

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

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

6 Section 1. Nature of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (1) Establish less stringent compliance or reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Universities having employees who are totally compensated

1 out of the following funds:

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

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

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

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

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

17 (5 ILCS 410/15)

18 Sec. 15. Reported information.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

10 Sec. 50-15. Department accountability reports.

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

27 (b) (Blank).

28 (c) The Director of the Bureau (now Office) of the Budget
29 shall select not more than 3 departments for a pilot program
30 implementing the procedures of subsection (a) for budget
31 requests for the fiscal years beginning July 1, 1990 and July
32 1, 1991, and each of the departments elected shall submit
33 accountability reports for those fiscal years.

34 By April 1, 1991, the Bureau (now Office) of the Budget

1 shall recommend in writing to the Governor any changes in the
2 budget review process established pursuant to this Section
3 suggested by its evaluation of the pilot program. The Governor
4 shall submit changes to the budget review process that the
5 Governor plans to adopt, based on the report, to the President
6 and Minority Leader of the Senate and the Speaker and Minority
7 Leader of the House of Representatives.

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

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

12 (15 ILCS 322/20)

13 Sec. 20. Illinois Literacy Council.

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

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

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

30 (d) The Council's membership shall consist of
31 representatives of public education, public and private sector
32 employment, labor organizations, community literacy
33 organizations, libraries, volunteer organizations, the Office
34 of the Secretary of State, the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~, the Illinois Community
2 College Board, the Department of Employment Security, the
3 Department of Human Services, the State Board of Education, the
4 Department of Corrections, and the Prairie State 2000
5 Authority.

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

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

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

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

22 (15 ILCS 405/9.02) (from Ch. 15, par. 209.02)

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

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

1 (15 ILCS 405/19) (from Ch. 15, par. 219)

2 Sec. 19. Financial records - monthly reports - forms. The
3 comptroller shall maintain complete, accurate and current
4 financial records relating to State funds and to other public
5 funds and assets available to, encumbered or expended by each
6 State agency, including trust funds or other moneys not subject
7 to appropriation, setting out all revenues, charges against all
8 funds, fund and appropriation balances, interfund transfers,
9 warrants outstanding and assets and encumbrances, in a manner
10 consistent with the uniform State accounting system prescribed
11 by the comptroller. Such records shall be public records open
12 to public inspection.

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

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

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

36 In addition, each month the comptroller shall prepare a

1 report by detail object account in such form as will most
2 clearly present the status of such accounts.

3 The comptroller shall prescribe forms for the periodic
4 reporting of financial accounts, transactions and other
5 matters by State agencies, compatible with the reports required
6 of the comptroller under this Section.

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

8 (15 ILCS 405/21) (from Ch. 15, par. 221)

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

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

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

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

34 (c) To the Department of Agriculture for the purpose of
35 making change for activities at each State Fair, not to

1 exceed \$200,000, to be returned within 5 days of the
2 termination of such activity.

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

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

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

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

21 (15 ILCS 405/22.2) (from Ch. 15, par. 222.2)

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

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

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

33 (15 ILCS 425/2) (from Ch. 15, par. 602)

1 Sec. 2. The State Comptroller shall publish manuals and
2 operating procedures which may be used by units of local
3 government in complying with accounting, auditing and
4 reporting requirements. These manuals and procedures shall be
5 designed to account for the various kinds and sizes of units of
6 local government.

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

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

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

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

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

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

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

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

32 (20 ILCS 5/5-530) (was 20 ILCS 5/6.01a)

33 Sec. 5-530. In the Department of Agriculture and in

1 cooperation with the Department of Commerce and Economic
2 Opportunity ~~Community Affairs~~. An Agricultural Export Advisory
3 Committee composed of the following: 2 members of the House of
4 Representatives, to be appointed by the Speaker of the House of
5 Representatives; 2 members of the Senate, to be appointed by
6 the President of the Senate; the Director of Agriculture, who
7 shall serve as Secretary of the Committee; and not more than 15
8 members to be appointed by the Governor. The members of the
9 committee shall receive no compensation but shall be reimbursed
10 for expenses necessarily incurred in the performance of their
11 duties under this Act.

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

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

16 (20 ILCS 10/3) (from Ch. 127, par. 953)

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

1 coordinate the plans and submit them on behalf of the agencies
2 concerned to the General Assembly.

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

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

6 (20 ILCS 105/8.01) (from Ch. 23, par. 6108.01)

7 Sec. 8.01. Coordinating Committee; members. The
8 Coordinating Committee of State Agencies Serving Older Persons
9 shall consist of the Director of the Department on Aging or his
10 or her designee as Chairman, the State Superintendent of
11 Education or his or her designee, the Secretary of Human
12 Services or his or her designee, the Secretary of
13 Transportation or his or her designee, and the Directors, or
14 the designee or designees of any or all of the Directors, of
15 the following Departments or agencies: Labor; Veterans'
16 Affairs; Public Health; Public Aid; Children and Family
17 Services; Commerce and Economic Opportunity ~~Community Affairs~~;
18 Insurance; Revenue; Illinois Housing Development Authority;
19 and Comprehensive State Health Planning.

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

22 Section 60. The Department of Agriculture Law of the Civil
23 Administrative Code of Illinois is amended by changing Section
24 205-40 as follows:

25 (20 ILCS 205/205-40) (was 20 ILCS 205/40.31)

26 Sec. 205-40. Export consulting service and standards. The
27 Department, in cooperation with the Department of Commerce and
28 Economic Opportunity ~~Community Affairs~~ and the Agricultural
29 Export Advisory Committee, shall (1) provide a consulting
30 service to those who desire to export farm products,
31 commodities, and supplies and guide them in their efforts to
32 improve trade relations; (2) cooperate with agencies and

1 instrumentalities of the federal government to develop export
2 grade standards for farm products, commodities, and supplies
3 produced in Illinois and adopt reasonable rules and regulations
4 to ensure that exports of those products, commodities, and
5 supplies comply with those standards; (3) upon request and
6 after inspection of any such farm product, commodity, or
7 supplies, certify compliance or noncompliance with those
8 standards; (4) provide an informational program to existing and
9 potential foreign importers of farm products, commodities, and
10 supplies; (5) qualify for U. S. Department of Agriculture
11 matching funds for overseas promotion of farm products,
12 commodities, and supplies according to the federal
13 requirements regarding State expenditures that are eligible
14 for matching funds; and (6) provide a consulting service to
15 persons who desire to export processed or value-added
16 agricultural products and assist those persons in ascertaining
17 legal and regulatory restrictions and market preferences that
18 affect the sale of value-added agricultural products in foreign
19 markets.

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

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

23 (20 ILCS 230/10)

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

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

1 infrastructure development.

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

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

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

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

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

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

18 (20 ILCS 405/405-130) (was 20 ILCS 405/67.28)

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

21 (a) The Department shall assist in the implementation of a
22 State Employees and Retirees Suggestion Award Program, to be
23 administered by the Board created in subsection (b). The
24 program shall encourage and reward improvements in the
25 operation of State government that result in substantial
26 monetary savings. Any State employee, including management
27 personnel as defined by the Department, any annuitant under
28 Article 14 of the Illinois Pension Code and any annuitant under
29 Article 15 of that Code who receives a retirement or disability
30 retirement annuity, but not including elected officials and
31 departmental directors, may submit a cost-saving suggestion to
32 the Board, which shall direct the suggestion to the appropriate
33 department or agency without disclosing the identity of the
34 suggester. A suggester may make a suggestion or include

1 documentation on matters a department or agency considers
2 confidential, except where prohibited by federal or State law;
3 and no disciplinary or other negative action may be taken
4 against the suggester unless there is a violation of federal or
5 State law.

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

33 The Board may at its discretion make awards for those
34 suggestions certified by agency or department heads as
35 resulting in savings to the State of Illinois. Management
36 personnel shall be recognized for their suggestions as the

1 Board considers appropriate but shall not receive any monetary
 2 award. Annuitants and employees, other than employees who are
 3 management personnel, shall receive awards in accordance with
 4 the schedule below. Each award to employees other than
 5 management personnel and awards to annuitants shall be paid in
 6 one lump sum by the Board created in subsection (b). A monetary
 7 award may be increased by appropriation of the General
 8 Assembly.

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

12 \$1.00 to \$5,000 savings	an amount not
13	to exceed
14	\$500.00 or a
15	certificate
16	of merit, or
17	both, as
18	determined
19	by the Board
20 more than \$5,000 up to \$20,000 savings.....	\$500 award
21 more than \$20,000 up to \$100,000 savings.....	\$1,000 award
22 more than \$100,000 up to \$200,000 savings	\$2,000 award
23 more than \$200,000 up to \$300,000 savings	\$3,000 award
24 more than \$300,000 up to \$400,000 savings	\$4,000 award
25 more than \$400,000	\$5,000 award

26 (b) There is created a State Employees and Retirees
 27 Suggestion Award Board to administer the program described in
 28 subsection (a). The Board shall consist of 8 members appointed
 29 2 each by the President of the Senate, the Minority Leader of
 30 the Senate, the Speaker of the House of Representatives, and
 31 the Minority Leader of the House of Representatives and, as
 32 ex-officio, non-voting members, the directors of the
 33 Governor's Office of Management and Budget ~~Bureau of the Budget~~
 34 and the Department. Each appointing authority shall designate
 35 one initial appointee to serve one year and one initial
 36 appointee to serve 2 years; subsequent terms shall be 2 years.

1 Any vacancies shall be filled for the unexpired term by the
2 original appointing authority and any member may be
3 reappointed. Board members shall serve without compensation
4 but may be reimbursed for expenses incurred in the performance
5 of their duties. The Board shall annually elect a chairman from
6 among its number, shall meet monthly or more frequently at the
7 call of the chairman, and shall establish necessary procedures,
8 guidelines, and criteria for the administration of the program.
9 The Board shall annually report to the General Assembly by
10 January 1 on the operation of the program, including the nature
11 and cost-savings of implemented suggestions, and any
12 recommendations for legislative changes it deems appropriate.
13 The General Assembly shall make an annual appropriation to the
14 Board for payment of awards and the expenses of the Board, such
15 as, but not limited to: travel of the members, preparation of
16 publicity material, printing of forms and other matter, and
17 contractual expenses.

