year 1989, no municipality shall receive more than 7.5% of the total appropriation; provided, however, that any of the appropriation remaining after such distribution shall be prorated among municipalities on the basis of their pro rata share of the total increment. Beginning on January 1, 1993, each municipality's proportional share of the Illinois Tax Increment Fund shall be determined by adding the annual Net State Sales Tax Increment and the annual Net Utility Tax Increment to determine the Annual Total Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(7.1) No distribution of Net State Sales Tax Increment to a municipality for an area within a State Sales Tax Boundary shall exceed in any State Fiscal Year an amount equal to 3 times the sum of the Municipal Sales Tax Increment, the real property tax increment and deposits of funds from other sources, excluding state and federal funds, as certified by the city treasurer to the Department of Revenue for an area within a State Sales Tax Boundary. After July 29, 1988, for those municipalities which issue bonds between June 1, 1988 and 3 years from July 29, 1988 to finance redevelopment projects within the area in a State Sales Tax Boundary, the distribution of Net State Sales Tax Increment during the 16th through 20th years from the date of issuance of the bonds shall not exceed
in any State Fiscal Year an amount equal to 2 times the sum of
the Municipal Sales Tax Increment, the real property tax
increment and deposits of funds from other sources, excluding
State and federal funds.

(8) Any person who knowingly files or causes to be filed
false information for the purpose of increasing the amount of
any State tax incremental revenue commits a Class A
misdemeanor.

(9) The following procedures shall be followed to determine
whether municipalities have complied with the Act for the
purpose of receiving distributions after July 1, 1989 pursuant
to subsection (1) of this Section 11-74.4-8a.

(a) The Department of Revenue shall conduct a
preliminary review of the redevelopment project areas and
redevelopment plans pertaining to those municipalities
receiving payments from the State pursuant to subsection
(1) of Section 8a of this Act for the purpose of
determining compliance with the following standards:

(1) For any municipality with a population of more
than 12,000 as determined by the 1980 U.S. Census: (a)
the redevelopment project area, or in the case of a
municipality which has more than one redevelopment
project area, each such area, must be contiguous and
the total of all such areas shall not comprise more
than 25% of the area within the municipal boundaries
nor more than 20% of the equalized assessed value of
the municipality; (b) the aggregate amount of 1985
taxes in the redevelopment project area, or in the case
of a municipality which has more than one redevelopment
project area, the total of all such areas, shall be not
more than 25% of the total base year taxes paid by
retailers and servicemen on transactions at places of
business located within the municipality under the
Retailers' Occupation Tax Act, the Use Tax Act, the
Service Use Tax Act, and the Service Occupation Tax
Act. Redevelopment project areas created prior to 1986
are not subject to the above standards if their boundaries were not amended in 1986.

(2) For any municipality with a population of 12,000 or less as determined by the 1980 U.S. Census:
   (a) the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, each such area, must be contiguous and the total of all such areas shall not comprise more than 35% of the area within the municipal boundaries nor more than 30% of the equalized assessed value of the municipality; (b) the aggregate amount of 1985 taxes in the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, the total of all such areas, shall not be more than 35% of the total base year taxes paid by retailers and servicemen on transactions at places of business located within the municipality under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act. Redevelopment project areas created prior to 1986 are not subject to the above standards if their boundaries were not amended in 1986.

(3) Such preliminary review of the redevelopment project areas applying the above standards shall be completed by November 1, 1988, and on or before November 1, 1988, the Department shall notify each municipality by certified mail, return receipt requested that either (1) the Department requires additional time in which to complete its preliminary review; or (2) the Department is issuing either (a) a Certificate of Eligibility or (b) a Notice of Review. If the Department notifies a municipality that it requires additional time to complete its preliminary investigation, it shall complete its preliminary investigation no later than February 1, 1989, and by February 1, 1989 shall issue to each municipality
either (a) a Certificate of Eligibility or (b) a Notice of Review. A redevelopment project area for which a Certificate of Eligibility has been issued shall be deemed a "State Sales Tax Boundary."

(4) The Department of Revenue shall also issue a Notice of Review if the Department has received a request by November 1, 1988 to conduct such a review from taxpayers in the municipality, local taxing districts located in the municipality or the State of Illinois, or if the redevelopment project area has more than 5 retailers and has had growth in State sales tax revenue of more than 15% from calendar year 1985 to 1986.

(b) For those municipalities receiving a Notice of Review, the Department will conduct a secondary review consisting of: (i) application of the above standards contained in subsection (9)(a)(1)(a) and (b) or (9)(a)(2)(a) and (b), and (ii) the definitions of blighted and conservation area provided for in Section 11-74.4-3. Such secondary review shall be completed by July 1, 1989.

Upon completion of the secondary review, the Department will issue (a) a Certificate of Eligibility or (b) a Preliminary Notice of Deficiency. Any municipality receiving a Preliminary Notice of Deficiency may amend its redevelopment project area to meet the standards and definitions set forth in this paragraph (b). This amended redevelopment project area shall become the "State Sales Tax Boundary" for purposes of determining the State Sales Tax Increment.

(c) If the municipality advises the Department of its intent to comply with the requirements of paragraph (b) of this subsection outlined in the Preliminary Notice of Deficiency, within 120 days of receiving such notice from the Department, the municipality shall submit documentation to the Department of the actions it has taken to cure any deficiencies. Thereafter, within 30 days of the
receipt of the documentation, the Department shall either
issue a Certificate of Eligibility or a Final Notice of
Deficiency. If the municipality fails to advise the
Department of its intent to comply or fails to submit
adequate documentation of such cure of deficiencies the
Department shall issue a Final Notice of Deficiency that
provides that the municipality is ineligible for payment of
the Net State Sales Tax Increment.

(d) If the Department issues a final determination of
ineligibility, the municipality shall have 30 days from the
receipt of determination to protest and request a hearing.
Such hearing shall be conducted in accordance with Sections
10-25, 10-35, 10-40, and 10-50 of the Illinois
Administrative Procedure Act. The decision following the
hearing shall be subject to review under the Administrative
Review Law.

(e) Any Certificate of Eligibility issued pursuant to
this subsection 9 shall be binding only on the State for
the purposes of establishing municipal eligibility to
receive revenue pursuant to subsection (1) of this Section
11-74.4-8a.

(f) It is the intent of this subsection that the
periods of time to cure deficiencies shall be in addition
to all other periods of time permitted by this Section,
regardless of the date by which plans were originally
required to be adopted. To cure said deficiencies, however,
the municipality shall be required to follow the procedures
and requirements pertaining to amendments, as provided in
Sections 11-74.4-5 and 11-74.4-6 of this Act.

(10) If a municipality adopts a State Sales Tax Boundary in
accordance with the provisions of subsection (9) of this
Section, such boundaries shall subsequently be utilized to
determine Revised Initial Sales Tax Amounts and the Net State
Sales Tax Increment; provided, however, that such revised State
Sales Tax Boundary shall not have any effect upon the boundary
of the redevelopment project area established for the purposes
of determining the ad valorem taxes on real property pursuant
to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the
municipality's authority to implement the redevelopment plan
for that redevelopment project area. For any redevelopment
project area with a smaller State Sales Tax Boundary within its
area, the municipality may annually elect to deposit the
Municipal Sales Tax Increment for the redevelopment project
area in the special tax allocation fund and shall certify the
amount to the Department prior to receipt of the Net State
Sales Tax Increment. Any municipality required by subsection
(9) to establish a State Sales Tax Boundary for one or more of
its redevelopment project areas shall submit all necessary
information required by the Department concerning such
boundary and the retailers therein, by October 1, 1989, after
complying with the procedures for amendment set forth in
Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales
Tax Increment produced within the State Sales Tax Boundary
shall be spent only within that area. However expenditures of
all municipal property tax increment and municipal sales tax
increment in a redevelopment project area are not required to
be spent within the smaller State Sales Tax Boundary within
such redevelopment project area.

(11) The Department of Revenue shall have the authority to
issue rules and regulations for purposes of this Section. and
regulations for purposes of this Section.

(12) If, under Section 5.4.1 of the Illinois Enterprise
Zone Act, a municipality determines that property that lies
within a State Sales Tax Boundary has an improvement,
rehabilitation, or renovation that is entitled to a property
tax abatement, then that property along with any improvements,
rehabilitation, or renovations shall be immediately removed
from any State Sales Tax Boundary. The municipality that made
the determination shall notify the Department of Revenue within
30 days after the determination. Once a property is removed
from the State Sales Tax Boundary because of the existence of a
property tax abatement resulting from an enterprise zone, then
that property shall not be permitted to be amended into a State
Sales Tax Boundary.

(Source: P.A. 91-51, eff. 6-30-99; 91-478, eff. 11-1-99;
92-263, eff. 8-7-01; revised 12-6-03.)

(65 ILCS 5/11-74.6-10)

Sec. 11-74.6-10. Definitions.

(a) "Environmentally contaminated area" means any improved
or vacant area within the boundaries of a redevelopment project
area located within the corporate limits of a municipality
when, (i) there has been a determination of release or
substantial threat of release of a hazardous substance or
pesticide, by the United States Environmental Protection
Agency or the Illinois Environmental Protection Agency, or the
Illinois Pollution Control Board, or any court, or a release or
substantial threat of release which is addressed as part of the
Pre-Notice Site Cleanup Program under Section 22.2(m) of the
Illinois Environmental Protection Act, or a release or
substantial threat of release of petroleum under Section 22.12
of the Illinois Environmental Protection Act, and (ii) which
release or threat of release presents an imminent and
substantial danger to public health or welfare or presents a
significant threat to public health or the environment, and
(iii) which release or threat of release would have a
significant impact on the cost of redeveloping the area.

(b) "Department" means the Department of Commerce and
Economic Opportunity Community Affairs.

(c) "Industrial park" means an area in a redevelopment
project area suitable for use by any manufacturing, industrial,
research, or transportation enterprise, of facilities,
including but not limited to factories, mills, processing
plants, assembly plants, packing plants, fabricating plants,
distribution centers, warehouses, repair overhaul or service
facilities, freight terminals, research facilities, test
facilities or railroad facilities. An industrial park may
contain space for commercial and other use as long as the
expected principal use of the park is industrial and is reasonably expected to result in the creation of a significant number of new permanent full time jobs. An industrial park may also contain related operations and facilities including, but not limited to, business and office support services such as centralized computers, telecommunications, publishing, accounting, photocopying and similar activities and employee services such as child care, health care, food service and similar activities. An industrial park may also include demonstration projects, prototype development, specialized training on developing technology, and pure research in any field related or adaptable to business and industry.

(d) "Research park" means an area in a redevelopment project area suitable for development of a facility or complex that includes research laboratories and related operations. These related operations may include, but are not limited to, business and office support services such as centralized computers, telecommunications, publishing, accounting, photocopying and similar activities, and employee services such as child care, health care, food service and similar activities. A research park may include demonstration projects, prototype development, specialized training on developing technology, and pure research in any field related or adaptable to business and industry.

(e) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the corporate limits of a municipality or within 1 1/2 miles of the corporate limits of a municipality if the area is to be annexed to the municipality, if the area is zoned as industrial no later than the date on which the municipality by ordinance designates the redevelopment project area, and if the area includes improved or vacant land suitable for use as an industrial park or a research park, or both. To be designated as an industrial park conservation area, the area shall also satisfy one of the following standards:

(1) Standard One: The municipality must be a labor
surplus municipality and the area must be served by adequate public and or road transportation for access by the unemployed and for the movement of goods or materials and the redevelopment project area shall contain no more than 2% of the most recently ascertained equalized assessed value of all taxable real properties within the corporate limits of the municipality after adjustment for all annexations associated with the establishment of the redevelopment project area or be located in the vicinity of a waste disposal site or other waste facility. The project plan shall include a plan for and shall establish a marketing program to attract appropriate businesses to the proposed industrial park conservation area and shall include an adequate plan for financing and construction of the necessary infrastructure. No redevelopment projects may be authorized by the municipality under Standard One of subsection (e) of this Section unless the project plan also provides for an employment training project that would prepare unemployed workers for work in the industrial park conservation area, and the project has been approved by official action of or is to be operated by the local community college district, public school district or state or locally designated private industry council or successor agency, or

(2) Standard Two: The municipality must be a substantial labor surplus municipality and the area must be served by adequate public and or road transportation for access by the unemployed and for the movement of goods or materials and the redevelopment project area shall contain no more than 2% of the most recently ascertained equalized assessed value of all taxable real properties within the corporate limits of the municipality after adjustment for all annexations associated with the establishment of the redevelopment project area. No redevelopment projects may be authorized by the municipality under Standard Two of subsection (e) of this Section unless the project plan also
provides for an employment training project that would
prepare unemployed workers for work in the industrial park
conservation area, and the project has been approved by
official action of or is to be operated by the local
community college district, public school district or
state or locally designated private industry council or
successor agency.

(f) "Vacant industrial buildings conservation area" means
an area containing one or more industrial buildings located
within the corporate limits of the municipality that has been
zoned industrial for at least 5 years before the designation of
that area as a redevelopment project area by the municipality
and is planned for reuse principally for industrial purposes.
For the area to be designated as a vacant industrial buildings
conservation area, the area shall also satisfy one of the
following standards:

(1) Standard One: The area shall consist of one or more
industrial buildings totaling at least 50,000 net square
feet of industrial space, with a majority of the total area
of all the buildings having been vacant for at least 18
months; and (A) the area is located in a labor surplus
municipality or a substantial labor surplus municipality,
or (B) the equalized assessed value of the properties
within the area during the last 2 years is at least 25%
lower than the maximum equalized assessed value of those
properties during the immediately preceding 10 years.

(2) Standard Two: The area exclusively consists of
industrial buildings or a building complex operated by a
user or related users (A) that has within the immediately
preceding 5 years either (i) employed 200 or more employees
at that location, or (ii) if the area is located in a
municipality with a population of 12,000 or less, employed
more than 50 employees at that location and (B) either is
currently vacant, or the owner has: (i) directly notified
the municipality of the user's intention to terminate
operations at the facility or (ii) filed a notice of
closure under the Worker Adjustment and Retraining
Notification Act.

(g) "Labor surplus municipality" means a municipality in
which, during the 4 calendar years immediately preceding the
date the municipality by ordinance designates an industrial
park conservation area, the average unemployment rate was 1% or
more over the State average unemployment rate for that same
period of time as published in the United States Department of
Labor Bureau of Labor Statistics publication entitled "The
Employment Situation" or its successor publication. For the
purpose of this subsection (g), if unemployment rate statistics
for the municipality are not available, the unemployment rate
in the municipality shall be deemed to be: (i) for a
municipality that is not in an urban county, the same as the
unemployment rate in the principal county where the
municipality is located or (ii) for a municipality in an urban
county at that municipality's option, either the unemployment
rate certified for the municipality by the Department after
consultation with the Illinois Department of Labor or the
federal Bureau of Labor Statistics, or the unemployment rate of
the municipality as determined by the most recent federal
census if that census was not dated more than 5 years prior to
the date on which the determination is made.

(h) "Substantial labor surplus municipality" means a
municipality in which, during the 5 calendar years immediately
preceding the date the municipality by ordinance designates an
industrial park conservation area, the average unemployment
rate was 2% or more over the State average unemployment rate
for that same period of time as published in the United States
Department of Labor Statistics publication entitled "The
Employment Situation" or its successor publication. For the
purpose of this subsection (h), if unemployment rate statistics
for the municipality are not available, the unemployment rate
in the municipality shall be deemed to be: (i) for a
municipality that is not in an urban county, the same as the
unemployment rate in the principal county in which the
municipality is located; or (ii) for a municipality in an urban
county, at that municipality's option, either the unemployment
rate certified for the municipality by the Department after
consultation with the Illinois Department of Labor or the
federal Bureau of Labor Statistics, or the unemployment rate of
the municipality as determined by the most recent federal
census if that census was not dated more than 5 years prior to
the date on which the determination is made.

(i) "Municipality" means a city, village or incorporated
town.

(j) "Obligations" means bonds, loans, debentures, notes,
special certificates or other evidence of indebtedness issued
by the municipality to carry out a redevelopment project or to
refund outstanding obligations.

(k) "Payment in lieu of taxes" means those estimated tax
revenues from real property in a redevelopment project area
derived from real property that has been acquired by a
municipality, which according to the redevelopment project or
plan are to be used for a private use, that taxing districts
would have received had a municipality not acquired the real
property and adopted tax increment allocation financing and
that would result from levies made after the time of the
adoption of tax increment allocation financing until the time
the current equalized assessed value of real property in the
redevelopment project area exceeds the total initial equalized
assessed value of real property in that area.

(l) "Redevelopment plan" means the comprehensive program
of the municipality for development or redevelopment intended
by the payment of redevelopment project costs to reduce or
eliminate the conditions that qualified the redevelopment
project area or redevelopment planning area, or both, as an
environmentally contaminated area or industrial park
conservation area, or vacant industrial buildings conservation
area, or combination thereof, and thereby to enhance the tax
bases of the taxing districts that extend into the
redevelopment project area or redevelopment planning area. On
and after the effective date of this amendatory Act of the 91st General Assembly, no redevelopment plan may be approved or amended to include the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan must set forth in writing the bases for the municipal findings required in this subsection, the program to be undertaken to accomplish the objectives, including but not limited to: (1) an itemized list of estimated redevelopment project costs, (2) evidence indicating that the redevelopment project area or the redevelopment planning area, or both, on the whole has not been subject to growth and development through investment by private enterprise, (3) (i) in the case of an environmentally contaminated area, industrial park conservation area, or a vacant industrial buildings conservation area classified under either Standard One, or Standard Two of subsection (f) where the building is currently vacant, evidence that implementation of the redevelopment plan is reasonably expected to create a significant number of permanent full time jobs, (ii) in the case of a vacant industrial buildings conservation area classified under Standard Two (B)(i) or (ii) of subsection (f), evidence that implementation of the redevelopment plan is reasonably expected to retain a significant number of existing permanent full time jobs, and (iii) in the case of a combination of an environmentally contaminated area, industrial park conservation area, or vacant industrial buildings conservation area, evidence that the standards concerning the creation or retention of jobs for each area set forth in (i) or (ii) above are met, (4) an assessment of the financial impact of the redevelopment project area or the redevelopment planning area, or both, on the overlapping taxing
bodies or any increased demand for services from any taxing
district affected by the plan and any program to address such
financial impact or increased demand, (5) the sources of funds
to pay costs, (6) the nature and term of the obligations to be
issued, (7) the most recent equalized assessed valuation of the
redevelopment project area or the redevelopment planning area,
or both, (8) an estimate of the equalized assessed valuation
after redevelopment and the general land uses that are applied
in the redevelopment project area or the redevelopment planning
area, or both, (9) a commitment to fair employment practices
and an affirmative action plan, (10) if it includes an
industrial park conservation area, the following: (i) a general
description of any proposed developer, (ii) user and tenant of
any property, (iii) a description of the type, structure and
general character of the facilities to be developed, and (iv) a
description of the type, class and number of new employees to
be employed in the operation of the facilities to be developed,
(11) if it includes an environmentally contaminated area, the
following: either (i) a determination of release or substantial
threat of release of a hazardous substance or pesticide or of
petroleum by the United States Environmental Protection Agency
or the Illinois Environmental Protection Agency, or the
Illinois Pollution Control Board or any court; or (ii) both an
environmental audit report by a nationally recognized
independent environmental auditor having a reputation for
expertise in these matters and a copy of the signed Review and
Evaluation Services Agreement indicating acceptance of the
site by the Illinois Environmental Protection Agency into the
Pre-Notice Site Cleanup Program, (12) if it includes a vacant
industrial buildings conservation area, the following: (i) a
general description of any proposed developer, (ii) user and
tenant of any building or buildings, (iii) a description of the
type, structure and general character of the building or
buildings to be developed, and (iv) a description of the type,
class and number of new employees to be employed or existing
employees to be retained in the operation of the building or
buildings to be redeveloped, and (13) if property is to be annexed to the municipality, the terms of the annexation agreement.

No redevelopment plan shall be adopted by a municipality without findings that:

(1) the redevelopment project area or redevelopment planning area, or both, on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed in accordance with public goals stated in the redevelopment plan without the adoption of the redevelopment plan;

(2) the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality or (ii) includes land uses that have been approved by the planning commission of the municipality;

(3) that the redevelopment plan is reasonably expected to create or retain a significant number of permanent full time jobs as set forth in paragraph (3) of subsection (l) above;

(4) the estimated date of completion of the redevelopment project and retirement of obligations incurred to finance redevelopment project costs is not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.6-35 is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted; a municipality may by municipal ordinance amend an existing redevelopment plan to conform
to this paragraph (4) as amended by this amendatory Act of
the 91st General Assembly concerning ordinances adopted on
or after January 15, 1981, which municipal ordinance may be
adopted without further hearing or notice and without
complying with the procedures provided in this Law
pertaining to an amendment to or the initial approval of a
redevelopment plan and project and designation of a
redevelopment project area;

(5) in the case of an industrial park conservation
area, that the municipality is a labor surplus municipality
or a substantial labor surplus municipality and that the
implementation of the redevelopment plan is reasonably
expected to create a significant number of permanent full
time new jobs and, by the provision of new facilities,
significantly enhance the tax base of the taxing districts
that extend into the redevelopment project area;

(6) in the case of an environmentally contaminated
area, that the area is subject to a release or substantial
threat of release of a hazardous substance, pesticide or
petroleum which presents an imminent and substantial
danger to public health or welfare or presents a
significant threat to public health or environment, that
such release or threat of release will have a significant
impact on the cost of redeveloping the area, that the
implementation of the redevelopment plan is reasonably
expected to result in the area being redeveloped, the tax
base of the affected taxing districts being significantly
enhanced thereby, and the creation of a significant number
of permanent full time jobs; and

(7) in the case of a vacant industrial buildings
conservation area, that the area is located within the
corporate limits of a municipality that has been zoned
industrial for at least 5 years before its designation as a
project redeveloped area, that it contains one or more
industrial buildings, and whether the area has been
designated under Standard One or Standard Two of subsection
(f) and the basis for that designation.

(m) "Redevelopment project" means any public or private development project in furtherance of the objectives of a redevelopment plan. On and after the effective date of this amendatory Act of the 91st General Assembly, no redevelopment plan may be approved or amended to include the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(n) "Redevelopment project area" means a contiguous area designated by the municipality that is not less in the aggregate than 1 1/2 acres, and for which the municipality has made a finding that there exist conditions that cause the area to be classified as an industrial park conservation area, a vacant industrial building conservation area, an environmentally contaminated area or a combination of these types of areas.

(o) "Redevelopment project costs" means the sum total of all reasonable or necessary costs incurred or estimated to be incurred by the municipality, and any of those costs incidental to a redevelopment plan and a redevelopment project. These costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan, staff and professional service costs for architectural, engineering, legal, marketing, financial, planning, or other services, but no charges for professional services may be based on a percentage of the tax increment collected; except that on and after the effective date of this amendatory Act of the 91st General Assembly, no contracts for professional services, excluding architectural and engineering services, may be
entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors.

(2) Property assembly costs within a redevelopment project area, including but not limited to acquisition of land and other real or personal property or rights or interests therein.

(3) Site preparation costs, including but not limited to clearance of any area within a redevelopment project area by demolition or removal of any existing buildings, structures, fixtures, utilities and improvements and clearing and grading; and including installation, repair,
construction, reconstruction, or relocation of public
streets, public utilities, and other public site
improvements within or without a redevelopment project
area which are essential to the preparation of the
redevelopment project area for use in accordance with a
redevelopment plan.

(4) Costs of renovation, rehabilitation, reconstruction, relocation, repair or remodeling of any existing public or private buildings, improvements, and fixtures within a redevelopment project area; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment.

(5) Costs of construction within a redevelopment project area of public improvements, including but not limited to, buildings, structures, works, utilities or fixtures, except that on and after the effective date of this amendatory Act of the 91st General Assembly, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (4) unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to the effective date of this amendatory Act of the 91st General Assembly or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes
anticipated to result from the implementation of the
redevelopment plan.

(6) Costs of eliminating or removing contaminants and
other impediments required by federal or State
environmental laws, rules, regulations, and guidelines,
orders or other requirements or those imposed by private
lending institutions as a condition for approval of their
financial support, debt or equity, for the redevelopment
projects, provided, however, that in the event (i) other
federal or State funds have been certified by an
administrative agency as adequate to pay these costs during
the 18 months after the adoption of the redevelopment plan,
or (ii) the municipality has been reimbursed for such costs
by persons legally responsible for them, such federal,
State, or private funds shall, insofar as possible, be
fully expended prior to the use of any revenues deposited
in the special tax allocation fund of the municipality and
any other such federal, State or private funds received
shall be deposited in the fund. The municipality shall seek
reimbursement of these costs from persons legally
responsible for these costs and the costs of obtaining this
reimbursement.

(7) Costs of job training and retraining projects.

(8) Financing costs, including but not limited to all
necessary and incidental expenses related to the issuance
of obligations and which may include payment of interest on
any obligations issued under this Act including interest
accruing during the estimated period of construction of any
redevelopment project for which the obligations are issued
and for not exceeding 36 months thereafter and including
reasonable reserves related to those costs.

(9) All or a portion of a taxing district's capital
costs resulting from the redevelopment project necessarily
incurred or to be incurred in furtherance of the objectives
of the redevelopment plan and project, to the extent the
municipality by written agreement accepts and approves
those costs.

(10) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law.

(11) Payments in lieu of taxes.

(12) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, if those costs are: (i) related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) are incurred by a taxing district or taxing districts other than the municipality and are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. These costs include, specifically, the payment by community college districts of costs under Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs under Sections 10-22.20a and 10-23.3a of the School Code.

(13) The interest costs incurred by redevelopers or other nongovernmental persons in connection with a redevelopment project, and specifically including payments to redevelopers or other nongovernmental persons as reimbursement for such costs incurred by such redeveloper or other nongovernmental person, provided that:
(A) interest costs shall be paid or reimbursed by a municipality only pursuant to the prior official action of the municipality evidencing an intent to pay or reimburse such interest costs;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) except as provided in subparagraph (E), the aggregate amount of such costs paid or reimbursed by a municipality shall not exceed 30% of the total (i) costs paid or incurred by the redeveloper or other nongovernmental person in that year plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act;

(D) interest costs shall be paid or reimbursed by a municipality solely from the special tax allocation fund established pursuant to this Act and shall not be paid or reimbursed from the proceeds of any obligations issued by a municipality;

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

(14) The costs of construction of new privately owned buildings shall not be an eligible redevelopment project cost.

If a special service area has been established under the Special Service Area Tax Act, then any tax increment revenues derived from the tax imposed thereunder to the Special Service Area Tax Act may be used within the redevelopment project area for the purposes permitted by that Act as well as the purposes
permitted by this Act.

(p) "Redevelopment Planning Area" means an area so designated by a municipality after the municipality has complied with all the findings and procedures required to establish a redevelopment project area, including the existence of conditions that qualify the area as an industrial park conservation area, or an environmentally contaminated area, or a vacant industrial buildings conservation area, or a combination of these types of areas, and adopted a redevelopment plan and project for the planning area and its included redevelopment project areas. The area shall not be designated as a redevelopment planning area for more than 5 years. At any time in the 5 years following that designation of the redevelopment planning area, the municipality may designate the redevelopment planning area, or any portion of the redevelopment planning area, as a redevelopment project area without making additional findings or complying with additional procedures required for the creation of a redevelopment project area. An amendment of a redevelopment plan and project in accordance with the findings and procedures of this Act after the designation of a redevelopment planning area at any time within the 5 years after the designation of the redevelopment planning area shall not require new qualification of findings for the redevelopment project area to be designated within the redevelopment planning area.

The terms "redevelopment plan", "redevelopment project", and "redevelopment project area" have the definitions set out in subsections (l), (m), and (n), respectively.

(q) "Taxing districts" means counties, townships, municipalities, and school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(r) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the
municipal corporate authorities to be necessary and a direct
result of the redevelopment project.

(s) "Urban county" means a county with 240,000 or more
inhabitants.

(t) "Vacant area", as used in subsection (a) of this
Section, means any parcel or combination of parcels of real
property without industrial, commercial and residential
buildings that has not been used for commercial agricultural
purposes within 5 years before the designation of the
redevelopment project area, unless that parcel is included in
an industrial park conservation area.

(Source: P.A. 90-655, eff. 7-30-98; 91-474, eff. 11-1-99;
revised 12-6-03.)

Section 575. The Metropolitan Pier and Exposition
Authority Act is amended by changing Sections 10.1, 13.1, and
22.1 as follows:

(70 ILCS 210/10.1) (from Ch. 85, par. 1230.1)

Sec. 10.1. (a) The Authority is hereby authorized to
provide for the issuance, from time to time, of refunding or
advance refunding bonds for the purpose of refunding any bonds
or notes then outstanding (herein collectively referred to as
bonds) at or prior to maturity or on any redemption date,
whether an entire issue or series, or one or more issues or
series, or any portions or parts of any issue or series, which
shall have been issued under the provisions of this Act.

(b) The proceeds of any such refunding bonds may be used to
carry out one or more of the following purposes:

(1) To pay the principal amount of all outstanding
bonds to be retired at maturity or redeemed prior to
maturity;

(2) To pay the total amount of any redemption premium
incident to redemption of such outstanding bonds to be
refunded;

(3) To pay the total amount of any interest accrued or
to accrue to the date or dates of redemption or maturity of such outstanding bonds to be refunded;

(4) To pay any and all costs or expenses incident to such refunding;

(5) To establish reserves for the payment of such refunding bonds and the interest thereon.

(c) The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this Act, insofar as the same may be applicable, and may in harmony therewith be augmented or supplemented by resolution or ordinance to conform to the facts and circumstances prevailing in each instance of issuance of such refunding bonds; provided that, with respect to refunding or advance refunding bonds issued before January 1, 1991, the Authority shall consult with the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) to develop the structure of the proposed transaction.

After the adoption by the Board of an ordinance authorizing the issuance of such refunding bonds before January 1, 1991, and the execution of any proposal or contract relating to the sale thereof, the Authority shall prepare and deliver a report as soon as practical to the Director of the Governor's Office of Management and Budget (formerly Bureau of the Budget), the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives setting forth the amount of refunding bonds, the interest rate or rates, a schedule of estimated debt service requirements, the projected cost savings to the State, the method or manner of the sale and any participants therein, including underwriters, financial advisors, attorneys, accountants, trustees, printers, registrars and paying agents.

(d) With reference to the investment of the proceeds of any such refunding bonds, the interest on which is exempt from tax
under federal law, the Authority shall not authorize or
anticipate investment earnings exceeding such as are
authorized or permitted under prevailing federal laws,
regulations and administrative rulings relating to arbitrage
bonds.

(e) The proceeds of any such refunding bonds (together with
any other funds available for application to refunding
purposes, if so provided or permitted by ordinance authorizing
the issuance of such refunding bonds or in a trust agreement
securing the same) may be placed in trust to be applied to the
purchase, retirement at maturity or redemption of the bonds to
be refunded on such dates as may be determined by the
Authority. Pending application thereof, the proceeds of such
refunding bonds and such other available funds, if any, may be
invested in direct obligations of, or obligations the principal
thereof and the interest on which are unconditionally
promised by, the United States of America which shall mature,
or which shall be subject to redemption by the holder thereof
at its option not later than the respective date or dates when
such proceeds and other available funds, if any, (either
together with the interest accruing thereon or without
considering the interest accruing thereon) will be required for
the refunding purpose intended or authorized.

(f) Upon the deposit of the proceeds of the refunding bonds
(together with any other funds available for application to
refunding purposes, if so provided or permitted by ordinance
authorizing the issuance of such refunding bonds or in a trust
agreement securing the same) in an irrevocable trust pursuant
to a trust agreement with a trustee requiring the trustee to
satisfy the obligations of the Authority to timely redeem and
retire the outstanding bonds for which the proceeds and other
funds, if any, are deposited, in an amount sufficient to
satisfy the obligation of the Authority to timely redeem and
retire such outstanding bonds or upon the deposit in such
irrevocable trust of direct obligations which, or obligations
the principal and interest of which, are unconditionally
guaranteed by the United States of America, in an amount sufficient to pay all principal and all interest accrued and to be accrued in respect of the bonds to be refunded from the reinvestment of such principal and interest, or in such amounts so that upon maturity (or upon optional redemption by the trustee) of such obligations amounts will be produced, taking into account investment earnings, on a timely basis sufficient to satisfy the obligations of the Authority to timely redeem and retire such outstanding bonds, and notwithstanding any provision of any ordinance or trust agreement authorizing the issuance of such outstanding bonds to the contrary, such outstanding bonds shall be deemed paid and no longer be deemed to be outstanding for purposes of such ordinance or trust agreement, and all rights and obligations of the bond holders and the Authority under such prior ordinance or trust agreement shall be deemed discharged, provided, however, that the holders of such outstanding bonds shall have an irrevocable and unconditional right to payment in full of all principal of and premium if any and interest on such outstanding bonds when due from the amounts on deposit in such trust. The trustee shall be any trust company or bank in the State of Illinois having the power of a trust company possessing capital and surplus of not less than $100,000,000.

(g) Bond proceeds on deposit in the construction fund, are authorized to be used to pay principal or interest on the refunded bonds and the Authority is authorized to issue bonds for the purpose of reimbursing its construction fund in the amount of the bond proceeds used in connection with the refunding issuance. That portion of the bond proceeds used to reimburse the construction fund shall be deemed refunding bonds for the purposes of this Act.

(Source: P.A. 87-733; revised 8-23-03.)

(70 ILCS 210/13.1) (from Ch. 85, par. 1233.1)

Sec. 13.1. There is hereby created the Metropolitan Fair and Exposition Authority Improvement Bond Fund and the
Metropolitan Fair and Exposition Authority Completion Note
Subordinate Fund in the State Treasury. All moneys transferred
from the McCormick Place Account in the Build Illinois Fund to
the Metropolitan Fair and Exposition Authority Improvement
Bond Fund and all moneys transferred from the Metropolitan Fair
and Exposition Authority Improvement Bond Fund to the
Metropolitan Fair and Exposition Authority Completion Note
Subordinate Fund may be appropriated by law for the purpose of
paying the debt service requirements on all bonds and notes
issued under this Section, including refunding bonds, (herein
collectively referred to as bonds) to be issued by the
Authority subsequent to July 1, 1984 in an aggregate amount
(excluding the amount of any refunding bonds issued by the
Authority subsequent to January 1, 1986), not to exceed
$312,500,000, with such aggregate amount comprised of (i) an
amount not to exceed $259,000,000 for the purpose of paying
costs of the Project and (ii) the balance for the purpose of
refunding those bonds of the Authority that were issued prior
to July 1, 1984 and for the purpose of establishing necessary
reserves on, paying capitalized interest on, and paying costs
of issuance of bonds, other than refunding bonds issued
subsequent to January 1, 1986, issued for those purposes,
provided that any proceeds of bonds, other than refunding bonds
issued subsequent to January 1, 1986, and interest or other
investment earnings thereon not used for the purposes stated in
items (i) and (ii) above shall be used solely to redeem
outstanding bonds, other than bonds which have been refunded or
advance refunded, of the Authority. The Authority will use its
best efforts to cause all bonds issued pursuant to this
Section, other than bonds which have been refunded or advance
refunded, to be or to become on a parity with one another.
Notwithstanding any provision of any prior ordinance or trust
agreement authorizing the issuance of outstanding bonds
payable or to become payable from the Metropolitan Fair and
Exposition Authority Improvement Bond Fund, refunding or
advance refunding bonds may be issued subsequent to January 1,
1986, payable from the Metropolitan Fair and Exposition Authority Improvement Bond Fund on a parity with any such prior bonds which remain outstanding provided, that in the event of any such partial refunding (i) the debt service requirements after such refunding for all bonds payable from the Metropolitan Fair and Exposition Authority Improvement Bond Fund issued after July 1, 1984, by the Authority which shall be outstanding after such refunding shall not have been increased by reason of such refunding in any then current or future fiscal year in which such prior outstanding bonds shall remain outstanding and (ii) such parity refunding bonds shall be deemed to be parity bonds issued to pay costs of the Project for purposes of such prior ordinance or trust agreement. It is hereby found and determined that (i) the issuance of such parity refunding bonds shall further the purposes of this Act and (ii) the contractual rights of the bondholders under any such prior ordinance or trust agreement will not be impaired or adversely affected by such issuance.

No amounts in excess of the sum of $250,000,000 plus all interest and other investment income earned prior to the effective date of this amendatory Act of 1985 on all proceeds of all bonds issued for the purpose of paying costs of the Project shall be obligated or expended with respect to the costs of the Project without prior written approval from the Director of the Governor's Office of Management and Budget Bureau of the Budget. Such approval shall be based upon factors including, but not limited to, the necessity, in relation to the Authority's ability to complete the Project and open the facility to the public in a timely manner, of incurring the costs, and the appropriateness of using bond funds for such purpose. The Director of the Governor's Office of Management and Budget Bureau of the Budget may, in his discretion, consider other reasonable factors in determining whether to approve payment of costs of the Project. The Authority shall furnish to the Governor's Office of Management and Budget Bureau of the Budget such information as may from time to time
be requested. The Director of the Governor's Office of Management and Budget or any duly authorized employee of the Governor's Office of Management and Budget shall, for the purpose of securing such information, have access to, and the right to examine, all books, documents, papers and records of the Authority.