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

19 (20 ILCS 405/405-295) (was 20 ILCS 405/67.30)

20 Sec. 405-295. Decreased energy consumption. The Department
21 may enter into contracts for equipment or services designed to
22 decrease energy consumption in State programs and State owned
23 or controlled buildings or equipment. Prior to entering into
24 any such contract for a State owned building, the Department
25 shall consult with the Executive Director of the Capital
26 Development Board. The Department may consult with the
27 Department of Commerce and Economic Opportunity ~~Community~~
28 ~~Affairs~~ regarding any aspect of energy consumption projects.

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

30 (20 ILCS 405/405-300) (was 20 ILCS 405/67.02)

31 Sec. 405-300. Lease or purchase of facilities; training
32 programs.

33 (a) To lease or purchase office and storage space,
34 buildings, land, and other facilities for all State agencies,

1 authorities, boards, commissions, departments, institutions,
2 and bodies politic and all other administrative units or
3 outgrowths of the executive branch of State government except
4 the Constitutional officers, the State Board of Education and
5 the State colleges and universities and their governing bodies.
6 However, before leasing or purchasing any office or storage
7 space, buildings, land or other facilities in any municipality
8 the Department shall survey the existing State-owned and
9 State-leased property to make a determination of need.

10 The leases shall be for a term not to exceed 5 years,
11 except that the leases may contain a renewal clause subject to
12 acceptance by the State after that date or an option to
13 purchase. The purchases shall be made through contracts that
14 (i) may provide for the title to the property to transfer
15 immediately to the State or a trustee or nominee for the
16 benefit of the State, (ii) shall provide for the consideration
17 to be paid in installments to be made at stated intervals
18 during a certain term not to exceed 30 years from the date of
19 the contract, and (iii) may provide for the payment of interest
20 on the unpaid balance at a rate that does not exceed a rate
21 determined by adding 3 percentage points to the annual yield on
22 United States Treasury obligations of comparable maturity as
23 most recently published in the Wall Street Journal at the time
24 such contract is signed. The leases and purchase contracts
25 shall be and shall recite that they are subject to termination
26 and cancellation in any year for which the General Assembly
27 fails to make an appropriation to pay the rent or purchase
28 installments payable under the terms of the lease or purchase
29 contract. Additionally, the purchase contract shall specify
30 that title to the office and storage space, buildings, land,
31 and other facilities being acquired under the contract shall
32 revert to the Seller in the event of the failure of the General
33 Assembly to appropriate suitable funds. However, this
34 limitation on the term of the leases does not apply to leases
35 to and with the Illinois Building Authority, as provided for in
36 the Building Authority Act. Leases to and with that Authority

1 may be entered into for a term not to exceed 30 years and shall
2 be and shall recite that they are subject to termination and
3 cancellation in any year for which the General Assembly fails
4 to make an appropriation to pay the rent payable under the
5 terms of the lease. These limitations do not apply if the lease
6 or purchase contract contains a provision limiting the
7 liability for the payment of the rentals or installments
8 thereof solely to funds received from the Federal government.

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

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

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

24 (e) To enter into an agreement with a private individual,
25 trust, partnership, or corporation or a municipality or other
26 unit of local government, when authorized to do so by the
27 Department of Corrections, whereby that individual, trust,
28 partnership, or corporation or municipality or other unit of
29 local government will construct, remodel, or convert a
30 structure for the purposes of its serving as a correctional
31 institution or facility and then lease the structure to the
32 Department for the use of the Department of Corrections. A
33 lease entered into pursuant to the authority granted in this
34 subsection shall be for a term not to exceed 30 years but may
35 grant to the State the option to purchase the structure
36 outright.

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

5 (f) On and after September 17, 1983, the powers granted to
6 the Department under this Section shall be exercised
7 exclusively by the Department, and no other State agency may
8 concurrently exercise any such power unless specifically
9 authorized otherwise by a later enacted law. This subsection is
10 not intended to impair any contract existing as of September
11 17, 1983.

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

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

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

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

35 (B) the building or facilities will be
36 substantially occupied by State agencies after

1 purchase (or after acceptance in the case of a build to
2 suit);

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

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

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

10 (i) is free of any identifiable environmental
11 hazard or

12 (ii) is subject to a management plan, provided
13 by the seller and acceptable to the State, to
14 address the known environmental hazard;

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

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

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

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

33 (B) that a purchase price must not exceed the fair
34 market value of the buildings, land, or facilities and
35 that the purchase price must be substantiated by an
36 appraisal or by a competitive selection process.

1 (3) If the Department intends to enter into an
2 installment purchase or lease purchase agreement for
3 buildings, land, or facilities under circumstances that do
4 not satisfy the conditions specified by this Section, it
5 must issue a notice to the Secretary of the Senate and the
6 Clerk of the House. The notice shall contain (i) specific
7 details of the State's proposed purchase, including the
8 amounts, purposes, and financing terms; (ii) a specific
9 description of how the proposed purchase varies from the
10 procedures set forth in this Section; and (iii) a specific
11 justification, signed by the Director, stating why it is in
12 the State's best interests to proceed with the purchase.
13 The Department may not proceed with such an installment
14 purchase or lease purchase agreement if, within 60 calendar
15 days after delivery of the notice, the General Assembly, by
16 joint resolution, disapproves the transaction. Delivery
17 may take place on a day and at an hour when the Senate and
18 House are not in session so long as the offices of
19 Secretary and Clerk are open to receive the notice. In
20 determining the 60-day period within which the General
21 Assembly must act, the day on which delivery is made to the
22 Senate and House shall not be counted. If delivery of the
23 notice to the 2 houses occurs on different days, the 60-day
24 period shall begin on the day following the later delivery.

25 (4) On or before February 15 of each year, the
26 Department shall submit an annual report to the Director of
27 the Governor's Office of Management and Budget ~~Bureau of~~
28 ~~the Budget~~ and the General Assembly regarding installment
29 purchases or lease purchases of buildings, land, or
30 facilities that were entered into during the preceding
31 calendar year. The report shall include a summary statement
32 of the aggregate amount of the State's obligations under
33 those purchases; specific details pertaining to each
34 purchase, including the amounts, purposes, and financing
35 terms and payment schedule for each purchase; and any other
36 matter that the Department deems advisable.

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

12 (Source: P.A. 90-520, eff. 6-1-98; 91-239, eff. 1-1-00; revised
13 8-23-03.)

14 (20 ILCS 405/405-500)

15 Sec. 405-500. Matters relating to the Office of the
16 Lieutenant Governor.

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

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

28 (b) Until January 11, 1999, while the office of Lieutenant
29 Governor is vacant, the Director of Central Management Services
30 shall assume and exercise the powers and duties given to the
31 Lieutenant Governor under the Illinois Commission on Community
32 Service Act, Section 46.53 of the Civil Administrative Code of
33 Illinois (renumbered; now Section 605-75 of the Department of
34 Commerce and Economic Opportunity ~~Community Affairs~~ Law, 20
35 ILCS 605/605-75) (relating to the Keep Illinois Beautiful

1 program), Section 12-1 of the State Finance Act, the Gifts and
2 Grants to Government Act, and the Illinois Distance Learning
3 Foundation Act.

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

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

15 (c-5) Notwithstanding subsection (c): (i) the Governor
16 shall appoint an interim member, who shall be interim
17 chairperson, of the Illinois River Coordinating Council while
18 the office of the Lieutenant Governor is vacant until January
19 11, 1999 and (ii) the Governor shall appoint an interim member,
20 who shall be interim chairperson, of the Illinois Wildlife
21 Prairie Park Commission while the office of the Lieutenant
22 Governor is vacant until January 11, 1999.

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

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

36 (f) Until January 11, 1999, while the office of Lieutenant

1 Governor is vacant, all employees of the Office of the
2 Lieutenant Governor who are needed to carry out the
3 responsibilities of the Office are temporarily reassigned to
4 the Department of Central Management Services. This
5 reassignment shall not be deemed to constitute new employment
6 or to change the terms or conditions of employment or the
7 qualifications required of the employees, except that the
8 reassigned employees shall be subject to supervision by the
9 Department during the temporary reassignment period.

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

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

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

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

1 subsections (b), (c), and (d).

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

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

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

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

21 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

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

26 (1) For the preparation, maintenance, and revision by the
27 Director, subject to approval by the Commission, of a position
28 classification plan for all positions subject to this Act,
29 based upon similarity of duties performed, responsibilities
30 assigned, and conditions of employment so that the same
31 schedule of pay may be equitably applied to all positions in
32 the same class. However, the pay of an employee whose position
33 is reduced in rank or grade by reallocation because of a loss
34 of duties or responsibilities after his appointment to such

1 position shall not be required to be lowered for a period of
2 one year after the reallocation of his position. Conditions of
3 employment shall not be used as a factor in the classification
4 of any position heretofore paid under the provisions of Section
5 1.22 of "An Act to standardize position titles and salary
6 rates", approved June 30, 1943, as amended. Unless the
7 Commission disapproves such classification plan within 60
8 days, or any revision thereof within 30 days, the Director
9 shall allocate every such position to one of the classes in the
10 plan. Any employee affected by the allocation of a position to
11 a class shall, after filing with the Director of Central
12 Management Services a written request for reconsideration
13 thereof in such manner and form as the Director may prescribe,
14 be given a reasonable opportunity to be heard by the Director.
15 If the employee does not accept the allocation of the position,
16 he shall then have the right of appeal to the Civil Service
17 Commission.

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

1 Such pay plan shall provide for a fair and reasonable
2 compensation for services rendered.

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

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

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

11 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

12 Sec. 34.10. Home child care demonstration project;
13 conversion and renovation grants; Department of Human
14 Services.

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

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

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

25 (b) The Department of Human Services may from
26 appropriations from the Child Care Development Block Grant
27 establish a demonstration project to train individuals to
28 become home child care providers who are able to establish and
29 operate their own home-based child care facilities. The
30 Department of Human Services is authorized to use funds for
31 this purpose from the child care and development funds
32 deposited into the Special Purposes Trust Fund as described in
33 Section 12-10 of the Illinois Public Aid Code and, until
34 October 1, 1998, the Child Care and Development Fund created by

1 the 87th General Assembly. As an economic development program,
2 the project's focus is to foster individual self-sufficiency
3 through an entrepreneurial approach by the creation of new jobs
4 and opening of new small home-based child care businesses. The
5 demonstration project shall involve coordination among State
6 and county governments and the private sector, including but
7 not limited to: the community college system, the Departments
8 of Labor and Commerce and Economic Opportunity ~~Community~~
9 ~~Affairs~~, the State Board of Education, large and small private
10 businesses, nonprofit programs, unions, and child care
11 providers in the State.

12 The Department shall submit:

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

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

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

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

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

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

1 (C) the program shall comply with applicable
2 federal and State laws prohibiting discrimination
3 against any person on the basis of race, color,
4 national origin, religion, creed, or sex;

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

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

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

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

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

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

32 (B) agree that, if the facility is to be altered or
33 improved, or is to be used by other groups, moneys
34 appropriated by this Section shall be used for
35 renovating or improving the facility only to the
36 proportionate extent that the floor space will be used

1 by the child care program; and

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

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

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

25 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
26 12-6-03.)

27 Section 85. The Department of Commerce and Economic
28 Opportunity Law of the Civil Administrative Code of Illinois is
29 amended by changing Sections 605-105, 605-112, 605-360,
30 605-415, 605-855, and 605-865 as follows:

31 (20 ILCS 605/605-105) (was 20 ILCS 605/46.35)

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

34 (a) To assume all rights, powers, duties, and

1 responsibilities of the former Department of Local Government
2 Affairs not pertaining to its property taxation related
3 functions. Personnel, books, records, property and funds
4 pertaining to those non-taxation related functions are
5 transferred to the Department, but any rights of employees or
6 the State under the "Personnel Code" or any other contract or
7 plan shall be unaffected by this transfer.

8 (b) After August 31, 1984 (the effective date of Public Act
9 83-1302), the power, formerly vested in the Department of Local
10 Government Affairs and transferred to the Department of
11 Commerce and Community Affairs (now Department of Commerce and
12 Economic Opportunity), to administer the distribution of funds
13 from the State treasury to reimburse counties where State penal
14 institutions are located for the payment of assistant State's
15 Attorneys' salaries under Section 7 of "An act concerning fees
16 and salaries, and to classify the several counties of this
17 state with reference thereto", approved March 29, 1872, as
18 amended (repealed; now Section 4-2001 of the Counties Code, 55
19 ILCS 5/4-2001), shall be vested in the Department of
20 Corrections pursuant to Section 3-2-2 of the Unified Code of
21 Corrections.

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

23 (20 ILCS 605/605-112) (was 20 ILCS 605/46.34b)

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

34 (Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01; revised
35 8-23-03.)

1 (20 ILCS 605/605-360) (was 20 ILCS 605/46.19a in part)

2 Sec. 605-360. Technology Innovation and Commercialization
3 Grants-In-Aid Council. There is created within the Department a
4 Technology Innovation and Commercialization Grants-in-Aid
5 Council, which shall consist of 2 representatives of the
6 Department of Commerce and Economic Opportunity ~~Community~~
7 ~~Affairs~~, appointed by the Department; one representative of the
8 Illinois Board of Higher Education, appointed by the Board; one
9 representative of science or engineering, appointed by the
10 Governor; two representatives of business, appointed by the
11 Governor; one representative of small business, appointed by
12 the Governor; one representative of the Department of
13 Agriculture, appointed by the Director of Agriculture; and one
14 representative of agribusiness, appointed by the Director of
15 Agriculture. The Director of Commerce and Economic Opportunity
16 ~~Community Affairs~~ shall appoint one of the Department's
17 representatives to serve as chairman of the Council. The
18 Council members shall receive no compensation for their
19 services but shall be reimbursed for their expenses actually
20 incurred by them in the performance of their duties under this
21 Section. The Department shall provide staff services to the
22 Council. The Council shall provide for review and evaluation of
23 all applications received by the Department under Section
24 605-355 and make recommendations on those projects to be
25 funded. The Council shall also assist the Department in
26 monitoring the projects and in evaluating the impact of the
27 program on technological innovation and business development
28 within the State.

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

31 (20 ILCS 605/605-415)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) The Department shall adopt rules for the grant program
31 and shall create a competitive application procedure for those
32 grants to be awarded beginning in fiscal year 1998. Grants
33 shall be based on a performance based contracting system. Each
34 grant shall be based on the cost of providing the training
35 services and the goals negotiated and made a part of the
36 contract between the Department and the training partners. The

1 goals shall include the number of people to be trained, the
2 number who stay in the program, the number who complete the
3 program, the number who enter employment, their wages, and the
4 number who retain employment. The level of success in achieving
5 employment, wage, and retention goals shall be a primary
6 consideration for determining contract renewals and subsequent
7 funding levels. In setting the goals, due consideration shall
8 be given to the education, work experience, and job readiness
9 of the trainees; their barriers to employment; and the local
10 job market. Periodic payments under the contracts shall be
11 based on the degree to which the relevant negotiated goals have
12 been met during the payment period.

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

15 (20 ILCS 605/605-855) (was 20 ILCS 605/46.32a in part)

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

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

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

35 (1) Be a formal, not-for-profit organization

1 structured for continuing service with voluntary
2 membership.

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

5 (3) Service a distinct and identifiable geographic
6 region.

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

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

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

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

17 Department of Commerce and Economic Opportunity
18 ~~Community Affairs~~

19 Illinois Department of Labor

20 Economic development agencies

21 Planning agencies

22 Colleges, universities, and community colleges

23 U.S. Department of Labor

24 Statewide Job Training Partnership Act entities or
25 entities under any successor federal workforce
26 training and development legislation.

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

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

33 (ii) Assisting in the retention, expansion, and
34 attraction of businesses and jobs within the State through
35 special training programs, gathering and disseminating
36 information, and providing assistance in local economic

1 development efforts as appropriate.

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

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

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

13 Any local labor-management-community committee meeting
14 these criteria may apply to the Department for annual matching
15 grants, provided that the local committee contributes at least
16 25% in matching funds, of which no more than 50% shall be
17 "in-kind" services. Funds received by a local committee
18 pursuant to this subsection shall be used for the ordinary
19 operating expenses of the local committee.

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

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

28 (2) Service a distinct and identifiable geographic
29 region.

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

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

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

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

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

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

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

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

4 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
5 91-476, eff. 8-11-99; 92-16, eff. 6-28-01; revised 12-6-03.)

6 (20 ILCS 605/605-865)

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

19 (1) consideration of the dependent care scholarship or
20 discounts given by the employer;

21 (2) flexible work hours and schedules;

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

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

24 (5) dependent care referral services; and

25 (6) in-kind contributions to community dependent care
26 programs.

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

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

34 Section 90. The Business Assistance and Regulatory Reform

1 Act is amended by changing Section 10 as follows:

2 (20 ILCS 608/10)

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

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

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

20 (20 ILCS 609/2)

21 Sec. 2. Center for Business Ownership Succession and
22 Employee Ownership.

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

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

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

33 (1) Develop and disseminate materials to promote

1 effective business ownership succession and employee
2 ownership strategies.

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

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

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

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

16 (c) (Blank).

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

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

20 (20 ILCS 611/10)

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

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

30 "Corporate headquarters" may also include ancillary
31 transportation facilities owned or leased by the eligible
32 business whether or not physically adjacent to the principal
33 office building or buildings used by the principal executive
34 officers. The ancillary transportation facilities may include,

1 but are not limited to, airplane hangars, helipads or
2 heliports, fixed base operations, maintenance facilities, and
3 other aviation-related facilities. All employees of the
4 eligible business may count toward the satisfaction of the
5 numeric requirement of this definition, including but not
6 limited to support staff and other personnel who work in or
7 from the office building or buildings or transportation
8 facilities.

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

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

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

22 "Fund" means the Corporate Headquarters Relocation
23 Assistance Fund.

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

33 "Relocation costs" means the expenses incurred by an
34 eligible business for a qualifying project, including, but not
35 limited to, the following: moving costs and related expenses;
36 purchase of new or replacement equipment; outside professional

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

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

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

22 (20 ILCS 615/3) (from Ch. 23, par. 3453)

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

25 (a) "Displaced homemaker" means a person who (1) has worked
26 in the home for a substantial number of years providing unpaid
27 household services for family members; (2) is not gainfully
28 employed; (3) has difficulty in securing employment; and (4)
29 was dependent on the income of another family member but is no
30 longer supported by such income, or was dependent on federal
31 assistance but is no longer eligible for such assistance.

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

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

1 (20 ILCS 615/8) (from Ch. 23, par. 3458)

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

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

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

18 (20 ILCS 620/3) (from Ch. 67 1/2, par. 1003)

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

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

24 (b) "Economic development plan" means the written plan of a
25 municipality which sets forth an economic development program
26 for an economic development project area. Each economic
27 development plan shall include but not be limited to (1)
28 estimated economic development project costs, (2) the sources
29 of funds to pay such costs, (3) the nature and term of any
30 obligations to be issued by the municipality to pay such costs,
31 (4) the most recent equalized assessed valuation of the
32 economic development project area, (5) an estimate of the
33 equalized assessed valuation of the economic development

1 project area after completion of an economic development
2 project, (6) the estimated date of completion of any economic
3 development project proposed to be undertaken, (7) a general
4 description of any proposed developer, user, or tenant of any
5 property to be located or improved within the economic
6 development project area, (8) a description of the type,
7 structure and general character of the facilities to be
8 developed or improved in the economic development project area,
9 (9) a description of the general land uses to apply in the
10 economic development project area, (10) a description of the
11 type, class and number of employees to be employed in the
12 operation of the facilities to be developed or improved in the
13 economic development project area, and (11) a commitment by the
14 municipality to fair employment practices and an affirmative
15 action plan with respect to any economic development program to
16 be undertaken by the municipality.

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

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

1 or is suitable for other uses, including commercial
2 agricultural purposes, and (5) which has been approved and
3 certified by the Department pursuant to this Act.

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

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

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

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

35 (4) Costs of renovation, rehabilitation, reconstruction,
36 relocation, repair or remodeling of any existing buildings,

1 improvements, and fixtures within an economic development
2 project area, and specifically including payments to
3 developers or other nongovernmental persons as reimbursement
4 for such costs incurred by such developer or nongovernmental
5 person;

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

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

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

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

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

1 value of real property in said area;

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

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

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

35 (B) except as provided in subparagraph (D), the aggregate
36 amount of such costs paid or reimbursed by a municipality in

1 any one year shall not exceed 30% of such costs paid or
2 incurred by the developer or other nongovernmental person in
3 that year;

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

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

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

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

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

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

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

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

3 (20 ILCS 625/2) (from Ch. 127, par. 2602)

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

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

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

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

26 (20 ILCS 630/2) (from Ch. 48, par. 2402)

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

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

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

32 (c) "Eligible employer" means an eligible nonprofit
33 agency, or an eligible business.