On the first day of each month commencing after July of 1984, moneys, if any, on deposit in the Metropolitan Fair and Exposition Authority Improvement Bond Fund shall, subject to appropriation by law, be paid in full to the Authority or upon its direction to the trustee or trustees for bond holders of bonds which by their terms are payable from the moneys received from the Metropolitan Fair and Exposition Authority Improvement Bond Fund issued by the Metropolitan Pier and Exposition Authority subsequent to July 1, 1984, for the purposes specified in the first paragraph of this Section and in Section 10.1 of this Act, such trustee or trustees having been designated pursuant to ordinance of the Authority, until an amount equal to 100% of the aggregate amount of such principal and interest in such fiscal year, including pursuant to sinking fund requirements, has been so paid and deficiencies in reserves established from bond proceeds shall have been remedied.

On the first day of each month commencing after October of 1985, moneys, if any, on deposit in the Metropolitan Fair and Exposition Authority Completion Note Subordinate Fund shall, subject to appropriation by law, be paid in full to the Authority or upon its direction to the trustee or trustees for bond holders of bonds issued by the Metropolitan Pier and Exposition Authority subsequent to September of 1985 which by their terms are payable from moneys received from the Metropolitan Fair and Exposition Authority Completion Note Subordinate Fund for the purposes specified in the first paragraph of this Section and in Section 10.1 of this Act, such trustee or trustees having been designated pursuant to ordinance of the Authority, until an amount equal to 100% of
the aggregate amount of such principal and interest in such fiscal year, including pursuant to sinking fund requirements, has been so paid and deficiencies in reserves established from bond proceeds shall have been remedied.

The State of Illinois pledges to and agrees with the holders of the bonds of the Metropolitan Pier and Exposition Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Metropolitan Pier and Exposition Authority by this Act so as to impair the terms of any contract made by the Metropolitan Pier and Exposition Authority with such holders or in any way impair the rights and remedies of such holders until such bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds of the Metropolitan Pier and Exposition Authority issued pursuant to this Act that the State will not limit or alter the basis on which State funds are to be paid to the Metropolitan Pier and Exposition Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Metropolitan Pier and Exposition Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds issued pursuant to this Section.

The State shall not be liable on bonds of the Metropolitan Pier and Exposition Authority issued under this Act, and such bonds shall not be a debt of the State, nor shall this Act be construed as a guarantee by the State of the debts of the Metropolitan Pier and Exposition Authority. The bonds shall contain a statement to such effect on the face thereof.

(Source: P.A. 86-17; 87-733; revised 8-23-03.)

(70 ILCS 210/22.1) (from Ch. 85, par. 1242.1)

Sec. 22.1. The Authority shall pass all ordinances and make
all rules and regulations necessary to assure equal access for
 economically disadvantaged persons, including but not limited
to persons eligible for assistance pursuant to the Job Training
Partnership Act, to all positions of employment provided for by
the Authority pursuant to Section 22 and to all positions of
employment with any person performing any work for the
Authority. The Authority shall submit a detailed employment
report not later than March 1 of each year to the General
Assembly. The Department of Commerce and Economic Opportunity
Community Affairs shall monitor the Authority's compliance
with this Section.
(Source: P.A. 83-1129; revised 12-6-03.)

Section 580. The Quad Cities Regional Economic Development
Authority Act, approved September 22, 1987 is amended by
changing Sections 4 and 19 as follows:

(70 ILCS 510/4) (from Ch. 85, par. 6204)
Sec. 4. (a) There is hereby created a political
subdivision, body politic and municipal corporation named the
Quad Cities Regional Economic Development Authority. The
territorial jurisdiction of the Authority is that geographic
area within the boundaries of Rock Island, Henry, Knox, and
Mercer counties in the State of Illinois and any navigable
waters and air space located therein.
(b) The governing and administrative powers of the
Authority shall be vested in a body consisting of 11 members
including, as an ex officio member, the Director of the
Department of Commerce and Economic Opportunity Community
Affairs, or his or her designee. The other 10 members of the
Authority shall be designated "public members", 6 of whom shall
be appointed by the Governor with the advice and consent of the
Senate. Of the 6 members appointed by the Governor, one shall
be from a city within the Authority's territory with a
population of 25,000 or more and the remainder shall be
appointed at large. Of the 6 members appointed by the Governor,
2 members shall have business or finance experience. One member shall be appointed by each of the county board chairmen of Rock Island, Henry, Knox, and Mercer Counties with the advice and consent of the respective county board. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be a public member elected by the affirmative vote of not fewer than 6 members of the Authority. The term of the Chairman shall be one year.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act, except (i) the terms of those members added by this amendatory Act of 1989 shall begin 30 days after the effective date of this amendatory Act of 1989 and (ii) the terms of those members added by this amendatory Act of the 92nd General Assembly shall begin 30 days after the effective date of this amendatory Act of the 92nd General Assembly. Of the 10 public members appointed pursuant to this Act, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1989, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1990, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1991, 2 (both of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1992, and 2 (one of whom shall be appointed by the Governor and one of whom shall be appointed by the county board chairman of Knox County) shall serve until the third Monday in January, 2004. The initial terms of the members appointed by the county board chairmen (other than the county board chairman of Knox County) shall be determined by lot. All successors shall be appointed
by the original appointing authority and hold office for a term
of 3 years commencing the third Monday in January of the year
in which their term commences, except in case of an appointment
to fill a vacancy. Vacancies occurring among the public members
shall be filled for the remainder of the term. In case of
vacancy in a Governor-appointed membership when the Senate is
not in session, the Governor may make a temporary appointment
until the next meeting of the Senate when a person shall be
nominated to fill such office, and any person so nominated who
is confirmed by the Senate shall hold office during the
remainder of the term and until a successor shall be appointed
and qualified. Members of the Authority shall not be entitled
to compensation for their services as members but shall be
entitled to reimbursement for all necessary expenses incurred
in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the
Authority appointed by the Governor in case of incompetency,
neglect of duty, or malfeasance in office. The Chairman of a
county board may remove any public member of the Authority
appointed by such Chairman in the case of incompetency, neglect
doing duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall
have a background in finance, including familiarity with the
legal and procedural requirements of issuing bonds, real estate
or economic development and administration. The Executive
Director shall hold office at the discretion of the Board. The
Executive Director shall be the chief administrative and
operational officer of the Authority, shall direct and
supervise its administrative affairs and general management,
shall perform such other duties as may be prescribed from time
to time by the members and shall receive compensation fixed by
the Authority. The Authority may engage the services of such
other agents and employees, including attorneys, appraisers,
engineers, accountants, credit analysts and other consultants,
as it may deem advisable and may prescribe their duties and fix
their compensation.
(f) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 92-63, eff. 7-12-01; revised 12-6-03.)

(70 ILCS 510/19) (from Ch. 85, par. 6219)

Sec. 19. Civic Center. The Authority shall commence a study to determine the feasibility of a civic center or other public assembly hall or arena to be located within the territorial jurisdiction of the Authority. This report shall address, at a minimum, marketing analysis, site availability, competition, funding sources available from the Department of Commerce and Economic Opportunity Community Affairs, and other matters deemed appropriate by the board.

(Source: P.A. 85-713; revised 12-6-03.)

Section 585. The Quad Cities Regional Economic Development Authority Act, certified December 30, 1987 is amended by changing Section 4 as follows:

(70 ILCS 515/4) (from Ch. 85, par. 6504)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Quad Cities Regional Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Rock Island, Henry and Mercer counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 7 members including, as an ex officio member, the Director of the Department of Commerce and Economic Opportunity Community Affairs.
Affairs, or his or her designee. The other 8 members of the Authority shall be designated "public members", 3 of whom shall be appointed by the Governor with the advice and consent of the Senate. Of the 3 members appointed by the Governor, one shall be from a city within the Authority's territory with a population of 25,000 or more and the remainder shall be appointed at large. One member shall be appointed by each of the county board chairmen of Rock Island, Henry and Mercer counties with the advice and consent of the respective county board. All public members shall reside within the territorial jurisdiction of this Act. Four members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be a public member elected by the affirmative vote of not fewer than 4 members of the Authority. The term of the Chairman shall be one year.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 6 public members appointed pursuant to this Act, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1989, 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1990, and 2 (one of whom shall be appointed by the Governor) shall serve until the third Monday in January, 1991. The initial terms of the members appointed by the county board chairmen shall be determined by lot. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is
not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority appointed by the Governor in case of incompetency, neglect of duty, or malfeasance in office. The Chairman of a county board may remove any public member of the Authority appointed by such Chairman in the case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and
recommendations to the Board.
(Source: P.A. 85-988; revised 12-6-03.)

Section 590. The Southwestern Illinois Development Authority Act is amended by changing Section 4 as follows:

(70 ILCS 520/4) (from Ch. 85, par. 6154)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Southwestern Illinois Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Madison, St. Clair, and Clinton counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 11 members including, as ex officio members, the Director of the Department of Commerce and Economic Opportunity Community Affairs, or his or her designee, and the Director of the Department of Central Management Services, or his or her designee. The other 9 members of the Authority shall be designated "public members", 4 of whom shall be appointed by the Governor with the advice and consent of the Senate, 2 of whom shall be appointed by the county board chairman of Madison County, 2 of whom shall be appointed by the county board chairman of St. Clair County, and one of whom shall be appointed by the county board chairman of Clinton County. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board
annually from the 4 members appointed by the county board chairmen.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 8 public members appointed pursuant to this Act, 3 shall serve until the third Monday in January, 1988, 3 shall serve until the third Monday in January, 1989, and 2 shall serve until the third Monday in January, 1990. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by
the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be
invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the city of East St. Louis and on the economic development of the riverfront within the territorial jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)
Section 595. The Tri-County River Valley Development Authority Law is amended by changing Section 2004 as follows:

(70 ILCS 525/2004) (from Ch. 85, par. 7504)
(a) There is hereby created a political subdivision, body politic and municipal corporation named the Tri-County River Valley Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Peoria, Tazewell and Woodford counties in the State of Illinois and any navigable waters and air space located therein.
(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 11 members including, as ex officio members, the Director of Commerce and Economic Opportunity Community Affairs, or his or her designee, and the Director of Natural Resources, or that Director's designee. The other 9 members of the Authority shall be designated "public members", 3 of whom shall be appointed by the Governor, 3 of whom shall be appointed one each by the county board chairmen of Peoria, Tazewell and Woodford counties and 3 of whom shall be appointed one each by the city councils of East Peoria, Pekin and Peoria. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 6 members appointed by the county board chairmen and city councils.
(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Article. Of the 9 public members appointed pursuant to this Act, 3 shall serve
until the third Monday in January 1992, 3 shall serve until the third Monday in January 1993, and 3 shall serve until the third Monday in January 1994. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but may be reimbursed for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board may appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers,
engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and may be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Article, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 89-445, eff. 2-7-96; 90-655, eff. 7-30-98; revised 12-6-03.)

Section 600. The Upper Illinois River Valley Development Authority Act is amended by changing Section 4 as follows:

(70 ILCS 530/4) (from Ch. 85, par. 7154)

Sec. 4. Establishment.
(a) There is hereby created a political subdivision, body politic and municipal corporation named the Upper Illinois River Valley Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and Marshall counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 20 members including, as ex officio members, the Director of the Department of Commerce and Economic Opportunity Community Affairs, or his or her designee, and the Director of the Department of Central Management Services, or his or her designee. The other 18 members of the Authority shall be designated "public members", 10 of whom shall be appointed by the Governor with the advice and consent of the Senate and 8 of whom shall be appointed one each by the county board chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and Marshall counties. All public members shall reside within the territorial jurisdiction of this Act. Eleven members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 8 members appointed by the county board chairmen.

(c) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 14 public members appointed pursuant to this Act, 4 appointed by the Governor shall serve until the third Monday in January, 1992, 4 appointed by the Governor shall serve until the third Monday in January, 1993, one appointed by the Governor shall serve until the third Monday in January, 1994, one appointed by
the Governor shall serve until the third Monday in January 1999, the member appointed by the county board chairman of LaSalle County shall serve until the third Monday in January, 1992, the members appointed by the county board chairmen of Grundy County, Bureau County, Putnam County, and Marshall County shall serve until the third Monday in January, 1994, and the member appointed by the county board chairman of Kendall County shall serve until the third Monday in January, 1999. The initial members appointed by the chairmen of the county boards of Kane and McHenry counties shall serve until the third Monday in January, 2003. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and
supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.
Section 605. The Will-Kankakee Regional Development Authority Law is amended by changing Section 4 as follows:

(70 ILCS 535/4) (from Ch. 85, par. 7454)

Sec. 4. Establishment.

(a) There is hereby created a political subdivision, body politic and municipal corporation named the Will-Kankakee Regional Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Will and Kankakee counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 10 members including, as an ex officio member, the Director of the Department of Commerce and Economic Opportunity Community Affairs, or his or her designee. The other 9 members of the Authority shall be designated "public members", 3 of whom shall be appointed by the Governor, 3 of whom shall be appointed by the county board chairman of Will County, and 3 of whom shall be appointed by the county board chairman of Kankakee County. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 6 members appointed by the county board chairmen.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 9 public members appointed pursuant to this Act, 3 shall serve until the
third Monday in January 1992, 3 shall serve until the third
Monday in January 1993, and 3 shall serve until the third
Monday in January 1994. All successors shall be appointed by
the original appointing authority and hold office for a term of
3 years commencing the third Monday in January of the year in
which their term commences, except in case of an appointment to
fill a vacancy. Vacancies occurring among the public members
shall be filled for the remainder of the term. In case of
vacancy in a Governor-appointed membership when the Senate is
not in session, the Governor may make a temporary appointment
until the next meeting of the Senate when a person shall be
nominated to fill such office, and any person so nominated who
is confirmed by the Senate shall hold office during the
remainder of the term and until a successor shall be appointed
and qualified. Members of the Authority shall not be entitled
to compensation for their services as members but may be
reimbursed for all necessary expenses incurred in connection
with the performance of their duties as members.

(d) The Governor may remove any public member of the
Authority in case of incompetency, neglect of duty, or
malfeasance in office.

(e) The Board may appoint an Executive Director who shall
have a background in finance, including familiarity with the
legal and procedural requirements of issuing bonds, real estate
or economic development and administration. The Executive
Director shall hold office at the discretion of the Board. The
Executive Director shall be the chief administrative and
operational officer of the Authority, shall direct and
supervise its administrative affairs and general management,
shall perform such other duties as may be prescribed from time
to time by the members and shall receive compensation fixed by
the Authority. The Executive Director shall attend all meetings
of the Authority; however, no action of the Authority shall be
invalid on account of the absence of the Executive Director
from a meeting. The Authority may engage the services of such
other agents and employees, including attorneys, appraisers,
engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and may be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the territory within the jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 86-1481; revised 12-6-03.)

Section 610. The Northeastern Illinois Planning Act is amended by changing Sections 14, 35, 36, and 37 as follows:

(70 ILCS 1705/14) (from Ch. 85, par. 1114)

Sec. 14. All funds received for the use of the Commission shall be deposited in the name of the Commission, by the
treasurer, in a depository approved by the Commission and shall be withdrawn or paid out only by check or draft upon the depository signed by any two of such Commissioners or Employees of the Commission as may be designated for this purpose by the Commission, provided further that funds appropriated to the Commission by the General Assembly shall be expended in accordance with a formal planning program and budget which has been reviewed by the Department of Commerce and Economic Opportunity Community Affairs. All persons so designated shall execute bonds with corporate sureties approved by the Commission in the same manner and amount as required of the treasurer.

In case any person whose signature appears upon any check or draft, issued pursuant to this Act, ceases (after attaching his signature) to hold his office before the delivery thereof to the payee, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof.

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

(70 ILCS 1705/35) (from Ch. 85, par. 1135)

Sec. 35. At the close of each fiscal year, the Commission shall prepare a complete report of its receipts and expenditures during the fiscal year, including such receipts and expenditures as authorized by Section 36 of this Act. Such report shall be prepared in detail, stating the particular amount received or expended, the name of the person from whom received or to whom expended, on what account, and for what purpose or purposes. A copy of this report shall be filed with the Governor, the Senate and the House of Representatives, and with the treasurer of each county included in the Counties Area. In addition, on or before December 31 of each even numbered year, the Commission shall prepare a report of its activities during the biennium indicating how its funds were expended, indicating the amount of the appropriation requested for the next biennium and explaining how the appropriation will
be utilized to carry out its responsibilities. A copy of this report shall be filed with the Governor, the Senate and the House of Representatives, and the Department of Commerce and Economic Opportunity Community Affairs.

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

(70 ILCS 1705/36) (from Ch. 85, par. 1136)

Sec. 36. The Commission may accept and expend, for purposes consistent with the purposes of this Act, funds and money from any source, including grants, bequests, gifts or contributions made by a person, a unit of government, the State Government or the Federal Government.

The Commission is authorized to enter into agreements with any agency of the Federal government relating to grant-in-aid under Section 701 of the "Housing Act of 1954", being Public Law 560 of the Eighty-third Congress, approved August 2, 1954, as heretofore or hereafter amended, or under any other Act of Congress by which Federal funds may be made available for any activity of the Commission authorized by this Act. Application for federal planning grants submitted to the Federal Government shall be reviewed by the Department of Commerce and Economic Opportunity Community Affairs.

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

(70 ILCS 1705/37) (from Ch. 85, par. 1137)

Sec. 37. The Commission created by this Act shall cooperate with the Department of Commerce and Economic Opportunity Community Affairs, the units of government and with the plan commissions and regional planning commissions created by any unit of government and regional associations of municipalities within the area of operation of the Commission and any such plan commission, regional planning commission, regional association of municipalities or unit of government may furnish, sell or make available to the Commission created by this Act any of its data, charts, maps, reports or regulations relating to land use and development which the Commission may
The Commission created by this Act may cooperate with any planning agency of a sister State contiguous to the area of operation of the Commission to the end that plans for the development of urban areas in such sister State contiguous to the Counties Area may be integrated and coordinated so far as possible with the comprehensive plan and policies adopted by the Commission.

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

Section 615. The Southwestern Illinois Metropolitan and Regional Planning Act is amended by changing Sections 5, 14, 35, and 37 as follows:

(70 ILCS 1710/5) (from Ch. 85, par. 1155)

Sec. 5. The corporate authorities of the Southwestern Illinois Metropolitan and Regional Planning Commission shall consist of commissioners selected as follows:

Eight commissioners appointed by the Governor, at least 4 of whom shall be elected officials of a unit of government and at least 7 of whom shall be residents of the Metropolitan and Regional Counties Area. No more than 4 of the Governor's appointees shall be of the same political party.

One member from among the Illinois Commissioners of the Bi-State Development Agency, elected by said commissioners of said Agency, provided that preference shall be given in this appointment to the Chairman or Vice Chairman of said Agency if either or both of those officers is an Illinois resident.

The Chairman or presiding officer of each statutory Port District existing or operating within the Metropolitan and Regional Counties Area, or a member of the governing board of each such Port District appointed by the Chairman or presiding officer thereof to serve in his stead.
The President of the Metro-East Sanitary District or a member of the governing board of such District appointed by the President thereto to serve in his stead.

Two members from each of the county boards of counties within the Area of operation having a population of less than 100,000, such members to be appointed by the chairman or presiding officer of such counties and in such manner that one of the 2 members so appointed is the chairman or presiding officer of the relevant county board or an elected member of such board appointed to serve in the stead of such chairman or presiding officer.

Three members from each of the county boards of counties within the Area of operation having a population in excess of 100,000, such members to be appointed by the chairman or presiding officer of such counties and in such manner that one of the 3 members so appointed is the chairman or presiding officer of the relevant county board or an elected member of such board appointed to serve in the stead of such chairman or presiding officer; provided, further, that at least one member so appointed from each county having a population in excess of 100,000 shall be a resident in an area of such county outside any city, village or incorporated town, and at least one member so appointed from such counties shall be a resident of a city, village or incorporated town of such county.

The Mayor or Village Board President from each city, village or incorporated town in the Area of operation having 4,500 or more inhabitants, or a member of the Council or Village Board appointed by such Mayor or Board President to serve in his stead.

One Mayor or Village Board President in each county within the Area of operation from a city, village or incorporated town having fewer than 4,500 inhabitants to be selected by all Mayors or Village Board Presidents of such cities, villages or incorporated towns in each such county.

Two members from each township-organized county in the
Area of operation who shall be township supervisors appointed by the Chairman of the relevant county board in such a manner that one of the 2 shall represent a township having fewer than 4,500 inhabitants and one of the 2 shall represent a township having more than 4,500 inhabitants, provided that in the event no township in any such county has in excess of 4,500 inhabitants the supervisor of the township in such county which has the largest number of inhabitants shall be one of the 2 members so appointed by that county.

Two members from each commission-organized county in the Area of operation who shall be elected officials of either the county board or of a unit of government in such county and who shall be appointed by the Chairman of the County Board of such county.

The President of the Southwestern Illinois Council of Mayors or a Mayor of a community within the Area of operation appointed by such President to serve in his stead.

One member from among the Illinois members of the East-West Gateway Coordinating Council, elected by said members of said council, provided preference shall be given in this appointment to the Chairman or Vice Chairman of said Council if either or both of those officers is an Illinois resident.

Each selecting authority shall give notice of his, or her, or its selections to each other selecting authority, to the Executive Director of the Commission, and to the Secretary of State. Selections or appointments to be made for the first time pursuant to this amendatory Act of 1975 shall be made no later than October 1, 1975 and notice given thereon by that date.

In addition to the commissioners provided for above, the following shall also be commissioners selected or appointed and notice thereon given as contemplated by the preceding paragraph:

Two members from each county in the Area of operation
who shall be a chairman of a county planning commission, a
chairman of a municipal planning commission, or a county
ingineer, such members to be appointed by the Chairman of
the County Board.

The regional superintendent of schools for each
educational service region located in whole or in part
within the Area of operation.

The President of Southern Illinois University at
Edwardsville or a person appointed by him to serve in his
stead.

The Director of Commerce and Economic Opportunity
Community Affairs or a person appointed by him to serve in
his stead.

The district highway engineer for the Illinois
Department of Transportation.

The Chairman of the Southwestern Illinois Council on
Economic Development composed of the Counties of Madison,
St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

One representative from each County within the Area of
operation who shall be other than an elected official and
who shall be appointed by the Chairman of each County
Board, provided that each representative so appointed
shall be from disadvantaged or minority groups within the
County's population.

Five Commissioners, appointed by the President of the
Commission, with the concurrence of the Executive
Committee, one to be selected from each of 5 civic,
fraternal, cultural or religious organizations which meet
all of the following criteria:

(1) has a written charter or constitution and
written bylaws;

(2) has filed or is eligible to file articles of
incorporation pursuant to the General Not for Profit
Corporation Act;

(3) has been in existence for at least 5 years; and

(4) is generally recognized as being substantially
The Commission shall develop a fair and reasonable procedure for determining the organizations from which appointments will be made.

Within 30 days after selection and before entering upon the duties of his or her office, each commissioner shall take and subscribe to the constitutional oath of office and file it with the Secretary of State.

The Commission shall maintain a level of minority membership equal to or greater than proportionate level of minority population which exists within the area of the Commission.

(Source: P.A. 87-217; revised 12-6-03.)

(70 ILCS 1710/14) (from Ch. 85, par. 1164)

Sec. 14. All funds received for the use of the Commission shall be deposited in the name of the Commission by the treasurer, in a depository approved by the Commission and shall be withdrawn or paid out only by check or draft upon the depository signed by any two of such Commissioners or employees of the Commission as may be designated for this purpose by the Commission, provided further that funds appropriated to the Commission by the General Assembly shall not be expended except in accordance with a formal planning program and budget which has been reviewed and approved by the Department of Commerce and Economic Opportunity Community Affairs. All persons so designated shall execute bonds with corporate sureties approved by the Commission in the same manner and amount as required of the treasurer, and in such amount as determined by the Commission.

In case any person whose signature appears upon any check or draft, issued pursuant to this Act, ceases (after attaching his signature) to hold his office before the delivery thereof to the payee, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had
remained in office until delivery thereof.
(Source: P.A. 82-944; revised 12-6-03.)

(70 ILCS 1710/35) (from Ch. 85, par. 1185)
Sec. 35. At the close of each fiscal year, the Commission shall prepare a complete report of its receipts and expenditures during the fiscal year. A copy of this report shall be filed with the Governor and with the treasurer of each county included in the Metropolitan and Regional Counties Area. In addition, on or before December 31 of each even numbered year, the Commission shall prepare jointly with the Department of Commerce and Economic Opportunity Community Affairs, a report of its activities during the biennium indicating how its funds were expended, indicating the amount of the appropriation requested for the next biennium and explaining how the appropriation will be utilized to carry out its responsibilities. A copy of this report shall be filed with the Governor, the Senate and the House of Representatives.
(Source: P.A. 81-1509; revised 12-6-03.)

(70 ILCS 1710/37) (from Ch. 85, par. 1187)
Sec. 37. The Commission created by this Act shall cooperate with the Department of Commerce and Economic Opportunity Community Affairs, the units of government and with the plan commissions and regional planning commissions created by any unit of government and regional associations of municipalities within the area of operation of the Commission and any such plan commission, regional planning commission, regional association of municipalities or unit of government may furnish, sell or make available to the Commission created by this Act any of its data, charts, maps, reports or regulations relating to land use and development which the Commission may request.

The Commission created by this Act may cooperate with any planning agency in the State of Illinois, or with any planning agency of a sister State contiguous to the area of operation of
the Commission to the end that plans for the development of urban areas in such sister State contiguous to the Metropolitan and Regional Counties Area may be integrated and coordinated so far as possible with the comprehensive and functional plans and policies adopted by the Commission.

(Source: P.A. 82-944; revised 12-6-03.)

Section 620. The Regional Transportation Authority Act is amended by changing Sections 4.01, 4.04, and 4.11 as follows:

(70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

Sec. 4.01. Budget and Program.

(a) The Board shall control the finances of the Authority. It shall by ordinance appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority. Each year the Authority shall prepare and publish a comprehensive annual budget and program document describing the state of the Authority and presenting for the forthcoming fiscal year the Authority's plans for such operations and capital expenditures as the Authority intends to undertake and the means by which it intends to finance them. The proposed program and budget shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Authority shall begin on January 1st and end on the succeeding December 31st except that the fiscal year that began October 1, 1982, shall end December 31, 1983. By July 1st 1981 and July 1st of each year thereafter the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget)
shall submit to the Authority an estimate of revenues for the
next fiscal year to be collected from the taxes imposed by the
Authority and the amounts to be available in the Public
Transportation Fund and the Regional Transportation Authority
Occupation and Use Tax Replacement Fund. For the fiscal year
ending on December 31, 1983, the Board shall report its results
from operations and financial condition to the General Assembly
and the Governor by January 31. For the fiscal year beginning
January 1, 1984, and thereafter, the budget and program shall
be presented to the General Assembly and the Governor not later
than the preceding December 31st. Before the proposed budget
and program is adopted, the Authority shall hold at least one
public hearing thereon in the metropolitan region. The Board
shall hold at least one meeting for consideration of the
proposed program and budget with the county board of each of
the several counties in the metropolitan region. After
conducting such hearings and holding such meetings and after
making such changes in the proposed program and budget as the
Board deems appropriate, the Board shall adopt its annual
budget ordinance. The ordinance may be adopted only upon the
affirmative votes of 9 of its then Directors. The ordinance
shall appropriate such sums of money as are deemed necessary to
defray all necessary expenses and obligations of the Authority,
specifying purposes and the objects or programs for which
appropriations are made and the amount appropriated for each
object or program. Additional appropriations, transfers
between items and other changes in such ordinance may be made
from time to time by the Board upon the affirmative votes of 9
of its then Directors.

(b) The budget shall show a balance between anticipated
revenues from all sources and anticipated expenses including
funding of operating deficits or the discharge of encumbrances
incurred in prior periods and payment of principal and interest
when due, and shall show cash balances sufficient to pay with
reasonable promptness all obligations and expenses as
incurred.
The annual budget and financial plan must show that the
level of fares and charges for mass transportation provided by,
or under grant or purchase of service contracts of, the Service
Boards is sufficient to cause the aggregate of all projected
fare revenues from such fares and charges received in each
fiscal year to equal at least 50% of the aggregate costs of
providing such public transportation in such fiscal year. "Fare
revenues" include the proceeds of all fares and charges for
services provided, contributions received in connection with
public transportation from units of local government other than
the Authority and from the State pursuant to subsection (i) of
Section 2705-305 of the Department of Transportation Law (20
ILCS 2705/2705-305), and all other operating revenues properly
included consistent with generally accepted accounting
principles but do not include the proceeds of any borrowings.
"Costs" include all items properly included as operating costs
consistent with generally accepted accounting principles,
including administrative costs, but do not include:
depreciation; payment of principal and interest on bonds, notes
or other evidences of obligation for borrowed money issued by
the Authority; payments with respect to public transportation
facilities made pursuant to subsection (b) of Section 2.20 of
this Act; any payments with respect to rate protection
contracts, credit enhancements or liquidity agreements made
under Section 4.14; any other cost to which it is reasonably
expected that a cash expenditure will not be made; costs up to
$5,000,000 annually for passenger security including grants,
contracts, personnel, equipment and administrative expenses,
except in the case of the Chicago Transit Authority, in which
case the term does not include costs spent annually by that
entity for protection against crime as required by Section 27a
of the Metropolitan Transit Authority Act; or costs as exempted
by the Board for projects pursuant to Section 2.09 of this Act.
(c) The actual administrative expenses of the Authority for
the fiscal year commencing January 1, 1985 may not exceed
$5,000,000. The actual administrative expenses of the
Authority for the fiscal year commencing January 1, 1986, and for each fiscal year thereafter shall not exceed the maximum administrative expenses for the previous fiscal year plus 5%.

"Administrative expenses" are defined for purposes of this Section as all expenses except: (1) capital expenses and purchases of the Authority on behalf of the Service Boards; (2) payments to Service Boards; and (3) payment of principal and interest on bonds, notes or other evidence of obligation for borrowed money issued by the Authority; (4) costs for passenger security including grants, contracts, personnel, equipment and administrative expenses; (5) payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; and (6) any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made pursuant to Section 4.14.

(d) After withholding 15% of the proceeds of any tax imposed by the Authority and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund, the Board shall allocate the proceeds and money remaining to the Service Boards as follows: (1) an amount equal to 85% of the proceeds of those taxes collected within the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority; (2) an amount equal to 85% of the proceeds of those taxes collected within Cook County outside the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the city of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board and 15% to the Suburban Bus Board; and (3) an amount equal to 85% of the
proceeds of the taxes collected within the Counties of DuPage, Kane, Lake, McHenry and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(e) Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (e) of this Section 4.01, the ratio of the total amount distributed to a Service Board pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year.

To further and accomplish the preparation of the annual budget and program as well as the Five-Year Program provided for in Section 2.01 of this Act and to make such interim management decisions as may be necessary, the Board shall employ staff which shall: (1) evaluate for the Board public transportation programs operated or proposed by transportation agencies in terms of goals, costs and relative priorities; (2) keep the Board informed of the public transportation programs and accomplishments of such transportation agencies; and (3) coordinate the development and implementation of public transportation programs to the end that the monies available to the Authority may be expended in the most economical manner possible with the least possible duplication. Under such regulations as the Board may prescribe, all Service Boards, transportation agencies, comprehensive planning agencies or
transportation planning agencies in the metropolitan region shall furnish to the Board such information pertaining to public transportation or relevant for plans therefor as it may from time to time require, upon payment to any such agency or Service Board of the reasonable additional cost of its so providing such information except as may otherwise be provided by agreement with the Authority, and the Board or any duly authorized employee of the Board shall, for the purpose of securing such information, have access to, and the right to examine, all books, documents, papers or records of any such agency or Service Board pertaining to public transportation or relevant for plans therefor.

(Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised 8-23-03.)

(70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

Sec. 4.04. Issuance and Pledge of Bonds and Notes.

(a) The Authority shall have the continuing power to borrow money and to issue its negotiable bonds or notes as provided in this Section. Unless otherwise indicated in this Section, the term "notes" also includes bond anticipation notes, which are notes which by their terms provide for their payment from the proceeds of bonds thereafter to be issued. Bonds or notes of the Authority may be issued for any or all of the following purposes: to pay costs to the Authority or a Service Board of constructing or acquiring any public transportation facilities (including funds and rights relating thereto, as provided in Section 2.05 of this Act); to repay advances to the Authority or a Service Board made for such purposes; to pay other expenses of the Authority or a Service Board incident to or incurred in connection with such construction or acquisition; to provide funds for any transportation agency to pay principal of or interest or redemption premium on any bonds or notes, whether as such amounts become due or by earlier redemption, issued prior to the date of this amendatory Act by such transportation agency to construct or acquire public
transportation facilities or to provide funds to purchase such
bonds or notes; and to provide funds for any transportation
agency to construct or acquire any public transportation
facilities, to repay advances made for such purposes, and to
pay other expenses incident to or incurred in connection with
such construction or acquisition; and to provide funds for
payment of obligations, including the funding of reserves,
under any self-insurance plan or joint self-insurance pool or
entity.

In addition to any other borrowing as may be authorized by
this Section, the Authority may issue its notes, from time to
time, in anticipation of tax receipts of the Authority or of
other revenues or receipts of the Authority, in order to
provide money for the Authority or the Service Boards to cover
any cash flow deficit which the Authority or a Service Board
anticipates incurring. Any such notes are referred to in this
Section as "Working Cash Notes". No Working Cash Notes shall be
issued for a term of longer than 18 months. Proceeds of Working
Cash Notes may be used to pay day to day operating expenses of
the Authority or the Service Boards, consisting of wages,
salaries and fringe benefits, professional and technical
services (including legal, audit, engineering and other
consulting services), office rental, furniture, fixtures and
equipment, insurance premiums, claims for self-insured amounts
under insurance policies, public utility obligations for
telephone, light, heat and similar items, travel expenses,
office supplies, postage, dues, subscriptions, public hearings
and information expenses, fuel purchases, and payments of
grants and payments under purchase of service agreements for
operations of transportation agencies, prior to the receipt by
the Authority or a Service Board from time to time of funds for
paying such expenses. In addition to any Working Cash Notes
that the Board of the Authority may determine to issue, the
Suburban Bus Board, the Commuter Rail Board or the Board of the
Chicago Transit Authority may demand and direct that the
Authority issue its Working Cash Notes in such amounts and
having such maturities as the Service Board may determine.

Notwithstanding any other provision of this Act, any amounts necessary to pay principal of and interest on any Working Cash Notes issued at the demand and direction of a Service Board or any Working Cash Notes the proceeds of which were used for the direct benefit of a Service Board or any other Bonds or Notes of the Authority the proceeds of which were used for the direct benefit of a Service Board shall constitute a reduction of the amount of any other funds provided by the Authority to that Service Board. The Authority shall, after deducting any costs of issuance, tender the net proceeds of any Working Cash Notes issued at the demand and direction of a Service Board to such Service Board as soon as may be practicable after the proceeds are received. The Authority may also issue notes or bonds to pay, refund or redeem any of its notes and bonds, including to pay redemption premiums or accrued interest on such bonds or notes being renewed, paid or refunded, and other costs in connection therewith. The Authority may also utilize the proceeds of any such bonds or notes to pay the legal, financial, administrative and other expenses of such authorization, issuance, sale or delivery of bonds or notes or to provide or increase a debt service reserve fund with respect to any or all of its bonds or notes. The Authority may also issue and deliver its bonds or notes in exchange for any public transportation facilities, (including funds and rights relating thereto, as provided in Section 2.05 of this Act) or in exchange for outstanding bonds or notes of the Authority, including any accrued interest or redemption premium thereon, without advertising or submitting such notes or bonds for public bidding.

(b) The ordinance providing for the issuance of any such bonds or notes shall fix the date or dates of maturity, the dates on which interest is payable, any sinking fund account or reserve fund account provisions and all other details of such bonds or notes and may provide for such covenants or agreements necessary or desirable with regard to the issue, sale and
security of such bonds or notes. The rate or rates of interest
on its bonds or notes may be fixed or variable and the
Authority shall determine or provide for the determination of
the rate or rates of interest of its bonds or notes issued
under this Act in an ordinance adopted by the Authority prior
to the issuance thereof, none of which rates of interest shall
exceed that permitted in the Bond Authorization Act. Interest
may be payable at such times as are provided for by the Board.
Bonds and notes issued under this Section may be issued as
serial or term obligations, shall be of such denomination or
denominations and form, including interest coupons to be
attached thereto, be executed in such manner, shall be payable
at such place or places and bear such date as the Authority
shall fix by the ordinance authorizing such bond or note and
shall mature at such time or times, within a period not to
exceed forty years from the date of issue, and may be
redeemable prior to maturity with or without premium, at the
option of the Authority, upon such terms and conditions as the
Authority shall fix by the ordinance authorizing the issuance
of such bonds or notes. No bond anticipation note or any
renewal thereof shall mature at any time or times exceeding 5
years from the date of the first issuance of such note. The
Authority may provide for the registration of bonds or notes in
the name of the owner as to the principal alone or as to both
principal and interest, upon such terms and conditions as the
Authority may determine. The ordinance authorizing bonds or
notes may provide for the exchange of such bonds or notes which
are fully registered, as to both principal and interest, with
bonds or notes which are registerable as to principal only. All
bonds or notes issued under this Section by the Authority other
than those issued in exchange for property or for bonds or
notes of the Authority shall be sold at a price which may be at
a premium or discount but such that the interest cost
(excluding any redemption premium) to the Authority of the
proceeds of an issue of such bonds or notes, computed to stated
maturity according to standard tables of bond values, shall not
exceed that permitted in the Bond Authorization Act. The Authority shall notify the Governor's Office of Management and Budget Bureau of the Budget and the State Comptroller at least 30 days before any bond sale and shall file with the Governor's Office of Management and Budget Bureau of the Budget and the State Comptroller a certified copy of any ordinance authorizing the issuance of bonds at or before the issuance of the bonds. After December 31, 1994, any such bonds or notes shall be sold to the highest and best bidder on sealed bids as the Authority shall deem. As such bonds or notes are to be sold the Authority shall advertise for proposals to purchase the bonds or notes which advertisement shall be published at least once in a daily newspaper of general circulation published in the metropolitan region at least 10 days before the time set for the submission of bids. The Authority shall have the right to reject any or all bids. Notwithstanding any other provisions of this Section, Working Cash Notes or bonds or notes to provide funds for self-insurance or a joint self-insurance pool or entity may be sold either upon competitive bidding or by negotiated sale (without any requirement of publication of intention to negotiate the sale of such Notes), as the Board shall determine by ordinance adopted with the affirmative votes of at least 7 Directors. In case any officer whose signature appears on any bonds, notes or coupons authorized pursuant to this Section shall cease to be such officer before delivery of such bonds or notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery. Neither the Directors of the Authority nor any person executing any bonds or notes thereof shall be liable personally on any such bonds or notes or coupons by reason of the issuance thereof.