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

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

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

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

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

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

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

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

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

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

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

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

1 (20 ILCS 630/3) (from Ch. 48, par. 2403)

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

9 (b) The coordinator shall:

- 10 (1) Coordinate the Program with other State agencies;
11 (2) Coordinate administration of the program with the
12 general assistance program;
13 (3) Set policy regarding disbursement of program funds; and
14 (4) Perform general program marketing and monitoring
15 functions.

16 (c) The coordinator shall administer the program within the
17 Department of Commerce and Economic Opportunity ~~Community~~
18 ~~Affairs~~. The Director of Commerce and Economic Opportunity
19 ~~Community Affairs~~ shall provide administrative support
20 services to the coordinator for the purposes of the program.

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

34 (e) Rules. The Director of Commerce and Economic
35 Opportunity ~~Community Affairs~~, with the advice of the

1 coordinator, shall adopt rules for the administration and
2 enforcement of this Act.

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

4 (20 ILCS 630/5) (from Ch. 48, par. 2405)

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

9 (1) applicants living in households with no other income
10 source; and

11 (2) applicants who would otherwise be eligible to receive
12 general assistance.

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

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

22 (20 ILCS 630/7) (from Ch. 48, par. 2407)

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

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

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

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

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

4 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

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

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

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

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

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

23 (e) "Agency" means each officer, board, commission and
24 agency created by the Constitution, in the executive branch of
25 State government, other than the State Board of Elections; each
26 officer, department, board, commission, agency, institution,
27 authority, university, body politic and corporate of the State;
28 and each administrative unit or corporate outgrowth of the
29 State government which is created by or pursuant to statute,
30 other than units of local government and their officers, school
31 districts and boards of election commissioners; each
32 administrative unit or corporate outgrowth of the above and as
33 may be created by executive order of the Governor. No entity
34 shall be considered an "agency" for the purposes of this Act

1 unless authorized by law to make rules or regulations.

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

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

10 (20 ILCS 655/12-2) (from Ch. 67 1/2, par. 619)

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

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

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

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

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

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

33 (f) "Project" means any specific economic development
34 activity of a commercial, industrial, manufacturing,
35 agricultural, scientific, service or other business in an

1 Enterprise Zone, the result of which yields an increase in jobs
2 and may include the purchase or lease of machinery and
3 equipment, the lease or purchase of real property or funds for
4 infrastructure necessitated by site preparation, building
5 construction or related purposes but does not include
6 refinancing current debt.

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

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

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

12 (20 ILCS 660/15) (from Ch. 5, par. 2715)

13 Sec. 15. Definitions. In this Act:

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

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

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

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

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

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

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

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

3 (20 ILCS 662/10)

4 Sec. 10. Definitions. In this Act:

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

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

12 "Land development regulation" means any development or
13 land use ordinance or regulation of a county or municipality
14 including zoning and subdivision ordinances.

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

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

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

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

24 (20 ILCS 665/3) (from Ch. 127, par. 200-23)

25 Sec. 3. Definitions. The following words and terms,
26 whenever used or referred to in this Act, shall have the
27 following meanings, except where the context may otherwise
28 require:

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

32 (b) "Local promotion group" means any non-profit
33 corporation, organization, association, agency or committee

1 thereof formed for the primary purpose of publicizing,
2 promoting, advertising or otherwise encouraging the
3 development of tourism in any municipality, county, or region
4 of Illinois.

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

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

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

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

22 (20 ILCS 665/4b)

23 Sec. 4b. Coordinating Committee. There is created a
24 Coordinating Committee of State agencies involved with tourism
25 in the State of Illinois. The Committee shall consist of the
26 Director of Commerce and Economic Opportunity ~~Community~~
27 ~~Affairs~~ as chairman, the Lieutenant Governor, the Secretary of
28 Transportation or his or her designee, and the head executive
29 officer or his or her designee of the following: the Lincoln
30 Presidential Library; the Department of Natural Resources; the
31 Department of Agriculture; the Illinois Arts Council; the
32 Illinois Community College Board; the Board of Higher
33 Education; and the Grape and Wine Resources Council. The
34 Committee shall also include 4 members of the Illinois General
35 Assembly, one of whom shall be named by the Speaker of the

1 House of Representatives, one of whom shall be named by the
2 Minority Leader of the House of Representatives, one of whom
3 who shall be named by the President of the Senate, and one of
4 whom shall be named by the Minority Leader of the Senate. The
5 Committee shall meet at least quarterly and at other times as
6 called by the chair. The Committee shall coordinate the
7 promotion and development of tourism activities throughout
8 State government.

9 (Source: P.A. 91-473, eff. 1-1-00; 92-600, eff. 7-1-02; revised
10 12-6-03.)

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

13 (20 ILCS 685/1) (from Ch. 127, par. 47.21)

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

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

31 (20 ILCS 685/3) (from Ch. 127, par. 47.23)

32 Sec. 3. The Department of Commerce and Economic Opportunity
33 ~~Community Affairs~~ is authorized to lease, sell, give, donate,

1 convey or otherwise transfer the property acquired under this
2 Act to the United States Atomic Energy Commission.

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

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

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

12 (20 ILCS 687/6-3)

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

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

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

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

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

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

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

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

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

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

25 (20 ILCS 687/6-6)

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

27 Sec. 6-6. Energy efficiency program.

28 (a) For the year beginning January 1, 1998, and thereafter
29 as provided in this Section, each electric utility as defined
30 in Section 3-105 of the Public Utilities Act and each
31 alternative retail electric supplier as defined in Section
32 16-102 of the Public Utilities Act supplying electric power and
33 energy to retail customers located in the State of Illinois
34 shall contribute annually a pro rata share of a total amount of
35 \$3,000,000 based upon the number of kilowatt-hours sold by each

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

31 (b) The Department of Commerce and Economic Opportunity
32 ~~Community Affairs~~ shall disburse the moneys in the Energy
33 Efficiency Trust Fund to benefit residential electric
34 customers through projects which the Department of Commerce and
35 Economic Opportunity ~~Community Affairs~~ has determined will
36 promote energy efficiency in the State of Illinois. The

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

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

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

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

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

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

31 (20 ILCS 688/10)

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

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

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

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

4 (20 ILCS 689/10)

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

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

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

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

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

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

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

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

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

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

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

33 "Illinois agricultural product" means any agricultural
34 commodity grown in Illinois that is used by a production

1 facility to produce renewable fuel in Illinois, including, but
2 not limited to, corn, barley, and soy beans.

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

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

9 "Motor vehicles" means motor vehicles as defined in the
10 Illinois Vehicle Code and watercraft propelled by an internal
11 combustion engine.

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

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

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

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

27 Section 165. The Rural Diversification Act is amended by
28 changing Section 3 as follows:

29 (20 ILCS 690/3) (from Ch. 5, par. 2253)

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

33 (a) "Office" means the Office of Rural Community
34 Development within the Illinois Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~.

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

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

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

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

30 (f) "Agricultural diversification project" means financing
31 awarded to a rural business for a specific activity undertaken
32 to promote diversification of the farm economy of this State
33 through (i) profit oriented nonproduction uses of Illinois land
34 resources, (ii) growth and development of new crops or
35 livestock not customarily grown or produced in this State, or
36 (iii) developments which emphasize a vertical integration of

1 grain or livestock produced or raised in this State into a
2 finished product for consumption or use. "New crops or
3 livestock not customarily grown or produced in this State" does
4 not include corn, soybeans, wheat, swine, or beef or dairy
5 cattle. "Vertical integration of grain or livestock produced or
6 raised in this State" includes any new or existing grain or
7 livestock grown or produced in this State.

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

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

11 (20 ILCS 692/5)

12 Sec. 5. Definitions. In this Act:

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

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

17 "Small business" means any for profit entity,
18 independently owned and operated, that grosses less than
19 \$4,000,000 per year or that has 50 or fewer full-time
20 employees. For the purposes of this Act, a "small business" has
21 its principal office in Illinois.

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

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

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

27 (20 ILCS 700/1003) (from Ch. 127, par. 3701-3)

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

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

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

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

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

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

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

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

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

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

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

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

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

1 contain voting rights in the possession of the Department.
2 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

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

5 (20 ILCS 701/10)

6 Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

28 (20 ILCS 705/5)

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

30 Sec. 5. Women's Business Ownership Council. There is
31 created within the Department of Commerce and Community Affairs
32 (now Department of Commerce and Economic Opportunity) the

1 Women's Business Ownership Council. The Council shall consist
2 of 9 members, with 5 persons appointed by the Governor, one of
3 whom shall be the Director of ~~the Department of~~ Commerce and
4 Economic Opportunity ~~Community Affairs~~ or his or her designee,
5 one person appointed by the President of the Senate, one person
6 appointed by the Minority Leader of the Senate, one person
7 appointed by the Speaker of the House of Representatives, and
8 one person appointed by the Minority Leader of the House of
9 Representatives.

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

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

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

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

22 or

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

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

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

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

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

24 Section 195. The Illinois Commission on Volunteerism and
25 Community Service Act is amended by changing Section 7 as
26 follows:

27 (20 ILCS 710/7)

28 Sec. 7. On the effective date of this amendatory Act of the
29 91st General Assembly, the authority, powers, and duties in
30 this Act of the Department of Commerce and Community Affairs
31 (now Department of Commerce and Economic Opportunity) are
32 transferred to the Department of Human Services.

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

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

3 (20 ILCS 715/5)

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

5 "Base years" means the first 2 complete calendar years
6 following the effective date of a recipient receiving
7 development assistance.

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

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

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

18 "Development assistance" means (1) tax credits and tax
19 exemptions (other than given under tax increment financing)
20 given as an incentive to a recipient business organization
21 pursuant to an initial certification or an initial designation
22 made by the Department under the Economic Development for a
23 Growing Economy Tax Credit Act and the Illinois Enterprise Zone
24 Act, including the High Impact Business program, (2) grants or
25 loans given to a recipient as an incentive to a business
26 organization pursuant to the Large Business Development
27 Program, the Business Development Public Infrastructure
28 Program, or the Industrial Training Program, (3) the State
29 Treasurer's Economic Program Loans, (4) the Illinois
30 Department of Transportation Economic Development Program, and
31 (5) all successor and subsequent programs and tax credits
32 designed to promote large business relocations and expansions.

33 "Development assistance" does not include tax increment
34 financing, assistance provided under the Illinois Enterprise
35 Zone Act pursuant to local ordinance, participation loans, or

1 financial transactions through statutorily authorized
2 financial intermediaries in support of small business loans and
3 investments or given in connection with the development of
4 affordable housing.

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

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

27 "New employee" means either: (1) the definition therefor in
28 the legislation authorizing the programs described in the
29 definition of development assistance in the Act or (2) if there
30 is no such definition, then as defined in administrative rules
31 implementing such legislation, provided the administrative
32 rules were in place prior to the effective date of this Act. On
33 and after the effective date of this Act, if there is no
34 definition of "new employee" in either the legislation
35 authorizing a program that constitutes economic development
36 assistance under this Act nor in any administrative rule

1 implementing such legislation that was in place prior to the
2 effective date of this Act, then "new employee" means a
3 full-time, permanent employee who represents a net increase in
4 the number of the recipient's employees statewide. "New
5 employee" includes an employee who previously filled a new
6 employee position with the recipient who was rehired or called
7 back from a layoff that occurs during or following the base
8 years.

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

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

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

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

34 "Recipient" means any business that receives economic
35 development assistance. A business is any corporation, limited
36 liability company, partnership, joint venture, association,

1 sole proprietorship, or other legally recognized entity.

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

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

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

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

1 which the new employee is hired for a specific duration of time
2 or season.

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

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

6 Section 205. The Department of Natural Resources Act is
7 amended by changing Sections 1-5, 80-20, 80-25, 80-30, and
8 80-35 as follows:

9 (20 ILCS 801/1-5)

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

26 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
27 12-6-03.)

28 (20 ILCS 801/80-20)

29 Sec. 80-20. Transfer of powers.

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

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

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

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

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

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

26 (e) All of the rights, powers, and duties vested by law in
27 the Division of Water Resources of the Department of
28 Transportation or in any office, division, or bureau thereof
29 are transferred to the Department of Natural Resources.

30 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
31 12-6-03.)

32 (20 ILCS 801/80-25)

33 Sec. 80-25. Transfer of personnel.

34 (a) Personnel employed by the Department of Conservation to
35 perform functions that are retained within the Department of

1 Natural Resources shall continue their service within the
2 renamed Department.

3 (b) Personnel employed by the Department of Energy and
4 Natural Resources, the Department of Mines and Minerals, the
5 Abandoned Mined Lands Reclamation Council, or the Division of
6 Water Resources of the Department of Transportation to perform
7 functions that are transferred by this Act to the Department of
8 Natural Resources are transferred to the Department of Natural
9 Resources.

10 (c) Personnel employed by the Department of Energy and
11 Natural Resources to perform functions that are transferred by
12 this Act to the Department of Commerce and Community Affairs
13 (now Department of Commerce and Economic Opportunity) are
14 transferred to the Department of Commerce and Community Affairs
15 (now Department of Commerce and Economic Opportunity).

16 (d) Personnel employed by the abolished departments to
17 perform functions that are not clearly classifiable within the
18 areas referred to in this Section or who are employed to
19 perform complex functions that are transferred in part to
20 different departments under this Act shall be assigned and
21 transferred to appropriate departments by the Director of
22 Natural Resources, in consultation with the Director of Central
23 Management Services.

24 (e) The rights of State employees, the State, and its
25 agencies under the Personnel Code and applicable collective
26 bargaining agreements and retirement plans are not affected by
27 this Act.

28 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
29 12-6-03.)

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

31 Sec. 80-30. Transfer of property.

32 (a) All books, records, documents, property (real and
33 personal), unexpended appropriations, and pending business
34 pertaining to the rights, powers, and duties transferred by
35 this Act from the Department of Energy and Natural Resources,

1 the Department of Mines and Minerals, the Abandoned Mined Lands
2 Reclamation Council, and the Division of Water Resources of the
3 Department of Transportation to the Department of Natural
4 Resources shall be delivered and transferred to the Department
5 of Natural Resources.

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

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

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

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

29 (20 ILCS 801/80-35)

30 Sec. 80-35. Savings provisions.

31 (a) The rights, powers, and duties transferred to or
32 retained in the Department of Natural Resources, the Department
33 of Commerce and Community Affairs (now Department of Commerce
34 and Economic Opportunity), and the Historic Preservation
35 Agency by this Act shall be vested in and shall be exercised by

1 them subject to the provisions of this Act.

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

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

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

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

31 (f) This Act does not affect any act done, ratified, or
32 cancelled, any right occurring or established, or any action or
33 proceeding had or commenced in an administrative, civil, or
34 criminal cause before this Act takes effect. Any such action or
35 proceeding still pending may be prosecuted and continued by the
36 Department of Natural Resources, the Department of Commerce and

1 Community Affairs (now Department of Commerce and Economic
2 Opportunity), or the Historic Preservation Agency, as the case
3 may be.

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

11 As soon as practicable after the effective date of this
12 Act, the Department of Natural Resources, the Department of
13 Commerce and Community Affairs (now Department of Commerce and
14 Economic Opportunity), and the Historic Preservation Agency
15 shall each propose and adopt under the Illinois Administrative
16 Procedure Act any rules that may be necessary to consolidate
17 and clarify the rules of their predecessor departments relating
18 to matters transferred to them under this Act.

19 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised
20 12-6-03.)

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

24 (20 ILCS 805/805-435) (was 20 ILCS 805/63b2.5)

25 Sec. 805-435. Office of Conservation Resource Marketing.
26 The Department shall maintain an Office of Conservation
27 Resource Marketing. The Office shall conduct a program for
28 marketing and promoting the use of conservation resources in
29 Illinois with emphasis on recreation and tourism facilities.
30 The Office shall coordinate its tourism promotion efforts with
31 local community events and shall include a field staff which
32 shall work with the Department of Commerce and Economic
33 Opportunity ~~Community Affairs~~ and local officials to
34 coordinate State and local activities for the purpose of

1 expanding tourism and local economies. The Office shall
2 develop, review, and coordinate brochures and information
3 pamphlets for promoting the use of conservation resources. The
4 Office shall conduct marketing research to identify
5 organizations and target populations that can be encouraged to
6 use Illinois recreation facilities for group events and the
7 many tourist sites.

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

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

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

16 (20 ILCS 830/2-1) (from Ch. 96 1/2, par. 9702-1)

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

22 Capital Development Board,

23 Department of Agriculture,

24 Department of Commerce and Economic Opportunity ~~Community~~
25 ~~Affairs~~,

26 Environmental Protection Agency,

27 Department of Transportation, and

28 Historic Preservation Agency.

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

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

34 (a) Developing rules and regulations for the

1 implementation and administration of this Act.

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

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

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

11 (e) Preparing reports, including:

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

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

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

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

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

23 (20 ILCS 860/2) (from Ch. 105, par. 532)

24 Sec. 2. The Department of Natural Resources is authorized
25 to have prepared, with the Department of Commerce and Economic
26 Opportunity ~~Community Affairs~~, and to maintain and keep
27 up-to-date a comprehensive plan for the development of the
28 outdoor recreation resources of the State.

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

30 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

31 Sec. 2a. The Historic Preservation Agency is authorized to
32 have prepared with the Department of Commerce and Economic
33 Opportunity ~~Community Affairs~~ and to maintain, and keep

1 up-to-date a comprehensive plan for the preservation of the
2 historically significant properties and interests of the
3 State.

4 (Source: P.A. 84-25; revised 12-6-03.)

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

7 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

8 Sec. 1. Definitions; transfer of duties.

9 (a) For the purposes of this Act, unless the context
10 otherwise requires:

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

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

15 (b) As provided in Section 80-20 of the Department of
16 Natural Resources Act, the Department of Commerce and Community
17 Affairs (now Department of Commerce and Economic Opportunity)
18 shall assume the rights, powers, and duties of the former
19 Department of Energy and Natural Resources under this Act,
20 except as those rights, powers, and duties are otherwise
21 allocated or transferred by law.

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

23 (20 ILCS 1105/8) (from Ch. 96 1/2, par. 7408)

24 Sec. 8. Illinois Coal Development Board.

25 (a) There shall be established as an advisory board to the
26 Department, the Illinois Coal Development Board, hereinafter
27 in this Section called the Board. The Board shall be composed
28 of the following voting members: the Director of the
29 Department, who shall be Chairman thereof; the Deputy Director
30 of the Bureau of Business Development within the Department of
31 Commerce and Economic Opportunity ~~Community Affairs~~; the
32 Director of Natural Resources or that Director's designee; the
33 Director of the Office of Mines and Minerals within the

1 Department of Natural Resources; 4 members of the General
2 Assembly (one each appointed by the President of the Senate,
3 the Senate Minority Leader, the Speaker of the House, and the
4 House Minority Leader); and 8 persons appointed by the
5 Governor, with the advice and consent of the Senate, including
6 representatives of Illinois industries that are involved in the
7 extraction, utilization or transportation of Illinois coal,
8 persons representing financial or banking interests in the
9 State, and persons experienced in international business and
10 economic development. These members shall be chosen from
11 persons of recognized ability and experience in their
12 designated field. The members appointed by the Governor shall
13 serve for terms of 4 years, unless otherwise provided in this
14 subsection. The initial terms of the original appointees shall
15 expire on July 1, 1985, except that the Governor shall
16 designate 3 of the original appointees to serve initial terms
17 that shall expire on July 1, 1983. The initial term of the
18 member appointed by the Governor to fill the office created
19 after July 1, 1985 shall expire on July 1, 1989. The initial
20 terms of the members appointed by the Governor to fill the
21 offices created by this amendatory Act of 1993 shall expire on
22 July 1, 1995, and July 1, 1997, as determined by the Governor.
23 A member appointed by a Legislative Leader shall serve for the
24 duration of the General Assembly for which he or she is
25 appointed, so long as the member remains a member of that
26 General Assembly.

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

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

36 (1) To develop an annual agenda which may include but

1 is not limited to research and methodologies conducted for
2 the purpose of increasing the utilization of Illinois' coal
3 and other fossil fuel resources, with emphasis on high
4 sulfur coal, in the following areas: coal extraction,
5 preparation and characterization; coal technologies
6 (combustion, gasification, liquefaction, and related
7 processes); marketing; public awareness and education, as
8 those terms are used in the Illinois Coal Technology
9 Development Assistance Act; transportation; procurement of
10 sites and issuance of permits; and environmental impacts.