(c) All bonds or notes of the Authority issued pursuant to this Section shall be general obligations of the Authority to which shall be pledged the full faith and credit of the Authority, as provided in this Section. Such bonds or notes shall be secured as provided in the authorizing ordinance,
which may, notwithstanding any other provision of this Act, include in addition to any other security, a specific pledge or assignment of and lien on or security interest in any or all tax receipts of the Authority and on any or all other revenues or moneys of the Authority from whatever source, which may by law be utilized for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by the ordinance of the Authority authorizing the issuance of such bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes of the Authority shall be valid and binding from the time the bonds or notes are issued without any physical delivery or further act and shall be valid and binding as against and prior to the claims of all other parties having claims of any kind against the Authority or any other person irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest.

The obligations of the Authority incurred pursuant to this Section shall be superior to and have priority over any other obligations of the Authority.

The Authority may provide in the ordinance authorizing the issuance of any bonds or notes issued pursuant to this Section for the creation of, deposits in, and regulation and disposition of sinking fund or reserve accounts relating to such bonds or notes. The ordinance authorizing the issuance of any bonds or notes pursuant to this Section may contain provisions as part of the contract with the holders of the bonds or notes, for the creation of a separate fund to provide for the payment of principal and interest on such bonds or notes and for the deposit in such fund from any or all the tax receipts of the Authority and from any or all such other moneys or revenues of the Authority from whatever source which may by law be utilized for debt service purposes, all as provided in such ordinance, of amounts to meet the debt service requirements on such bonds or notes, including principal and interest, and any sinking fund or reserve fund account.
requirements as may be provided by such ordinance, and all
expenses incident to or in connection with such fund and
accounts or the payment of such bonds or notes. Such ordinance
may also provide limitations on the issuance of additional
bonds or notes of the Authority. No such bonds or notes of the
Authority shall constitute a debt of the State of Illinois.
Nothing in this Act shall be construed to enable the Authority
to impose any ad valorem tax on property.

(d) The ordinance of the Authority authorizing the issuance
of any bonds or notes may provide additional security for such
bonds or notes by providing for appointment of a corporate
trustee (which may be any trust company or bank having the
powers of a trust company within the state) with respect to
such bonds or notes. The ordinance shall prescribe the rights,
duties and powers of the trustee to be exercised for the
benefit of the Authority and the protection of the holders of
such bonds or notes. The ordinance may provide for the trustee
to hold in trust, invest and use amounts in funds and accounts
created as provided by the ordinance with respect to the bonds
or notes. The ordinance may provide for the assignment and
direct payment to the trustee of any or all amounts produced
from the sources provided in Section 4.03 of this Act and
provided in Section 6z-17 of "An Act in relation to State
finance", approved June 10, 1919, as amended. Upon receipt of
notice of any such assignment, the Department of Revenue and
the Comptroller of the State of Illinois shall thereafter,
notwithstanding the provisions of Section 4.03 of this Act and
Section 6z-17 of "An Act in relation to State finance",
approved June 10, 1919, as amended, provide for such assigned
amounts to be paid directly to the trustee instead of the
Authority, all in accordance with the terms of the ordinance
making the assignment. The ordinance shall provide that amounts
so paid to the trustee which are not required to be deposited,
held or invested in funds and accounts created by the ordinance
with respect to bonds or notes or used for paying bonds or
notes to be paid by the trustee to the Authority.
(e) Any bonds or notes of the Authority issued pursuant to this Section shall constitute a contract between the Authority and the holders from time to time of such bonds or notes. In issuing any bond or note, the Authority may include in the ordinance authorizing such issue a covenant as part of the contract with the holders of the bonds or notes, that as long as such obligations are outstanding, it shall make such deposits, as provided in paragraph (c) of this Section. It may also so covenant that it shall impose and continue to impose taxes, as provided in Section 4.03 of this Act and in addition thereto as subsequently authorized by law, sufficient to make such deposits and pay the principal and interest and to meet other debt service requirements of such bonds or notes as they become due. A certified copy of the ordinance authorizing the issuance of any such obligations shall be filed at or prior to the issuance of such obligations with the Comptroller of the State of Illinois and the Illinois Department of Revenue.

(f) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.
(g) (1) Except as provided in subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the Authority shall not at any time issue, sell or deliver any bonds or notes (other than Working Cash Notes) pursuant to this Section 4.04 which will cause it to have issued and outstanding at any time in excess of $800,000,000 of such bonds and notes (other than Working Cash Notes). The Authority shall not at any time issue, sell or deliver any Working Cash Notes pursuant to this Section which will cause it to have issued and outstanding at any time in excess of $100,000,000 of Working Cash Notes. Bonds or notes which are being paid or retired by such issuance, sale or delivery of bonds or notes, and bonds or notes for which sufficient funds have been deposited with the paying agency of such bonds or notes to provide for payment of principal and interest thereon or to provide for the redemption thereof, all pursuant to the ordinance authorizing the issuance of such bonds or notes, shall not be considered to be outstanding for the purposes of the first two sentences of this subsection.

(2) In addition to the authority provided by paragraphs (1) and (3), the Authority is authorized to issue, sell and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

- $100,000,000 is authorized to be issued on or after January 1, 1990;
- an additional $100,000,000 is authorized to be issued on or after January 1, 1991;
- an additional $100,000,000 is authorized to be issued on or after January 1, 1992;
- an additional $100,000,000 is authorized to be issued on or after January 1, 1993;
- an additional $100,000,000 is authorized to be issued on or after January 1, 1994; and
- the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects as of January 1,
1994, shall be $500,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement Projects under this subdivision (g)(2), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(3) In addition to the authority provided by paragraphs (1) and (2), the Authority is authorized to issue, sell, and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

$260,000,000 is authorized to be issued on or after January 1, 2000;

an additional $260,000,000 is authorized to be issued on or after January 1, 2001;

an additional $260,000,000 is authorized to be issued on or after January 1, 2002;

an additional $260,000,000 is authorized to be issued on or after January 1, 2003;

an additional $260,000,000 is authorized to be issued on or after January 1, 2004; and

the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects pursuant to this paragraph (3) as of January 1, 2004 shall be $1,300,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement projects
under this subdivision (g)(3), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(h) The Authority, subject to the terms of any agreements with noteholders or bond holders as may then exist, shall have power, out of any funds available therefor, to purchase notes or bonds of the Authority, which shall thereupon be cancelled.

(i) In addition to any other authority granted by law, the State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the State Treasury which is not needed for current expenditures due or about to become due in Working Cash Notes.

(Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; revised 8-23-03.)

(70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

Sec. 4.11. Budget Review Powers.

(a) The provisions of this Section shall only be applicable to financial periods beginning after December 31, 1983. The Transition Board shall adopt a timetable governing the certification of estimates and any submissions required under this Section for fiscal year 1984 which shall control over the provisions of this Act. Based upon estimates which shall be given to the Authority by the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) of the receipts to be received by the Authority from the taxes imposed by the Authority and the authorized estimates of amounts to be available from State and other sources to the Service Boards, and the times at which such receipts and amounts will be available, the Board shall, not later than the next preceding September 15th prior to the
beginning of the Authority's next fiscal year, advise each
Service Board of the amounts estimated by the Board to be
available for such Service Board during such fiscal year and
the two following fiscal years and the times at which such
amounts will be available. The Board shall, at the same time,
also advise each Service Board of its required system generated
revenues recovery ratio for the next fiscal year which shall be
the percentage of the aggregate costs of providing public
transportation by or under jurisdiction of that Service Board
which must be recovered from system generated revenues. In
determining a Service Board's system generated revenue
recovery ratio, the Board shall consider the historical system
generated revenues recovery ratio for the services subject to
the jurisdiction of that Service Board. The Board shall not
increase a Service Board's system generated revenues recovery
ratio for the next fiscal year over such ratio for the current
fiscal year disproportionately or prejudicially to increases
in such ratios for other Service Boards. The Board may, by
ordinance, provide that (i) the cost of research and
development projects in the fiscal year beginning January 1,
1986 and ending December 31, 1986 conducted pursuant to Section
2.09 of this Act, and (ii) up to $5,000,000 annually of the
costs for passenger security, may be exempted from the farebox
recovery ratio or the system generated revenues recovery ratio
of the Chicago Transit Authority, the Suburban Bus Board, and
the Commuter Rail Board, or any of them. For the fiscal year
beginning January 1, 1986 and ending December 31, 1986, and for
the fiscal year beginning January 1, 1987 and ending December
31, 1987, the Board shall, by ordinance, provide that: (1) the
amount of a grant, pursuant to Section 2705-310 of the
Department of Transportation Law (20 ILCS 2705/2705-310), from
the Department of Transportation for the cost of services for
the mobility limited provided by the Chicago Transit Authority,
and (2) the amount of a grant, pursuant to Section 2705-310 of
the Department of Transportation Law (20 ILCS 2705/2705-310),
from the Department of Transportation for the cost of services
for the mobility limited by the Suburban Bus Board or the
Commuter Rail Board, be exempt from the farebox recovery ratio
or the system generated revenues recovery ratio.

(b)(1) Not later than the next preceding November 15 prior
to the commencement of such fiscal year, each Service Board
shall submit to the Authority its proposed budget for such
fiscal year and its proposed financial plan for the two
following fiscal years. Such budget and financial plan shall
not project or assume a receipt of revenues from the Authority
in amounts greater than those set forth in the estimates
provided by the Authority pursuant to subsection (a) of this
Section.

(2) The Board shall review the proposed budget and
financial plan submitted by each Service Board, and shall adopt
a consolidated budget and financial plan. The Board shall
approve the budget and plan if:

(i) the Board has approved the proposed budget and cash
flow plan for such fiscal year of each Service Board,
pursuant to the conditions set forth in clauses (ii)
through (vii) of this paragraph;

(ii) such budget and plan show a balance between (A)
anticipated revenues from all sources including operating
subsidies and (B) the costs of providing the services
specified and of funding any operating deficits or
encumbrances incurred in prior periods, including
provision for payment when due of principal and interest on
outstanding indebtedness;

(iii) such budget and plan show cash balances including
the proceeds of any anticipated cash flow borrowing
sufficient to pay with reasonable promptness all costs and
expenses as incurred;

(iv) such budget and plan provide for a level of fares
or charges and operating or administrative costs for the
public transportation provided by or subject to the
jurisdiction of such Service Board sufficient to allow the
Service Board to meet its required system generated revenue
recovery ratio;

(v) such budget and plan are based upon and employ assumptions and projections which are reasonable and prudent;

(vi) such budget and plan have been prepared in accordance with sound financial practices as determined by the Board; and

(vii) such budget and plan meet such other financial, budgetary, or fiscal requirements that the Board may by rule or regulation establish.

(3) In determining whether the budget and financial plan provide a level of fares or charges sufficient to allow a Service Board to meet its required system generated revenue recovery ratio under clause (iv) in subparagraph (2), the Board shall allow a Service Board to carry over cash from farebox revenues to subsequent fiscal years.

(4) Unless the Board by an affirmative vote of 9 of the then Directors determines that the budget and financial plan of a Service Board meets the criteria specified in clauses (ii) through (vii) of subparagraph (2) of this paragraph (b), the Board shall not release to that Service Board any funds for the periods covered by such budget and financial plan except for the proceeds of taxes imposed by the Authority under Section 4.03 which are allocated to the Service Board under Section 4.01.

(5) If the Board has not found that the budget and financial plan of a Service Board meets the criteria specified in clauses (i) through (vii) of subparagraph (2) of this paragraph (b), the Board shall, five working days after the start of the Service Board's fiscal year adopt a budget and financial plan meeting such criteria for that Service Board.

(c)(1) If the Board shall at any time have received a revised estimate, or revises any estimate the Board has made, pursuant to this Section of the receipts to be collected by the Authority which, in the judgment of the Board, requires a change in the estimates on which the budget of any Service
Board is based, the Board shall advise the affected Service Board of such revised estimates, and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates. If the revised estimates require, in the judgment of the Board, that the system generated revenues recovery ratio of one or more Service Boards be revised in order to allow the Authority to meet its required ratio, the Board shall advise any such Service Board of its revised ratio and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates or ratio.

(2) Each Service Board shall, within such period after the end of each fiscal quarter as shall be specified by the Board, report to the Authority its financial condition and results of operations and the financial condition and results of operations of the public transportation services subject to its jurisdiction, as at the end of and for such quarter. If in the judgment of the Board such condition and results are not substantially in accordance with such Service Board's budget for such period, the Board shall so advise such Service Board and such Service Board shall within the period specified by the Board submit a revised budget incorporating such results.

(3) If the Board shall determine that a revised budget submitted by a Service Board pursuant to subparagraph (1) or (2) of this paragraph (c) does not meet the criteria specified in clauses (ii) through (vii) of subparagraph (2) of paragraph (b) of this Section, the Board shall not release any monies to that Service Board except the proceeds of taxes imposed by the Authority under Section 4.03 or 4.03.1 which are allocated to the Service Board under Section 4.01. If the Service Board submits a revised financial plan and budget which plan and budget shows that the criteria will be met within a four quarter period, the Board shall continue to release funds to the Service Board. The Board by a 9 vote of its then Directors may require a Service Board to submit a revised financial plan and budget which shows that the criteria will be met in a time...
period less than four quarters.

(d) All budgets and financial plans, financial statements, audits and other information presented to the Authority pursuant to this Section or which may be required by the Board to permit it to monitor compliance with the provisions of this Section shall be prepared and presented in such manner and frequency and in such detail as shall have been prescribed by the Board, shall be prepared on both an accrual and cash flow basis as specified by the Board, and shall identify and describe the assumptions and projections employed in the preparation thereof to the extent required by the Board. Except when the Board adopts a budget and a financial plan for a Service Board under paragraph (b)(5), a Service Board shall provide for such levels of transportation services and fares or charges therefor as it deems appropriate and necessary in the preparation of a budget and financial plan meeting the criteria set forth in clauses (ii) through (vii) of subparagraph (2) of paragraph (b) of this Section. The Board shall have access to and the right to examine and copy all books, documents, papers, records, or other source data of a Service Board relevant to any information submitted pursuant to this Section.

(e) Whenever this Section requires the Board to make determinations with respect to estimates, budgets or financial plans, or rules or regulations with respect thereto such determinations shall be made upon the affirmative vote of at least 9 of the then Directors and shall be incorporated in a written report of the Board and such report shall be submitted within 10 days after such determinations are made to the Governor, the Mayor of Chicago (if such determinations relate to the Chicago Transit Authority), and the Auditor General of Illinois.

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

Section 625. The School Code is amended by changing Sections 2-3.92, 10-20.19c, and 34-18.15 as follows:
Sec. 2-3.92. Recognition of drug-free schools and communities. To create a Drug-Free Illinois, and maintain that high standard, the State shall recognize those outstanding schools, communities and businesses which are free of drugs. The State Board of Education shall initiate and maintain an annual Governor's Recognition Program for those premier organizations meeting and exceeding stated criteria. The State Board of Education, in consultation with the Department of Commerce and Economic Opportunity Community Affairs and the Department of Human Services, shall set criteria for implementation of this program.

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

Sec. 10-20.19c. Recycled paper and paper products.

(a) Definitions. As used in this Section, the following terms shall have the meanings indicated, unless the context otherwise requires:

"Deinked stock" means paper that has been processed to remove inks, clays, coatings, binders and other contaminants.

"High grade printing and writing papers" includes offset printing paper, duplicator paper, writing paper (stationery), tablet paper, office paper, note pads, xerographic paper, envelopes, form bond including computer paper and carbonless forms, book papers, bond papers, ledger paper, book stock and cotton fiber papers.

"Paper and paper products" means high grade printing and writing papers, tissue products, newsprint, unbleached packaging and recycled paperboard.

"Postconsumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste; wastes generated during the production of an end product are excluded.

"Recovered paper material" means paper waste generated
after the completion of the papermaking process, such as postconsumer materials, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. "Recovered paper material", however, does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extraction or woodcutting processes, or forest residues such as bark.

"Recycled paperboard" includes paperboard products, folding cartons and pad backings.

"Tissue products" includes toilet tissue, paper towels, paper napkins, facial tissue, paper doilies, industrial wipers, paper bags and brown papers. These products shall also be unscented and shall not be colored.

"Unbleached packaging" includes corrugated and fiber storage boxes.

(b) Wherever economically and practically feasible, as determined by the school board, the school board, all public schools and attendance centers within a school district, and their school supply stores shall procure recycled paper and paper products as follows:

(1) Beginning July 1, 1992, at least 10% of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(2) Beginning July 1, 1995, at least 25% of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(3) Beginning July 1, 1999, at least 40% of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and
their school supply stores shall be recycled paper and
paper products;

(4) Beginning July 1, 2001, at least 50% of the total
dollar value of paper and paper products purchased by
school boards, public schools and attendance centers, and
their school supply stores shall be recycled paper and
paper products;

(5) Beginning upon the effective date of this
amendatory Act of 1992, all paper purchased by the board of
education, public schools and attendance centers for
publication of student newspapers shall be recycled
newsprint. The amount purchased shall not be included in
calculating the amounts specified in paragraphs (1)
through (4).

(c) Paper and paper products purchased from private sector
vendors pursuant to printing contracts are not considered paper
and paper products for the purposes of subsection (b), unless
purchased under contract for the printing of student
newspapers.

(d) (1) Wherever economically and practically feasible,
the recycled paper and paper products referred to in
subsection (b) shall contain postconsumer or recovered
paper materials as specified by paper category in this
subsection:

(i) Recycled high grade printing and writing paper
shall contain at least 50% recovered paper material.
Such recovered paper material, until July 1, 1994,
shall consist of at least 20% deinked stock or
postconsumer material; and beginning July 1, 1994,
shall consist of at least 25% deinked stock or
postconsumer material; and beginning July 1, 1996,
shall consist of at least 30% deinked stock or
postconsumer material; and beginning July 1, 1998,
shall consist of at least 40% deinked stock or
postconsumer material; and beginning July 1, 2000,
shall consist of at least 50% deinked stock or
postconsumer material.

(ii) Recycled tissue products, until July 1, 1994, shall contain at least 25% postconsumer material; and beginning July 1, 1994, shall contain at least 30% postconsumer material; and beginning July 1, 1996, shall contain at least 35% postconsumer material; and beginning July 1, 1998, shall contain at least 40% postconsumer material; and beginning July 1, 2000, shall contain at least 45% postconsumer material.

(iii) Recycled newsprint, until July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1994, shall contain at least 50% postconsumer material; and beginning July 1, 1996, shall contain at least 60% postconsumer material; and beginning July 1, 1998, shall contain at least 70% postconsumer material; and beginning July 1, 2000, shall contain at least 80% postconsumer material.

(iv) Recycled unbleached packaging, until July 1, 1994, shall contain at least 35% postconsumer material; and beginning July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1996, shall contain at least 45% postconsumer material; and beginning July 1, 1998, shall contain at least 50% postconsumer material; and beginning July 1, 2000, shall contain at least 55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall contain at least 80% postconsumer material; and beginning July 1, 1994, shall contain at least 85% postconsumer material; and beginning July 1, 1996, shall contain at least 90% postconsumer material; and beginning July 1, 1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer material" includes:

(i) paper, paperboard, and fibrous waste from
retail stores, office buildings, homes and so forth, after the waste has passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage; and

(ii) all paper, paperboard, and fibrous wastes that are diverted or separated from the municipal waste stream.

(3) For the purposes of this Section, "recovered paper material" includes:

(i) postconsumer material;

(ii) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets), including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming and other converting operations, or from bag, box and carton manufacturing, and butt rolls, mill wrappers, and rejected unused stock; and

(iii) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters or others.

(e) Nothing in this Section shall be deemed to apply to art materials, nor to any newspapers, magazines, text books, library books or other copyrighted publications which are purchased or used by any school board or any public school or attendance center within a school district, or which are sold in any school supply store operated by or within any such school or attendance center, other than newspapers written, edited or produced by students enrolled in the school district, public school or attendance center.

(f) The State Board of Education, in coordination with the Departments of Central Management Services and Commerce and
Economic Opportunity Community Affairs, may adopt such rules
and regulations as it deems necessary to assist districts in
carrying out the provisions of this Section.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)
Sec. 34-18.15. Recycled paper and paper products.
(a) Definitions. As used in this Section, the following
terms shall have the meanings indicated, unless the context
otherwise requires:
"Deinked stock" means paper that has been processed to
remove inks, clays, coatings, binders and other contaminants.
"High grade printing and writing papers" includes offset
printing paper, duplicator paper, writing paper (stationery),
tablet paper, office paper, note pads, xerographic paper,
envelopes, form bond including computer paper and carbonless
forms, book papers, bond papers, ledger paper, book stock and
cotton fiber papers.
"Paper and paper products" means high grade printing and
writing papers, tissue products, newsprint, unbleached
packaging and recycled paperboard.
"Postconsumer material" means only those products
generated by a business or consumer which have served their
intended end uses, and which have been separated or diverted
from solid waste; wastes generated during the production of an
end product are excluded.
"Recovered paper material" means paper waste generated
after the completion of the papermaking process, such as
postconsumer materials, envelope cuttings, bindery trimmings,
printing waste, cutting and other converting waste, butt rolls,
and mill wrappers, obsolete inventories, and rejected unused
stock. "Recovered paper material", however, does not include
fibrous waste generated during the manufacturing process as
fibers recovered from waste water or trimmings of paper machine
rolls (mill broke), or fibrous byproducts of harvesting,
extraction or woodcutting processes, or forest residues such as
bark.

"Recycled paperboard" includes paperboard products, folding cartons and pad backings.

"Tissue products" includes toilet tissue, paper towels, paper napkins, facial tissue, paper doilies, industrial wipers, paper bags and brown papers. These products shall also be unscented and shall not be colored.

"Unbleached packaging" includes corrugated and fiber storage boxes.

(b) Wherever economically and practically feasible, as determined by the board of education, the board of education, all public schools and attendance centers within the school district, and their school supply stores shall procure recycled paper and paper products as follows:

(1) Beginning July 1, 1992, at least 10% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(2) Beginning July 1, 1995, at least 25% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(3) Beginning July 1, 1999, at least 40% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(4) Beginning July 1, 2001, at least 50% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products;

(5) Beginning upon the effective date of this amendatory Act of 1992, all paper purchased by the board of
education, public schools and attendance centers for
publication of student newspapers shall be recycled
newsprint. The amount purchased shall not be included in
calculating the amounts specified in paragraphs (1)
through (4).

(c) Paper and paper products purchased from private sector
vendors pursuant to printing contracts are not considered paper
and paper products for the purposes of subsection (b), unless
purchased under contract for the printing of student
newspapers.

(d)(1) Wherever economically and practically feasible, the
recycled paper and paper products referred to in subsection (b)
shall contain postconsumer or recovered paper materials as
specified by paper category in this subsection:

(i) Recycled high grade printing and writing paper
shall contain at least 50% recovered paper material. Such
recovered paper material, until July 1, 1994, shall consist
of at least 20% deinked stock or postconsumer material; and
beginning July 1, 1994, shall consist of at least 25%
deinked stock or postconsumer material; and beginning July
1, 1996, shall consist of at least 30% deinked stock or
postconsumer material; and beginning July 1, 1998, shall
consist of at least 40% deinked stock or postconsumer
material; and beginning July 1, 2000, shall consist of at
least 50% deinked stock or postconsumer material.

(ii) Recycled tissue products, until July 1, 1994,
shall contain at least 25% postconsumer material; and
beginning July 1, 1994, shall contain at least 30%
postconsumer material; and beginning July 1, 1996, shall
contain at least 35% postconsumer material; and beginning
July 1, 1998, shall contain at least 40% postconsumer
material; and beginning July 1, 2000, shall contain at
least 45% postconsumer material.

(iii) Recycled newsprint, until July 1, 1994, shall
contain at least 40% postconsumer material; and beginning
July 1, 1994, shall contain at least 50% postconsumer
material; and beginning July 1, 1996, shall contain at
least 60% postconsumer material; and beginning July 1,
1998, shall contain at least 70% postconsumer material; and
beginning July 1, 2000, shall contain at least 80%
postconsumer material.

(iv) Recycled unbleached packaging, until July 1,
1994, shall contain at least 35% postconsumer material; and
beginning July 1, 1994, shall contain at least 40%
postconsumer material; and beginning July 1, 1996, shall
contain at least 45% postconsumer material; and beginning
July 1, 1998, shall contain at least 50% postconsumer
material; and beginning July 1, 2000, shall contain at
least 55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall
contain at least 80% postconsumer material; and beginning
July 1, 1994, shall contain at least 85% postconsumer
material; and beginning July 1, 1996, shall contain at
least 90% postconsumer material; and beginning July 1,
1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer
material" includes:

(i) paper, paperboard, and fibrous waste from retail
stores, office buildings, homes and so forth, after the
waste has passed through its end usage as a consumer item,
including used corrugated boxes, old newspapers, mixed
waste paper, tabulating cards, and used cordage; and

(ii) all paper, paperboard, and fibrous wastes that are
diverted or separated from the municipal waste stream.

(3) For the purpose of this Section, "recovered paper
material" includes:

(i) postconsumer material;

(ii) dry paper and paperboard waste generated after
completion of the papermaking process (that is, those
manufacturing operations up to and including the cutting
and trimming of the paper machine reel into smaller rolls
or rough sheets), including envelope cuttings, bindery
trimmings, and other paper and paperboard waste resulting
from printing, cutting, forming and other converting
operations, or from bag, box and carton manufacturing, and
butt rolls, mill wrappers, and rejected unused stock; and

(iii) finished paper and paperboard from obsolete
inventories of paper and paperboard manufacturers,
merchants, wholesalers, dealers, printers, converters or
others.

(e) Nothing in this Section shall be deemed to apply to art
materials, nor to any newspapers, magazines, text books,
library books or other copyrighted publications which are
purchased or used by the board of education or any public
school or attendance center within the school district, or
which are sold in any school supply store operated by or within
any such school or attendance center, other than newspapers
written, edited or produced by students enrolled in the school
district, public school or attendance center.

(f) The State Board of Education, in coordination with the
Departments of Central Management Services and Commerce and
Economic Opportunity Community Affairs, may adopt such rules
and regulations as it deems necessary to assist districts in
carrying out the provisions of this Section.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 630. The School District Educational Effectiveness
and Fiscal Efficiency Act is amended by changing Sections 3 and
5 as follows:

(105 ILCS 205/3) (from Ch. 122, par. 873)

Sec. 3. Awarding of grants.

Applications for grants shall be made annually to the
Office of the Superintendent of Public Instruction on forms
provided by that office. The Superintendent and the Director of
the Governor's Office of Management and Budget Bureau of the
Budget shall select applicants to receive grants and shall,
insofar as possible, distribute grants to elementary,
secondary and unit districts of diverse size and representative
of every region of the State. Preference will be given to
districts that have committed or are planning to commit
additional local funds toward the development of such a system.

In determining the amount of each grant, the Superintendent
of Public Instruction and the Director of the Governor's Office
of Management and Budget Bureau of the Budget shall give
consideration to the size of the district and the extent to
which the district has previously instituted procedures
similar to those described in this Act.

(Source: P.A. 77-2191; revised 8-23-03.)

(105 ILCS 205/5) (from Ch. 122, par. 875)

Sec. 5. Rules and regulations. The Superintendent of Public
Instruction in consultation with the Director of the Governor's
Office of Management and Budget Bureau of the Budget shall adopt such rules and regulations necessary to implement this
Act.

(Source: P.A. 77-2191; revised 8-23-03.)

Section 635. The Adult Education Reporting Act is amended
by changing Section 1 as follows:

(105 ILCS 410/1) (from Ch. 122, par. 1851)

Sec. 1. As used in this Act, "agency" means: the Departments of Corrections, Public Aid, Commerce and Economic
Opportunity Community Affairs, Human Services, and Public
Health; the Secretary of State; the Illinois Community College
Board; and the Administrative Office of the Illinois Courts. On
and after July 1, 2001, "agency" includes the State Board of
Education and does not include the Illinois Community College
Board.

(Source: P.A. 91-830, eff. 7-1-00; revised 12-6-03.)

Section 640. The Conservation Education Act is amended by
changing Section 3 as follows:
Sec. 3. Advisory Board.

(a) An Advisory Board is hereby established consisting of the Director of Agriculture, the Director of Natural Resources, the Director of the Environmental Protection Agency, the State Superintendent of Education, the Director of Commerce and Economic Opportunity Community Affairs, the Director of Public Health, the Director of Nuclear Safety, the Director of the University of Illinois Cooperative Extension Service, and 4 members to be appointed by the Governor. The appointed members shall consist of: a representative of the colleges and universities of the State of Illinois, a member of a soil conservation district within the State of Illinois, a classroom teacher who has won the Conservation Teacher of the Year Award, and a representative of business and industry. All appointive members shall be appointed for terms of 3 years except when an appointment is made to fill a vacancy, in which case the appointment shall be made by the Governor for the unexpired term of the position vacant. In selecting the appointive members of the Advisory Board, the Governor shall give due consideration to the recommendations of such professional organizations as are concerned with the conservation education program. Members of the Advisory Board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the administration of the Act. Each of the members serving ex officio may designate a person to serve in his or her place.

(b) The Advisory Board shall select its own Chairman, establish rules and procedures not inconsistent with this Act and shall keep a record of matters transpiring at all meetings. The Board shall hold regular meetings at least 4 times each year and special meetings shall be held at the call of the Chairman or any 3 members of the Board. All matters coming before the Board shall be decided by a majority vote of those present at any meeting.
(c) The Advisory Board from time to time shall make recommendations concerning the conservation education program within the State of Illinois.
(Source: P.A. 92-229, eff. 8-2-01; revised 12-6-03.)

Section 645. The Vocational Education Act is amended by changing Section 2.1 as follows:

(105 ILCS 435/2.1) (from Ch. 122, par. 697.1)
Sec. 2.1. Gender Equity Advisory Committee.

(a) The Superintendent of the State Board of Education shall appoint a Gender Equity Advisory Committee of at least 9 members to advise and consult with the State Board of Education and the gender equity coordinator in all aspects relating to ensuring that all students have equal educational opportunities to pursue high wage, high skill occupations leading to economic self-sufficiency.

(b) Membership shall include without limitation one regional gender equity coordinator, 2 State Board of Education employees, the Department of Labor's Displaced Homemaker Program Manager, and 5 citizen appointees who have expertise in one or more of the following areas: nontraditional training and placement, service delivery to single parents, service delivery to displaced homemakers, service delivery to female teens, business and industry experience, and Education-to-Careers experience. Membership also may include employees from the Department of Commerce and Economic Opportunity Community Affairs, the Department of Human Services, and the Illinois Community College Board who have expertise in one or more of the areas listed in this subsection (b) for the citizen appointees. Appointments shall be made taking into consideration expertise of services provided in secondary, postsecondary and community based programs.

(c) Members shall initially be appointed to one year terms commencing in January 1, 1990, and thereafter to two year terms commencing on January 1 of each odd numbered year. Vacancies
shall be filled as prescribed in subsection (b) for the
remainder of the unexpired term.

(d) Each newly appointed committee shall elect a Chair and
Secretary from its members. Members shall serve without
compensation, but shall be reimbursed for expenses incurred in
the performance of their duties. The Committee shall meet at
least bi-annually and at other times at the call of the Chair
or at the request of the gender equity coordinator.
(Source: P.A. 91-304, eff. 1-1-00; revised 12-6-03.)

Section 650. The Board of Higher Education Act is amended
by changing Sections 9.12, 9.18, and 9.25 as follows:

(110 ILCS 205/9.12) (from Ch. 144, par. 189.12)
Sec. 9.12. To encourage the coordination of research and
service programs in the several State universities to furnish
assistance to the communities and citizens of this State in
meeting special economic needs arising from the removal or
termination of substantial industrial or commercial operations
and the waste of human and economic resources which often
results from such removal.
Such programs may include assistance in identifying
opportunities for the replacement of the lost operations, in
determining the economic feasibility of the various
opportunities available, and in the development of new products
or services suitable for production in the particular facility
made available by the relocation.
The Department of Commerce and Economic Opportunity
Community Affairs may assist the universities by providing,
with the assistance of the Board, a system for referring
particular economic problems to the most appropriate research
and service program.
(Source: P.A. 82-783; revised 12-6-03.)

(110 ILCS 205/9.18) (from Ch. 144, par. 189.18)
Sec. 9.18. To review the annual budget proposals of the
Illinois Mathematics and Science Academy and to submit to the Governor, the General Assembly, the Governor's Office of Management and Budget, Bureau of the Budget, and the Illinois Economic and Fiscal Commission its analysis and recommendations on such budget proposals.

(Source: P.A. 85-1019; revised 8-23-03.)

(110 ILCS 205/9.25)

Sec. 9.25. Feasibility study; Parks College. The Department of Commerce and Economic Opportunity Community Affairs along with the Board of Higher Education shall conduct an economic and educational feasibility study for the future development of Parks College in Cahokia, Illinois.

(Source: P.A. 89-279, eff. 1-1-96; 89-626, eff. 8-9-96; revised 12-6-03.)

Section 655. The Southern Illinois University Management Act is amended by changing Section 6.6 as follows:

(110 ILCS 520/6.6)

Sec. 6.6. The Illinois Ethanol Research Advisory Board.

(a) There is established the Illinois Ethanol Research Advisory Board (the "Advisory Board").

(b) The Advisory Board shall be composed of 13 members including: the President of Southern Illinois University who shall be Chairman; the Director of Commerce and Economic Opportunity Community Affairs; the Director of Agriculture; the President of the Illinois Corn Growers Association; the President of the National Corn Growers Association; the President of the Renewable Fuels Association; the Dean of the College of Agricultural, Consumer, and Environmental Science, University of Illinois at Champaign-Urbana; and 6 at-large members appointed by the Governor representing the ethanol industry, growers, suppliers, and universities.

(c) The 6 at-large members shall serve a term of 4 years. The Advisory Board shall meet at least annually or at the call
of the Chairman. At any time a majority of the Advisory Board
may petition the Chairman for a meeting of the Board. Seven
members of the Advisory Board shall constitute a quorum.

(d) The Advisory Board shall:

(1) Review the annual operating plans and budget of the
National Corn-to-Ethanol Research Pilot Plant.

(2) Advise on research and development priorities and
projects to be carried out at the Corn-to-Ethanol Research
Pilot Plant.

(3) Advise on policies and procedures regarding the
management and operation of the ethanol research pilot
plant. This may include contracts, project selection, and
personnel issues.

(4) Develop bylaws.

(5) Submit a final report to the Governor and General
Assembly outlining the progress and accomplishments made
during the year along with a financial report for the year.

(e) The Advisory Board established by this Section is a
continuation, as changed by the Section, of the Board
established under Section 8a of the Energy Conservation and
Coal Act and repealed by this amendatory Act of the 92nd
General Assembly.

(Source: P.A. 92-736, eff. 7-25-02; revised 12-6-03.)

Section 660. The Illinois State University Law is amended
by changing Section 20-115 as follows:

(110 ILCS 675/20-115)

Sec. 20-115. Illinois Institute for Entrepreneurship
Education.

(a) There is created, effective July 1, 1997, within the
State at Illinois State University, the Illinois Institute for
Entrepreneurship Education, hereinafter referred to as the
Institute.

(b) The Institute created under this Section shall commence
its operations on July 1, 1997 and shall have a board composed
of 15 members representative of education, commerce and industry, government, or labor, appointed as follows: 2 members shall be appointees of the Governor, one of whom shall be a minority or female person as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; one member shall be an appointee of the President of the Senate; one member shall be an appointee of the Minority Leader of the Senate; one member shall be an appointee of the Speaker of the House of Representatives; one member shall be an appointee of the Minority Leader of the House of Representatives; 2 members shall be appointees of Illinois State University; one member shall be an appointee of the Board of Higher Education; one member shall be an appointee of the State Board of Education; one member shall be an appointee of the Department of Commerce and Economic Opportunity Community Affairs; one member shall be an appointee of the Illinois chapter of Economics America; and 3 members shall be appointed by majority vote of the other 12 appointed members to represent business owner-entrepreneurs. Each member shall have expertise and experience in the area of entrepreneurship education, including small business and entrepreneurship. The majority of voting members must be from the private sector. The members initially appointed to the board of the Institute created under this Section shall be appointed to take office on July 1, 1997 and shall by lot determine the length of their respective terms as follows: 5 members shall be selected by lot to serve terms of one year, 5 members shall be selected by lot to serve terms of 2 years, and 5 members shall be selected by lot to serve terms of 3 years. Subsequent appointees shall each serve terms of 3 years. The board shall annually select a chairperson from among its members. Each board member shall serve without compensation but shall be reimbursed for expenses incurred in the performance of his or her duties.

(c) The purpose of the Institute shall be to foster the growth and development of entrepreneurship education in the
State of Illinois. The Institute shall help remedy the deficiencies in the preparation of entrepreneurship education teachers, increase the quality and quantity of entrepreneurship education programs, improve instructional materials, and prepare personnel to serve as leaders and consultants in the field of entrepreneurship education and economic development. The Institute shall promote entrepreneurship as a career option, promote and support the development of innovative entrepreneurship education materials and delivery systems, promote business, industry, and education partnerships, promote collaboration and involvement in entrepreneurship education programs, encourage and support in-service and preservice teacher education programs within various educational systems, and develop and distribute relevant materials. The Institute shall provide a framework under which the public and private sectors may work together toward entrepreneurship education goals. These goals shall be achieved by bringing together programs that have an impact on entrepreneurship education to achieve coordination among agencies and greater efficiency in the expenditure of funds.

(d) Beginning July 1, 1997, the Institute shall have the following powers subject to State and Illinois State University Board of Trustees regulations and guidelines:

(1) To employ and determine the compensation of an executive director and such staff as it deems necessary;

(2) To own property and expend and receive funds and generate funds;

(3) To enter into agreements with public and private entities in the furtherance of its purpose; and

(4) To request and receive the cooperation and assistance of all State departments and agencies in the furtherance of its purpose.

(e) The board of the Institute shall be a policy making body with the responsibility for planning and developing Institute programs. The Institute, through the Board of Trustees of Illinois State University, shall annually report to
the Governor and General Assembly by January 31 as to its activities and operations, including its findings and recommendations.

(f) Beginning on July 1, 1997, the Institute created under this Section shall be deemed designated by law as the successor to the Illinois Institute for Entrepreneurship Education, previously created and existing under Section 2-11.5 of the Public Community College Act until its abolition on July 1, 1997 as provided in that Section. On July 1, 1997, all financial and other records of the Institute so abolished and all of its property, whether real or personal, including but not limited to all inventory and equipment, shall be deemed transferred by operation of law to the Illinois Institute for Entrepreneurship Education created under this Section 20-115. The Illinois Institute for Entrepreneurship Education created under this Section 20-115 shall have, with respect to the predecessor Institute so abolished, all authority, powers, and duties of a successor agency under Section 10-15 of the Successor Agency Act.

(Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

Section 665. The Baccalaureate Savings Act is amended by changing Sections 4, 5, and 8 as follows:

(110 ILCS 920/4) (from Ch. 144, par. 2404)

Sec. 4. Issuance and Sale of College Savings Bonds. In order to provide investors with investment alternatives to enhance their financial access to Institutions of Higher Education located in the State of Illinois, and in furtherance of the public policy of this Act, bonds authorized by the provisions of the General Obligation Bond Act, in a total aggregate original principal amount not to exceed $2,200,000,000 may be issued and sold from time to time, and as often as practicable, as College Savings Bonds in such amounts as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget.
Bureau of the Budget. Bonds to be issued and sold as College Savings Bonds shall be designated by the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget as "General Obligation College Savings Bonds" in the proceedings authorizing the issuance of such Bonds, and shall be subject to all of the terms and provisions of the General Obligation Bond Act, except that College Savings Bonds may bear interest payable at such time or times and may be sold at such prices and in such manner as may be determined by the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget and except as otherwise provided in this Act. If College Savings Bonds are sold at public sale, the public sale procedures shall be as set forth in Section 11 of the General Obligation Bond Act. College Savings Bonds may be sold at negotiated sale if the Director of the Governor's Office of Management and Budget Bureau of the Budget determines that a negotiated sale will result in either a more efficient and economic sale of such Bonds or greater access to such Bonds by investors who are residents of the State of Illinois. If any College Savings Bonds are sold at a negotiated sale, the underwriter or underwriters to which such Bonds are sold shall (a) be organized, incorporated or have their principal place of business in the State of Illinois, or (b) in the judgment of the Director of the Governor's Office of Management and Budget Bureau of the Budget, have sufficient capability to make a broad distribution of such Bonds to investors resident in the State of Illinois. In determining the aggregate principal amount of College Savings Bonds that has been issued pursuant to this Act, the aggregate original principal amount of such Bonds issued and sold shall be taken into account. Any bond issued under this Act shall be payable in one payment on a fixed date, unless the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget determine otherwise.

(Source: P.A. 90-1, eff. 2-20-97; 91-53, eff. 6-30-99; revised 8-23-03.)
Sec. 5. Security of College Savings Bonds. Any College Savings Bonds issued under the General Obligation Bond Act in accordance with this Act shall be direct, general obligations of the State of Illinois and subject to repayment as provided in the General Obligation Bond Act; however in the proceedings of the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget authorizing the issuance of College Savings Bonds, such officials may covenant on behalf of the State with or for the benefit of the holders of such Bonds as to all matters deemed advisable by such officials, including the terms and conditions for creating and maintaining sinking funds, reserve funds and such other special funds as may be created in such proceedings, separate and apart from all other funds and accounts of the State, and such officials may make such other covenants as may be deemed necessary or desirable to assure the prompt payment of the principal of and interest on such Bonds. The transfers to and appropriations from the General Obligation Bond Retirement and Interest Fund required by the General Obligation Bond Act shall be made at such times and in such amounts as shall be determined by the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget and shall be made to and from any fund or funds created pursuant to this Section for the payment of the principal of and interest on any College Savings Bonds.

(Source: P.A. 87-144; revised 8-23-03.)

Sec. 8. Grant Program. The proceedings of the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget authorizing the issuance of College Savings Bonds shall also provide for a grant program of additional financial incentives to be provided to holders of such Bonds to encourage the enrollment of students at
Institutions of Higher Education located in the State of Illinois. The Grant Program of financial incentives shall be administered by the State Scholarship Commission pursuant to administrative rules promulgated by the Commission. Such financial incentives shall be in such forms as determined by the Governor and the Director of the Governor's Office of Management and Budget Bureau of the Budget at the time of the authorization of such College Savings Bonds and may include, among others, supplemental payments to the holders of such Bonds at maturity to be applied to tuition costs at institutions of higher education located in the State of Illinois. The Commission may establish, by rule, administrative procedures and eligibility criteria for the Grant Program, provided such rules are consistent with the purposes of this Act. The Commission may require bond holders, institutions of higher education and other necessary parties to assist in the determination of eligibility for financial incentives under the Grant Program. All grants shall be subject to annual appropriation of funds for such purpose by the General Assembly. Such financial incentives shall be provided only if, in the sole judgment of the Director of the Governor's Office of Management and Budget Bureau of the Budget, the cost of such incentives shall not cause the cost to the State of the proceeds of the College Savings Bonds being sold to be increased by more than 1/2 of 1%. No such financial incentives shall be paid to assist in the financing of the education of a student (i) in a school or department of divinity for any religious denomination or (ii) pursuing a course of study consisting of training to become a minister, priest, rabbi or other professional person in the field of religion.

(Source: P.A. 86-168; revised 8-23-03.)

Section 670. The Higher Education Student Assistance Act is amended by changing Section 75 as follows:

(110 ILCS 947/75)
Sec. 75. College savings programs.

(a) Purpose. The General Assembly finds and hereby declares that for the benefit of the people of the State of Illinois, the conduct and increase of their commerce, the protection and enhancement of their welfare, the development of continued prosperity and the improvement of their health and living conditions, it is essential that all citizens with the intellectual ability and motivation be able to obtain a higher education. The General Assembly further finds that rising tuition costs, increasingly restrictive eligibility criteria for existing federal and State student aid programs and other trends in higher education finance have impeded access to a higher education for many middle-income families; and that to remedy these concerns, it is of utmost importance that families be provided with investment alternatives to enhance their financial access to institutions of higher education. It is the intent of this Section to establish College Savings Programs appropriate for families from various income groups, to encourage Illinois families to save and invest in anticipation of their children's education, and to encourage enrollment in institutions of higher education, all in execution of the public policy set forth above and elsewhere in this Act.

(b) The Commission is authorized to develop and provide a program of college savings instruments to Illinois citizens. The program shall be structured to encourage parents to plan ahead for the college education of their children and to permit the long-term accumulation of savings which can be used to finance the family's share of the cost of a higher education. Income, up to $2,000 annually per account, which is derived by individuals from investments made in accordance with College Savings Programs established under this Section shall be free from all taxation by the State and its political subdivisions, except for estate, transfer, and inheritance taxes.

(c) The Commission is authorized to contract with private financial institutions and other businesses, individuals, and other appropriate parties to establish and operate the College
Savings Programs. The Commission may negotiate contracts with private financial and investment companies, establish College Savings Programs, and monitor the vendors administering the programs in whichever manner the Commission determines is best suited to accomplish the purposes of this Section. The Auditor General shall periodically review the operation of the College Savings Programs and shall advise the Commission and the General Assembly of his findings.

(d) In determining the type of instruments to be offered, the Commission shall consult with, and receive the assistance of, the Illinois Board of Higher Education, the Governor's Office of Management and Budget Bureau of the Budget, the State Board of Investments, the Governor, and other appropriate State agencies and private parties.

(e) The Commission shall market and promote the College Savings Programs to the citizens of Illinois.

(f) The Commission shall assist the State Comptroller and State Treasurer in establishing a payroll deduction plan through which State employees may participate in the College Savings Programs. The Department of Labor, Department of Employment Security, Department of Revenue, and other appropriate agencies shall assist the Commission in educating Illinois employers about the College Savings Programs, and shall assist the Commission in securing employers' participation in a payroll deduction plan and other initiatives which maximize participation in the College Savings Programs.

(g) The Commission shall examine means by which the State, through a series of matching contributions or other incentives, may most effectively encourage Illinois families to participate in the College Savings Programs. The Commission shall report its conclusions and recommendations to the Governor and General Assembly no later than February 15, 1990.

(h) The College Savings Programs established pursuant to this Section shall not be subject to the provisions of the Illinois Administrative Procedure Act. The Commission shall provide that appropriate disclosures are provided to all
citizens who participate in the College Savings Programs.

(Source: P.A. 87-997; revised 8-23-03.)

Section 675. The Illinois Prepaid Tuition Act is amended by changing Section 20 as follows:

(110 ILCS 979/20)

Sec. 20. Investment Advisory Panel. The Illinois prepaid tuition program shall be administered by the Illinois Student Assistance Commission, with advice and counsel from an investment advisory panel appointed by the Commission. The Illinois prepaid tuition program shall be administratively housed within the Commission, and the investment advisory panel shall have such duties as are specified in this Act.

The investment advisory panel shall consist of 7 members who are appointed by the Commission, including one recommended by the State Treasurer, one recommended by the State Comptroller, one recommended by the Director of the Governor's Office of Management and Budget Bureau of the Budget, and one recommended by the Executive Director of the Board of Higher Education. Each panel member shall possess knowledge, skill, and experience in at least one of the following areas of expertise: accounting, actuarial practice, risk management, or investment management. Members shall serve 3-year terms except that, in making the initial appointments, the Commission shall appoint 2 members to serve for 2 years, 2 members to serve for 3 years, and 3 members to serve for 4 years. Any person appointed to fill a vacancy on the panel shall be appointed in a like manner and shall serve for only the unexpired term. Investment advisory panel members shall be eligible for reappointment and shall serve until a successor is appointed and confirmed. Panel members shall serve without compensation but shall be reimbursed for expenses. Before being installed as a member of the investment advisory panel, each nominee shall file verified written statements of economic interest with the Secretary of State as required by the Illinois Governmental
Ethics Act and with the Board of Ethics as required by Executive Order of the Governor. The investment advisory panel shall meet at least twice annually. At least once each year the Commission Chairman shall designate a time and place at which the investment advisory panel shall meet publicly with the Illinois Student Assistance Commission to discuss issues and concerns relating to the Illinois prepaid tuition program.

(Source: P.A. 90-546, eff. 12-1-97; 91-669, eff. 1-1-00; revised 8-23-03.)

Section 680. The Public Utilities Act is amended by changing Sections 9-222.1, 9-222.1A, 13-301.1, 13-301.2, 15-401, and 16-111.1 as follows:

(220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

Sec. 9-222.1. A business enterprise which is located within an area designated by a county or municipality as an enterprise zone pursuant to the Illinois Enterprise Zone Act or located in a federally designated Foreign Trade Zone or Sub-Zone shall be exempt from the additional charges added to the business enterprise's utility bills as a pass-on of municipal and State utility taxes under Sections 9-221 and 9-222 of this Act, to the extent such charges are exempted by ordinance adopted in accordance with paragraph (e) of Section 8-11-2 of the Illinois Municipal Code in the case of municipal utility taxes, and to the extent such charges are exempted by the percentage specified by the Department of Commerce and Economic Opportunity Community Affairs in the case of State utility taxes, provided such business enterprise meets the following criteria:

(1) it either (i) makes investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; (ii) makes investments of at least $175,000,000 which cause the creation of a minimum of 150 full-time equivalent jobs in Illinois; or (iii) makes investments...
which cause the retention of a minimum of 1,000 full-time
jobs in Illinois; and

(2) it is either (i) located in an Enterprise Zone
established pursuant to the Illinois Enterprise Zone Act or
(ii) it is located in a federally designated Foreign Trade
Zone or Sub-Zone and is designated a High Impact Business
by the Department of Commerce and Economic Opportunity
Community Affairs; and

(3) it is certified by the Department of Commerce and
Economic Opportunity Community Affairs as complying with
the requirements specified in clauses (1) and (2) of this
Section.

The Department of Commerce and Economic Opportunity
Community Affairs shall determine the period during which such
exemption from the charges imposed under Section 9-222 is in
effect which shall not exceed 30 years or the certified term of
the enterprise zone, whichever period is shorter.

The Department of Commerce and Economic Opportunity
Community Affairs shall have the power to promulgate rules and
regulations to carry out the provisions of this Section
including procedures for complying with the requirements
specified in clauses (1) and (2) of this Section and procedures
for applying for the exemptions authorized under this Section;
to define the amounts and types of eligible investments which
business enterprises must make in order to receive State
utility tax exemptions pursuant to Sections 9-222 and 9-222.1
of this Act; to approve such utility tax exemptions for
business enterprises whose investments are not yet placed in
service; and to require that business enterprises granted tax
exemptions repay the exempted tax should the business
enterprise fail to comply with the terms and conditions of the
certification. However, no business enterprise shall be
required, as a condition for certification under clause (3) of
this Section, to attest that its decision to invest under
clause (1) of this Section and to locate under clause (2) of
this Section is predicated upon the availability of the
exemptions authorized by this Section.

A business enterprise shall be exempt, in whole or in part, from the pass-on charges of municipal utility taxes imposed under Section 9-221, only if it meets the criteria specified in clauses (1) through (3) of this Section and the municipality has adopted an ordinance authorizing the exemption under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code. Upon certification of the business enterprises by the Department of Commerce and Economic Opportunity Community Affairs, the Department of Commerce and Economic Opportunity Community Affairs shall notify the Department of Revenue of such certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the pass-on charges of State and municipal utility taxes. Such exemption status shall be effective within 3 months after certification of the business enterprise.

(Source: P.A. 91-567, eff. 8-14-99; 92-777, eff. 1-1-03; revised 12-6-03.)

(220 ILCS 5/9-222.1A)

Sec. 9-222.1A. High impact business. Beginning on August 1, 1998 and thereafter, a business enterprise that is certified as a High Impact Business by the Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs) is exempt from the tax imposed by Section 2-4 of the Electricity Excise Tax Law, if the High Impact Business is registered to self-assess that tax, and is exempt from any additional charges added to the business enterprise’s utility bills as a pass-on of State utility taxes under Section 9-222 of this Act, to the extent the tax or charges are exempted by the percentage specified by the Department of Commerce and Economic Opportunity Community Affairs for State utility taxes, provided the business enterprise meets the following criteria:

(1) (A) it intends either (i) to make a minimum eligible investment of $12,000,000 that will be placed
in service in qualified property in Illinois and is intended to create at least 500 full-time equivalent jobs at a designated location in Illinois; or (ii) to make a minimum eligible investment of $30,000,000 that will be placed in service in qualified property in Illinois and is intended to retain at least 1,500 full-time equivalent jobs at a designated location in Illinois; or

(B) it meets the criteria of subdivision (a)(3)(B), (a)(3)(C), or (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act;

(2) it is designated as a High Impact Business by the Department of Commerce and Economic Opportunity Community Affairs; and

(3) it is certified by the Department of Commerce and Economic Opportunity Community Affairs as complying with the requirements specified in clauses (1) and (2) of this Section.

The Department of Commerce and Economic Opportunity Community Affairs shall determine the period during which the exemption from the Electricity Excise Tax Law and the charges imposed under Section 9-222 are in effect, which shall not exceed 20 years from the date of initial certification, and shall specify the percentage of the exemption from those taxes or additional charges.

The Department of Commerce and Economic Opportunity Community Affairs is authorized to promulgate rules and regulations to carry out the provisions of this Section, including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments that business enterprises must make in order to receive State utility tax exemptions or exemptions from the additional charges imposed under Section 9-222 and this Section; to approve such utility tax exemptions for business enterprises
whose investments are not yet placed in service; and to require that business enterprises granted tax exemptions or exemptions from additional charges under Section 9-222 repay the exempted amount if the business enterprise fails to comply with the terms and conditions of the certification.

Upon certification of the business enterprises by the Department of Commerce and Economic Opportunity Community Affairs, the Department of Commerce and Economic Opportunity Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the tax or pass-on charges of State utility taxes. The exemption status shall take effect within 3 months after certification of the business enterprise.

(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised 12-6-03.)

(220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

(Section scheduled to be repealed on July 1, 2005)

Sec. 13-301.1. Universal Telephone Service Assistance Program.

(a) The Commission shall by rule or regulation establish a Universal Telephone Service Assistance Program for low income residential customers. The program shall provide for a reduction of access line charges, a reduction of connection charges, or any other alternative to increase accessibility to telephone service that the Commission deems advisable subject to the availability of funds for the program as provided in subsection (d). The Commission shall establish eligibility requirements for benefits under the program.

(b) The Commission shall adopt rules providing for enhanced enrollment for eligible consumers to receive lifeline service. Enhanced enrollment may include, but is not limited to, joint marketing, joint application, or joint processing with the Low-Income Home Energy Assistance Program, the Medicaid Program, and the Food Stamp Program. The Department of Human
Services, the Department of Public Aid, and the Department of Commerce and Economic Opportunity Community Affairs, upon request of the Commission, shall assist in the adoption and implementation of those rules. The Commission and the Department of Human Services, the Department of Public Aid, and the Department of Commerce and Economic Opportunity Community Affairs may enter into memoranda of understanding establishing the respective duties of the Commission and the Departments in relation to enhanced enrollment.

(c) In this Section, "lifeline service" means a retail local service offering described by 47 C.F.R. Section 54.401(a), as amended.

(d) The Commission shall require by rule or regulation that each telecommunications carrier providing local exchange telecommunications services notify its customers that if the customer wishes to participate in the funding of the Universal Telephone Service Assistance Program he may do so by electing to contribute, on a monthly basis, a fixed amount that will be included in the customer's monthly bill. The customer may cease contributing at any time upon providing notice to the telecommunications carrier providing local exchange telecommunications services. The notice shall state that any contribution made will not reduce the customer's bill for telecommunications services. Failure to remit the amount of increased payment will reduce the contribution accordingly. The Commission shall specify the monthly fixed amount or amounts that customers wishing to contribute to the funding of the Universal Telephone Service Assistance Program may choose from in making their contributions. Every telecommunications carrier providing local exchange telecommunications services shall remit the amounts contributed in accordance with the terms of the Universal Telephone Service Assistance Program.

(Source: P.A. 92-22, eff. 6-30-01; revised 12-6-03.)

(220 ILCS 5/13-301.2)

(Section scheduled to be repealed on July 1, 2005)
Sec. 13-301.2. Program to Foster Elimination of the Digital Divide. The Commission shall require by rule that each telecommunications carrier providing local exchange telecommunications service notify its end-user customers that if the customer wishes to participate in the funding of the Program to Foster Elimination of the Digital Divide he or she may do so by electing to contribute, on a monthly basis, a fixed amount that will be included in the customer's monthly bill. The obligations imposed in this Section shall not be imposed upon a telecommunications carrier for any of its end-users subscribing to the services listed below: (1) private line service which is not directly or indirectly used for the origination or termination of switched telecommunications service, (2) cellular radio service, (3) high-speed point-to-point data transmission at or above 9.6 kilobits, (4) the provision of telecommunications service by a company or person otherwise subject to subsection (c) of Section 13-202 to a telecommunications carrier, which is incidental to the provision of service subject to subsection (c) of Section 13-202; (5) pay telephone service; or (6) interexchange telecommunications service. The customer may cease contributing at any time upon providing notice to the telecommunications carrier. The notice shall state that any contribution made will not reduce the customer's bill for telecommunications services. Failure to remit the amount of increased payment will reduce the contribution accordingly. The Commission shall specify the monthly fixed amount or amounts that customers wishing to contribute to the funding of the Program to Foster Elimination of the Digital Divide may choose from in making their contributions. A telecommunications carrier subject to this obligation shall remit the amounts contributed by its customers to the Department of Commerce and Economic Opportunity Community Affairs for deposit in the Digital Divide Elimination Fund at the intervals specified in the Commission rules.

(Source: P.A. 92-22, eff. 6-30-01; 93-358, eff. 1-1-04; revised
Sec. 15-401. Licensing.

(a) No person shall operate as a common carrier by pipeline unless the person possesses a certificate in good standing authorizing it to operate as a common carrier by pipeline. No person shall begin or continue construction of a pipeline or other facility, other than the repair or replacement of an existing pipeline or facility, for use in operations as a common carrier by pipeline unless the person possesses a certificate in good standing.

(b) Requirements for issuance. The Commission, after a hearing, shall grant an application for a certificate authorizing operations as a common carrier by pipeline, in whole or in part, to the extent that it finds that the application was properly filed; a public need for the service exists; the applicant is fit, willing, and able to provide the service in compliance with this Act, Commission regulations, and orders; and the public convenience and necessity requires issuance of the certificate.

In its determination of public convenience and necessity for a proposed pipeline or facility designed or intended to transport crude oil and any alternate locations for such proposed pipeline or facility, the Commission shall consider, but not be limited to, the following:

(1) any evidence presented by the Illinois Environmental Protection Agency regarding the environmental impact of the proposed pipeline or other facility;

(2) any evidence presented by the Illinois Department of Transportation regarding the impact of the proposed pipeline or facility on traffic safety, road construction, or other transportation issues;

(3) any evidence presented by the Department of Natural Resources regarding the impact of the proposed pipeline or
facility on any conservation areas, forest preserves, wildlife preserves, wetlands, or any other natural resource;

(4) any evidence of the effect of the pipeline upon the economy, infrastructure, and public safety presented by local governmental units that will be affected by the proposed pipeline or facility;

(5) any evidence of the effect of the pipeline upon property values presented by property owners who will be affected by the proposed pipeline or facility;

(6) any evidence presented by the Department of Commerce and Economic Opportunity Community Affairs regarding the current and future economic effect of the proposed pipeline or facility including, but not limited to, property values, employment rates, and residential and business development; and

(7) any evidence presented by any other State agency that participates in the proceeding.

In its written order, the Commission shall address all of the evidence presented, and if the order is contrary to any of the evidence, the Commission shall state the reasons for its determination with regard to that evidence. The provisions of this amendatory Act of 1996 apply to any certificate granted or denied after the effective date of this amendatory Act of 1996.

(c) Duties and obligations of common carriers by pipeline. Each common carrier by pipeline shall provide adequate service to the public at reasonable rates and without discrimination.

(Source: P.A. 89-42, eff. 1-1-96; 89-573, eff. 7-30-96; revised 12-6-03.)

(220 ILCS 5/16-111.1)

Sec. 16-111.1. Illinois Clean Energy Community Trust.

(a) An electric utility which has sold or transferred generating facilities in a transaction to which subsection (k) of Section 16-111 applies is authorized to establish an Illinois clean energy community trust or foundation for the
purposes of providing financial support and assistance to
entities, public or private, within the State of Illinois
including, but not limited to, units of State and local
government, educational institutions, corporations, and
charitable, educational, environmental and community
organizations, for programs and projects that benefit the
public by improving energy efficiency, developing renewable
energy resources, supporting other energy related projects
that improve the State's environmental quality, and supporting
projects and programs intended to preserve or enhance the
natural habitats and wildlife areas of the State. Provided,
however, that the trust or foundation funds shall not be used
for the remediation of environmentally impaired property. The
trust or foundation may also assist in identifying other energy
and environmental grant opportunities.

(b) Such trust or foundation shall be governed by a
declaration of trust or articles of incorporation and bylaws
which shall, at a minimum, provide that:

(1) There shall be 6 voting trustees of the trust or
foundation, one of whom shall be appointed by the Governor,
one of whom shall be appointed by the President of the
Illinois Senate, one of whom shall be appointed by the
Minority Leader of the Illinois Senate, one of whom shall
be appointed by the Speaker of the Illinois House of
Representatives, one of whom shall be appointed by the
Minority Leader of the Illinois House of Representatives,
and one of whom shall be appointed by the electric utility
establishing the trust or foundation, provided that the
voting trustee appointed by the utility shall be a
representative of a recognized environmental action group
selected by the utility. The Governor shall designate one
of the 6 voting trustees to serve as chairman of the trust
or foundation, who shall serve as chairman of the trust or
foundation at the pleasure of the Governor. In addition,
there shall be 4 non-voting trustees, one of whom shall be
appointed by the Director of the Department of Commerce and
Economic Opportunity Community Affairs, one of whom shall be appointed by the Director of the Illinois Environmental Protection Agency, one of whom shall be appointed by the Director of the Department of Natural Resources, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the non-voting trustee appointed by the utility shall bring financial expertise to the trust or foundation and shall have appropriate credentials therefor.

(2) All voting trustees and the non-voting trustee with financial expertise shall be entitled to compensation for their services as trustees, provided, however, that no member of the General Assembly and no employee of the electric utility establishing the trust or foundation serving as a voting trustee shall receive any compensation for his or her services as a trustee, and provided further that the compensation to the chairman of the trust shall not exceed $25,000 annually and the compensation to any other trustee shall not exceed $20,000 annually. All trustees shall be entitled to reimbursement for reasonable expenses incurred on behalf of the trust in the performance of their duties as trustees. All such compensation and reimbursements shall be paid out of the trust.

(3) Trustees shall be appointed within 30 days after the creation of the trust or foundation and shall serve for a term of 5 years commencing upon the date of their respective appointments, until their respective successors are appointed and qualified.

(4) A vacancy in the office of trustee shall be filled by the person holding the office responsible for appointing the trustee whose death or resignation creates the vacancy, and a trustee appointed to fill a vacancy shall serve the remainder of the term of the trustee whose resignation or death created the vacancy.

(5) The trust or foundation shall have an indefinite term, and shall terminate at such time as no trust assets
(6) The trust or foundation shall be funded in the minimum amount of $250,000,000, with the allocation and disbursement of funds for the various purposes for which the trust or foundation is established to be determined by the trustees in accordance with the declaration of trust or the articles of incorporation and bylaws; provided, however, that this amount may be reduced by up to $25,000,000 if, at the time the trust or foundation is funded, a corresponding amount is contributed by the electric utility establishing the trust or foundation to the Board of Trustees of Southern Illinois University for the purpose of funding programs or projects related to clean coal and provided further that $25,000,000 of the amount contributed to the trust or foundation shall be available to fund programs or projects related to clean coal.

(7) The trust or foundation shall be authorized to employ an executive director and other employees, to enter into leases, contracts and other obligations on behalf of the trust or foundation, and to incur expenses that the trustees deem necessary or appropriate for the fulfillment of the purposes for which the trust or foundation is established, provided, however, that salaries and administrative expenses incurred on behalf of the trust or foundation shall not exceed $500,000 in the first fiscal year after the trust or foundation is established and shall not exceed $1,000,000 in each subsequent fiscal year.

(8) The trustees may create and appoint advisory boards or committees to assist them with the administration of the trust or foundation, and to advise and make recommendations to them regarding the contribution and disbursement of the trust or foundation funds.

(c)(1) In addition to the allocation and disbursement of funds for the purposes set forth in subsection (a) of this Section, the trustees of the trust or foundation shall
annually contribute funds in amounts set forth in subparagraph (2) of this subsection to the Citizens Utility Board created by the Citizens Utility Board Act; provided, however, that any such funds shall be used solely for the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission and for the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Provided, however, that no part of such funds shall be used to support (i) any lobbying activity, (ii) activities related to fundraising, (iii) advertising or other marketing efforts regarding a particular utility, or (iv) solicitation of support for, or advocacy of, a particular position regarding any specific utility or a utility's docketed proceeding.

(2) In the calendar year in which the trust or foundation is first funded, the trustees shall contribute $1,000,000 to the Citizens Utility Board within 60 days after such trust or foundation is established; provided, however, that such contribution shall be made after December 31, 1999. In each of the 6 calendar years subsequent to the first contribution, if the trust or foundation is in existence, the trustees shall contribute to the Citizens Utility Board an amount equal to the total expenditures by such organization in the prior calendar year, as set forth in the report filed by the Citizens Utility Board with the chairman of such trust or foundation as required by subparagraph (3) of this subsection. Such subsequent contributions shall be made within 30 days of submission by the Citizens Utility Board of such report to the Chairman of the trust or foundation, but in no event shall any annual contribution by the trustees to the Citizens Utility Board exceed $1,000,000. Following such 7-year period, an Illinois statutory consumer protection
agency may petition the trust or foundation for contributions to fund expenditures of the type identified in paragraph (1), but in no event shall annual contributions by the trust or foundation for such expenditures exceed $1,000,000.

(3) The Citizens Utility Board shall file a report with the chairman of such trust or foundation for each year in which it expends any funds received from the trust or foundation setting forth the amount of any expenditures (regardless of the source of funds for such expenditures) for: (i) the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission, and (ii) the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Such report shall separately state the total amount of expenditures for the purposes or activities identified by items (i) and (ii) of this paragraph, the name and address of the external recipient of any such expenditure, if applicable, and the specific purposes or activities (including internal purposes or activities) for which each expenditure was made. Any report required by this subsection shall be filed with the chairman of such trust or foundation no later than March 31 of the year immediately following the year for which the report is required.

(d) In addition to any other allocation and disbursement of funds in this Section, the trustees of the trust or foundation shall contribute an amount up to $125,000,000 (1) for deposit into the General Obligation Bond Retirement and Interest Fund held in the State treasury to assist in the repayment on general obligation bonds issued under subsection (d) of Section 7 of the General Obligation Bond Act, and (2) for deposit into funds administered by agencies with responsibility for environmental activities to assist in payment for environmental programs. The amount required to be contributed
shall be provided to the trustees in a certification letter from the Director of the Bureau of the Budget that shall be provided no later than August 1, 2003. The payment from the trustees shall be paid to the State no later than December 31st following the receipt of the letter.

(Source: P.A. 93-32, eff. 6-20-03; revised 12-6-03.)

Section 685. The Surface Coal Mining Land Conservation and Reclamation Act is amended by changing Section 1.05 as follows:

(225 ILCS 720/1.05) (from Ch. 96 1/2, par. 7901.05)

Sec. 1.05. Interagency Committee. There is created the Interagency Committee on Surface Mining Control and Reclamation, which shall consist of the Director (or Division Head) of each of the following State agencies: (a) the Department of Agriculture, (b) the Environmental Protection Agency, (c) the Department of Commerce and Economic Opportunity Community Affairs, and (d) any other State Agency designated by the Director as having a programmatic role in the review or regulation of mining operations and reclamation whose comments are expected by the Director to be relevant and of material benefit to the process of reviewing permit applications under this Act. The Interagency Committee on Surface Mining Control and Reclamation shall be abolished on June 30, 1997. Beginning July 1, 1997, all programmatic functions formerly performed by the Interagency Committee on Surface Mining Control and Reclamation shall be performed by the Office of Mines and Minerals within the Department of Natural Resources, except as otherwise provided by Section 9.04 of this Act.

(Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97; revised 12-6-03.)

Section 690. The Illinois Horse Racing Act of 1975 is amended by changing Section 28 as follows:

(230 ILCS 5/28) (from Ch. 8, par. 37-28)
Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies received by the State as privilege taxes shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund in the State treasury until such Fund contains sufficient money to pay in full, both principal and interest, all of the outstanding bonds issued pursuant to the Fair and Exposition Authority Reconstruction Act, approved July 31, 1967, as amended, and thereafter shall be paid into the Metropolitan Exposition Auditorium and Office Building Fund in the State Treasury.

(b) Four and one-half per cent of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into a special Fund to be known as the Metropolitan Exposition, Auditorium, and Office Building Fund.

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the Agricultural Premium Fund.

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and Exposition Fund in the State treasury; provided, however, that when all bonds issued prior to July 1, 1984 by the Metropolitan Fair and Exposition Authority shall have been paid or payment shall have been provided for upon a refunding of those bonds, thereafter 1/12 of $1,665,662 of such monies shall be paid each month into the Build Illinois Fund, and the remainder into the Fair and Exposition Fund. All excess monies shall be allocated to the Department of Agriculture for distribution to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act.

(e) The monies provided for in Section 30 shall be paid into the Illinois Thoroughbred Breeders Fund.

(f) The monies provided for in Section 31 shall be paid into the Illinois Standardbred Breeders Fund.
(g) Until January 1, 2000, that part representing 1/2 of the total breakage in Thoroughbred, Harness, Appaloosa, Arabian, and Quarter Horse racing in the State shall be paid into the Illinois Race Track Improvement Fund as established in Section 32.

(h) All other monies received by the Board under this Act shall be paid into the General Revenue Fund of the State.

(i) The salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board shall be paid out of the Agricultural Premium Fund.

(j) The Agricultural Premium Fund shall also be used:

(1) for the expenses of operating the Illinois State Fair and the DuQuoin State Fair, including the payment of prize money or premiums;

(2) for the distribution to county fairs, vocational agriculture section fairs, agricultural societies, and agricultural extension clubs in accordance with the Agricultural Fair Act, as amended;

(3) for payment of prize monies and premiums awarded and for expenses incurred in connection with the International Livestock Exposition and the Mid-Continent Livestock Exposition held in Illinois, which premiums, and awards must be approved, and paid by the Illinois Department of Agriculture;

(4) for personal service of county agricultural advisors and county home advisors;

(5) for distribution to agricultural home economic extension councils in accordance with "An Act in relation to additional support and finance for the Agricultural and Home Economic Extension Councils in the several counties in
this State and making an appropriation therefor", approved July 24, 1967, as amended;

(6) for research on equine disease, including a development center therefor;

(7) for training scholarships for study on equine diseases to students at the University of Illinois College of Veterinary Medicine;

(8) for the rehabilitation, repair and maintenance of the Illinois and DuQuoin State Fair Grounds and the structures and facilities thereon and the construction of permanent improvements on such Fair Grounds, including such structures, facilities and property located on such State Fair Grounds which are under the custody and control of the Department of Agriculture;

(9) for the expenses of the Department of Agriculture under Section 5-530 of the Departments of State Government Law (20 ILCS 5/5-530);

(10) for the expenses of the Department of Commerce and Economic Opportunity Community Affairs under Sections 605-620, 605-625, and 605-630 of the Department of Commerce and Economic Opportunity Community Affairs Law (20 ILCS 605/605-620, 605/605-625, and 605/605-630);

(11) for remodeling, expanding, and reconstructing facilities destroyed by fire of any Fair and Exposition Authority in counties with a population of 1,000,000 or more inhabitants;

(12) for the purpose of assisting in the care and general rehabilitation of disabled veterans of any war and their surviving spouses and orphans;

(13) for expenses of the Department of State Police for duties performed under this Act;

(14) for the Department of Agriculture for soil surveys and soil and water conservation purposes;

(15) for the Department of Agriculture for grants to the City of Chicago for conducting the Chicagofest.

(k) To the extent that monies paid by the Board to the
Agricultural Premium Fund are in the opinion of the Governor in
excess of the amount necessary for the purposes herein stated,
the Governor shall notify the Comptroller and the State
Treasurer of such fact, who, upon receipt of such notification,
shall transfer such excess monies from the Agricultural Premium
Fund to the General Revenue Fund.
(Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,
eff. 6-28-01; revised 12-6-03.)

Section 695. The Liquor Control Act of 1934 is amended by
changing Section 12-1 as follows:

(235 ILCS 5/12-1)
Sec. 12-1. Grape and Wine Resources Council.
(a) There is hereby created the Grape and Wine Resources
Council, which shall have the powers and duties specified in
this Article and all other powers necessary and proper to
execute the provisions of this Article.
(b) The Council shall consist of 17 members including:
(1) The Director of the Illinois Department of
Agriculture, ex officio, or the Director's designee.
(2) The Dean of the SIU College of Agriculture, or the
Dean's designee.
(3) The Dean of the University of Illinois College of
Agriculture, or the Dean's designee.
(4) An expert in enology or food science and nutrition
to be named by the Director of the Illinois Department of
Agriculture from nominations submitted jointly by the
Deans of the Colleges of Agriculture at Southern Illinois
University and the University of Illinois.
(5) An expert in marketing to be named by the Director
of the Illinois Department of Agriculture from nominations
submitted jointly by the Deans of the Colleges of
Agriculture at Southern Illinois University and the
University of Illinois.
(6) An expert in viticulture to be named by the
Director of the Illinois Department of Agriculture from nominations submitted jointly by the Deans of the Colleges of Agriculture at Southern Illinois University and the University of Illinois.