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

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

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

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

32 (6) To focus on existing coal research efforts in
33 carrying out its mission; to make use of existing research
34 facilities in Illinois or other institutions carrying out
35 research on Illinois coal; as far as practicable, to make
36 maximum use of the research facilities available at the

1 Illinois State Geological Survey, the Coal Extraction and
2 Utilization Research Center, the Illinois Coal Development
3 Park and universities and colleges located within the State
4 of Illinois; and to create a consortium or center which
5 conducts, coordinates and supports coal research
6 activities in the State of Illinois. Programmatic
7 activities of such a consortium or center shall be subject
8 to approval by the Department and shall be consistent with
9 the purposes of this Act. The Department may authorize
10 expenditure of funds in support of the administrative and
11 programmatic operations of such a center or consortium
12 consistent with its statutory authority. Administrative
13 actions undertaken by or for such a center or consortium
14 shall be subject to the approval of the Department.

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

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

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

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

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

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

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

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

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

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

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

26 (4) To develop strategies and to propose policies to
27 promote environmentally responsible uses of Illinois coal
28 for meeting electric power supply requirements and for
29 other purposes.

30 (5) (Blank).

31 (Source: P.A. 89-445, eff. 2-7-96; 90-348, eff. 1-1-98; 90-454,
32 eff. 8-16-97; revised 12-6-03.)

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

1 (20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)

2 Sec. 3. The Department of Commerce and Economic Opportunity
3 ~~Community Affairs~~ shall have the following powers and duties:

4 (a) To solicit, accept and expend gifts, grants or any form
5 of assistance, from any source, including but not limited to,
6 the federal government or any agency thereof;

7 (b) To enter into contracts, including, but not limited to,
8 service contracts, with business, industrial, university,
9 governmental or other qualified individuals or organizations
10 to promote development of coal and other energy resources. Such
11 contracts may be for, but are not limited to, the following
12 purposes: (1) the commercial application of existing
13 technology for development of coal resources, (2) to initiate
14 or complete development of new technology for development of
15 coal resources, and (3) for planning, design, acquisition,
16 development, construction, improvement and financing a site or
17 sites and facilities for establishing plants, projects or
18 demonstrations for development of coal resources and research,
19 development and demonstration of alternative forms of energy;
20 and

21 (c) In the exercise of other powers granted it under this
22 Act, to acquire property, real, personal or mixed, including
23 any rights therein, by exercise of the power of condemnation in
24 accordance with the procedures provided for the exercise of
25 eminent domain under Article VII of the Code of Civil
26 Procedure, as amended, provided, however, the power of
27 condemnation shall be exercised solely for the purposes of
28 siting and/or rights of way and/or easements appurtenant to
29 coal utilization and/or coal conversion projects. The
30 Department shall not exercise its powers of condemnation until
31 it has used reasonable good faith efforts to acquire such
32 property before filing a petition for condemnation and may
33 thereafter use such powers when it determines that such
34 condemnation of property rights is necessary to avoid
35 unreasonable delay or economic hardship to the progress of

1 activities carried out in the exercise of powers granted under
2 this Act. After June 30, 1985, the Department shall not
3 exercise its power of condemnation for a project which does not
4 receive State or U.S. Government funding. Before use of the
5 power of condemnation for projects not receiving State or U.S.
6 Government funding, the Department shall hold a public hearing
7 to receive comments on the exercise of the power of
8 condemnation. The Department shall use the information
9 received at hearing in making its final decision on the
10 exercise of the power of condemnation. The hearing shall be
11 held in a location reasonably accessible to the public
12 interested in the decision. The Department shall promulgate
13 guidelines for the conduct of the hearing.

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

15 (20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

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

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

22 (20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

23 Sec. 6. The Department of Commerce and Economic Opportunity
24 ~~Community Affairs~~ is authorized to use \$120,000,000 for the
25 purposes specified in this Act. These funds shall be expended
26 only for a grant to the owner of a generating station located
27 in Illinois and having at least three coal-fired generating
28 units with accredited summer capacity greater than 500
29 megawatts each at such generating station as specifically
30 authorized by this paragraph. Notwithstanding any of the other
31 provisions of this Act, in considering the approval of projects
32 to be funded under this Act, the Department of Commerce and
33 Economic Opportunity ~~Community Affairs~~ shall give special
34 consideration to projects which are designed to remove sulfur

1 and other pollutants in the preparation and utilization of
2 coal, and in the use and operation of electric utility
3 generating plants and industrial facilities which utilize
4 Illinois coal as their primary source of fuel. The Department
5 of Commerce and Community Affairs (now Department of Commerce
6 and Economic Opportunity) is directed to enter into a contract
7 with the owner of a generating station located in Illinois and
8 having at least three coal-fired generating units with
9 accredited summer capability greater than 500 megawatts each at
10 such generating station for a grant of \$35,000,000 to be made
11 by the State of Illinois to such owner to be used to pay costs
12 of designing, acquiring, constructing, installing and testing
13 facilities to reduce sulfur dioxide emissions at one such
14 generating unit to allow that unit to meet the requirements of
15 the Federal Clean Air Act Amendments of 1990 (P.L. 101-549)
16 while continuing to use coal mined in Illinois as its source of
17 fuel.

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

19 (20 ILCS 1110/8) (from Ch. 96 1/2, par. 4108)

20 Sec. 8. Sale of bonds. The bonds shall be issued and sold
21 from time to time in such amounts as directed by the Governor,
22 upon recommendation by the Director of the Governor's Office of
23 Management and Budget ~~Bureau of the Budget~~. The bonds shall be
24 serial bonds in the denomination of \$5,000 or some multiple
25 thereof, shall be payable within 30 years from their date,
26 shall bear interest payable annually or semiannually from their
27 date at the rate of not more than 15% per annum, or such higher
28 maximum rate as may be authorized by "An Act to authorize
29 public corporations to issue bonds, other evidences of
30 indebtedness and tax anticipation warrants subject to interest
31 rate limitations set forth therein", approved May 26, 1970, as
32 amended, shall be dated, and shall be in such form as the
33 Director of the Governor's Office of Management and Budget
34 ~~Bureau of the Budget~~ shall fix and determine in the order
35 authorizing the issuance and sale of the bonds, which order

1 shall be approved by the Governor prior to the giving of notice
2 of the sale of any of the bonds. These bonds shall be payable
3 as to both principal and interest at such place or places,
4 within or without the State of Illinois, and may be made
5 registrable as to either principal or as to both principal and
6 interest, as shall be fixed and determined by the Director of
7 the Governor's Office of Management and Budget ~~Bureau of the~~
8 ~~Budget~~ in the order authorizing the issuance and sale of such
9 bonds. The bonds may be callable as fixed and determined by the
10 Director of the Governor's Office of Management and Budget
11 ~~Bureau of the Budget~~ in the order authorizing the issuance and
12 sale of the bonds; provided, however, that the State shall not
13 pay a premium of more than 3% of the principal of any bonds so
14 called.

15 (Source: P.A. 91-357, eff. 7-29-99; revised 8-23-03.)

16 (20 ILCS 1110/10) (from Ch. 96 1/2, par. 4110)

17 Sec. 10. Bond Proceeds.

18 The Bonds shall be sold from time to time by the Director
19 of the Governor's Office of Management and Budget ~~Bureau of the~~
20 ~~Budget~~ to the highest and best bidders, for not less than their
21 par value, upon sealed bids, at not exceeding the maximum
22 interest rate fixed in the order authorizing the issuance of
23 the Bonds. The right to reject any and all bids may be
24 reserved. The Secretary of State shall, from time to time, as
25 the Bonds are to be sold, advertise in at least two daily
26 newspapers, one of which is published in the City of
27 Springfield and one in the City of Chicago, for proposals to
28 purchase the Bonds. Each of such advertisements for proposals
29 shall be published once at least 10 days prior to the date of
30 the opening of the bids. The executed Bonds shall, upon payment
31 therefor, be delivered to the purchaser, and the proceeds of
32 the Bonds shall be paid into the State Treasury. The proceeds
33 of the Bonds shall be deposited in a separate fund known as the
34 "Coal Development Fund", which separate fund is hereby created.

35 (Source: P.A. 78-1122; revised 8-23-03.)

1 (20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)

2 Sec. 11. Expenditure of funds. At all times, the proceeds
3 from the sale of Bonds are subject to appropriation by the
4 General Assembly and may be expended in such amounts and at
5 such times as the Department of Commerce and Economic
6 Opportunity ~~Community Affairs~~, with the approval of the
7 Illinois Energy Resources Commission, may deem necessary or
8 desirable for the specific purposes contemplated by this Act.

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

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

12 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

13 Sec. 4. Technical Assistance Programs.

14 (a) The Department of Commerce and Economic Opportunity
15 ~~Community Affairs~~ shall provide technical assistance in the
16 development of thermal efficiency standards and lighting
17 efficiency standards to units of local government, upon request
18 by such unit.

19 (b) The Department shall provide technical assistance in
20 the development of a program for energy efficiency in
21 procurement to units of local government, upon request by such
22 unit.

23 (c) The Technical Assistance Programs provided in this
24 Section shall be supported by funds provided to the State
25 pursuant to the federal "Energy Policy and Conservation Act of
26 1975" or other federal acts that provide funds for energy
27 conservation efforts through the use of building codes.

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

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

31 (20 ILCS 1128/5-5)

1 Sec. 5-5. Council. The Illinois Geographic Information
2 Council, hereinafter called the "Council", is created within
3 the Department of Natural Resources.

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

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

23 Members appointed by the Governor shall serve at the
24 pleasure of the Governor.

25 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;
26 89-445, eff. 2-7-96; revised 12-6-03.)

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

29 (20 ILCS 1305/1-25)

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

32 (a) The Department of Human Services shall implement and
33 use a unified electronic management and intake information and
34 reporting system. The Department may own and operate the system

1 itself or use equipment, services, or facilities provided by
2 private or other governmental entities under contract or
3 agreement. The system shall be implemented as expeditiously as
4 may be practical and, as originally implemented, shall comply
5 as closely as possible with the plan approved by the Task Force
6 on Human Services Consolidation under this Section.