(7) A representative from the Illinois Division of Tourism, to be named by the Director of the Illinois Department of Commerce and Economic Opportunity Community Affairs.

(8) Six persons to be named by the Director of the Illinois Department of Agriculture from nominations from the President of the Illinois Grape Growers and Vintners Association, of whom 3 shall be grape growers and 3 shall be vintners.

(9) Four persons, one of whom shall be named by the Speaker of the House of Representatives, one of whom shall be named by the Minority Leader of the House of Representatives, one of whom shall be named by the President of the Senate, and one of whom shall be named by the Minority Leader of the Senate.

Members of the Council shall receive no compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Council's Chair shall be the Dean of the College of Agriculture at the University where the Council is housed.

(c) The Council shall be housed at Southern Illinois University at Carbondale, which shall maintain a collaborative relationship with the University of Illinois at Champaign.

(Source: P.A. 90-77, eff. 7-8-97; revised 12-6-03.)

Section 700. The Illinois Public Aid Code is amended by changing Section 9A-3 as follows:

(305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)
Sec. 9A-3. Establishment of Program and Level of Services.
(a) The Illinois Department shall establish and maintain a program to provide recipients with services consistent with the
purposes and provisions of this Article. The program offered in
different counties of the State may vary depending on the
resources available to the State to provide a program under
this Article, and no program may be offered in some counties,
depending on the resources available. Services may be provided
directly by the Illinois Department or through contract.
References to the Illinois Department or staff of the Illinois
Department shall include contractors when the Illinois
Department has entered into contracts for these purposes. The
Illinois Department shall provide each recipient who
participates with such services available under the program as
are necessary to achieve his employability plan as specified in
the plan.

(b) The Illinois Department, in operating the program,
shall cooperate with public and private education and
vocational training or retraining agencies or facilities, the
Illinois State Board of Education, the Illinois Community
College Board, the Departments of Employment Security and
Commerce and Economic Opportunity Community Affairs or other
sponsoring organizations funded under the federal Workforce
Investment Act and other public or licensed private employment
agencies.
(Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03;
revised 12-6-03.)

Section 705. The Energy Assistance Act is amended by
changing Sections 3, 4, 5, 8, and 13 as follows:

(305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)
Sec. 3. Definitions. As used in this Act, unless the
context otherwise requires:
(a) the terms defined in Sections 3-101 through 3-121 of
The Public Utilities Act have the meanings ascribed to them in
that Act;
(b) "Department" means the Department of Commerce and
Economic Opportunity Community Affairs;
(c) "energy provider" means any utility, municipal utility, cooperative utility, or any other corporation or individual which provides winter energy services;

(d) "winter" means the period from November 1 of any year through April 30 of the following year.

(Source: P.A. 86-127; 87-14; revised 12-6-03.)

Sec. 4. Energy Assistance Program.

(a) The Department of Commerce and Economic Opportunity Community Affairs is hereby authorized to institute a program to ensure the availability and affordability of heating and electric service to low income citizens. The Department shall implement the program by rule promulgated pursuant to The Illinois Administrative Procedure Act. The program shall be consistent with the purposes and objectives of this Act and with all other specific requirements provided herein. The Department may enter into such contracts and other agreements with local agencies as may be necessary for the purpose of administering the energy assistance program.

(b) Nothing in this Act shall be construed as altering or limiting the authority conferred on the Illinois Commerce Commission by the Public Utilities Act to regulate all aspects of the provision of public utility service, including but not limited to the authority to make rules and adjudicate disputes between utilities and customers related to eligibility for utility service, deposits, payment practices, discontinuance of service, and the treatment of arrearages owing for previously rendered utility service.

(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

Sec. 5. Policy Advisory Council.

(a) Within the Department of Commerce and Economic Opportunity Community Affairs is created a Low Income Energy Assistance Policy Advisory Council.
(b) The Council shall be chaired by the Director of Commerce and Economic Opportunity or his or her designee. There shall be 20 members of the Low Income Energy Assistance Policy Advisory Council, including the chairperson and the following members:

(1) one member designated by the Illinois Commerce Commission;

(2) one member designated by the Illinois Department of Natural Resources;

(3) one member designated by the Illinois Energy Association to represent electric public utilities serving in excess of 1 million customers in this State;

(4) one member agreed upon by gas public utilities that serve more than 500,000 and fewer than 1,500,000 customers in this State;

(5) one member agreed upon by gas public utilities that serve 1,500,000 or more customers in this State;

(6) one member designated by the Illinois Energy Association to represent combination gas and electric public utilities;

(7) one member agreed upon by the Illinois Municipal Electric Agency and the Association of Illinois Electric Cooperatives;

(8) one member agreed upon by the Illinois Industrial Energy Consumers;

(9) three members designated by the Department to represent low income energy consumers;

(10) two members designated by the Illinois Community Action Association to represent local agencies that assist in the administration of this Act;

(11) one member designated by the Citizens Utility Board to represent residential energy consumers;

(12) one member designated by the Illinois Retail Merchants Association to represent commercial energy customers;

(13) one member designated by the Department to
represent independent energy providers; and
(14) three members designated by the Mayor of the City of Chicago.

c) Designated and appointed members shall serve 2 year terms and until their successors are appointed and qualified. The designating organization shall notify the chairperson of any changes or substitutions of a designee within 10 business days of a change or substitution. Members shall serve without compensation, but may receive reimbursement for actual costs incurred in fulfilling their duties as members of the Council.

d) The Council shall have the following duties:
(1) to monitor the administration of this Act to ensure effective, efficient, and coordinated program development and implementation;
(2) to assist the Department in developing and administering rules and regulations required to be promulgated pursuant to this Act in a manner consistent with the purpose and objectives of this Act;
(3) to facilitate and coordinate the collection and exchange of all program data and other information needed by the Department and others in fulfilling their duties pursuant to this Act;
(4) to advise the Department on the proper level of support required for effective administration of the Act;
(5) to provide a written opinion concerning any regulation proposed pursuant to this Act, and to review and comment on any energy assistance or related plan required to be prepared by the Department;
(6) to advise the Department on the use of funds collected pursuant to Section 11 of this Act, and on any changes to existing low income energy assistance programs to make effective use of such funds, so long as such uses and changes are consistent with the requirements of the Act.

(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)
Sec. 8. Program Reports.

(a) The Department of Natural Resources shall prepare and submit to the Governor and the General Assembly reports on September 30 biennially, beginning in 2003, evaluating the effectiveness of the energy assistance and weatherization policies authorized by this Act. The first report shall cover such effects during the first winter during which the program authorized by this Act, is in operation, and successive reports shall cover effects since the issuance of the preceding report.

(1) Reports issued pursuant to this Section shall be limited to, information concerning the effects of the policies authorized by this Act on (1) the ability of eligible applicants to obtain and maintain adequate and affordable winter energy services and (2) changes in the costs and prices of winter energy services for people who do not receive energy assistance pursuant to this Act.

(2) The Department of Natural Resources shall by September 30, 2002, in consultation with the Policy Advisory Council, determine the kinds of numerical and other information needed to conduct the evaluations required by this Section, and shall advise the Policy Advisory Council of such information needs in a timely manner. The Department of Commerce and Economic Opportunity Community Affairs, the Department of Human Services, and the Illinois Commerce Commission shall each provide such information as the Department of Natural Resources may require to ensure that the evaluation reporting requirement established by this Section can be met.

(b) On or before December 31, 2002, 2004, 2006, and 2007, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated for the programs authorized under this Act.

(c) On or before December 31 of each year in 2004, 2006, and 2007, the Department shall, in consultation with the
Council, prepare and submit evaluation reports to the Governor and the General Assembly outlining the effects of the program designed under this Act on the following as it relates to the propriety of continuing the program:

(1) the definition of an eligible low income residential customer;
(2) access of low income residential customers to essential energy services;
(3) past due amounts owed to utilities by low income persons in Illinois;
(4) appropriate measures to encourage energy conservation, efficiency, and responsibility among low income residential customers;
(5) the activities of the Department in the development and implementation of energy assistance and related policies and programs, which characterizes progress toward meeting the objectives and requirements of this Act, and which recommends any statutory changes which might be needed to further such progress.

(d) The Department shall by September 30, 2002 in consultation with the Council determine the kinds of numerical and other information needed to conduct the evaluations required by this Section.

(e) The Illinois Commerce Commission shall require each public utility providing heating or electric service to compile and submit any numerical and other information needed by the Department of Natural Resources to meet its reporting obligations.

(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

(305 ILCS 20/13)
(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive, by statutory deposit, the moneys collected pursuant
to this Section. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.40 per month on each account for residential electric service;
(2) $0.40 per month on each account for residential gas service;
(3) $4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
(4) $4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000
therms of gas during the previous calendar year;

(5) $300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) $300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.
(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity Community Affairs may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose
the charge provided by this Section, the municipal electric or
gas utility or electric cooperative shall inform the Department
of Revenue in writing of such decision when it begins to impose
the charge. If a municipal electric or gas utility or electric
or gas cooperative does not assess this charge, the Department
may not use funds from the Supplemental Low-Income Energy
Assistance Fund to provide benefits to its customers under the
program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department
may not cause a disproportionate share of those federal funds
to benefit customers of systems which do not assess the charge
provided by this Section.

This Section is repealed effective December 31, 2007 unless
renewed by action of the General Assembly. The General Assembly
shall consider the results of the evaluations described in
Section 8 in its deliberations.
(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

Section 710. The Family Resource Development Act is amended
by changing Section 5 as follows:

(305 ILCS 30/5) (from Ch. 23, par. 6855)
Sec. 5. The Department of Human Services, the Illinois
Community College Board and the Department of Commerce and
Economic Opportunity Community Affairs may develop as a
demonstration program a Family Resource Development Center for
the benefit and use of an initial 20 low-income families. The
Center shall establish an interdisciplinary approach that
shall increase the coping skills of low-income families and
develop the potential of low-income families through community
economic development programs. Funding for the demonstration
program shall be from existing moneys in supportive services
funds, joint partnership training funds, and other existing
moneys that are intended to meet the educational, vocational
and training needs of recipients. The demonstration program
shall be administered in accordance with existing federal and
State statutes and regulations.

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

Section 715. The State Housing Act is amended by changing Section 40 as follows:

(310 ILCS 5/40) (from Ch. 67 1/2, par. 190)

Sec. 40. As used in this Act:

"Department" shall mean the Department of Commerce and Economic Opportunity Community Affairs.

"Illinois Housing Development Authority" shall mean the Illinois Housing Development Authority created by the Illinois Housing Development Act of 1967, as amended.

"Community facilities" shall include land, buildings and equipment for recreation, for social assembly, for education or health or welfare activities, for the use primarily of tenants of housing accommodations of a housing corporation.

"Cost" of land shall include all of the following items paid by a housing corporation in connection with the acquisition thereof when approved by the Illinois Housing Development Authority; all amounts paid to the vendor on account of the purchase price, whether in cash, securities or property; the unpaid balance of any obligation secured by mortgage remaining upon the premises or created in connection with the acquisition; all accounts paid for surveys, examination and insurance of title; attorneys' fees; brokerage; all awards paid in condemnation and court costs and fees; all documentary and stamp taxes and filing and recording fees and fees of the Illinois Housing Development Authority and other expenses of acquisition approved by the Illinois Housing Development Authority; and shall also include all special assessments for benefit upon the premises approved by the Illinois Housing Development Authority whether levied before or after the acquisition.

"Cost" of buildings and improvements, shall include all of the following items when approved by the Illinois Housing
Development Authority; all amounts, whether in cash, securities or property, paid for labor and materials for site preparation and construction, for contractors' and architects' and engineers' fees, for fees or permits of any municipality, for workers' compensation, liability, fire and other casualty insurance, for charges of financing and supervision, for property taxes during construction and for interest upon borrowed and invested capital during construction, for fees of the Illinois Housing Development Authority, and other expenses of construction approved by the Illinois Housing Development Authority.

"Person" shall be deemed to include firm, association, trust or corporation.

"Project" shall mean all lands, buildings and improvements acquired, owned, managed, or operated by a housing corporation designed to provide housing accommodations and community facilities, stores and offices appurtenant or incidental thereto, which are planned as a unit, whether or not acquired or constructed at one time, and which ordinarily are contiguous or adjacent to one another. The buildings need not be contiguous or adjacent to one another, and a project may be entirely composed of either single or multiple dwellings.

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

Section 720. The Housing Authorities Act is amended by changing Sections 8.13 and 17 as follows:

(310 ILCS 10/8.13) (from Ch. 67 1/2, par. 8.13)

Sec. 8.13. In addition to the powers conferred by this Act and other laws, Housing Authorities for municipalities of less than 500,000 population and for counties, the Department of Commerce and Economic Opportunity Community Affairs, and the governing bodies of municipal corporations, counties and other public bodies may exercise the powers delegated to them in Sections 8.14 to 8.18, inclusive.

The provisions of Sections 8.14 to 8.18, inclusive, shall
be deemed to create an additional and alternative method for
the conservation of urban residential areas and the prevention
of slums in municipalities of less than 500,000 to that which
is provided by the "Urban Community Conservation Act," approved
July 13, 1935, and shall not be deemed to alter, amend or
repeal said Urban Community Conservation Act.
(Source: P.A. 81-1509; revised 12-6-03)

(310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

Sec. 17. The following terms, wherever used or referred to
in this Act shall have the following respective meanings,
unless in any case a different meaning clearly appears from the
context:

(a) "Authority" or "housing authority" shall mean a
municipal corporation organized in accordance with the
provisions of this Act for the purposes, with the powers and
subject to the restrictions herein set forth.

(b) "Area" or "area of operation" shall mean: (1) in the
case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated town may continue to operate any project developed in whole or in part in an area previously a part of its area of operation,
or may contract with the county housing authority with respect
to the sale, lease, development or administration of such
project. When an authority is created for a city, village or
incorporated town subsequent to the creation of a county
housing authority which previously included such city, village
or incorporated town within its area of operation, such county
housing authority shall have no power to create any additional
project within the city, village or incorporated town, but any
existing project in the city, village or incorporated town
currently owned and operated by the county housing authority
shall remain in the ownership, operation, custody and control
of the county housing authority.

(c) "Presiding officer" shall mean the presiding officer of
the board of a county, or the mayor or president of a city,
village or incorporated town, as the case may be, for which an
Authority is created hereunder.

(d) "Commissioner" shall mean one of the members of an
Authority appointed in accordance with the provisions of this
Act.

(e) "Government" shall include the State and Federal
governments and the governments of any subdivisions, agency or
instrumentality, corporate or otherwise, of either of them.

(f) "Department" shall mean the Department of Commerce and

Economic Opportunity Community Affairs.

(g) "Project" shall include all lands, buildings, and
improvements, acquired, owned, leased, managed or operated by a
housing authority, and all buildings and improvements
constructed, reconstructed or repaired by a housing authority,
designed to provide housing accommodations and facilities
appurtenant thereto (including community facilities and
stores) which are planned as a unit, whether or not acquired or
constructed at one time even though all or a portion of the
buildings are not contiguous or adjacent to one another; and
the planning of buildings and improvements, the acquisition of
property, the demolition of existing structures, the clearing
of land, the construction, reconstruction, and repair of
buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas in accordance with an approved conservation plan. "Project" shall also include (1) acquisition of (i) a slum or blighted area or a deteriorated or deteriorating area which is predominantly residential in character, or (ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or (iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or (v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses; (2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and (3) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself). If in any city, village or incorporated town there exists a land clearance commission created under the "Blighted Areas Redevelopment Act of 1947" having the same area of operation as a housing authority created in and for any such municipality such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv) or (v) of
paragraph 1 of the definition of "project" for the purpose of development or redevelopment by private enterprise.

(h) "Community facilities" shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder.

(i) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(j) The term "governing body" shall include the city council of any city, the president and board of trustees of any village or incorporated town, the council of any city or village, and the county board of any county.

(k) The phrase "individual, association, corporation or organization" shall include any individual, private corporation, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association, educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

(l) "Conservation area", for the purpose of the exercise of the powers granted in Sections 8.14 to 8.18, inclusive, for housing authorities for municipalities of less than 500,000 population and for counties, means an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area is not yet a slum or blighted area as defined in the Blighted Areas Redevelopment Act of 1947, but such an area by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into
non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become a slum and blighted area.

(m) "Conservation plan" means the comprehensive program for the physical development and replanning of a "Conservation Area" as defined in paragraph (l) embodying the steps required to prevent such Conservation Area from becoming a slum and blighted area.

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.

(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(p) "Loan agreement" means any agreement pursuant to which an Authority agrees to loan the proceeds of its revenue bonds issued with respect to a multifamily rental housing project or other funds of the Authority to any person upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, premium, if any, and interest on the revenue bonds of the Authority issued with respect to the multifamily rental housing project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

(q) "Multifamily rental housing" means any rental project designed for mixed-income or low-income occupancy.

(Source: P.A. 92-481, eff. 8-23-01; revised 12-6-03.)

Section 725. The Housing Development and Construction Act is amended by changing Sections 2, 3, 3a, 3b, 5, 8, 9a, and 10 as follows:
Sec. 2. Any housing authority now or hereafter organized under the "Housing Authorities Act," approved March 19, 1934, as amended, and any Land Clearance Commission heretofore organized under the Act herein repealed or hereafter organized under the provisions of the "Blighted Areas Redevelopment Act of 1947," enacted by the 65th General Assembly, may make application to the Department of Commerce and Economic Opportunity Community Affairs for a grant of state funds from the appropriation designated for the making of grants under this Act. No such housing authority or Land Clearance Commission shall apply for a sum larger than the proportion of the population of its area of operation to the population of the State, and where an authority and Land Clearance Commission have been created by the governing body of the same municipality, an amount not in excess of one-half (1/2) of the maximum grant allocable for such municipality on the foregoing basis of proportion of population may be allocated to the housing authority and an amount not in excess of one-half (1/2) of the maximum grant so allocable for such municipality may be allocated to the Land Clearance Commission.

The foregoing provisions of this section in respect to maximum allocable grants to housing authorities and land clearance commissions from funds appropriated by the 66th or any succeeding General Assembly, and applications therefor, shall be subject to the provisions of Section 3a of this Act.

(Source: P.A. 81-1509; revised 12-6-03.)
applications for grants and if satisfied that a need therefor exists in relation to the uses to which it is to be applied and upon approval of the plan submitted with the application, the Director of the Department of Commerce and Economic Opportunity Community Affairs shall transmit to the State Comptroller a statement of approval and of the amount of the grant. Upon receipt of such statement by the Comptroller, the approved grant shall be paid to the applicant from any appropriation designated for the making of grants under this Act.

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

(310 ILCS 20/3a) (from Ch. 67 1/2, par. 55a)

Sec. 3a. Application for grants from funds appropriated by the 66th or any succeeding General Assembly shall be made not later than June 30th of the year following the year in which such appropriation was enacted. Each such application shall be reviewed by the Department of Commerce and Economic Opportunity Community Affairs as provided in Section 3 and if approved shall entitle the applicant to a grant upon the basis of the population formula prescribed in Section 2. No application shall be approved unless the Department of Commerce and Economic Opportunity Community Affairs is satisfied that the amount approved will be properly employed by the applicant in carrying out the plan accompanying the application.

If any housing authority or land clearance commission has failed to make application for a grant of funds appropriated by the 66th or any succeeding General Assembly prior to July 1st of the year following the year in which the appropriation was enacted, such portion of the appropriation as remains unallocated shall be available for distribution by the Department of Commerce and Economic Opportunity Community Affairs to housing authorities and land clearance commissions which make application and establish a need therefor in relation to a specific project or projects approved by the Department. The determination of the relative needs of applicants shall be made by the Department of Commerce and
Economic Opportunity Community Affairs; provided, that in no event shall the sum of any initial and supplemental grants to any applicant exceed 50% of the total appropriation made available for distribution to all applicants in the State.
(Source: P.A. 81-1509; revised 12-6-03.)

(310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

Sec. 3b. In any municipality or county for which a Land Clearance Commission has been established, and for which no Housing Authority has been established, the Land Clearance Commission, if a recipient of state grants under this Act, may, subject to the approval of the Department of Commerce and Economic Opportunity Community Affairs, exercise the powers vested in Housing Authorities under the provisions of this Act and the "Housing Authorities Act," approved March 19, 1934, as amended, and apply state grant funds allocated under this Act to any such purpose. For the purpose of any project so undertaken, the Land Clearance Commission shall be subject to all laws and regulations applicable to Housing Authorities. If a Housing Authority is established for any such municipality or county, the Land Clearance Commission shall thereafter exercise only those powers designated in the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended, and, in respect to pending, uncompleted or existing projects undertaken as a Housing Authority, the Land Clearance Commission, subject to the approval of the Department of Commerce and Economic Opportunity Community Affairs, may either complete or continue such project, or transfer full and complete power thereover to the Housing Authority.
(Source: P.A. 81-1509; revised 12-6-03.)

(310 ILCS 20/5) (from Ch. 67 1/2, par. 57)

Sec. 5. Any grants paid hereunder to a housing authority shall be deposited in a separate fund and, subject to the approval of the Department of Commerce and Economic Opportunity Community Affairs, may be used for any or all of the following
purposes as the needs of the community may require: the
acquisition of land by purchase, gift or condemnation and the
improvement thereof, the purchase and installation of
temporary housing facilities, the construction of housing
units for rent or sale to veterans, the families of deceased
servicemen, and for persons and families who by reason of
overcrowded housing conditions or displacement by eviction,
fires or other calamities, or slum clearance or other private
or public project involving relocation, are in urgent need of
safe and sanitary housing, the making of grants in connection
with the sale or lease of real property as provided in the
following paragraph of this section, and for any and all
purposes authorized by the "Housing Authorities Act," approved
March 19, 1934, as amended, including administrative expenses
of the housing authorities in relation to the aforesaid
objectives, to the extent and for the purposes authorized and
approved by the Department of Commerce and Economic Opportunity
Community Affairs. Each housing authority is vested with power
to exercise the right of eminent domain for the purposes
authorized by this Act. Condemnation proceedings instituted by
any such authority shall be in all respects in the manner
provided for the exercise of the right of eminent domain under

In addition to the foregoing, and for the purpose of
facilitating the development and construction of housing,
housing authorities may, with the approval of the Department of
Commerce and Economic Opportunity Community Affairs, enter
into contracts and agreements for the sale or lease of real
property acquired by the Authority through the use of the grant
hereunder, and may sell or lease such property to (1) housing
corporations operating under "An Act in relation to housing,"
approved July 12, 1933, as amended; (2) neighborhood
redevelopment corporations operating under the "Neighborhood
Redevelopment Corporation Law," approved July 9, 1941; (3)
insurance companies operating under Article VIII of the
Illinois Insurance Code; (4) non-profit corporations organized
for the purpose of constructing, managing and operating housing
projects and the improvement of housing conditions, including
the sale or rental of housing units to persons in need thereof;
or (5) to any other individual, association or corporation,
including bona fide housing cooperatives, desiring to engage in
a development or redevelopment project. The term "corporation"
as used in this section, means a corporation organized under
the laws of this or any other state of the United States, or of
any country, which may legally make investments in this State
of the character herein prescribed, including foreign and alien
insurance companies as defined in Section 2 of the "Illinois
Insurance Code." No sale or lease shall be made hereunder to
any of the aforesaid corporations, associations or individuals
unless a plan approved by the Authority has been presented by
the purchaser or lessee for the development or redevelopment of
such property, together with a bond, with satisfactory
sureties, of not less than 10% of the cost of such development
or redevelopment, conditioned upon the completion of such
development or redevelopment; provided that the requirement of
the bond may be waived by the Department of Commerce and
Economic Opportunity Community Affairs if it is satisfied of
the financial ability of the purchaser or lessee to complete
such development or redevelopment in accordance with the
presented plan. To further assure that the real property so
sold or leased shall be used in accordance with the plan, the
Department of Commerce and Economic Opportunity Community
Affairs may require the purchaser or lessee to execute in
writing such undertakings as the Department deems necessary to
obligate such purchaser or lessee (1) to use the property for
the purposes presented in the plan; (2) to commence and
complete the building of the improvements designated in the
plan within the periods of time that the Department of Commerce
and Economic Opportunity Community Affairs fixes as
reasonable, and (3) to comply with such other conditions as are
necessary to carry out the purposes of this Act. Any such
property may be sold pursuant to this section for any legal
consideration in an amount to be approved by the Department of
Commerce and Economic Opportunity Community Affairs. Subject
to the approval of the Department of Commerce and Economic
Opportunity Community Affairs, a housing authority may pay to
any non-profit corporation of the character described in this
section from grants made available from state funds, such sum
of money which, when added to the value of the land so sold or
leased to such non-profit corporation and the value of other
assets of such non-profit corporation available for use in the
project, will enable such non-profit corporation to obtain
Federal Housing Administration insured construction mortgages.
Any such authority may also sell, transfer, convey or assign to
any such non-profit corporation any personal property,
including building materials and supplies, as it deems
necessary to facilitate the completion of the development or
redevelopment by such non-profit corporation.

If the area of operation of a housing authority includes a
city, village or incorporated town having a population in
excess of 500,000, as determined by the last preceding Federal
Census, no real property or interest in real property shall be
acquired in such municipality by the housing authority until
such time as the housing authority has advised the governing
body of such municipality of the description of the real
property, or interest therein, proposed to be acquired, and the
governing body of the municipality has approved the acquisition
thereof by the housing authority.
(Source: P.A. 90-418, eff. 8-15-97; revised 12-1-04.)

(310 ILCS 20/8) (from Ch. 67 1/2, par. 60)

Sec. 8. No housing authority or land clearance commission
shall reinvest or use any funds arising from the rental or sale
of any property acquired with funds granted pursuant to this
Act except with the approval of the Department of Commerce and
Economic Opportunity Community Affairs.
(Source: P.A. 81-1509; revised 12-6-03.)
Sec. 9a. In the event that any housing authority or land clearance commission has failed or refused to initiate any project or projects for which it has received grants of State funds under the provisions of this Act or "An Act to promote the improvement of housing," approved July 26, 1945, and the Department of Commerce and Economic Opportunity Community Affairs, upon the basis of an investigation, is convinced that such housing authority or land clearance commission is unable or unwilling to proceed thereon, the Department may direct the housing authority or land clearance commission to transfer to the Department the balance of the State funds then in the possession of such agency, and upon failure to do so within thirty days after such demand, the Department shall institute a civil action for the recovery thereof, which action shall be maintained by the Attorney General of the State of Illinois or the state's attorney of the county in which the housing authority or land clearance commission has its area of operation.

Any officer or member of any such housing authority or land clearance commission who refuses to comply with the demand of the Department of Commerce and Economic Opportunity Community Affairs for the transfer of State funds as herein provided shall be guilty of a Class A misdemeanor.

All State funds recovered by the Department of Commerce and Economic Opportunity Community Affairs pursuant to this section shall forthwith be paid into the State Housing Fund in the State Treasury.

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

Sec. 10. "An Act to promote the improvement of housing", approved July 26, 1945, is repealed. The repeal of said Act shall not affect the validity of the organization, acts, contracts, proceedings, conveyances and transactions of housing authorities and land clearance commissions done or
performed thereunder prior to the effective date of this Act, and all such acts, contracts, proceedings, conveyances and transactions, done or performed thereunder, and the organization of such authorities and land clearance commissions are ratified, affirmed and declared valid and legal in all respects. Grants paid to such housing authorities and land clearance commissions under the act herein repealed may be used by such authorities and commissions for the purposes for which such grants were made, and all or any portion thereof which remains unexpended and unobligated may, in addition, be used in the manner authorized by Section 22 of the "Blighted Areas Redevelopment Act of 1947", enacted by the 65th General Assembly, or, with the approval of the Department of Commerce and Community Affairs [now Department of Commerce and Economic Opportunity] for any purpose or purposes authorized by this Act.

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

Section 730. The Redevelopment Project Rehousing and Capital Improvements Act is amended by changing Section 2 as follows:

(310 ILCS 30/2) (from Ch. 67 1/2, par. 93)

Sec. 2. Any housing authority may apply to the Department of Commerce and Economic Opportunity Community Affairs for the grant of a sum from the amount to be appropriated for this Act to develop housing projects pursuant to the "Housing Authorities Act", approved March 19, 1934, as amended, to facilitate and aid in the rehousing of persons eligible for tenancy under said Act residing in the site of a redevelopment project who could not otherwise be rehoused in decent, safe and uncongested dwelling accommodations within their financial reach.

Upon a showing of need of a grant from the amount appropriated for this Act and that the sum so granted will be satisfactorily employed by the housing authority in the
development of housing projects for the purposes authorized by this Act, the Director of the Department of Commerce and Economic Opportunity Community Affairs shall transmit to the State Comptroller a statement of approval and of the amount of the grant, and when the municipality has paid to the housing authority an amount at least equal to the amount of the approved grant, the Comptroller shall pay the amount of the approved grant to the housing authority from the appropriation for grants under this Act. The amount so granted together with the amount contributed by the city, village or incorporated town in which the redevelopment project is situated shall be deposited in a separate fund and shall be applied only to the planning, acquisition, development, and capital improvements of the approved housing project or projects for the purposes authorized by this Act and the Housing Authorities Act. The expenditure of any moneys from such separate fund and the location of the rehousing project or projects shall be subject to the approval of the Department of Commerce and Economic Opportunity Community Affairs and the governing body of the municipality in which the redevelopment project is located.

(Source: P.A. 91-632, eff. 8-19-99; revised 12-6-03.)

Section 735. The Illinois Affordable Housing Act is amended by changing Sections 6 and 16 as follows:

(310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

Sec. 6. Advisory Commission.

(a) There is hereby created the Illinois Affordable Housing Advisory Commission. The Commission shall consist of 15 members. Three of the Commissioners shall be the Directors of the Illinois Housing Development Authority, the Illinois Finance Authority and the Department of Commerce and Economic Opportunity Community Affairs or their representatives. One of the Commissioners shall be the Commissioner of the Chicago Department of Housing or its representative. The remaining 11 members shall be appointed by the Governor, with the advice and
consent of the Senate, and not more than 4 of these Commission members shall reside in any one county in the State. At least one Commission member shall be an administrator of a public housing authority from other than a municipality having a population in excess of 2,000,000; at least 2 Commission members shall be representatives of special needs populations as described in subsection (e) of Section 8; at least 4 Commission members shall be representatives of community-based organizations engaged in the development or operation of housing for low-income and very low-income households; and at least 4 Commission members shall be representatives of advocacy organizations, one of which shall represent a tenants' advocacy organization. The Governor shall consider nominations made by advocacy organizations and community-based organizations.

(b) Members appointed to the Commission shall serve a term of 3 years; however, 3 members first appointed under this Act shall serve an initial term of one year, and 4 members first appointed under this Act shall serve a term of 2 years. Individual terms of office shall be chosen by lot at the initial meeting of the Commission. The Governor shall appoint the Chairman of the Commission, and the Commission members shall elect a Vice Chairman.

(c) Members of the Commission shall not be entitled to compensation, but shall receive reimbursement for actual and reasonable expenses incurred in the performance of their duties.

(d) Eight members of the Commission shall constitute a quorum for the transaction of business.

(e) The Commission shall meet at least quarterly and its duties and responsibilities are:

(1) the study and review of the availability of affordable housing for low-income and very low-income households in the State of Illinois and the development of a plan which addresses the need for additional affordable housing;

(2) encouraging collaboration between federal and
State agencies, local government and the private sector in
the planning, development and operation of affordable
housing for low-income and very low-income households;

(3) studying, evaluating and soliciting new and
expanded sources of funding for affordable housing;

(4) developing, proposing, reviewing, and commenting
on priorities, policies and procedures for uses and
expenditures of Trust Fund monies, including policies
which assure equitable distribution of funds statewide;

(5) making recommendations to the Program
Administrator concerning proposed expenditures from the
Trust Fund;

(6) making recommendations to the Program
Administrator concerning the developments proposed to be
financed with the proceeds of Affordable Housing Program
Trust Fund Bonds or Notes;

(7) reviewing and commenting on the development of
priorities, policies and procedures for the administration
of the Program;

(8) monitoring and evaluating all allocations of funds
under this Program; and

(9) making recommendations to the General Assembly for
further legislation that may be necessary in the area of
affordable housing.

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

(310 ILCS 65/16) (from Ch. 67 1/2, par. 1266)

Sec. 16. Tax Increment Financing Plan. The Program
Administrator shall, in cooperation with the Department of
Commerce and Economic Opportunity Community Affairs, develop a
plan for the use of tax increment financing to increase the
availability of affordable housing. The Program Administrator
shall recommend ways in which local tax increment financing can
be exported from commercial and industrial developments to very
low-income, low-income and moderate income housing projects
outside the tax increment financing district, subject to
limitation on dollar amounts. By March 1, 1990, the Program Administrator shall report to the Governor and the General Assembly the details of the plan and the Program Administrator's recommendations for legislative action.
(Source: P.A. 86-925; revised 12-6-03.)

Section 740. The Blighted Areas Redevelopment Act of 1947 is amended by changing Section 3 as follows:

(315 ILCS 5/3) (from Ch. 67 1/2, par. 65)

Sec. 3. Definitions. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Commission" means a Land Clearance Commission created pursuant to this Act or heretofore created pursuant to "An Act to promote the improvement of housing," approved July 26, 1945.
(b) "Commissioner" or "Commissioners" shall mean a Commissioner or Commissioners of a Land Clearance Commission.
(c) "Department" means the Department of Commerce and Economic Opportunity Community Affairs.
(d) "Authority" or "housing authority" shall mean a housing authority organized in accordance with the provisions of the Housing Authorities Act.
(e) "Municipality" shall mean a city, village or incorporated town.
(f) "Presiding officer" shall mean the presiding officer of the board of a county, or the mayor or president of a city, village or incorporated town, as the case may be, for which a Land Clearance Commission is created.
(g) The term "governing body" shall mean the council or the president and board of trustees of any city, village or incorporated town, as the case may be, and the county board of any county.
(h) "Area of operation" shall mean (1) in the case of a Land Clearance Commission created for a municipality, the area
within the territorial boundaries of said municipality; and (2)
in the case of a county shall include the areas within the
territorial boundaries of all municipalities within such
county, except the area of any municipality located therein in
which there has been created a Land Clearance Commission or a
Department of Urban Renewal pursuant to the provisions of the
Commission or such a Department of Urban Renewal is created for
a municipality subsequent to the creation of a County land
clearance commission whose area of operation of the County land
clearance commission shall not thereafter include the
territory of such municipality, but the County land clearance
commission may continue any redevelopment project previously
commenced in such municipality.

(i) "Real property" shall include lands, lands under water,
structures, and any and all easements, franchises and
incorporeal hereditaments and estates, and rights, legal and
equitable, including terms for years and liens by way of
judgment, mortgage or otherwise.

(j) "Slum and Blighted Area" means any area of not less in
the aggregate than 2 acres located within the territorial
limits of a municipality where buildings or improvements, by
reason of dilapidation, obsolescence, overcrowding, faulty
arrangement or design, lack of ventilation, light and sanitary
facilities, excessive land coverage, deleterious land use or
layout or any combination of these factors, are detrimental to
the public safety, health, morals or welfare.

(k) "Slum and Blighted Area Redevelopment Project" means a
project involving a slum and blighted area as defined in
subsection (j) of this Section including undertakings and
activities of the Commission in a Slum and Blighted Area
Redevelopment Project for the elimination and for the
prevention of the development or spread of slums and blight and
may involve slum clearance and redevelopment in a Slum and
Blighted Area Redevelopment Project, or any combination or part
thereof in accordance with an Urban Renewal Program. Such
undertakings and activities may include:

1. acquisition of a slum area or a blighted area or portion thereof;
2. demolition and removal of buildings and improvements;
3. installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for the carrying out in the Slum and Blighted Area Redevelopment Project the objectives of this Act;
4. disposition of any property acquired in the Slum and Blighted Area Redevelopment Project;
5. carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with a redevelopment plan.

(l) "Blighted Vacant Area Redevelopment Project" means a project involving (1) predominantly open platted urban or suburban land which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or taxes or special assessment delinquencies exceeding the fair value of the land, substantially impairs or arrests the sound growth of the community and which is to be developed for residential or other use, provided that such a project shall not be developed for other than residential use unless the area, at the time the Commission adopts the resolution approving the plan for the development of the area, is zoned for other than residential use and unless the Commission determines that residential development thereof is not feasible, and such determination is approved by the presiding officer and the governing body of the municipality in which the area is situated and by the Department, or (2) open unplatted urban or suburban land to be developed for predominantly residential uses, or (3) a combination of projects defined in (1) and (2) of this subsection (l).

(m) "Redevelopment Project" means a "Slum and Blighted Area Redevelopment Project" or a "Blighted Vacant Area Redevelopment Project".
Redevelopment Project", as the case may be, as designated in the determination of the Commission pursuant to Section 13 of this Act, and may include such additional area of not more in the aggregate than 160 acres (exclusive of the site of any abutting Slum and Blighted Area Redevelopment Project or Blighted Vacant Area Redevelopment Project) located within the territorial limits of the municipality, abutting and adjoining in whole or in part a Slum and Blighted Area Redevelopment Project or Blighted Vacant Area Redevelopment Project, which the land clearance commission deems necessary for the protection and completion of such redevelopment project or projects and of the site improvements to be made therein and which has been approved by the Department and the governing body of the municipality in which the area is situated, but the land clearance commission as to such additional area shall have power only to make studies, surveys and plans concerning services to be performed by the municipality or others, including the extension of project streets and utilities, the provision of parks, playgrounds or schools, and the zoning of such peripheral areas.

(n) "Match" and any other form of said word when used with reference to the matching of moneys means match on a dollar for dollar basis.

(Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

Section 745. The Blighted Vacant Areas Development Act of 1949 is amended by changing Section 3 as follows:

(315 ILCS 10/3) (from Ch. 67 1/2, par. 91.3)

Sec. 3. Definitions. The following terms, wherever used or referred to in this Act, shall have the following respective meanings, unless, in any case, a different meaning clearly appears from the context:

(a) "Private interest" and "developer" includes any person, firm, association, trust, or business corporation.

(b) "Blighted vacant area" means any undeveloped
contiguous urban area of not less than one acre where there exists diversity of ownership of lots and tax and special assessment delinquencies exceeding the fair cash market value of the land within such area.

(c) "Department" means the Department of Commerce and Economic Opportunity Community Affairs.

(d) "Municipality" and "corporate authorities of the municipality" shall have the respective meanings assigned to these terms in Section 1-1-2 of the Illinois Municipal Code. "Corporate authorities of the county" shall refer to the governing body of the county as specified in Section 5-1004 of the Counties Code.

(Source: P.A. 86-1475; revised 12-6-03.)

Section 750. The Urban Community Conservation Act is amended by changing Section 4 as follows:

(315 ILCS 25/4) (from Ch. 67 1/2, par. 91.11)

Sec. 4. Excepting any municipality for and in which there exists a Department of Urban Renewal created pursuant to the provisions of the "Urban Renewal Consolidation Act of 1961", enacted by the Seventy-Second General Assembly, any municipality, after 30 days' notice, published in a newspaper of general circulation within the municipality, and public hearing, shall have the power to provide for the creation of a Conservation Board, to operate within the boundaries of such municipality, pursuant to the provisions of this Act. The presiding officer of any municipality in which a Conservation Board is established shall appoint, with the approval of the governing body and of the Department of Commerce and Economic Opportunity Community Affairs, five residents of the municipality to act as a Conservation Board, hereinafter referred to as "the Board." Members of the Board shall be citizens of broad civic interest, administrative experience and ability in the fields of finance, real estate, building, or related endeavors, not more than three of whom shall belong to
the same political party. One such member shall be designated by the presiding officer as Commissioner and shall serve at the pleasure of the presiding officer. He shall administer the functions assigned by the Board, preside over its meetings, and carry out whatever other functions may be assigned to him by the governing body. The Commissioner shall devote his full-time attention to the duties of his office and shall receive no public funds by way of salary, compensation, or remuneration for services rendered, from any other governmental agency or public body during his tenure in office, other than the salary provided by the governing body, except as herein otherwise specifically provided.

Four other members of the Board shall be appointed, to serve one, two, three and four year terms. After the expiration of the initial term of office each subsequent term shall be of four years' duration. A member shall hold office until his successor shall have been appointed and qualified. Members of the Board shall be eligible to succeed themselves. Members of the Board other than the Commissioner shall serve without pay, except as herein otherwise specifically provided and no member of the Board shall acquire any interest, direct or indirect, in any conservation project, or in any property included or planned to be included in any conservation project, nor shall any member have any interest in any contract or proposed contract in connection with any such project. Members may be dismissed by the Presiding Office of the Municipality for good cause shown. Such dismissal may be set aside by a two-thirds vote of the governing body. Notwithstanding anything to the contrary herein contained, the Commissioner, may, during all or any part of his term also serve as Chairman or member of a Redevelopment Commission created pursuant to "The Neighborhood Redevelopment Corporation Law" approved July 9, 1941, as amended, and shall be entitled to receive and retain any salary payable to him as Chairman or member of any such Redevelopment Commission. Three members of the Conservation Board shall constitute a quorum to transact business and no vacancy shall
impair the right of the remaining members to exercise all the
powers of the Board; and every act, order, rule, regulation or
resolution of the Conservation Board approved by a majority of
the members thereof at a regular or special meeting shall be
deemed to be the act, order, rule, regulation or resolution of
the Conservation Board.

The Conservation Board shall designate Conservation Areas
and
(a) Approve all conservation plans developed for
Conservation Areas in the manner prescribed herein;
(b) Approve each use of eminent domain for the acquisition
of real property for the purposes of this Act, provided that
every property owner affected by condemnation proceedings
shall have the opportunity to be heard by the Board before such
proceedings may be approved;
(c) Act as the agent of the Municipality in the
acquisition, management, and disposition of property acquired
pursuant to this Act as hereinafter provided;
(d) Act as agent of the governing body, at the discretion
of the governing body, in the enforcement and the
administration of any ordinances relating to the conservation
of urban residential areas and the prevention of slums enacted
by the governing body pursuant to the laws of this State;
(e) Report annually to the presiding officer of the
municipality;
(f) Shall, as agent for the Municipality upon approval by
the governing body, have power to apply for and accept capital
grants and loans from, and contract with, the United States of
America, the Housing and Home Finance Agency, or any other
Agency or instrumentality of the United States of America, for
or in aid of any of the purposes of this Act, and to secure such
loans by the issuance of debentures, notes, special
certificates, or other evidences of indebtedness, to the United
States of America; and
(g) Exercise any and all other powers as shall be necessary
to effectuate the purposes of this Act.
Section 755. The Urban Renewal Consolidation Act of 1961 is amended by changing Sections 5, 16, 17, and 31 as follows:

(315 ILCS 30/5) (from Ch. 67 1/2, par. 91.105)

Sec. 5. As soon as possible after the adoption of the ordinance by the governing body, the presiding officer of such municipality in which a Department of Urban Renewal is established, shall appoint, with the approval of the governing body, five members to act as a Department of Urban Renewal, hereinafter referred to as the "Department". Members of the Department shall be citizens of broad civic interest, administrative experience and ability in the fields of finance, real estate, building or related endeavors, at least three of whom shall be residents and electors of the municipality, and not more than three members shall belong to the same political party.

One member shall be designated by the presiding officer as Chairman and shall serve at the pleasure of the presiding officer. He shall administer the functions assigned by the Department, preside over its meetings and carry out whatever other functions may be assigned to him by the Department and by the governing body. The Chairman shall devote his full-time attention to the duties of his office and shall receive no public funds by way of salary, compensation, or remuneration for services rendered, from any other governmental agency or public body during his tenure in office, other than the salary provided by the governing body.

Four other members shall be appointed with initial terms of one, two, three and four years. At the expiration of the term of each such member, and of each succeeding member, or in the event of a vacancy, the presiding officer shall appoint a member, subject to the approval of the governing body as aforesaid, to hold office, in the case of a vacancy for the unexpired term, or in the case of expiration for a term of four
years, or until his successor shall have been appointed and qualified. Members shall be eligible to succeed themselves. Members other than the Chairman shall serve without compensation in the form of salary, per diem allowances or otherwise, but each such member shall be entitled to reimbursement for any necessary expenditures in connection with the performance of his duties.

Any public officer shall be eligible to serve as a member of the Department of Urban Renewal, and the acceptance of appointment as such shall not terminate or impair his other public office, the provision of any statute to the contrary notwithstanding; but no officer or employee of the Department of Commerce and Economic Opportunity Community Affairs shall be eligible to serve as a member, nor shall more than two public officers be members of the Department at one time; provided, however, that any commissioner of a land clearance commission or member of a conservation board shall be eligible to serve as a member, and the acceptance of appointment as such shall not impair his right to serve on such land clearance commission or conservation board pending its dissolution, the provision of any statute to the contrary notwithstanding. Members other than the Chairman may be removed from office by the presiding officer for good cause shown. Such removal may be set aside by a two-thirds vote of the governing body.

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

(315 ILCS 30/16) (from Ch. 67 1/2, par. 91.116)

Sec. 16. The Department, with the approval of the Department of Commerce and Economic Opportunity Community Affairs and the governing body of the municipality in which the redevelopment project is located, may sell and convey not to exceed 15% of all the real property which is to be used for residential purposes in the area or areas of a redevelopment project or projects to a Housing Authority created under an Act entitled "An Act in relation to housing authorities," approved March 19, 1934, as amended, having jurisdiction within the area.
of the redevelopment project or projects, to provide housing projects pursuant to said last mentioned Act; provided the Department of Commerce and Economic Opportunity Community Affairs determines that it is not practicable or feasible to otherwise relocate eligible persons residing in the area of the redevelopment project or projects in decent, safe and uncongested dwelling accommodations within their financial reach, unless such a housing project is undertaken by the Housing Authority, and provided further that first preference for occupancy in any such housing project developed by the Housing Authority on such real property shall be granted to eligible persons from the area included in the redevelopment project or projects that cannot otherwise be relocated in decent, safe and uncongested dwelling accommodations within their financial reach.

Any real property sold and conveyed to a Housing Authority pursuant to the provisions of this Section shall be sold at its use value (which may be less than its acquisition cost), which represents the value at which the Department determines such land should be made available in order that it may be redeveloped for the purposes specified in this Section.

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

(315 ILCS 30/17) (from Ch. 67 1/2, par. 91.117)

Sec. 17. A Department, with the approval of the Department of Commerce and Economic Opportunity Community Affairs and the governing body of the municipality in which the project is located, may sell and convey any part of the real property within the area of a slum and blighted area redevelopment project as defined in Subsection (j) of Section 3 hereof to a Housing Authority created under an Act entitled "An Act in relation to housing authorities," approved March 19, 1934, as amended, having jurisdiction within the area of the redevelopment project or projects. Any real property sold and conveyed to a Housing Authority pursuant to the provisions of this Section shall be for the sole purpose of resale pursuant
to the terms and provisions of Section 5 of an Act entitled "An
Act to facilitate the development and construction of housing,
to provide governmental assistance therefor, and to repeal an
Act herein named," approved July 2, 1947, to a nonprofit
corporation, or nonprofit corporations, organized for the
purpose of constructing, managing and operating housing
projects and the improvement of housing conditions, including
the sale or rental of housing units to persons in need thereof.
No sale shall be consummated pursuant to this Section unless
the nonprofit corporation to which the Housing Authority is to
resell, obligates itself to use the land for the purposes
designated in the approved plan referred to in Section 19
hereof and to commence and complete the building of the
improvements within the periods of time which the Department
fixes as reasonable and unless the Department is satisfied that
the nonprofit corporation will have sufficient moneys to
complete the redevelopment in accordance with the approved
plan.

Any real property sold and conveyed to a Housing Authority
pursuant to the provisions of this Section shall be sold at its
use value (which may be less than its acquisition cost), which
represents the value at which the Department determines such
land should be made available in order that it may be developed
or redeveloped for the purposes specified in the approved plan.
(Source: P.A. 81-1509; revised 12-6-03.)

(315 ILCS 30/31) (from Ch. 67 1/2, par. 91.131)
Sec. 31. When a Department of Urban Renewal has been
established hereunder the presiding officer of the
municipality shall so notify the Department of Commerce and
Economic Opportunity Community Affairs and the land clearance
commission in its area of operation by transmitting to the
Department of Commerce and Economic Opportunity Community
Affairs and such land clearance commission a certified copy of
the ordinance of the governing body providing for the creation
of such Department.
From and after the receipt of such notice such land clearance commission shall undertake no new development or redevelopment projects; however, such land clearance commission shall, pending its dissolution as hereinafter provided, have and continue to exercise all powers vested in land clearance commissions by the "Blighted Areas Redevelopment Act of 1947," approved July 2, 1947, as amended, with respect to: (1) projects then in progress pending determination, as hereinafter provided, by the governing body of the municipality as to which, if any, of the redevelopment projects then in progress are to be completed by such land clearance commission, and (2) projects which the governing body of the municipality determines shall be completed by such land clearance commission.

Such land clearance commission shall promptly prepare a detailed report covering its operations and activities and the status of all of its pending development or redevelopment projects, together with all other pertinent data and information as may be requested by the Department. The Department shall cause an audit to be made of the financial affairs and obligations of such land clearance commission. Copies of such report and audit shall be furnished the presiding officer of the municipality, the department, the governing body of the municipality, the Department of Commerce and Economic Opportunity Community Affairs and such land clearance commission.

Upon receipt of such audit and report the Department of Urban Renewal, with the approval of the governing body of the municipality, shall determine with respect to any redevelopment project then in progress whether such project shall be completed by such land clearance commission or by the Department of Urban Renewal, and shall so notify such land clearance commission and the Department of Commerce and Economic Opportunity Community Affairs.

Such land clearance commission shall, upon receipt of the determinations of the Department of Urban Renewal with respect
to redevelopment projects then in progress, proceed with the orderly dissolution of such land clearance commission. When provision has been made for the refunding or payment of outstanding bonds of such land clearance commission the Commissioners of such land clearance commission shall promptly take appropriate action to convey, transfer, assign, deliver and pay over to the municipality for the purposes under Part I of this Act, all cash, real property, securities, contracts, records, and assets of any kind or nature which will not be needed for the completion by the land clearance commission of any redevelopment project which the department may have determined should be completed by such land clearance commission and which will not be required for the orderly dissolution of such land clearance commission. All assets so conveyed, assigned, transferred and paid over to the municipality shall be subject to the same rights, liabilities and obligations as existed prior to the transfer to the municipality.

When all of the cash, real property, securities, contracts, assets, records and functions of a land clearance commission have been so conveyed, transferred, assigned, delivered and paid over to the municipality and provisions have been made for the refunding or payment of outstanding bonds of such land clearance commission, and when such land clearance commission has completed all projects which the Department, as aforesaid, may have determined should be completed by such land clearance commission, it shall so notify the Department of Commerce and Economic Opportunity Community Affairs. When the Department of Commerce and Economic Opportunity Community Affairs is satisfied that a proper accounting has been made and that no contingent liabilities exist, the Department of Commerce and Economic Opportunity Community Affairs shall issue a certificate of dissolution which it shall file in the office in which deeds of property in the area of operation are recorded, and upon such filing, such land clearance commission shall be dissolved and cease to exist.
Section 760. The Partnership for Long-Term Care Act is amended by changing Sections 50 and 60 as follows:

(320 ILCS 35/50) (from Ch. 23, par. 6801-50)

Sec. 50. Task force.

(a) An executive and legislative advisory task force shall be created to provide advice and assistance in designing and implementing the Partnership for Long-term Care Program. The task force shall be composed of representatives, designated by the director of each of the following agencies or departments:

1. The Department on Aging.
2. The Department of Public Aid.
3. The Department of Insurance.
4. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity).
5. The Legislative Research Unit.

(b) The task force shall consult with persons knowledgeable of and concerned with long-term care, including, but not limited to the following:

1. Consumers.
2. Health care providers.
3. Representatives of long-term care insurance companies and administrators of health care service plans that cover long-term care services.
5. Private employers.
6. Academic specialists in long-term care and aging.
7. Representatives of the public employees' and teachers' retirement systems.

(c) The task force shall be established, and its members designated, not later than March 1, 1993. The task force shall make recommendations to the Department on Aging concerning the policy components of the program on or before September 1, 1993.
1993.
(Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14, eff. 7-1-97; revised 12-6-03.)

(320 ILCS 35/60) (from Ch. 23, par. 6801-60)
Sec. 60. Administrative costs.
(a) The Department on Aging, in conjunction with the Department of Public Aid, the Department of Insurance, and the Department of Commerce and Economic Opportunity Community Affairs, shall submit applications for State or federal grants or federal waivers, or funding from nationally distributed private foundation grants, or insurance reimbursements to be used to pay the administrative expenses of implementation of the program. The Department on Aging, in conjunction with those other departments, also shall seek moneys from these same sources for the purpose of implementing the program, including moneys appropriated for that purpose.
(b) In implementing this Act, the Department on Aging may negotiate contracts, on a nonbid basis, with long-term care insurers, health care insurers, health care service plans, or both, for the provision of coverage for long-term care services that will meet the certification requirements set forth in Section 30 and the other requirements of this Act.
(Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14, eff. 7-1-97; revised 12-6-03.)

Section 765. The High Risk Youth Career Development Act is amended by changing Section 1 as follows:

(325 ILCS 25/1) (from Ch. 23, par. 6551)
Sec. 1. The Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act), in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, the Illinois State Board of Education, the Department of Children and Family Services, the Department of Employment
Services and other appropriate State and local agencies, may establish and administer, on an experimental basis and subject to appropriation, community-based programs providing comprehensive, long-term intervention strategies to increase future employability and career development among high risk youth. The Department of Human Services, and the other cooperating agencies, shall establish provisions for community involvement in the design, development, implementation and administration of these programs. The programs may provide the following services: teaching of basic literacy and remedial reading and writing; vocational training programs which are realistic in terms of producing lifelong skills necessary for career development; and supportive services including transportation and child care during the training period and for up to one year after placement in a job. The programs shall be targeted to high risk youth residing in the geographic areas served by the respective programs. "High risk" means that a person is at least 16 years of age but not yet 21 years of age and possesses one or more of the following characteristics:

1. Has low income;
2. Is a member of a minority;
3. Is illiterate;
4. Is a school drop out;
5. Is homeless;
6. Is disabled;
7. Is a parent; or
8. Is a ward of the State.

The Department of Human Services and other cooperating State agencies shall promulgate rules and regulations, pursuant to the Illinois Administrative Procedure Act, for the implementation of this Act, including procedures and standards for determining whether a person possesses any of the characteristics specified in this Section.

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

Section 770. The Developmental Disability and Mental
Disability Services Act is amended by changing Section 10-5 as follows:

(405 ILCS 80/10-5)

Sec. 10-5. Task force created. A workforce task force for persons with disabilities is created, consisting of 16 members. The task force shall consist of the following members:

(1) Two members of the Senate, appointed one each by the President of the Senate and the Minority Leader of the Senate.

(2) Two members of the House of Representatives, appointed one each by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(3) Three members appointed by the Secretary of Human Services or his or her designee, one each representing the Office of Developmental Disabilities, the Office of Rehabilitation Services, and the Office of Mental Health within the Department.

(4) One member representing the Illinois Council on Developmental Disabilities, selected by the Council.

(5) One member appointed by the Director of Aging or his or her designee.

(6) One member appointed by the Director of Employment Security or his or her designee.

(7) One member appointed by the Director of Commerce and Economic Opportunity or his or her designee.

(8) Two members representing private businesses, one of the 2 representing the Business Leaders Network, appointed by the Secretary of Human Services.

(9) One member representing the Illinois Network of Centers for Independent Living, selected by the Network.

(10) One member representing the Coalition of Citizens with Disabilities in Illinois, selected by the Coalition.

(11) One member representing People First of Illinois,
selected by that organization.
(Source: P.A. 92-303, eff. 8-9-01; revised 12-6-03.)

Section 775. The Environmental Protection Act is amended by changing Sections 3.180, 6.1, 21.6, 22.15, 22.16b, 22.23, 27, 55, 55.3, 55.7, 58.14, and 58.15 as follows:

(415 ILCS 5/3.180) (was 415 ILCS 5/3.07)

Sec. 3.180. Department. "Department", when a particular entity is not specified, means (i) in the case of a function to be performed on or after July 1, 1995 (the effective date of the Department of Natural Resources Act), either the Department of Natural Resources or the Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs), whichever, in the specific context, is the successor to the Department of Energy and Natural Resources under the Department of Natural Resources Act; or (ii) in the case of a function performed before July 1, 1995, the former Illinois Department of Energy and Natural Resources.
(Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

(415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

Sec. 6.1. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall conduct studies of the effects of all State and federal sulfur dioxide regulations and emission standards on the use of Illinois coal and other fuels, and shall report the results of such studies to the Governor and the General Assembly. The reports shall be made by July 1, 1980 and biennially thereafter.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in
relation to the General Assembly", approved February 25, 1874,
as amended, and filing such additional copies with the State
Government Report Distribution Center for the General Assembly
as is required under paragraph (t) of Section 7 of the State
Library Act.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)
Sec. 21.6. Materials disposal ban.
(a) Beginning July 1, 1996, no person may knowingly mix
liquid used oil with any municipal waste that is intended for
collection and disposal at a landfill.
(b) Beginning July 1, 1996, no owner or operator of a
sanitary landfill shall accept for final disposal liquid used
oil that is discernible in the course of prudent business
operation.
(c) For purposes of this Section, "liquid used oil" does
not include used oil filters, rags, absorbent material used to
collect spilled oil or other materials incidentally
contaminated with used oil, or empty containers which
previously contained virgin oil, re-refined oil, or used oil.
(d) The Agency and the Department of Commerce and Economic
Opportunity Community Affairs shall investigate the manner in
which liquid used oil is currently being utilized and potential
prospects for future use.
(Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)
Sec. 22.15. Solid Waste Management Fund; fees.
(a) There is hereby created within the State Treasury a
special fund to be known as the "Solid Waste Management Fund",
to be constituted from the fees collected by the State pursuant
to this Section and from repayments of loans made from the Fund
for solid waste projects. Moneys received by the Department of
Commerce and Economic Opportunity Community Affairs in
repayment of loans made pursuant to the Illinois Solid Waste
Management Act shall be deposited into the Solid Waste Management Revolving Loan Fund.

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 per cubic yard or $3.27 per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the
owner or operator shall pay a fee of $7,260.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank.)

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Economic Opportunity Community Affairs for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial
assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to support the operations of an industrial materials exchange service, and to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.
(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid Municipal waste that has been dumped on public property in violation of a State law or local ordinance.

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid Municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund
may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and distribute to the Agency, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsections (c) and (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) Waste which is hazardous waste; or

(2) Waste which is pollution control waste; or

(3) Waste from recycling, reclamation or reuse
processes which have been approved by the Agency as being
designed to remove any contaminant from wastes so as to
render such wastes reusable, provided that the process
renders at least 50% of the waste reusable; or

(4) Non-hazardous solid waste that is received at a
sanitary landfill and composted or recycled through a
process permitted by the Agency; or

(5) Any landfill which is permitted by the Agency to
receive only demolition or construction debris or
landscape waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised
12-6-03.)

(415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

Sec. 22.16b. (a) Beginning January 1, 1991, the Agency
shall assess and collect a fee from the owner or operator of
each new municipal waste incinerator. The fee shall be
calculated by applying the rates established from time to time
for the disposal of solid waste at sanitary landfills under
subdivision (b)(1) of Section 22.15 to the total amount of
municipal waste accepted for incineration at the new municipal
waste incinerator. The exemptions provided by this Act to the
fees imposed under subsection (b) of Section 22.15 shall not
apply to the fee imposed by this Section.

The owner or operator of any new municipal waste
incinerator permitted after January 1, 1990, but before July 1,
1990 by the Agency for the development or operation of a new
municipal waste incinerator shall be exempt from this fee, but
shall include the following conditions:

(1) The owner or operator shall provide information
programs to those communities serviced by the owner or
operator concerning recycling and separation of waste not
suitable for incineration.

(2) The owner or operator shall provide information
programs to those communities serviced by the owner or
operator concerning the Agency's household hazardous waste
collection program and participation in that program.

For the purposes of this Section, "new municipal waste incinerator" means a municipal waste incinerator initially permitted for development or construction on or after January 1, 1990.

Amounts collected under this subsection shall be deposited into the Municipal Waste Incinerator Tax Fund, which is hereby established as an interest-bearing special fund in the State Treasury. Monies in the Fund may be used, subject to appropriation:

1. by the Department of Commerce and Economic Opportunity Community Affairs to fund its public information programs on recycling in those communities served by new municipal waste incinerators; and

2. by the Agency to fund its household hazardous waste collection activities in those communities served by new municipal waste incinerators.

(b) Any permit issued by the Agency for the development or operation of a new municipal waste incinerator shall include the following conditions:

1. The incinerator must be designed to provide continuous monitoring while in operation, with direct transmission of the resultant data to the Agency, until the Agency determines the best available control technology for monitoring the data. The Agency shall establish the test methods, procedures and averaging periods, as certified by the USEPA for solid waste incinerator units, and the form and frequency of reports containing results of the monitoring. Compliance and enforcement shall be based on such reports. Copies of the results of such monitoring shall be maintained on file at the facility concerned for one year, and copies shall be made available for inspection and copying by interested members of the public during business hours.

2. The facility shall comply with the emission limits adopted by the Agency under subsection (c).
(3) The operator of the facility shall take reasonable measures to ensure that waste accepted for incineration complies with all legal requirements for incineration. The incinerator operator shall establish contractual requirements or other notification and inspection procedures sufficient to assure compliance with this subsection (b)(3) which may include, but not be limited to, routine inspections of waste, lists of acceptable and unacceptable waste provided to haulers and notification to the Agency when the facility operator rejects and sends loads away. The notification shall contain at least the name of the hauler and the site from where the load was hauled.

(4) The operator may not accept for incineration any waste generated or collected in a municipality that has not implemented a recycling plan or is party to an implemented county plan, consistent with State goals and objectives. Such plans shall include provisions for collecting, recycling or diverting from landfills and municipal incinerators landscape waste, household hazardous waste and batteries. Such provisions may be performed at the site of the new municipal incinerator.

The Agency, after careful scrutiny of a permit application for the construction, development or operation of a new municipal waste incinerator, shall deny the permit if (i) the Agency finds in the permit application noncompliance with the laws and rules of the State or (ii) the application indicates that the mandated air emissions standards will not be reached within six months of the proposed municipal waste incinerator beginning operation.

(c) The Agency shall adopt specific limitations on the emission of mercury, chromium, cadmium and lead, and good combustion practices, including temperature controls from municipal waste incinerators pursuant to Section 9.4 of the Act.

(d) The Agency shall establish household hazardous waste
collection centers in appropriate places in this State. The Agency may operate and maintain the centers itself or may contract with other parties for that purpose. The Agency shall ensure that the wastes collected are properly disposed of. The collection centers may charge fees for their services, not to exceed the costs incurred. Such collection centers shall not (i) be regulated as hazardous waste facilities under RCRA nor (ii) be subject to local siting approval under Section 39.2 if the local governing authority agrees to waive local siting approval procedures.

(Source: P.A. 88-474; 89-101, eff. 7-7-95; 89-445, eff. 2-7-96; revised 12-6-03.)

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased."

(b) Any person selling lead-acid batteries at retail in this State may either charge a recycling fee on each new lead-acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by
delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

(1) the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or

(2) the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(g) The Department of Commerce and Economic Opportunity Community Affairs shall identify and assist in developing alternative processing and recycling options for used batteries.

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank.)

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of $100.

(Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

(415 ILCS 5/27) (from Ch. 111 1/2, par. 1027)
Sec. 27. Rulemaking.

(a) The Board may adopt substantive regulations as described in this Act. Any such regulations may make different provisions as required by circumstances for different contaminant sources and for different geographical areas; may apply to sources outside this State causing, contributing to, or threatening environmental damage in Illinois; may make special provision for alert and abatement standards and procedures respecting occurrences or emergencies of pollution or on other short-term conditions constituting an acute danger to health or to the environment; and may include regulations specific to individual persons or sites. In promulgating regulations under this Act, the Board shall take into account the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution. The generality of this grant of authority shall only be limited by the specifications of particular classes of regulations elsewhere in this Act.

No charge shall be established or assessed by the Board or Agency against any person for emission of air contaminants from any source, for discharge of water contaminants from any source, or for the sale, offer or use of any article.

Any person filing with the Board a written proposal for the adoption, amendment, or repeal of regulations shall provide information supporting the requested change and shall at the same time file a copy of such proposal with the Agency and the Department of Natural Resources. To aid the Board and to assist the public in determining which facilities will be affected, the person filing a proposal shall describe, to the extent reasonably practicable, the universe of affected sources and facilities and the economic impact of the proposed rule.

(b) Except as provided below and in Section 28.2, before
the adoption of any proposed rules not relating to administrative procedures within the Agency or the Board, or amendment to existing rules not relating to administrative procedures within the Agency or the Board, the Board shall:

(1) request that the Department of Commerce and Economic Opportunity Community Affairs conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic impact of the proposed rules. At a minimum, the economic impact study shall address (A) economic, environmental, and public health benefits that may be achieved through compliance with the proposed rules, (B) the effects of the proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and (C) the cost per unit of pollution reduced and the variability in cost based on the size of the facility and the percentage of company revenues expected to be used to implement the proposed rules; and

(2) conduct at least one public hearing on the economic impact of those new rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's Community Affairs' explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules.

In adopting any such new rule, the Board shall, in its written opinion, make a determination, based upon the evidence in the public hearing record, including but not limited to the economic impact study, as to whether the proposed rule has any adverse economic impact on the people of the State of Illinois.

(c) On proclamation by the Governor, pursuant to Section 8 of the Illinois Emergency Services and Disaster Act of 1975, that a disaster emergency exists, or when the Board finds that
a severe public health emergency exists, the Board may, in
relation to any proposed regulation, order that such regulation
shall take effect without delay and the Board shall proceed
with the hearings and studies required by this Section while
the regulation continues in effect.

When the Board finds that a situation exists which
reasonably constitutes a threat to the public interest, safety
or welfare, the Board may adopt regulations pursuant to and in
accordance with Section 5-45 of the Illinois Administrative
Procedure Act.

(d) To the extent consistent with any deadline for adoption
of any regulations mandated by State or federal law, prior to
initiating any hearing on a regulatory proposal, the Board may
assign a qualified hearing officer who may schedule a
prehearing conference between the proponents and any or all of
the potentially affected persons. The notice requirements of
Section 28 shall not apply to such prehearing conferences. The
purposes of such conference shall be to maximize understanding
of the intent and application of the proposal, to reach
agreement on aspects of the proposal, if possible, and to
try to identify and limit the issues of disagreement among
the participants to promote efficient use of time at hearing.
No record need be kept of the prehearing conference, nor shall
any participant or the Board be bound by any discussions
conducted at the prehearing conference. However, with the
consent of all participants in the prehearing conference, a
prehearing order delineating issues to be heard, agreed facts,
and other matters may be entered by the hearing officer. Such
an order will not be binding on nonparticipants in the
prehearing conference.
(Source: P.A. 90-489, eff. 1-1-98; 91-357, eff. 7-29-99;
revised 12-6-03.)

(415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)
Sec. 55. Prohibited activities.

(a) No person shall:
(1) Cause or allow the open dumping of any used or waste tire.

(2) Cause or allow the open burning of any used or waste tire.

(3) Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

(4) Cause or allow the operation of a tire storage site except in compliance with Board regulations.

(5) Abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(6) Fail to submit required reports, tire removal agreements, or Board regulations.

(b) (Blank.)

(b-1) Beginning January 1, 1995, no person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste, and no owner or operator of a sanitary landfill shall accept any used or waste tire for final disposal; except that used or waste tires, when separated from other waste, may be accepted if: (1) the sanitary landfill provides and maintains a means for shredding, slitting, or chopping whole tires and so treats whole tires and, if approved by the Agency in a permit issued under this Act, uses the used or waste tires for alternative uses, which may include on-site practices such as lining of roadways with tire scraps, alternative daily cover, or use in a leachate collection system or (2) the sanitary landfill, by its notification to the Illinois Industrial Materials Exchange Service, makes available the used or waste tire to an appropriate facility for reuse, reprocessing, or converting, including use as an alternate energy fuel. If, within 30 days after notification to the Illinois Industrial Materials Exchange Service of the availability of waste tires, no specific request for the used or waste tires is received by
the sanitary landfill, and the sanitary landfill determines it
has no alternative use for those used or waste tires, the
sanitary landfill may dispose of slit, chopped, or shredded
used or waste tires in the sanitary landfill. In the event the
physical condition of a used or waste tire makes shredding,
slitting, chopping, reuse, reprocessing, or other alternative
use of the used or waste tire impractical or infeasible, then
the sanitary landfill, after authorization by the Agency, may
accept the used or waste tire for disposal.

Sanitary landfills and facilities for reuse, reprocessing,
or converting, including use as alternative fuel, shall (i)
notify the Illinois Industrial Materials Exchange Service of
the availability of and demand for used or waste tires and (ii)
consult with the Department of Commerce and Economic
Opportunity Community Affairs regarding the status of
marketing of waste tires to facilities for reuse.

(c) Any person who sells new or used tires at retail or
operates a tire storage site or a tire disposal site which
contains more than 50 used or waste tires shall give notice of
such activity to the Agency. Any person engaging in such
activity for the first time after January 1, 1990, shall give
notice to the Agency within 30 days after the date of
commencement of the activity. The form of such notice shall be
specified by the Agency and shall be limited to information
regarding the following:

(1) the name and address of the owner and operator;
(2) the name, address and location of the operation;
(3) the type of operations involving used and waste
tires (storage, disposal, conversion or processing); and
(4) the number of used and waste tires present at the
location.

(d) Beginning January 1, 1992, no person shall cause or
allow the operation of:

(1) a tire storage site which contains more than 50
used tires, unless the owner or operator, by January 1,
1992 (or the January 1 following commencement of operation,
whichever is later) and January 1 of each year thereafter,

(i) registers the site with the Agency, (ii) certifies to
the Agency that the site complies with any applicable
standards adopted by the Board pursuant to Section 55.2,
(iii) reports to the Agency the number of tires
accumulated, the status of vector controls, and the actions
taken to handle and process the tires, and (iv) pays the
fee required under subsection (b) of Section 55.6; or

(2) a tire disposal site, unless the owner or operator
(i) has received approval from the Agency after filing a
tire removal agreement pursuant to Section 55.4, or (ii)
has entered into a written agreement to participate in a
consensual removal action under Section 55.3.

The Agency shall provide written forms for the annual
registration and certification required under this subsection
(d).

(e) No person shall cause or allow the storage, disposal,
treatment or processing of any used or waste tire in violation
of any regulation or standard adopted by the Board.

(f) No person shall arrange for the transportation of used
or waste tires away from the site of generation with a person
known to openly dump such tires.

(g) No person shall engage in any operation as a used or
waste tire transporter except in compliance with Board
regulations.

(h) No person shall cause or allow the combustion of any
used or waste tire in an enclosed device unless a permit has
been issued by the Agency authorizing such combustion pursuant
to regulations adopted by the Board for the control of air
pollution and consistent with the provisions of Section 9.4 of
this Act.

(i) No person shall cause or allow the use of pesticides to
treat tires except as prescribed by Board regulations.

(j) No person shall fail to comply with the terms of a tire
removal agreement approved by the Agency pursuant to Section
55.4.
Sec. 55.3. (a) Upon finding that an accumulation of used or waste tires creates an immediate danger to health, the Agency may take action pursuant to Section 34 of this Act.

(b) Upon making a finding that an accumulation of used or waste tires creates a hazard posing a threat to public health or the environment, the Agency may undertake preventive or corrective action in accordance with this subsection. Such preventive or corrective action may consist of any or all of the following:

(1) Treating and handling used or waste tires and other infested materials within the area for control of mosquitoes and other disease vectors.

(2) Relocation of ignition sources and any used or waste tires within the area for control and prevention of tire fires.

(3) Removal of used and waste tire accumulations from the area.

(4) Removal of soil and water contamination related to tire accumulations.

(5) Installation of devices to monitor and control groundwater and surface water contamination related to tire accumulations.

(6) Such other actions as may be authorized by Board regulations.

(c) The Agency may, subject to the availability of appropriated funds, undertake a consensual removal action for the removal of up to 1,000 used or waste tires at no cost to the owner according to the following requirements:

(1) Actions under this subsection shall be taken pursuant to a written agreement between the Agency and the owner of the tire accumulation.

(2) The written agreement shall at a minimum specify:
(i) that the owner relinquishes any claim of an
ownership interest in any tires that are removed, or in
any proceeds from their sale;
(ii) that tires will no longer be allowed to be
accumulated at the site;
(iii) that the owner will hold harmless the Agency
or any employee or contractor utilized by the Agency to
effect the removal, for any damage to property incurred
during the course of action under this subsection,
except for gross negligence or intentional misconduct;
and
(iv) any conditions upon or assistance required
from the owner to assure that the tires are so located
or arranged as to facilitate their removal.

(3) The Agency may by rule establish conditions and
priorities for removal of used and waste tires under this
subsection.

(4) The Agency shall prescribe the form of written
agreements under this subsection.

(d) The Agency shall have authority to provide notice to
the owner or operator, or both, of a site where used or waste
tires are located and to the owner or operator, or both, of the
accumulation of tires at the site, whenever the Agency finds
that the used or waste tires pose a threat to public health or
the environment, or that there is no owner or operator
proceeding in accordance with a tire removal agreement approved
under Section 55.4.

The notice provided by the Agency shall include the
identified preventive or corrective action, and shall provide
an opportunity for the owner or operator, or both, to perform
such action.

For sites with more than 250,000 passenger tire
equivalents, following the notice provided for by this
subsection (d), the Agency may enter into a written
reimbursement agreement with the owner or operator of the site.
The agreement shall provide a schedule for the owner or
operator to reimburse the Agency for costs incurred for
preventive or corrective action, which shall not exceed 5 years
in length. An owner or operator making payments under a written
reimbursement agreement pursuant to this subsection (d) shall
not be liable for punitive damages under subsection (h) of this
Section.

(e) In accordance with constitutional limitations, the
Agency shall have authority to enter at all reasonable times
upon any private or public property for the purpose of taking
whatever preventive or corrective action is necessary and
appropriate in accordance with the provisions of this Section,
including but not limited to removal, processing or treatment
of used or waste tires, whenever the Agency finds that used or
waste tires pose a threat to public health or the environment.