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

15 The Task Force shall review the plan and, by February 1,
16 1997, shall either approve the plan in accordance with
17 subsection (c) or return it to the Director of the Bureau of
18 the Budget (now Governor's Office of Management and Budget)
19 with the Task Force's recommendations for change. If the plan
20 is returned for change, the Director of the Bureau of the
21 Budget (now Governor's Office of Management and Budget) shall
22 revise the plan and, by March 1, 1997, shall submit the revised
23 plan to the Task Force for review and approval. If the Task
24 Force does not approve the revised plan as submitted by the
25 Director of the Bureau of the Budget (now Governor's Office of
26 Management and Budget), it may continue to work with the
27 Director on a further revision of the plan or it may adopt and
28 approve a plan of its own.

29 (c) To approve a plan under this Section, the Task Force
30 shall file with the Secretary of State a certified copy of the
31 plan and a certified copy of a resolution approving the plan,
32 adopted with the affirmative vote of at least 4 of the voting
33 members of the Task Force.

34 (d) Until the Task Force on Human Services Consolidation
35 approves a plan for the development and implementation of the
36 unified electronic management and intake information and

1 reporting system, no additional powers or duties (other than
2 those provided in House Bill 2632 of the 89th General Assembly
3 or this amendatory Act of 1996) shall be statutorily
4 transferred from any agency to the Department.

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

6 (20 ILCS 1305/80-5)

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

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

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

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

27 The following persons (or their designees) shall serve, ex
28 officio, as nonvoting members of the Task Force: the Director
29 of Public Health, the Director of Public Aid, the Director of
30 Children and Family Services, the Director of the Governor's
31 Office of Management and Budget ~~Bureau of the Budget~~, and,
32 until their offices are abolished, the Director of Mental
33 Health and Developmental Disabilities, the Director of
34 Rehabilitation Services, and the Director of Alcoholism and
35 Substance Abuse. The Governor may appoint up to 3 additional

1 persons to serve as nonvoting members of the Task Force; such
2 persons shall be officers or employees of a constitutional
3 office or of a department or agency of the executive branch.

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

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

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

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

28 (d) The Task Force shall:

29 (1) review and make recommendations on the
30 organizational structure of the new Department of Human
31 Services;

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

36 (3) review and make recommendations on the

1 consolidation or elimination of fragmented or duplicative
2 programs;

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

7 (5) review and make recommendations on geographic
8 regionalization;

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

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

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

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

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

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

35 (g) The Task Force shall submit preliminary reports of its
36 findings and recommendations to the Governor and the General

1 Assembly by February 1, 1997 and February 1, 1998 and a final
2 report by January 1, 1999. It may submit other reports as it
3 deems appropriate.

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

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

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

8 (20 ILCS 1510/10)

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

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

12 "Eligible area" means a county, township, municipality, or
13 ward or precinct of a municipality.

14 "Participant" means an individual who is determined to be
15 eligible under Section 25.

16 "Project" means the definable task or group of tasks which:

17 (1) will be carried out by a public agency, a private
18 nonprofit organization, a private contractor, or a
19 cooperative,

20 (2) (blank),

21 (3) will result in a specific product or
22 accomplishment, and

23 (4) would not otherwise be conducted with existing
24 funds.

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

27 (Source: P.A. 93-46, eff. 7-1-03; revised 12-6-03.)

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

31 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

32 Sec. 2605-45. Division of Administration. The Division of

1 Administration shall exercise the following functions:

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

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

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

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

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

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

19 (6.5) Exercise the rights, powers, and duties vested in
20 the Department by the Firearm Owners Identification Card
21 Act.

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

25 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised
26 8-23-03.)

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

31 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

32 Sec. 2705-255. Appropriations from Build Illinois Bond
33 Fund and Build Illinois Purposes Fund. Any expenditure of funds
34 by the Department for interchanges, for access roads to and

1 from any State or local highway in Illinois, or for other
2 transportation capital improvements related to an economic
3 development project pursuant to appropriations to the
4 Department from the Build Illinois Bond Fund and the Build
5 Illinois Purposes Fund shall be used for funding improvements
6 related to existing or planned scientific, research,
7 manufacturing, or industrial development or expansion in
8 Illinois. In addition, the Department may use those funds to
9 encourage and maximize public and private participation in
10 those improvements. The Department shall consult with the
11 Department of Commerce and Economic Opportunity ~~Community~~
12 ~~Affairs~~ prior to expending any funds for those purposes
13 pursuant to appropriations from the Build Illinois Bond Fund
14 and the Build Illinois Purposes Fund.

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

16 (20 ILCS 2705/2705-285) (was 20 ILCS 2705/49.06b)

17 Sec. 2705-285. Ports and waterways. The Department has the
18 power to undertake port and waterway development planning and
19 studies of port and waterway development problems and to
20 provide technical assistance to port districts and units of
21 local government in connection with port and waterway
22 development activities. The Department may provide financial
23 assistance for the ordinary and contingent expenses of port
24 districts upon the terms and conditions that the Department
25 finds necessary to aid in the development of those districts.

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

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

30 (20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

31 Sec. 2705-405. Preparation of State Rail Plan. In
32 preparation of the State Rail Plan under Section 2705-400, the
33 Department shall consult with recognized railroad labor
34 organizations, the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~, railroad management, affected
2 units of local government, affected State agencies, and
3 affected shipping interests.

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

5 (20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

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

14 For each project proposed for funding under this Section
15 the Department shall, to the extent possible, give preference
16 to cost effective projects that facilitate continuation of
17 existing rail freight service. In the exercise of its powers
18 under this Section, the Department shall coordinate its program
19 with the industrial retention and attraction programs of the
20 Department of Commerce and Economic Opportunity ~~Community~~
21 ~~Affairs~~. No funds provided under this Section shall be expended
22 for the acquisition of a right of way or rolling stock or for
23 operating subsidies. The costs of a project funded under this
24 Section shall be apportioned in accordance with the agreement
25 of the parties for the project. Projects are eligible for a
26 loan or grant under this Section only when the Department
27 determines that the transportation, economic, and public
28 benefits associated with a project are greater than the capital
29 costs of that project incurred by all parties to the agreement
30 and that the project would not have occurred without its
31 participation. In addition, a project to be eligible for
32 assistance under this Section must be included in a State plan
33 for rail transportation and local rail service prepared by the
34 Department. The Department may also expend State funds for
35 professional engineering services to conduct feasibility

1 studies of projects proposed for funding under this Section, to
2 estimate the costs and material requirements for those
3 projects, to provide for the design of those projects,
4 including plans and specifications, and to conduct
5 investigations to ensure compliance with the project
6 agreements.

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

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

1 earned by investment by the State Treasurer which the State
2 Treasurer shall have deposited in that Fund.

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

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

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

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

19 Section 270. The Illinois Capital Budget Act is amended by
20 changing Sections 1 and 4 as follows:

21 (20 ILCS 3010/1) (from Ch. 127, par. 3101)

22 Sec. 1. The Governor's Office of Management and Budget
23 ~~Bureau of the Budget~~ shall coordinate the preparation of
24 annually updated 5 year capital improvement programs and yearly
25 capital budgets based on those programs, in cooperation with
26 all State agencies requesting a capital appropriation.

27 (Source: P.A. 84-838; revised 8-23-03.)

28 (20 ILCS 3010/4) (from Ch. 127, par. 3104)

29 Sec. 4. (a) The Governor's Office of Management and Budget
30 ~~Bureau of the Budget~~ shall be responsible for integrating the
31 long range program plans of State agencies which request
32 capital appropriations into capital plans. The Capital
33 Development Board shall be responsible for developing needs

1 based physical plant plans and technical review and survey of
2 facilities. The Governor's Office of Management and Budget
3 ~~Bureau of the Budget~~ shall also be responsible for providing
4 funding and expenditure projections.

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

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

10 (d) The capital improvement program shall be submitted to
11 the General Assembly by the Governor as part of the annual
12 State budget.

13 (Source: P.A. 84-838; revised 8-23-03.)

14 Section 275. The Capital Development Board Act is amended
15 by changing Section 10.09-5 as follows:

16 (20 ILCS 3105/10.09-5)

17 Sec. 10.09-5. Standards for an energy code. To adopt rules,
18 by January 1, 2004, implementing a statewide energy code for
19 the construction or repair of State facilities described in
20 Section 4.01. The energy code adopted by the Board shall
21 incorporate standards promulgated by the American Society of
22 Heating, Refrigerating and Air-conditioning Engineers, Inc.,
23 (ASHRAE). In proposing rules, the Board shall consult with the
24 Department of Commerce and Economic Opportunity ~~Community~~
25 ~~Affairs~~.

26 (Source: P.A. 93-190, eff. 7-14-03; revised 12-6-03.)

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

29 (20 ILCS 3405/20)

30 Sec. 20. Freedom Trail Commission.

31 (a) Creation. The Freedom Trail Commission is created
32 within the Agency. The budgeting, procurement, and related

1 functions of the commission and administrative
2 responsibilities for the staff of the commission shall be
3 performed under the direction and supervision of the Agency.

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

8 (1) one member appointed by the President of the
9 Senate;

10 (2) one member appointed by the Senate Minority Leader;

11 (3) one member appointed by the Speaker of the House;

12 (4) one member appointed by the House Minority Leader;

13 (5) 9 members appointed by the Governor as follows:

14 (i) 3 members from the academic community who are
15 knowledgeable concerning African-American history;

16 (ii) one public member who is actively involved in
17 civil rights issues; (iii) one public member who is
18 knowledgeable in the field of historic preservation;

19 (iv) one public member who represents local
20 communities in which the underground railroad had a
21 significant presence; and (v) 3 members at large, one
22 of whom shall be a representative of the DuSable Museum
23 and one of whom shall be a representative of the
24 Chicago Historical Society;

25 (6) the Director of Commerce and Economic Opportunity
26 ~~Community Affairs~~, ex officio, or a designee of the
27 Director;

28 (7) the State Librarian, ex officio, or a designee of
29 the State Library; and

30 (8) the Director of the Historic Preservation Agency,
31 ex officio, or a designee of that Agency.

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

34 (c) Election of chairperson; meetings. At its first
35 meeting, the commission shall elect from among its members a
36 chairperson and other officers it considers necessary or

1 appropriate. After its first meeting, the commission shall meet
2 at least quarterly, or more frequently at the call of the
3 chairperson or if requested by 7 or more members.

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

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

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

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

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

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

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

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

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

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

6 (i) Report. The commission shall report its activities and
7 findings to the General Assembly by February 1, 2004.