(f) In undertaking preventive, corrective or consensual
removal action under this Section the Agency may consider use
of the following: rubber reuse alternatives, shredding or other
conversion through use of mobile or fixed facilities, energy
recovery through burning or incineration, and landfill
disposal. To the extent practicable, the Agency shall consult
with the Department of Commerce and Economic Opportunity
Community Affairs regarding the availability of alternatives
to landfilling used and waste tires, and shall make every
reasonable effort to coordinate tire cleanup projects with
applicable programs that relate to such alternative practices.

(g) Except as otherwise provided in this Section, the owner
or operator of any site or accumulation of used or waste tires
at which the Agency has undertaken corrective or preventive
action under this Section shall be liable for all costs thereof
incurred by the State of Illinois, including reasonable costs
of collection. Any monies received by the Agency hereunder
shall be deposited into the Used Tire Management Fund. The
Agency may in its discretion store, dispose of or convey the
tires that are removed from an area at which it has undertaken
a corrective, preventive or consensual removal action, and may
sell or store such tires and other items, including but not
limited to rims, that are removed from the area. The net
proceeds of any sale shall be credited against the liability
incurred by the owner or operator for the costs of any
preventive or corrective action.

(h) Any person liable to the Agency for costs incurred
under subsection (g) of this Section may be liable to the State
of Illinois for punitive damages in an amount at least equal
to, and not more than 2 times, the costs incurred by the State
if such person failed without sufficient cause to take
preventive or corrective action pursuant to notice issued under
subsection (d) of this Section.

(i) There shall be no liability under subsection (g) of
this Section for a person otherwise liable who can establish by
a preponderance of the evidence that the hazard created by the
tires was caused solely by:

(1) an act of God;

(2) an act of war; or

(3) an act or omission of a third party other than an
employee or agent, and other than a person whose act or
omission occurs in connection with a contractual
relationship with the person otherwise liable.

For the purposes of this subsection, "contractual
relationship" includes, but is not limited to, land contracts,
deeds and other instruments transferring title or possession,
unless the real property upon which the accumulation is located
was acquired by the defendant after the disposal or placement
of used or waste tires on, in or at the property and one or more
of the following circumstances is also established by a
preponderance of the evidence:

(A) at the time the defendant acquired the
property, the defendant did not know and had no reason
to know that any used or waste tires had been disposed
of or placed on, in or at the property, and the
defendant undertook, at the time of acquisition, all
appropriate inquiries into the previous ownership and
uses of the property consistent with good commercial or
customary practice in an effort to minimize liability;

(B) the defendant is a government entity which
 acquired the property by escheat or through any other
 involuntary transfer or acquisition, or through the
 exercise of eminent domain authority by purchase or
 condemnation; or

(C) the defendant acquired the property by
 inheritance or bequest.

(j) Nothing in this Section shall affect or modify the
 obligations or liability of any person under any other
 provision of this Act, federal law, or State law, including the
 common law, for injuries, damages or losses resulting from the
 circumstances leading to Agency action under this Section.

(k) The costs and damages provided for in this Section may
 be imposed by the Board in an action brought before the Board
 in accordance with Title VIII of this Act, except that
 subsection (c) of Section 33 of this Act shall not apply to any
 such action.

(l) The Agency shall, when feasible, consult with the
 Department of Public Health prior to taking any action to
 remove or treat an infested tire accumulation for control of
 mosquitoes or other disease vectors. The Agency may by contract
 or agreement secure the services of the Department of Public
 Health, any local public health department, or any other
 qualified person in treating any such infestation as part of an
 emergency or preventive action.

(m) Neither the State, the Agency, the Board, the Director,
 nor any State employee shall be liable for any damage or injury
 arising out of or resulting from any action taken under this
 Section.

(Source: P.A. 92-24, eff. 7-1-01; revised 12-6-03.)

(415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

Sec. 55.7. The Department of Commerce and Economic
Opportunity Community Affairs may adopt regulations as
necessary for the administration of the grant and loan programs
funded from the Used Tire Management Fund, including but not limited to procedures and criteria for applying for, evaluating, awarding and terminating grants and loans. The Department of Commerce and Economic Opportunity Community Affairs may by rule specify criteria for providing grant assistance rather than loan assistance; such criteria shall promote the expeditious development of alternatives to the disposal of used tires, and the efficient use of monies for assistance. Evaluation criteria may be established by rule, considering such factors as:

(1) the likelihood that a proposal will lead to the actual collection and processing of used tires and protection of the environment and public health in furtherance of the purposes of this Act;
(2) the feasibility of the proposal;
(3) the suitability of the location for the proposed activity;
(4) the potential of the proposal for encouraging recycling and reuse of resources; and
(5) the potential for development of new technologies consistent with the purposes of this Act.

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

(415 ILCS 5/58.14)
Sec. 58.14. Environmental Remediation Tax Credit review.
(a) Prior to applying for the Environmental Remediation Tax Credit under Section 201 of the Illinois Income Tax Act, Remediation Applicants shall first submit to the Agency an application for review of remediation costs. The application and review process shall be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review shall be submitted until a No
Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed to in any material respect by the Remediation Applicant. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability shall be made consistent with those rules;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable,
certification from the Department of Commerce and Economic
Opportunity Community Affairs that the site is located in
an enterprise zone;

(8) any other information deemed appropriate by the
Agency.

(c) Within 60 days after receipt by the Agency of an
application meeting the requirements of subsection (b), the
Agency shall issue a letter to the applicant approving,
disapproving, or modifying the remediation costs submitted in
the application. If the remediation costs are approved as
submitted, the Agency's letter shall state the amount of the
remediation costs to be applied toward the Environmental
Remediation Tax Credit. If an application is disapproved or
approved with modification of remediation costs, the Agency's
letter shall set forth the reasons for the disapproval or
modification and state the amount of the remediation costs, if
any, to be applied toward the Environmental Remediation Tax
Credit.

If a preliminary review of a budget plan has been obtained
under subsection (d), the Remediation Applicant may submit,
with the application and supporting documentation under
subsection (b), a copy of the Agency's final determination
accompanied by a certification that the actual remediation
costs incurred for the development and implementation of the
Remedial Action Plan are equal to or less than the costs
approved in the Agency's final determination on the budget
plan. The certification shall be signed by the Remediation
Applicant and notarized. Based on that submission, the Agency
shall not be required to conduct further review of the costs
incurred for development and implementation of the Remedial
Action Plan and may approve costs as submitted.

Within 35 days after receipt of an Agency letter
disapproving or modifying an application for approval of
remediation costs, the Remediation Applicant may appeal the
Agency's decision to the Board in the manner provided for the
review of permits in Section 40 of this Act.
(d) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan shall be set forth on forms prescribed and provided by the Agency and shall include but shall not be limited to line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan shall be revised accordingly and resubmitted for Agency review.

(3) The budget plan shall be accompanied by the applicable fee as set forth in subsection (e).

(4) Submittal of a budget plan shall be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

(5) Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.
(e) The fees for reviews conducted under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and shall be as follows:

(1) The fee for an application for review of remediation costs shall be $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (d) shall be $500 for each site reviewed.

(3) In the case of a Remediation Applicant submitting for review total remediation costs of $100,000 or less for a site located within an enterprise zone (as set forth in paragraph (i) of subsection (l) of Section 201 of the Illinois Income Tax Act), the fee for an application for review of remediation costs shall be $250 for each site reviewed. For those sites, there shall be no fee for review of a budget plan under subsection (d).

The application fee shall be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund.

Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(f) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) Within 6 months after July 21, 1997, the Agency shall propose rules prescribing procedures and standards for its administration of this Section. Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedure Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)
Sec. 58.15. Brownfields Programs.

(A) Brownfields Redevelopment Loan Program.

(a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. All principal, interest, and penalty payments from loans made under this subsection (A) shall be deposited into the Brownfields Redevelopment Fund and reused in accordance with this Section.

(b) General requirements for loans:

1. Loans shall be at or below market interest rates in accordance with a formula set forth in regulations promulgated under subdivision (A)(c) of this subsection (A).

2. Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in the regulations promulgated under subdivision (A)(c) of this subsection (A).

3. The maximum loan amount under this subsection (A) for any one project is $1,000,000.

4. In addition to any requirements or conditions placed on loans by regulation, loan agreements under the Brownfields Redevelopment Loan Program shall include the following requirements:

   (A) the loan recipient shall secure the loan repayment obligation;

   (B) completion of the loan repayment shall not exceed 15 years or as otherwise prescribed by Agency rule; and

   (C) loan agreements shall provide for a confession of judgment by the loan recipient upon default.

5. Loans shall not be used to cover expenses incurred
prior to the approval of the loan application.

(6) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this subsection (A) or implementing regulations, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

c) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this subsection (A). The Agency shall have the authority to promulgate regulations setting forth procedures and criteria for administering the Brownfields Redevelopment Loan Program. The regulations promulgated by the Agency for loans under this subsection (A) shall include, but need not be limited to, the following elements:

(1) loan application requirements;
(2) determination of credit worthiness of the loan applicant;
(3) types of security required for the loan;
(4) types of collateral, as necessary, that can be pledged for the loan;
(5) special loan terms, as necessary, for securing the repayment of the loan;
(6) maximum loan amounts;
(7) purposes for which loans are available;
(8) application periods and content of applications;
(9) procedures for Agency review of loan applications, loan approvals or denials, and loan acceptance by the loan recipient;
(10) procedures for establishing interest rates;
(11) requirements applicable to disbursement of loans to loan recipients;

(12) requirements for securing loan repayment obligations;

(13) conditions or circumstances constituting default;

(14) procedures for repayment of loans and delinquent loans including, but not limited to, the initiation of principal and interest payments following loan acceptance;

(15) loan recipient responsibilities for work schedules, work plans, reports, and record keeping;

(16) evaluation of loan recipient performance, including auditing and access to sites and records;

(17) requirements applicable to contracting and subcontracting by the loan recipient, including procurement requirements;

(18) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery of loan funds; and

(19) indemnification of the State of Illinois and the Agency by the loan recipient.

(d) Moneys in the Brownfields Redevelopment Fund may be used as a source of revenue or security for the principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of those bonds will be deposited into the Fund.

(B) Brownfields Site Restoration Program.

(a) (1) The Agency, with the assistance of the Department of Commerce and Economic Opportunity Community Affairs, must establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program. The Agency, through the Program, shall provide Remediation Applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. The investigation and remediation shall be performed in accordance with this
Title XVII of this Act.

(2) For each State fiscal year in which funds are made available to the Agency for payment under this subsection (B), the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State.

(3) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. Eligibility must be determined based on a minimum capital investment in the redevelopment of the site, and payment amounts must not exceed the net economic benefit to the State of the remediation project. In addition to these limitations, the total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site.

(4) Only those remediation projects for which a No Further Remediation Letter is issued by the Agency after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites that have received a No Further Remediation Letter prior to December 31, 2001 or for costs incurred prior to the Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs) approving a site eligible for the Brownfields Site Restoration Program.

(5) Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all requirements as set forth in this Section.

(b) Prior to applying to the Agency for payment, a Remediation Applicant shall first submit to the Agency its proposed remediation costs. The Agency shall make a pre-application assessment, which is not to be binding upon the Department of Commerce and Economic Opportunity Community.
Affairs or upon future review of the project, relating only to whether the Agency has adequate funding to reimburse the applicant for the remediation costs if the applicant is found to be eligible for reimbursement of remediation costs. If the Agency determines that it is likely to have adequate funding to reimburse the applicant for remediation costs, the Remediation Applicant may then submit to the Department of Commerce and Economic Opportunity Community Affairs an application for review of eligibility. The Department must review the eligibility application to determine whether the Remediation Applicant is eligible for the payment. The application must be on forms prescribed and provided by the Department of Commerce and Economic Opportunity Community Affairs. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance into the Site Remediation Program.

(2) Information demonstrating that the site for which the payment is being sought is abandoned or underutilized property. "Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department of Commerce and Economic Opportunity Community Affairs. "Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

(3) Information demonstrating that remediation of the site for which the payment is being sought will result in a
net economic benefit to the State of Illinois. The "net
economic benefit" must be determined based on factors
including, but not limited to, the capital investment, the
number of jobs created, the number of jobs retained if it
is demonstrated the jobs would otherwise be lost, capital
improvements, the number of construction-related jobs,
increased sales, material purchases, other increases in
service and operational expenditures, and other factors
established by the Department of Commerce and Economic
Opportunity Community Affairs. Priority must be given to
sites located in areas with high levels of poverty, where
the unemployment rate exceeds the State average, where an
enterprise zone exists, or where the area is otherwise
economically depressed as determined by the Department of
Commerce and Economic Opportunity Community Affairs.

(4) An application fee in the amount set forth in
subdivision (B)(c) for each site for which review of an
application is being sought.

(c) The fee for eligibility reviews conducted by the
Department of Commerce and Economic Opportunity Community
Affairs under this subsection (B) is $1,000 for each site
reviewed. The application fee must be made payable to the
Department of Commerce and Economic Opportunity Community
Affairs for deposit into the Workforce, Technology, and
Economic Development Fund. These application fees shall be used
by the Department for administrative expenses incurred under
this subsection (B).

(d) Within 60 days after receipt by the Department of
Commerce and Economic Opportunity Community Affairs of an
application meeting the requirements of subdivision (B)(b),
the Department of Commerce and Economic Opportunity Community
Affairs must issue a letter to the applicant approving the
application, approving the application with modifications, or
disapproving the application. If the application is approved or
approved with modifications, the Department of Commerce and
Economic Opportunity's Community Affairs' letter must also
include its determination of the "net economic benefit" of the remediation project and the maximum amount of the payment to be made available to the applicant for remediation costs. The payment by the Agency under this subsection (B) must not exceed the "net economic benefit" of the remediation project, as determined by the Department of Commerce and Economic Opportunity Community Affairs.

(e) An application for a review of remediation costs must not be submitted to the Agency unless the Department of Commerce and Economic Opportunity Community Affairs has determined the Remediation Applicant is eligible under subdivision (B)(d). If the Department of Commerce and Economic Opportunity Community Affairs has determined that a Remediation Applicant is eligible under subdivision (B)(d), the Remediation Applicant may submit an application for payment to the Agency under this subsection (B). Except as provided in subdivision (B)(f), an application for review of remediation costs must not be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued.

(3) A demonstration that the release of the regulated
substances of concern for which the No Further Remediation Letter was issued was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Economic Opportunity's Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(f) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the
date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Economic Opportunity's Community Affairs letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remediation Action Plan.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(g) For a Remediation Applicant seeking a payment under subdivision (B)(f), until the Agency issues a No Further Remediation Letter for the site, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a payment under subdivision
(B)(e), until the Agency issues a No Further Remediation Letter for the site, no payment may be claimed by the Remediation Applicant.

(h) (1) Within 60 days after receipt by the Agency of an application meeting the requirements of subdivision (B)(e) or (B)(f), the Agency must issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

(2) If a preliminary review of a budget plan has been obtained under subdivision (B)(i), the Remediation Applicant may submit, with the application and supporting documentation under subdivision (B)(e) or (B)(f), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

(3) Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(i) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not
limited to, line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

(3) The budget plan must be accompanied by the applicable fee as set forth in subdivision (B)(j).

(4) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this subsection (B) and rules adopted under this subsection (B).

(5) Within the applicable period of review, the Agency must issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter must set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(j) The fees for reviews conducted by the Agency under this subsection (B) are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and are as follows:

(1) The fee for an application for review of
(2) The fee for the review of the budget plan submitted under subdivision (B)(i) is $500 for each site reviewed. The application fee and the fee for the review of the budget plan must be made payable to the State of Illinois, for deposit into the Brownfields Redevelopment Fund.

(k) Moneys in the Brownfields Redevelopment Fund may be used for the purposes of this Section, including payment for the costs of administering this subsection (B). Any moneys remaining in the Brownfields Site Restoration Program Fund on the effective date of this amendatory Act of the 92nd General Assembly shall be transferred to the Brownfields Redevelopment Fund. Total payments made to all Remediation Applicants by the Agency for purposes of this subsection (B) must not exceed $1,000,000 in State fiscal year 2002.

(l) The Department and the Agency are authorized to enter into any contracts or agreements that may be necessary to carry out their duties and responsibilities under this subsection (B).

(m) Within 6 months after the effective date of this amendatory Act of 2002, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Agency must propose rules prescribing procedures and standards for the administration of this subsection (B). Within 9 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedures Act, rules that are consistent with this subsection (B). Prior to the effective date of rules adopted under this subsection (B), the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Agency may conduct reviews of applications under this subsection (B) and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01; 92-715,
Section 780. The Solid Waste Planning and Recycling Act is amended by changing Section 3 as follows:

(415 ILCS 15/3) (from Ch. 85, par. 5953)

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

"Agency" means the Illinois Environmental Protection Agency.

"Composting" means the biological process by which microorganisms decompose the organic fraction of waste, producing a humus-like material that may be used as a soil conditioner.

"County" means any county of the State and includes the City of Chicago.

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

"Municipal waste" means garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, and construction and demolition debris.

"Person" means any individual, partnership, cooperative enterprise, unit of local government, institution, corporation or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

"Recycling, reclamation or reuse" means a method, technique or process designed to remove any contaminant from waste so as to render the waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling center" means a facility that accepts only segregated, nonhazardous, nonspecial, homogeneous, nonputrescible materials, such as dry paper, glass, cans or
plastics, for subsequent use in the secondary materials market.

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

Section 785. The Illinois Solid Waste Management Act is amended by changing Sections 2.1, 3, 3.1, 5, 6, 6a, and 7 as follows:

(415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

Sec. 2.1. Definitions. When used in this Act, unless the context otherwise requires, the following terms have the meanings ascribed to them in this Section:

"Department", when a particular entity is not specified, means (i) in the case of a function to be performed on or after July 1, 1995 (the effective date of the Department of Natural Resources Act), the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity), as successor to the former Department of Energy and Natural Resources under the Department of Natural Resources Act; or (ii) in the case of a function required to be performed before July 1, 1995, the former Illinois Department of Energy and Natural Resources.

"Deinked stock" means paper that has been processed to remove inks, clays, coatings, binders and other contaminants.

"End product" means only those items that are designed to be used until disposal; items designed to be used in production of a subsequent item are excluded.

"High grade printing and writing papers" includes offset printing paper, duplicator paper, writing paper (stationery), office paper, note pads, xerographic paper, envelopes, form bond including computer paper and carbonless forms, book papers, bond papers, ledger paper, book stock and cotton fiber papers.

"Paper and paper products" means high grade printing and writing papers, tissue products, newsprint, unbleached packaging and recycled paperboard.

"Postconsumer material" means only those products
generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste; wastes generated during production of an end product are excluded.

"Recovered paper material" means paper waste generated after the completion of the papermaking process, such as postconsumer materials, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. "Recovered paper material", however, does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extraction or woodcutting processes, or forest residues such as bark.

"Recycled paperboard" includes recycled paperboard products, folding cartons and pad backing.

"Recycling" means the process by which solid waste is collected, separated and processed for reuse as either a raw material or a product which itself is subject to recycling, but does not include the combustion of waste for energy recovery or volume reduction.

"Tissue products" includes toilet tissue, paper towels, paper napkins, facial tissue, paper doilies, industrial wipers, paper bags and brown papers.

"Unbleached packaging" includes corrugated and fiber boxes.

"USEPA Guidelines for federal procurement" means all minimum recycled content standards recommended by the U.S. Environmental Protection Agency.

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

(415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

Sec. 3. State agency materials recycling program.

(a) All State agencies responsible for the maintenance of public lands in the State shall, to the maximum extent
feasible, give due consideration and preference to the use of compost materials in all land maintenance activities which are to be paid with public funds.

(b) The Department of Central Management Services, in coordination with the Department of Commerce and Economic Opportunity Community Affairs, shall implement waste reduction programs, including source separation and collection, for office wastepaper, corrugated containers, newsprint and mixed paper, in all State buildings as appropriate and feasible. Such waste reduction programs shall be designed to achieve waste reductions of at least 25% of all such waste by December 31, 1995, and at least 50% of all such waste by December 31, 2000. Any source separation and collection program shall include, at a minimum, procedures for collecting and storing recyclable materials, bins or containers for storing materials, and contractual or other arrangements with buyers of recyclable materials. If market conditions so warrant, the Department of Central Management Services, in coordination with the Department of Commerce and Economic Opportunity Community Affairs, may modify programs developed pursuant to this Section.

The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall conduct waste categorization studies of all State facilities for calendar years 1991, 1995 and 2000. Such studies shall be designed to assist the Department of Central Management Services to achieve the waste reduction goals established in this subsection.

(c) Each State agency shall, upon consultation with the Department of Commerce and Economic Opportunity Community Affairs, periodically review its procurement procedures and specifications related to the purchase of products or supplies. Such procedures and specifications shall be modified as necessary to require the procuring agency to seek out products and supplies that contain recycled materials, and to ensure that purchased products or supplies are reusable, durable or
made from recycled materials whenever economically and
practically feasible. In choosing among products or supplies
that contain recycled material, consideration shall be given to
products and supplies with the highest recycled material
content that is consistent with the effective and efficient use
of the product or supply.

(d) Wherever economically and practically feasible, the
Department of Central Management Services shall procure
recycled paper and paper products as follows:

(1) Beginning July 1, 1989, at least 10% of the total
dollar value of paper and paper products purchased by the
Department of Central Management Services shall be
recycled paper and paper products.

(2) Beginning July 1, 1992, at least 25% of the total
dollar value of paper and paper products purchased by the
Department of Central Management Services shall be
recycled paper and paper products.

(3) Beginning July 1, 1996, at least 40% of the total
dollar value of paper and paper products purchased by the
Department of Central Management Services shall be
recycled paper and paper products.

(4) Beginning July 1, 2000, at least 50% of the total
dollar value of paper and paper products purchased by the
Department of Central Management Services shall be
recycled paper and paper products.

(e) Paper and paper products purchased from private vendors
pursuant to printing contracts are not considered paper
products for the purposes of subsection (d). However, the
Department of Central Management Services shall report to the
General Assembly on an annual basis the total dollar value of
printing contracts awarded to private sector vendors that
included the use of recycled paper.

(f)(1) Wherever economically and practically feasible, the
recycled paper and paper products referred to in subsection
(d) shall contain postconsumer or recovered paper
materials as specified by paper category in this
subsection:

(i) Recycled high grade printing and writing paper shall contain at least 50% recovered paper material. Such recovered paper material, until July 1, 1994, shall consist of at least 20% deinked stock or postconsumer material; and beginning July 1, 1994, shall consist of at least 25% deinked stock or postconsumer material; and beginning July 1, 1996, shall consist of at least 30% deinked stock or postconsumer material; and beginning July 1, 1998, shall consist of at least 40% deinked stock or postconsumer material; and beginning July 1, 2000, shall consist of at least 50% deinked stock or postconsumer material.

(ii) Recycled tissue products, until July 1, 1994, shall contain at least 25% postconsumer material; and beginning July 1, 1994, shall contain at least 30% postconsumer material; and beginning July 1, 1996, shall contain at least 35% postconsumer material; and beginning July 1, 1998, shall contain at least 40% postconsumer material; and beginning July 1, 2000, shall contain at least 45% postconsumer material.

(iii) Recycled newsprint, until July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1994, shall contain at least 50% postconsumer material; and beginning July 1, 1996, shall contain at least 60% postconsumer material; and beginning July 1, 1998, shall contain at least 70% postconsumer material; and beginning July 1, 2000, shall contain at least 80% postconsumer material.

(iv) Recycled unbleached packaging, until July 1, 1994, shall contain at least 35% postconsumer material; and beginning July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1996, shall contain at least 45% postconsumer material; and beginning July 1, 1998, shall contain at
least 50% postconsumer material; and beginning July 1, 2000, shall contain at least 55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall contain at least 80% postconsumer material; and beginning July 1, 1994, shall contain at least 85% postconsumer material; and beginning July 1, 1996, shall contain at least 90% postconsumer material; and beginning July 1, 1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer material" includes:

(i) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage; and

(ii) all paper, paperboard, and fibrous wastes that are diverted or separated from the municipal solid waste stream.

(3) For the purposes of this Section, "recovered paper material" includes:

(i) postconsumer material;

(ii) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets), including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations, or from bag, box and carton manufacturing, and butt rolls, mill wrappers, and rejected unused stock; and

(iii) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers,
merchants, wholesalers, dealers, printers, converters, or others.

(g) The Department of Central Management Services may adopt regulations to carry out the provisions and purposes of this Section.

(h) Every State agency shall, in its procurement documents, specify that, whenever economically and practically feasible, a product to be procured must consist, wholly or in part, of recycled materials, or be recyclable or reusable in whole or in part. When applicable, if state guidelines are not already prescribed, State agencies shall follow USEPA guidelines for federal procurement.

(i) All State agencies shall cooperate with the Department of Central Management Services in carrying out this Section. The Department of Central Management Services may enter into cooperative purchasing agreements with other governmental units in order to obtain volume discounts, or for other reasons in accordance with the Governmental Joint Purchasing Act, or in accordance with the Intergovernmental Cooperation Act if governmental units of other states or the federal government are involved.

(j) The Department of Central Management Services shall submit an annual report to the General Assembly concerning its implementation of the State's collection and recycled paper procurement programs. This report shall include a description of the actions that the Department of Central Management Services has taken in the previous fiscal year to implement this Section. This report shall be submitted on or before November 1 of each year.

(k) The Department of Central Management Services, in cooperation with all other appropriate departments and agencies of the State, shall institute whenever economically and practically feasible the use of re-refined motor oil in all State-owned motor vehicles and the use of remanufactured and retread tires whenever such use is practical, beginning no later than July 1, 1992.
(m) The Department of Central Management Services, in coordination with the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity), shall implement an aluminum can recycling program in all State buildings within 270 days of the effective date of this amendatory Act of 1997. The program shall provide for (1) the collection and storage of used aluminum cans in bins or other appropriate containers made reasonably available to occupants and visitors of State buildings and (2) the sale of used aluminum cans to buyers of recyclable materials.

Proceeds from the sale of used aluminum cans shall be deposited into I-CYCLE accounts maintained in the State Surplus Property Revolving Fund and, subject to appropriation, shall be used by the Department of Central Management Services and any other State agency to offset the costs of implementing the aluminum can recycling program under this Section.

All State agencies having an aluminum can recycling program in place shall continue with their current plan. If a State agency has an existing recycling program in place, proceeds from the aluminum can recycling program may be retained and distributed pursuant to that program, otherwise all revenue resulting from these programs shall be forwarded to Central Management Services, I-CYCLE for placement into the appropriate account within the State Surplus Property Revolving Fund, minus any operating costs associated with the program.

(Source: P.A. 89-445, eff. 2-7-96; 90-180, eff. 7-23-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; revised 12-6-03.)

(415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)
of Governors of State Colleges and Universities, the colleges
and universities under the jurisdiction of the Board of Regents
of Regency Universities, and the public community colleges
subject to the Public Community College Act.

(b) Each State-supported institution of higher learning
shall develop a comprehensive waste reduction plan covering a
period of 10 years which addresses the management of solid
waste generated by academic, administrative, student housing
and other institutional functions. The waste reduction plan
shall be developed by January 1, 1995. The initial plan
required under this Section shall be updated by the institution
every 5 years, and any proposed amendments to the plan shall be
submitted for review in accordance with subsection (f).

(c) Each waste reduction plan shall address, at a minimum,
the following topics: existing waste generation by volume,
short composition, existing waste reduction and recycling
activities, waste collection and disposal costs, future waste
management methods, and specific goals to reduce the amount of
waste generated that is subject to landfill disposal.

(d) Each waste reduction plan shall provide for recycling
of marketable materials currently present in the institution's
waste stream, including but not limited to landscape waste,
corrugated cardboard, computer paper, and white office paper,
and shall provide for the investigation of potential markets
for other recyclable materials present in the institution's
waste stream. The recycling provisions of the waste reduction
plan shall be designed to achieve, by January 1, 2000, at least
a 40% reduction (referenced to a base year of 1987) in the
amount of solid waste that is generated by the institution and
identified in the waste reduction plan as being subject to
landfill disposal.

(e) Each waste reduction plan shall evaluate the
institution's procurement policies and practices to eliminate
procedures which discriminate against items with recycled
content, and to identify products or items which are procured
by the institution on a frequent or repetitive basis for which
products with recycled content may be substituted. Each waste reduction plan shall prescribe that it will be the policy of the institution to purchase products with recycled content whenever such products have met specifications and standards of equivalent products which do not contain recycled content.

(f) Each waste reduction plan developed in accordance with this Section shall be submitted to the Department of Commerce and Economic Opportunity Community Affairs for review and approval. The Department's review shall be conducted in cooperation with the Board of Higher Education and the Illinois Community College Board.

(g) The Department of Commerce and Economic Opportunity Community Affairs shall provide technical assistance, technical materials, workshops and other information necessary to assist in the development and implementation of the waste reduction plans. The Department shall develop guidelines and funding criteria for providing grant assistance to institutions for the implementation of approved waste reduction plans.

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

(415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

Sec. 5. Informational Clearinghouse. The Department of Commerce and Economic Opportunity Community Affairs, in cooperation with the Environmental Protection Agency, shall maintain a central clearinghouse of information regarding the implementation of this Act. In particular, this clearinghouse shall include data regarding solid waste research and planning, solid waste management practices, markets for recyclable materials and intergovernmental cooperation.

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

(415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

Sec. 6. The Department of Commerce and Economic Opportunity Community Affairs shall be the lead agency for implementation of this Act and shall have the following powers:
(a) To provide technical and educational assistance for applications of technologies and practices which will minimize the land disposal of non-hazardous solid waste; economic feasibility of implementation of solid waste management alternatives; analysis of markets for recyclable materials and energy products; application of the Geographic Information System to provide analysis of natural resource, land use, and environmental impacts; evaluation of financing and ownership options; and evaluation of plans prepared by units of local government pursuant to Section 22.15 of the Environmental Protection Act.

(b) To provide technical assistance in siting pollution control facilities, defined as any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator.

(c) To provide loans or recycling and composting grants to businesses and not-for-profit and governmental organizations for the purposes of increasing the quantity of materials recycled or composted in Illinois; developing and implementing innovative recycling methods and technologies; developing and expanding markets for recyclable materials; and increasing the self-sufficiency of the recycling industry in Illinois. The Department shall work with and coordinate its activities with existing for-profit and not-for-profit collection and recycling systems to encourage orderly growth in the supply of and markets for recycled materials and to assist existing collection and recycling efforts.

The Department shall develop a public education program concerning the importance of both composting and recycling in order to preserve landfill space in Illinois.

(d) To establish guidelines and funding criteria for the solicitation of projects under this Act, and to receive and evaluate applications for loans or grants for solid waste management projects based upon such guidelines and criteria. Funds may be loaned with or without interest. Loan repayments shall be deposited into the Solid Waste Management Revolving
Loan Fund.

(e) To support and coordinate solid waste research in Illinois, and to approve the annual solid waste research agenda prepared by the University of Illinois.

(f) To provide loans or grants for research, development and demonstration of innovative technologies and practices, including but not limited to pilot programs for collection and disposal of household wastes.

(g) To promulgate such rules and regulations as are necessary to carry out the purposes of subsections (c), (d) and (f) of this Section.

(h) To cooperate with the Environmental Protection Agency for the purposes specified herein.

There is hereby created the Solid Waste Management Revolving Loan Fund, a special fund in the State Treasury, hereinafter referred to as the "Fund". The Department is authorized to accept any and all grants, repayments of interest and principal on loans, matching funds, reimbursements, appropriations, income derived from investments, or other things of value from the federal or state governments or from any institution, person, partnership, joint venture, corporation, public or private, for deposit in the Fund. Any moneys collected as a result of foreclosures of loans or other financing agreements, or the violation of any terms thereof, shall also be deposited in the Fund.

The Department is authorized to use moneys deposited in the Fund, subject to appropriation, expressly for the purpose of implementing a revolving loan program according to procedures established pursuant to this Act. Moneys in the Fund shall be used by the Department for the purpose of financing additional projects and for the Department's administrative expenses related thereto.

(Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96; revised 12-6-03.)

(415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)
Sec. 6a. The Department of Commerce and Economic Opportunity Community Affairs shall:

(1) Work with nationally based consumer groups and trade associations to develop nationally recognized logos which may be used to indicate whether a container is recyclable, made of recycled materials, or both.

(2) Work with nationally based consumer groups and trade associations to develop nationally recognized criteria for determining under what conditions the logos may be used.

(3) Develop and conduct a public education and awareness campaign to encourage the public to look for and buy products in containers which are recyclable or made of recycled materials.

(4) Develop and prepare educational materials describing the benefits and methods of recycling for distribution to elementary schools in Illinois.

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

(415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

Sec. 7. It is the intent of this Act to provide the framework for a comprehensive solid waste management program in Illinois.

The Department shall prepare and submit to the Governor and the General Assembly on or before January 1, 1992, a report evaluating the effectiveness of the programs provided under this Act and Section 22.14 of the Environmental Protection Act; assessing the need for a continuation of existing programs, development and implementation of new programs and appropriate funding mechanisms; and recommending legislative and administrative action to fully implement a comprehensive solid waste management program in Illinois.

The Department shall investigate the suitability and advisability of providing tax incentives for Illinois businesses to use recycled products and purchase or lease recycling equipment, and shall report to the Governor and the General Assembly by January 1, 1987, on the results of this
By July 1, 1989, the Department shall submit to the Governor and members of the General Assembly a waste reduction report:

(a) that describes various mechanisms that could be utilized to stimulate and enhance the reduction of industrial and post-consumer waste in the State, including their advantages and disadvantages. The mechanisms to be analyzed shall include, but not be limited to, incentives for prolonging product life, methods for ensuring product recyclability, taxes for excessive packaging, tax incentives, prohibitions on the use of certain products, and performance standards for products; and

(b) that includes specific recommendations to stimulate and enhance waste reduction in the industrial and consumer sector, including, but not limited to, legislation, financial incentives and disincentives, and public education.

The Department of Commerce and Economic Opportunity Community Affairs, with the cooperation of the State Board of Education, the Illinois Environmental Protection Agency, and others as needed, shall develop, coordinate and conduct an education program for solid waste management and recycling. The program shall include, but not be limited to, education for the general public, businesses, government, educators and students.

The education program shall address, at a minimum, the following topics: the solid waste management alternatives of recycling, composting, and source reduction; resource allocation and depletion; solid waste planning; reuse of materials; pollution prevention; and household hazardous waste.

The Department of Commerce and Economic Opportunity Community Affairs shall cooperate with municipal and county governments, regional school superintendents, education service centers, local school districts, and planning agencies
and committees to coordinate local and regional education programs and workshops and to expedite the exchange of technical information.

By March 1, 1989, the Department shall prepare a report on strategies for distributing and marketing landscape waste compost from centralized composting sites operated by units of local government. The report shall, at a minimum, evaluate the effects of product quality, assured supply, cost and public education on the availability of compost, free delivery, and public sales composting program. The evaluation of public sales programs shall focus on direct retail sale of bagged compost at the site or special distribution centers and bulk sale of finished compost to wholesalers for resale.

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

Section 790. The Illinois Groundwater Protection Act is amended by changing Section 4 as follows:

(415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

Sec. 4. (a) There shall be established within State government an interagency committee which shall be known as the Interagency Coordinating Committee on Groundwater. The Committee shall be composed of the Director, or his designee, of the following agencies:

(1) The Illinois Environmental Protection Agency, who shall chair the Committee.
(2) The Illinois Department of Natural Resources.
(3) The Illinois Department of Public Health.
(4) The Office of Mines and Minerals within the Department of Natural Resources.
(5) The Office of the State Fire Marshal.
(6) The Division of Water Resources of the Department of Natural Resources.
(7) The Illinois Department of Agriculture.
(9) The Illinois Department of Nuclear Safety.

(b) The Committee shall meet not less than twice each calendar year and shall:

(1) Review and coordinate the State's policy on groundwater protection.

(2) Review and evaluate State laws, regulations and procedures that relate to groundwater protection.

(3) Review and evaluate the status of the State's efforts to improve the quality of the groundwater and of the State enforcement efforts for protection of the groundwater and make recommendations on improving the State efforts to protect the groundwater.

(4) Recommend procedures for better coordination among State groundwater programs and with local programs related to groundwater protection.

(5) Review and recommend procedures to coordinate the State's response to specific incidents of groundwater pollution and coordinate dissemination of information between agencies responsible for the State's response.

(6) Make recommendations for and prioritize the State's groundwater research needs.

(7) Review, coordinate and evaluate groundwater data collection and analysis.

(8) Beginning on January 1, 1990, report biennially to the Governor and the General Assembly on groundwater quality, quantity, and the State's enforcement efforts.

(c) The Chairman of the Committee shall propose a groundwater protection regulatory agenda for consideration by the Committee and the Council. The principal purpose of the agenda shall be to systematically consider the groundwater protection aspects of relevant federal and State regulatory programs and to identify any areas where improvements may be warranted. To the extent feasible, the agenda may also serve to facilitate a more uniform and coordinated approach toward protection of groundwaters in Illinois. Upon adoption of the
final agenda by the Committee, the Chairman of the Committee shall assign a lead agency and any support agencies to prepare a regulatory assessment report for each item on the agenda. Each regulatory assessment report shall specify the nature of the groundwater protection provisions being implemented and shall evaluate the results achieved therefrom. Special attention shall be given to any preventive measures being utilized for protection of groundwaters. The reports shall be completed in a timely manner. After review and consideration by the Committee, the reports shall become the basis for recommending further legislative or regulatory action.

(d) No later than January 1, 1992, the Interagency Coordinating Committee on Groundwater shall provide a comprehensive status report to the Governor and the General Assembly concerning implementation of this Act.

(e) The Committee shall consider findings and recommendations that are provided by the Council, and respond in writing regarding such matters. The Chairman of the Committee shall designate a liaison person to serve as a facilitator of communications with the Council.

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

Section 795. The Degradable Plastic Act is amended by changing Section 2 as follows:

(415 ILCS 80/2) (from Ch. 111 1/2, par. 7902)

Sec. 2. Definitions. As used in this Act, the following terms shall have the meanings indicated, unless the context otherwise requires:

"Agency" means the Illinois Environmental Protection Agency.

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

"Degradable" means capable of disintegrating, by naturally occurring biological or physical processes in the environment within a period of 3 years after disposal, into fragments that
are small relative to the original size, or into particles of a molecular weight that is low when compared to the molecular weight of the original material.

"Plastic container" means a package, bag, bottle, cup, wrapping, blister-pack or other device that is made of plastic, plastic-coated paper, or other synthetic polymeric material, and is used to contain or protect merchandise ultimately intended for retail sale, or to contain waste for disposal.

"Recyclable plastic container" means a container composed entirely (exclusive of any readily detachable lid, closure, handle or label) of one type of plastic for which the Department finds that there exists an effective recycling market in this State.

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

Section 800. The Recycled Newsprint Use Act is amended by changing Section 2002.50 as follows:

(415 ILCS 110/2002.50) (from Ch. 96 1/2, par. 9752.50)

Sec. 2002.50. "Department" means the Department of Commerce and Economic Opportunity Community Affairs.

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

Section 805. The Alternate Fuels Act is amended by changing Sections 15, 21, 25, 31, 32, and 40 as follows:

(415 ILCS 120/15)

Sec. 15. Rulemaking. The Agency shall promulgate rules and dedicate sufficient resources to implement the purposes of Section 30 of this Act. Such rules shall be consistent with the provisions of the Clean Air Act Amendments of 1990 and any regulations promulgated pursuant thereto. The Secretary of State may promulgate rules to implement Section 35 of this Act. The Department of Commerce and Economic Opportunity Community Affairs may promulgate rules to implement Section 25 of this Act.
Sec. 21. Alternate Fuel Infrastructure Advisory Board. The Governor shall appoint an Alternate Fuel Infrastructure Advisory Board. The Advisory Board shall be chaired by the Director of the Department of Commerce and Economic Opportunity, who may be represented at all meetings by a designee. Other members appointed by the Governor shall consist of one representative from the ethanol industry, one representative from the natural gas industry, one representative from the auto manufacturing industry, one representative from the liquid petroleum gas industry, one representative from the Agency, one representative from the heavy duty engine manufacturing industry, one representative from Illinois private fleet operators, and one representative of local government from the Chicago nonattainment area.

The Advisory Board shall (1) prepare and recommend to the Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs) a program implementing Section 31 of this Act and (2) recommend criteria and procedures to be followed in awarding grants.

Members of the Advisory Board shall not be reimbursed their costs and expenses of participation. All decisions of the Advisory Board shall be decided on a one vote per member basis with a majority of the Advisory Board membership to rule.

Sec. 25. Ethanol fuel research program. The Department of Commerce and Economic Opportunity shall administer a research program to reduce the costs of producing ethanol fuels and increase the viability of ethanol fuels, new ethanol engine technologies, and ethanol refueling infrastructure. This research shall be funded from the Alternate Fuels Fund. The research program shall remain in
effect, subject to appropriation after calendar year 2004, or
until funds are no longer available.
(Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03;
revised 12-6-03.)

(415 ILCS 120/31)
Sec. 31. Alternate Fuel Infrastructure Program. Subject to
appropriation, the Department of Commerce and Community
Affairs (now Department of Commerce and Economic Opportunity)
shall establish a grant program to provide funding for the
building of E85 blend, propane, and compressed natural gas
(CNG) fueling facilities, including private on-site fueling
facilities, to be built within the covered area or in Illinois
metropolitan areas over 100,000 in population. The Department
of Commerce and Economic Opportunity Community Affairs
shall be responsible for reviewing the proposals and awarding the
grants.
(Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

(415 ILCS 120/32)
Sec. 32. Clean Fuel Education Program. Subject to
appropriation, the Department of Commerce and Economic
Opportunity Community Affairs, in cooperation with the Agency
and Chicago Area Clean Cities, shall administer the Clean Fuel
Education Program, the purpose of which is to educate fleet
administrators and Illinois' citizens about the benefits of
using alternate fuels. The program shall include a media
campaign.
(Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

(415 ILCS 120/40)
Sec. 40. Appropriations from the Alternate Fuels Fund.
(a) User Fees Funds. The Agency shall estimate the amount
of user fees expected to be collected under Section 35 of this
Act for each fiscal year. User fee funds shall be deposited
into and distributed from the Alternate Fuels Fund in the
following manner:

(1) In each of fiscal years 1999, 2000, 2001, 2002, and 2003, an amount not to exceed $200,000, and beginning in fiscal year 2004 an annual amount not to exceed $225,000, may be appropriated to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Section 30 of this Act. Up to $200,000 may be appropriated to the Office of the Secretary of State in each of fiscal years 1999, 2000, 2001, 2002, and 2003 from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act. Beginning in fiscal year 2004 and in each fiscal year thereafter, an amount not to exceed $225,000 may be appropriated to the Secretary of State from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act.

(2) In fiscal years 1999, 2000, 2001, and 2002, after appropriation of the amounts authorized by item (1) of subsection (a) of this Section, the remaining moneys estimated to be collected during each fiscal year shall be appropriated as follows: 80% of the remaining moneys shall be appropriated to fund the programs authorized by Section 30, and 20% shall be appropriated to fund the programs authorized by Section 25. In fiscal year 2004 and each fiscal year thereafter, after appropriation of the amounts authorized by item (1) of subsection (a) of this Section, the remaining moneys estimated to be collected during each fiscal year shall be appropriated as follows: 70% of the remaining moneys shall be appropriated to fund the programs authorized by Section 30 and 30% shall be appropriated to fund the programs authorized by Section 31.

(3) (Blank).

(4) Moneys appropriated to fund the programs authorized in Sections 25 and 30 shall be expended only after they have been collected and deposited into the Alternate Fuels Fund.
(b) General Revenue Fund Appropriations. General Revenue Fund amounts appropriated to and deposited into the Alternate Fuels Fund shall be distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Sections 31 and 32.

(2) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) to fund the programs authorized by Section 32.

(3) In each of fiscal years 2003 and 2004, after appropriation of the amounts authorized in items (1) and (2) of subsection (b) of this Section, the remaining moneys received from the General Revenue Fund shall be appropriated as follows: 52.632% of the remaining moneys shall be appropriated to fund the programs authorized by Sections 25 and 30 and 47.368% of the remaining moneys shall be appropriated to fund the programs authorized by Section 31. The moneys appropriated to fund the programs authorized by Sections 25 and 30 shall be used as follows: 20% shall be used to fund the programs authorized by Section 25, and 80% shall be used to fund the programs authorized by Section 30.

Moneys appropriated to fund the programs authorized in Section 31 shall be expended only after they have been deposited into the Alternate Fuels Fund.

(Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised 12-6-03.)

Section 810. The Interstate Ozone Transport Oversight Act is amended by changing Section 20 as follows:
Sec. 20. Legislative referral and public hearings.

(a) Not later than 10 days after the development of any proposed memorandum of understanding by the Ozone Transport Assessment Group potentially requiring the State of Illinois to undertake emission reductions in addition to those specified by the Clean Air Act Amendments of 1990, or subsequent to the issuance of a request made by the United States Environmental Protection Agency on or after June 1, 1997 for submission of a State Implementation Plan for Illinois relating to ozone attainment and before submission of the Plan, the Director shall submit the proposed memorandum of understanding or State Implementation Plan to the House Committee and the Senate Committee for their consideration. At that time, the Director shall also submit information detailing any alternate strategies.

(b) To assist the legislative review required by this Act, the Department of Natural Resources and the Department of Commerce and Economic Opportunity Community Affairs shall conduct a joint study of the impacts on the State's economy which may result from implementation of the emission reduction strategies contained within any proposed memorandum of understanding or State Implementation Plan relating to ozone and from implementation of any alternate strategies. The study shall include, but not be limited to, the impacts on economic development, employment, utility costs and rates, personal income, and industrial competitiveness which may result from implementation of the emission reduction strategies contained within any proposed memorandum of agreement or State Implementation Plan relating to ozone and from implementation of any alternate strategies. The study shall be submitted to the House Committee and Senate Committee not less than 10 days prior to any scheduled hearing conducted pursuant to subsection (c) of this Section.

(c) Upon receipt of the information required by subsections
(a) and (b) of this Section, the House Committee and Senate Committee shall each convene one or more public hearings to receive comments from agencies of government and other interested parties on the memorandum of understanding's or State Implementation Plan's prospective economic and environmental impacts, including its impacts on energy use, economic development, utility costs and rates, and competitiveness. Additionally, comments shall be received on the prospective economic and environmental impacts, including impacts on energy use, economic development, utility costs and rates, and competitiveness, which may result from implementation of any alternate strategies.

(Source: P.A. 89-566, eff. 7-26-96; 90-500, eff. 8-19-97; revised 12-6-03.)

Section 815. The Illinois Poison Prevention Packaging Act is amended by changing Section 6 as follows:

(430 ILCS 40/6) (from Ch. 111 1/2, par. 296)

Sec. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Director may appoint a technical advisory committee, designating a member thereof to be a chairman, composed of not more than 18 members who are representative of (1) the Department of Public Health, (2) the Department of Commerce and Economic Opportunity Community Affairs, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Director may consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the State of Illinois shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Director, but not
exceeding $100 per diem, including travel time, and while so
serving away from their homes or regular places of business,
they may be allowed travel expenses.
(Source: P.A. 81-1509; revised 12-6-03.)

Section 820. The Agricultural Areas Conservation and
Protection Act is amended by changing Section 20.1 as follows:

(505 ILCS 5/20.1) (from Ch. 5, par. 1020.1)
Sec. 20.1. Report to General Assembly and State Agencies.
The Department of Agriculture shall make an annual report to
the General Assembly on the location and size of all
agricultural areas created or dissolved during the past year
and of any other alterations of agricultural areas. For the
purpose of planning project alternatives, the Department of
Agriculture shall provide a description of all agricultural
areas to the following agencies and shall notify the following
agencies of the creation, alteration, or dissolution of
agricultural areas: the Governor's Office of Management and
Budget, the Department of Natural
Resources, the Illinois Commerce Commission, the Department of
Commerce and Economic Opportunity Community Affairs, the
Environmental Protection Agency, the Capital Development
Board, and the Department of Transportation.
(Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

Section 825. The County Cooperative Extension Law is
amended by changing Section 2b as follows:

(505 ILCS 45/2b) (from Ch. 5, par. 242b)
Sec. 2b. The Cooperative Extension Service of the
University of Illinois shall establish a Rural Transition
Program to be operated in cooperation with the Department of
Commerce and Economic Opportunity Community Affairs to provide
assessments, career counseling, on-the-job training, tuition
reimbursements, classroom training, financial management
training, work experience opportunities, job search skills, job placement, youth programs, and support service to farmers and their families, agriculture-related employees, other rural residents, and small rural businesses who are being forced out of farming or other primary means of employment or whose standard of living or employment has been reduced because of prevailing economic conditions in the agricultural or rural economy. Eligible farmers and their families shall include those who can demonstrate proof of financial stress, proof of foreclosure, proof of bankruptcy, proof of inability to secure needed capital, proof of voluntary foreclosure or proof of income eligibility for assistance programs administered by the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act). Eligible agriculture related employees shall mean tenant farmers or other farm employees and employees of businesses related to agricultural production who are facing displacement, unemployment or underemployment due to a closure or reduction in operation of such business or farm due to poor economic conditions that prevail in the agricultural or rural economy. Other eligible rural residents shall include those residing in rural areas whose employment or standard of living has been reduced due to the poor economic conditions that prevail in the agricultural or rural economy. Eligible small rural businesses shall include those existing or new businesses established and operating in rural areas that lack access to other sources of services provided by this Section. In carrying out the provisions of this Section, the Cooperative Extension Service may enter into agreements with the Department of Commerce and Community Affairs, community colleges, vocational schools, and any other State or local private or public agency or entity deemed necessary.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)
Sec. 3. An Inter-Agency Committee on Farmland Preservation is created. The Directors or Chairpersons of the following agencies, or their representatives, shall serve as members of the Committee:

(a) the Capital Development Board;
(b) the Department of Natural Resources;
(c) the Department of Commerce and Economic Opportunity Community Affairs;
(d) the Environmental Protection Agency;
(e) the Department of Transportation;
(f) the Governor's Office of Management and Budget Bureau of the Budget;
(g) the Illinois Commerce Commission; and
(h) the Department of Agriculture.

The Director of the Department of Agriculture, or his representative, shall serve as chairman.

(Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

Section 835. The Illinois Forestry Development Act is amended by changing Section 6a as follows:

(a) The Illinois Forestry Development Council is hereby re-created by this amendatory Act of the 91st General Assembly.
(b) The Council shall consist of 24 members appointed as follows:
   (1) four members of the General Assembly, one appointed by the President of the Senate, one appointed by the Senate Minority Leader, one appointed by the Speaker of the House of Representatives, and one appointed by the House Minority Leader;
   (2) one member appointed by the Governor to represent
the Governor;

(3) the Directors of the Departments of Natural Resources, Agriculture, and Commerce and Economic Opportunity Community Affairs, the Executive Director of the Illinois Finance Authority, and the Director of the Office of Rural Affairs, or their designees;

(4) the chairman of the Department of Forestry or a forestry academician, appointed by the Dean of Agriculture at Southern Illinois University at Carbondale;

(5) the head of the Department of Natural Resources and Environmental Sciences or a forestry academician, appointed by the Dean of Agriculture at the University of Illinois;

(6) two members, appointed by the Governor, who shall be private timber growers;

(7) one member, appointed by the president of the Illinois Wood Products Association, who shall be involved in primary forestry industry;

(8) one member, appointed by the president of the Illinois Wood Products Association, who shall be involved in secondary forestry industry;

(9) one member who is actively involved in environmental issues, appointed by the Governor;

(10) the president of the Association of Illinois Soil and Water Conservation Districts;

(11) two persons who are actively engaged in farming, appointed by the Governor;

(12) one member, appointed by the Governor, whose primary area of expertise is urban forestry;

(13) one member appointed by the President of the Illinois Arborists Association;

(14) the Supervisor of the Shawnee National Forest and the United States Department of Agriculture Natural Resource Conservation Service's State Conservationist, ex officio, or their designees.

(c) Members of the Council shall serve without compensation
but shall be reimbursed for actual expenses incurred in the
performance of their duties which are not otherwise reimbursed.

(d) The Council shall select from its membership a
chairperson and such other officers as it considers necessary.

(e) Other individuals, agencies and organizations may be
invited to participate as deemed advisable by the Council.

(f) The Council shall study and evaluate the forestry
resources and forestry industry of Illinois. The Council shall:

(1) determine the magnitude, nature and extent of the
State's forestry resources;

(2) determine current uses and project future demand
for forest products, services and benefits in Illinois;

(3) determine and evaluate the ownership
characteristics of the State's forests, the motives for
forest ownership and the success of incentives necessary to
stimulate development of forest resources;

(4) determine the economic development and management
opportunities that could result from improvements in local
and regional forest product marketing and from the
establishment of new or additional wood-related businesses
in Illinois;

(5) confer with and offer assistance to the Illinois
Finance Authority relating to its implementation of forest
industry assistance programs authorized by the Illinois
Finance Authority Act;

(6) determine the opportunities for increasing
employment and economic growth through development of
forest resources;

(7) determine the effect of current governmental
policies and regulations on the management of woodlands and
the location of wood products markets;

(8) determine the staffing and funding needs for
forestry and other conservation programs to support and
enhance forest resources development;

(9) determine the needs of forestry education programs
in this State;
(10) confer with and offer assistance to the Department of Natural Resources relating to the implementation of urban forestry assistance grants pursuant to the Urban and Community Forestry Assistance Act; and
(11) determine soil and water conservation benefits and wildlife habitat enhancement opportunities that can be promoted through approved forestry management plans.

(g) The Council shall report (i) its findings and recommendations for future State action and (ii) its evaluation of Urban/Community Forestry Assistance Grants to the General Assembly no later than July 1 of each year.

(h) This Section 6a is repealed December 31, 2008.

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

Section 840. The Illinois Youth and Young Adult Employment Act of 1986 is amended by changing Section 5 as follows:

(525 ILCS 50/5) (from Ch. 48, par. 2555)

Sec. 5. Cooperation. The Department of Natural Resources shall have the full cooperation of the Department of Commerce and Economic Opportunity Community Affairs, the Illinois State Job Coordinating Council created by the Federal Job Training Partnership Act (Public Law 97-300), and the Department of Employment Security to carry out the purposes of this Act.

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

Section 845. The Bikeway Act is amended by changing Section 4 as follows:

(605 ILCS 30/4) (from Ch. 121, par. 604)

Sec. 4. In expending funds available for purposes of this Act, the Department shall cooperate with municipalities, townships, counties, road districts, park districts and other appropriate agencies and organizations and, where possible and practicable, shall allocate its expenditures among the several regions of the State, proportionally to the bicycling
The Secretary of Transportation shall serve as chairman of and shall at least quarterly convene an interagency council on the bikeways program, comprised of the Director of Natural Resources, the Director of Commerce and Economic Opportunity, the State Superintendent of Education, a county engineer or county superintendent of highways chosen by the statewide association of county engineers, a representative of the Cook County Forest Preserve District, and the Secretary of Transportation, for the purpose of determining policy and priorities in effectuating the purposes of this Act.

(Source: P.A. 89-337, eff. 1-1-96; 89-445, eff. 2-7-96; revised 12-6-03.)

Section 850. The Illinois Aeronautics Act is amended by changing Section 34b as follows:

(620 ILCS 5/34b)
Sec. 34b. Airport Land Loan Program.
(a) The Department may make loans to public airport owners for the purchase of any real estate interests as may be needed for essential airport purposes, including future needs, subject to the following conditions:

(1) loans may be made only to public airport owners that are operating an airport as of January 1, 1999; and

(2) loans may not be made for airports that provide scheduled commercial air service in counties of greater than 5,000,000 population.

The loans are payable from the Airport Land Loan Revolving Fund, subject to appropriation. All repayments of loans made pursuant to this Section, including interest thereon and penalties, shall be deposited in the Airport Land Loan Revolving Fund. The Treasurer shall deposit all investment earnings arising from balances in the Airport Land Loan Revolving Fund in that Fund.

(b) All loans under this Section shall be made by contract
between the Department and the public airport owner, which contract shall include the following provisions:

(1) The annual rate of interest shall be the lesser of (A) 2 percent below the Prime Rate charged by banks, as published by the Federal Reserve Board, in effect at the time the Department approves the loan, or (B) a rate determined by the Department, after consultation with the Governor's Office of Management and Budget Bureau of the Budget, that will not adversely affect the tax-exempt status of interest on the bonds of the State issued in whole or in part to make deposits into the Airport Land Loan Revolving Fund, nor diminish the benefit to the State of the tax-exempt status of the interest on such bonds.

(2) The term of any loan shall not exceed five years, but it may be for less by mutual agreement.

(3) Loan payments shall be scheduled in equal amounts for the periods determined under paragraph (4) of this Section. The loan payments shall be calculated so that the loan is completely repaid, with interest, on outstanding balances, by the end of the term determined under paragraph (2) of this Section. There shall be no penalty for early payment ahead of the payment schedule.

(4) The period of loan payments shall be annual, unless by mutual agreement a period of less than one year is chosen.

(5) The loan shall be secured with the land purchased, in whole or in part, with the loan and considered as collateral. The public airport owner shall assign a first priority interest in the property to the State.

(6) If the loan payment is not made within 15 days after the scheduled date determined under paragraph (3) of this Section, a penalty of 10% of the payment shall be assessed. If 30 days after the scheduled payment date no payment has been received, the loan shall be considered in default.

(7) As soon as a loan is considered in default, the
Department shall notify the public airport owner and attempt to enter into a renegotiation of the loan payment amounts and schedule determined under paragraph (3) of this Section. In no case shall the term of the loan be extended beyond the initial term determined under paragraph (2) of this Section; nor shall the interest rate be lowered nor any interest be forgiven. If a renegotiation of loan payment amounts and schedule is obtained to the Department's satisfaction within 30 days of notification of default, then the new payment schedule shall replace the one determined by paragraph (3) of this Section and shall be used to measure compliance with the loan for purposes of default. If after 30 days of notification of default the Department has not obtained a renegotiation to its satisfaction, the Department shall declare the loan balance due and payable immediately. If the public airport owner cannot immediately pay the balance of the loan, the Department shall proceed to foreclose.

(c) The Department may promulgate any rules that it finds appropriate to implement this Airport Land Loan Program.

(d) The Airport Land Loan Revolving Fund is created in the State Treasury.

(Source: P.A. 91-543, eff. 8-14-99; 91-712, eff. 7-1-00; revised 8-23-03.)

Section 855. The Illinois Vehicle Code is amended by changing Section 3-1001 as follows:

(625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

Sec. 3-1001. A tax is hereby imposed on the privilege of using, in this State, any motor vehicle as defined in Section 1-146 of this Code acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 5 or fewer years prior to October 1, 1985 and 10 or fewer years on and after October 1, 1985 and prior to January 1, 1988. On and after January 1, 1988, the tax
shall apply to all motor vehicles without regard to model year.
Except that the tax shall not apply
(i) if the use of the motor vehicle is otherwise taxed under the Use Tax Act;
(ii) if the motor vehicle is bought and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;
(iii) if the use of the motor vehicle is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), (e) or (f) of Section 3-55 of that Act dealing with the prevention of actual or likely multistate taxation;
(iv) to implements of husbandry;
(v) when a junking certificate is issued pursuant to Section 3-117(a) of this Code;
(vi) when a vehicle is subject to the replacement vehicle tax imposed by Section 3-2001 of this Act;
(vii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle covered by Section 3-1001 of this Code. Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than $15,000:

<table>
<thead>
<tr>
<th>Number of Years Transpired After Model Year of Motor Vehicle</th>
<th>Applicable Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or less</td>
<td>$390</td>
</tr>
<tr>
<td>2</td>
<td>290</td>
</tr>
<tr>
<td>3</td>
<td>215</td>
</tr>
<tr>
<td>4</td>
<td>165</td>
</tr>
<tr>
<td>5</td>
<td>115</td>
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<td>6</td>
<td>90</td>
</tr>
<tr>
<td>7</td>
<td>80</td>
</tr>
<tr>
<td>8</td>
<td>65</td>
</tr>
</tbody>
</table>
Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is $15,000 or more:

<table>
<thead>
<tr>
<th>Selling Price</th>
<th>Applicable Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,000 - $19,999</td>
<td>$ 750</td>
</tr>
<tr>
<td>$20,000 - $24,999</td>
<td>$1,000</td>
</tr>
<tr>
<td>$25,000 - $29,999</td>
<td>$1,250</td>
</tr>
<tr>
<td>$30,000 and over</td>
<td>$1,500</td>
</tr>
</tbody>
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For the following transactions, the tax rate shall be $15 for each motor vehicle acquired in such transaction:

(i) when the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor;

(ii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is not a surviving spouse;

(iii) when a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed.

A claim that the transaction is taxable under subparagraph (i) shall be supported by such proof of family relationship as provided by rules of the Department.

For a transaction in which a motorcycle, motor driven cycle or motorized pedalcycle is acquired the tax rate shall be $25.

On and after October 1, 1985, 1/12 of $5,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund and the remainder into the General Revenue Fund.

At the end of any fiscal year in which the moneys received by the Department of Revenue pursuant to this Section exceeds the Annual Specified Amount, as defined in Section 3 of the
Retailers' Occupation Tax Act, the State Comptroller shall direct the State Treasurer to transfer such excess amount from the General Revenue Fund to the Build Illinois Purposes Fund. The tax imposed by this Section shall be abated and no longer imposed when the amount deposited to secure the bonds issued pursuant to the Build Illinois Bond Act is sufficient to provide for the payment of the principal of, and interest and premium, if any, on the bonds, as certified to the State Comptroller and the Director of Revenue by the Director of the Governor's Office of Management and Budget.

(Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

Section 860. The Code of Civil Procedure is amended by changing Section 7-103.3 as follows:

(735 ILCS 5/7-103.3)
Sec. 7-103.3. Quick-take; coal development purposes. Quick-take proceedings under Section 7-103 may be used by the Department of Commerce and Economic Opportunity Community Affairs for the purpose specified in the Illinois Coal Development Bond Act.

(Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

Section 865. The Illinois Human Rights Act is amended by changing Section 2-105 as follows:

(775 ILCS 5/2-105) (from Ch. 68, par. 2-105)
Sec. 2-105. Equal Employment Opportunities; Affirmative Action.
(A) Public Contracts. Every party to a public contract and every eligible bidder shall:
(1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past
discrimination;

(2) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(3) Provide such information, with respect to its employees and applicants for employment, and assistance as the Department may reasonably request;

(4) Have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. A copy of the policies shall be provided to the Department upon request.

(B) State Agencies. Every State executive department, State agency, board, commission, and instrumentality shall:

(1) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(2) Provide such information and assistance as the Department may request.

(3) Establish, maintain, and carry out a continuing affirmative action plan consistent with this Act and the regulations of the Department designed to promote equal opportunity for all State residents in every aspect of agency personnel policy and practice. For purposes of these affirmative action plans, the race and national origin categories to be included in the plans are: African American, Hispanic or Latino, Native American, Asian, and any other category as required by Department rule. This plan shall include a current detailed status report:
(a) indicating, by each position in State service, the number, percentage, and average salary of individuals employed by race, national origin, sex and disability, and any other category that the Department may require by rule;

(b) identifying all positions in which the percentage of the people employed by race, national origin, sex and disability, and any other category that the Department may require by rule, is less than four-fifths of the percentage of each of those components in the State work force;

(c) specifying the goals and methods for increasing the percentage by race, national origin, sex and disability, and any other category that the Department may require by rule, in State positions;

(d) indicating progress and problems toward meeting equal employment opportunity goals, including, if applicable, but not limited to, Department of Central Management Services recruitment efforts, publicity, promotions, and use of options designating positions by linguistic abilities;

(e) establishing a numerical hiring goal for the employment of qualified persons with disabilities in the agency as a whole, to be based on the proportion of people with work disabilities in the Illinois labor force as reflected in the most recent decennial Census.

(4) If the agency has 1000 or more employees, appoint a full-time Equal Employment Opportunity officer, subject to the Department's approval, whose duties shall include:

(a) Advising the head of the particular State agency with respect to the preparation of equal employment opportunity programs, procedures, regulations, reports, and the agency's affirmative action plan.

(b) Evaluating in writing each fiscal year the sufficiency of the total agency program for equal
employment opportunity and reporting thereon to the
head of the agency with recommendations as to any
improvement or correction in recruiting, hiring or
promotion needed, including remedial or disciplinary
action with respect to managerial or supervisory
employees who have failed to cooperate fully or who are
in violation of the program.

(c) Making changes in recruitment, training and
promotion programs and in hiring and promotion
procedures designed to eliminate discriminatory
practices when authorized.

(d) Evaluating tests, employment policies,
practices and qualifications and reporting to the head
of the agency and to the Department any policies,
practices and qualifications that have unequal impact
by race, national origin as required by Department
rule, sex or disability or any other category that the
Department may require by rule, and to assist in the
recruitment of people in underrepresented
classifications. This function shall be performed in
cooperation with the State Department of Central
Management Services.

(e) Making any aggrieved employee or applicant for
employment aware of his or her remedies under this Act.

In any meeting, investigation, negotiation,
conference, or other proceeding between a State
employee and an Equal Employment Opportunity officer,
a State employee (1) who is not covered by a collective
bargaining agreement and (2) who is the complaining
party or the subject of such proceeding may be
accompanied, advised and represented by (1) an
attorney licensed to practice law in the State of
Illinois or (2) a representative of an employee
organization whose membership is composed of employees
of the State and of which the employee is a member. A
representative of an employee, other than an attorney,
may observe but may not actively participate, or advise
the State employee during the course of such meeting,
investigation, negotiation, conference or other
proceeding. Nothing in this Section shall be construed
to permit any person who is not licensed to practice
law in Illinois to deliver any legal services or
otherwise engage in any activities that would
constitute the unauthorized practice of law. Any
representative of an employee who is present with the
consent of the employee, shall not, during or after
termination of the relationship permitted by this
Section with the State employee, use or reveal any
information obtained during the course of the meeting,
investigation, negotiation, conference or other
proceeding without the consent of the complaining
party and any State employee who is the subject of the
proceeding and pursuant to rules and regulations
governing confidentiality of such information as
promulgated by the appropriate State agency.
Intentional or reckless disclosure of information in
violation of these confidentiality requirements shall
constitute a Class B misdemeanor.
(5) Establish, maintain and carry out a continuing
sexual harassment program that shall include the
following:

(a) Develop a written sexual harassment policy
that includes at a minimum the following information:
(i) the illegality of sexual harassment; (ii) the
definition of sexual harassment under State law; (iii)
a description of sexual harassment, utilizing
examples; (iv) the agency's internal complaint process
including penalties; (v) the legal recourse,
investigative and complaint process available through
the Department and the Commission; (vi) directions on
how to contact the Department and Commission; and (vii)
protection against retaliation as provided by Section
6-101 of this Act. The policy shall be reviewed annually.

(b) Post in a prominent and accessible location and distribute in a manner to assure notice to all agency employees without exception the agency's sexual harassment policy. Such documents may meet, but shall not exceed, the 6th grade literacy level. Distribution shall be effectuated within 90 days of the effective date of this amendatory Act of 1992 and shall occur annually thereafter.

(c) Provide training on sexual harassment prevention and the agency's sexual harassment policy as a component of all ongoing or new employee training programs.

(6) Notify the Department 30 days before effecting any layoff. Once notice is given, the following shall occur:

(a) No layoff may be effective earlier than 10 working days after notice to the Department, unless an emergency layoff situation exists.

(b) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must notify each employee targeted for layoff, the employee's union representative (if applicable), and the State Dislocated Worker Unit at the Department of Commerce and Economic Opportunity Community Affairs.

(c) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur must conform to applicable collective bargaining agreements.

(d) The State executive department, State agency, board, commission, or instrumentality in which the layoffs are to occur should notify each employee targeted for layoff that transitional assistance may be available to him or her under the Economic Dislocation and Worker Adjustment Assistance Act.
administered by the Department of Commerce and Economic Opportunity Community Affairs. Failure to give such notice shall not invalidate the layoff or postpone its effective date.

As used in this subsection (B), "disability" shall be defined in rules promulgated under the Illinois Administrative Procedure Act.

(C) Civil Rights Violations. It is a civil rights violation for any public contractor or eligible bidder to:

1. fail to comply with the public contractor's or eligible bidder's duty to refrain from unlawful discrimination and discrimination based on citizenship status in employment under subsection (A)(1) of this Section; or

2. fail to comply with the public contractor's or eligible bidder's duties of affirmative action under subsection (A) of this Section, provided however, that the Department has notified the public contractor or eligible bidder in writing by certified mail that the public contractor or eligible bidder may not be in compliance with affirmative action requirements of subsection (A). A minimum of 60 days to comply with the requirements shall be afforded to the public contractor or eligible bidder before the Department may issue formal notice of non-compliance.

(Source: P.A. 91-178, eff. 1-1-00; revised 12-6-03.)

Section 870. The Hot Water Heater Efficiency Act is amended by changing Section 1 as follows:

(815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

Sec. 1. (a) No new storage hot water heater which is not certified as meeting the energy efficiency standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., as set forth as the current ASHRAE 90 Standard, shall be purchased for resale or installation in the State after June 1, 1986; provided,
however, that nothing contained herein shall prevent sales from
being made in the State for use outside the State and provided
that the inventory of storage hot water heaters existing on
April 1, 1986 may be sold after June 1, 1986. Upon the
effective date of this Act, no retail seller or distributor
shall increase its inventory of storage hot water heaters which
are not certified as being in compliance with the current
ASHRAE 90 Standard, and all storage hot water heaters sold
after June 1, 1986 shall be certified and labeled by the
manufacturer as being in compliance with the current ASHRAE 90
Standard.

(b) The Department of Commerce and Economic Opportunity
Community Affairs shall provide technical assistance and
information to retail sellers and distributors of storage hot
water heaters doing business in Illinois to facilitate
compliance with the provisions of this Act.

(c) This Act does not apply to storage hot water heaters
with a capacity of 20 or fewer gallons designed expressly for
use in recreational vehicles.

(d) Any violation of subsection (a) shall be a petty
offense; provided a fine of not less than $50 nor more than
$500 shall be imposed, and all fines shall be imposed
consecutively. Each storage hot water heater sold in violation
of this Act shall constitute a separate offense.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 875. The Waste Oil Recovery Act is amended by
changing Sections 2.8 and 6 as follows:

(815 ILCS 440/2.8) (from Ch. 96 1/2, par. 7702.8)
Sec. 2.8. "Department" means the Department of Commerce and
Economic Opportunity Community Affairs.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

(815 ILCS 440/6) (from Ch. 96 1/2, par. 7706)
Sec. 6. Any establishment engaged in retail sales of
automotive lubricating oils is urged to post a sign clearly
visible to the public in every area where automotive
lubricating oils are sold, indicating the closest used oil
storage facility. The sign shall be a minimum size of 8 1/2
inches by 11 inches and shall be available from the Department
of Commerce and Economic Opportunity Community Affairs upon
request by a retail seller of 500 or more gallons per year of
automotive lubricating oil.
(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 880. The Unemployment Insurance Act is amended by
changing Section 2103 as follows:

(820 ILCS 405/2103) (from Ch. 48, par. 663)

Sec. 2103. Unemployment compensation administration and
other workforce development costs. All moneys received by the
State or by the Director from any source for the financing of
the cost of administration of this Act, including all federal
moneys allotted or apportioned to the State or to the Director
for that purpose, including moneys received directly or
indirectly from the federal government under the Job Training
Partnership Act, and including moneys received from the
Railroad Retirement Board as compensation for services or
facilities supplied to said Board, or any moneys made available
by this State or its political subdivisions and matched by
moneys granted to this State pursuant to the provisions of the
Wagner-Peyser Act, shall be received and held by the State
Treasurer as ex-officio custodian thereof, separate and apart
from all other State moneys, in the Title III Social Security
and Employment Fund, and such funds shall be distributed or
expended upon the direction of the Director and, except money
received pursuant to the last paragraph of Section 2100B, shall
be distributed or expended solely for the purposes and in the
amounts found necessary by the Secretary of Labor of the United
States of America, or other appropriate federal agency, for the
proper and efficient administration of this Act.
Notwithstanding any provision of this Section, all money requisitioned and deposited with the State Treasurer pursuant to the last paragraph of Section 2100B shall remain part of the unemployment trust fund and shall be used only in accordance with the conditions specified in the last paragraph of Section 2100B.

If any moneys received from the Secretary of Labor, or other appropriate federal agency, under Title III of the Social Security Act, or any moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions and matched by moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, are found by the Secretary of Labor, or other appropriate Federal agency, because of any action or contingency, to have been lost or expended for purposes other than, or in amounts in excess of, those found necessary, by the Secretary of Labor, or other appropriate Federal agency, for the proper administration of this Act, it is the policy of this State that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this State for expenditure as provided in the first paragraph of this Section. The Director shall report to the Governor's Office of Management and Budget, in the same manner as is provided generally for the submission by State Departments of financial requirements for the ensuing fiscal year, and the Governor shall include in his budget report to the next regular session of the General Assembly, the amount required for such replacement.

Moneys in the Title III Social Security and Employment Fund shall not be commingled with other State funds, but they shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association or bank.

The State Treasurer shall be liable on his general official bond for the faithful performance of his duties as custodian of all moneys in the Title III Social Security and Employment Fund. Such liability on his official bond shall exist in
addition to the liability upon any separate bond given by him. All sums recovered for losses sustained by the fund herein described shall be deposited therein.

Upon the effective date of this amendatory Act of 1987 (January 1, 1988), the Comptroller shall transfer all unobligated funds from the Job Training Fund into the Title III Social Security and Employment Fund.

On September 1, 2000, or as soon thereafter as may be reasonably practicable, the State Comptroller shall transfer all unobligated moneys from the Job Training Partnership Fund into the Title III Social Security and Employment Fund. The moneys transferred pursuant to this amendatory Act may be used or expended for purposes consistent with the conditions under which those moneys were received by the State.

Beginning on the effective date of this amendatory Act of the 91st General Assembly, all moneys that would otherwise be deposited into the Job Training Partnership Fund shall instead be deposited into the Title III Social Security and Employment Fund, to be used for purposes consistent with the conditions under which those moneys are received by the State, except that any moneys that may be necessary to pay liabilities outstanding as of June 30, 2000 shall be deposited into the Job Training Partnership Fund.

(Source: P.A. 91-704, eff. 7-1-00; revised 8-23-03.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 996. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.
Section 999. Effective date. This Act takes effect upon becoming law.
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35 65 ILCS 5/11-31.1-14 from Ch. 24, par. 11-31.1-14
36 65 ILCS 5/11-48.3-29 from Ch. 24, par. 11-48.3-29
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