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

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

11 (20 ILCS 3520/5)

12 Sec. 5. Definitions.

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

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

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

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

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

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

30 Section 290. The Illinois Investment and Development
31 Authority Act is amended by changing Section 15 as follows:

32 (20 ILCS 3820/15)

1 Sec. 15. Creation of Illinois Investment and Development
2 Authority; members.

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

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

31 (c) Of the members initially appointed by the Governor
32 pursuant to this Act, 3 shall serve until the third Monday in
33 January, 2004, 3 shall serve until the third Monday in January,
34 2005, and 3 shall serve until the third Monday in January, 2006
35 and all shall serve until their successors are appointed and
36 qualified. All successors shall hold office for a term of 3

1 years commencing on the third Monday in January of the year in
2 which their term commences, except in case of an appointment to
3 fill a vacancy. Each member appointed under this Section who is
4 confirmed by the Senate shall hold office during the specified
5 term and until his or her successor is appointed and qualified.
6 In case of vacancy in the office when the Senate is not in
7 session, the Governor may make a temporary appointment until
8 the next meeting of the Senate, when the Governor shall
9 nominate such person to fill the office, and any person so
10 nominated who is confirmed by the Senate, shall hold his or her
11 office during the remainder of the term and until his or her
12 successor is appointed and qualified.

13 (d) Members of the Authority shall not be entitled to
14 compensation for their services as members, but shall be
15 entitled to reimbursement for all necessary expenses incurred
16 in connection with the performance of their duties as members.

17 (e) The Governor may remove any public member of the
18 Authority in case of incompetency, neglect of duty, or
19 malfeasance in office, after service on the member of a copy of
20 the written charges against him or her and an opportunity to be
21 publicly heard in person or by counsel in his or her own
22 defense upon not less than 10 days notice.

23 (Source: P.A. 92-864, eff. 6-1-03; revised 12-6-03.)

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

26 (20 ILCS 3918/35)

27 Sec. 35. Administration and enforcement of State building
28 requirements. The Commission shall also suggest a long-term
29 plan to improve administration and enforcement of State
30 building requirements statewide. The plan shall include (i)
31 recommendations for ways the Department of Commerce and
32 Economic Opportunity ~~Community Affairs~~ could create a
33 consolidated clearinghouse on all information concerning
34 existing State building requirements, (ii) recommendations for

1 a consistent format for State building requirements, (iii)
2 recommendations for a system or procedure for updating existing
3 State building requirements that shall include a procedure for
4 input from the public, (iv) recommendations for a system or
5 procedure for the review, approval, and appeal of building
6 plans, and (v) recommendations for a system or procedure to
7 enforce the State building requirements. The Commission shall
8 submit its suggestions for creating the consolidated
9 clearinghouse to the Department of Commerce and Economic
10 Opportunity ~~Community Affairs~~ as soon as practical after the
11 effective date of this Act.

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

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

16 (20 ILCS 3953/10) (from Ch. 96 1/2, par. 9810)

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

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

30 (20 ILCS 3953/15) (from Ch. 96 1/2, par. 9815)

31 Sec. 15. Creation. There is created within State government
32 the Interagency Energy Conservation Committee, hereinafter
33 referred to as the Committee. The Committee shall be composed

1 of the Secretary of Human Services and the Directors of the
2 Department of Commerce and Economic Opportunity Community
3 ~~Affairs~~, the Department of Central Management Services, the
4 Department of Corrections, the Illinois Board of Higher
5 Education, and the Capital Development Board, or their
6 designees. The Director of ~~the Department of~~ Commerce and
7 Economic Opportunity Community ~~Affairs~~ shall serve as
8 Committee chairman, and the Committee's necessary staff and
9 resources shall be drawn from the Department of Commerce and
10 Economic Opportunity Community ~~Affairs~~.

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

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

15 (20 ILCS 3965/2) (from Ch. 127, par. 3952)

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

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

27 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

28 Sec. 3. The board shall be composed of citizens from both
29 the private and public sectors who are actively engaged in
30 organizations and businesses that support economic expansion,
31 industry enhancement and job creation. The board shall be
32 composed of the following persons:

33 (a) the Governor or his or her designee;

1 (b) four members of the General Assembly, one each
2 appointed by the President of the Senate, the Speaker of
3 the House of Representatives, and the minority leaders of
4 the Senate and House of Representatives;

5 (c) 20 members appointed by the Governor including
6 representatives of small business, minority owned
7 companies, women owned companies, manufacturing, economic
8 development professionals, and citizens at large.

9 (d) (blank);

10 (e) (blank);

11 (f) (blank);

12 (g) (blank);

13 (h) (blank);

14 (i) (blank);

15 (j) (blank);

16 (k) (blank);

17 (l) (blank);

18 (m) (blank).

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

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

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

34 The board shall include representation from each of the
35 State's geographic areas.

36 The board shall meet quarterly or at the call of the chair

1 and shall create subcommittees as needed to deal with specific
2 issues and concerns. Members shall serve without compensation
3 but may be reimbursed for expenses.

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

5 (20 ILCS 3965/4.5)

6 Sec. 4.5. Additional duties. In addition to those duties
7 granted under Section 4, the Illinois Economic Development
8 Board shall:

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

22 (2) Establish a Business Regulatory Review Committee
23 to generate private sector analysis, input, and guidance on
24 methods of regulatory assistance and review. At the
25 determination of the Board, individual small business
26 owners and operators; national, State, and regional
27 organizations representative of small firms; and
28 representatives of existing State or regional councils of
29 business may be designated as members of this Business
30 Regulatory Review Committee.

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

32 Section 310. The Illinois Business Regulatory Review Act is
33 amended by changing Sections 15-30 and 15-35 as follows:

1 (20 ILCS 3966/15-30)

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

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

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

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

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

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

25 (20 ILCS 3966/15-35)

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

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

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

1 (20 ILCS 3967/15)

2 Sec. 15. Illinois River Coordinating Council.

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

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

25 (c) The Council shall meet at least quarterly.

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

30 (e) This Section is subject to the provisions of Section
31 405-500 of the Department of Central Management Services Law
32 (20 ILCS 405/405-500).

33 (Source: P.A. 90-120, eff. 7-16-97; 90-609, eff. 6-30-98;
34 91-239, eff. 1-1-00; revised 12-6-03.)

1 Section 320. The Interagency Coordinating Committee on
2 Transportation Act is amended by changing Section 15 as
3 follows:

4 (20 ILCS 3968/15)

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

8 (1) The Governor or his or her designee.

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

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

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

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

13 (6) The Director of Commerce and Economic Opportunity
14 ~~Community Affairs~~ or his or her designee.

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

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

19 (9) A representative of centers for independent living.

20 (10) A representative of the Illinois Public
21 Transportation Association.

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

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

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

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

33 (15) A representative of the Rural Partners.

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

1 (17) A representative of a statewide business association.

2 (18) A representative of the Illinois Council on
3 Developmental Disabilities.

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

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

14 Section 325. The Interagency Coordinating Council Act is
15 amended by changing Section 2 as follows:

16 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

17 Sec. 2. Interagency Coordinating Council. There is hereby
18 created an Interagency Coordinating Council which shall be
19 composed of the Directors, or their designees, of the Illinois
20 Department of Children and Family Services, Illinois
21 Department of Commerce and Economic Opportunity ~~Community~~
22 ~~Affairs~~, Illinois Department of Corrections, Illinois
23 Department of Employment Security, and Illinois Department of
24 Public Aid; the Secretary of Human Services or his or her
25 designee; the Executive Director, or a designee, of the
26 Illinois Community College Board, the Board of Higher
27 Education, and the Illinois Planning Council on Developmental
28 Disabilities; the State Superintendent of Education, or a
29 designee; and a designee representing the University of
30 Illinois - Division of Specialized Care for Children. The
31 Secretary of Human Services (or the member who is the designee
32 for the Secretary of Human Services) and the State
33 Superintendent of Education (or the member who is the designee
34 for the State Superintendent of Education) shall be co-chairs

1 of the Council. The co-chairs shall be responsible for ensuring
2 that the functions described in Section 3 of this Act are
3 carried out.

4 (Source: P.A. 92-452, eff. 8-21-01; revised 12-6-03.)

5 Section 330. The Illinois Manufacturing Technology
6 Alliance Act is amended by changing Sections 4 and 15 as
7 follows:

8 (20 ILCS 3990/4) (from Ch. 48, par. 2604)

9 Sec. 4. Board of Directors.

10 (a) The Illinois Manufacturing Technology Alliance shall
11 be governed and operated by a Board of Directors consisting of
12 11 members: 5 public members who shall be representative of
13 industries to be served by the Alliance; 2 public members who
14 shall be researchers in manufacturing technologies; and 4 ex
15 officio members who shall be the Director of ~~the Department of~~
16 Commerce and Economic Opportunity ~~Community Affairs~~, the Chief
17 Executive Officer of the Prairie State 2000 Authority, the
18 Executive Director of the Board of Higher Education and the
19 Executive Director of the Illinois Community College Board. An
20 ex officio member may designate a representative to serve as a
21 substitute when such member is unable to attend a meeting of
22 the Board.

23 (b) The Governor, by and with the advice and consent of the
24 Senate, shall appoint the 5 public members who are
25 representative of industries to be served by the Alliance and
26 the 2 public members who are researchers in manufacturing
27 technologies. To the extent possible, 4 members of the 5 public
28 members who are representatives of industries to be served by
29 the Alliance shall be members of trade associations that are
30 Alliance Partners.

31 A vacancy in the position of Board member shall occur upon
32 resignation, death, conviction of a felony, or removal from
33 office of a Director. The Governor may remove any public member
34 from office on a formal finding of incompetence, neglect of

1 duty or malfeasance in office. Within 30 days after the office
2 of any appointed member becomes vacant for any reason, the
3 Governor shall fill the vacancy for the unexpired term in the
4 same manner as that in which appointments are made. If the
5 Senate is not in session when the first appointments are made
6 or when the Governor fills a vacancy, the Governor shall make
7 temporary appointments until the next meeting of the Senate,
8 when he shall nominate persons to be confirmed by the Senate.

9 (c) No more than 4 public members shall be of the same
10 political party.

11 (d) Of those public members initially appointed to the
12 Board, 4 Directors, no more than 2 of the same political party,
13 shall be appointed to serve until July 1, 1993, and 3
14 Directors, not more than 2 of the same political party, shall
15 be appointed to serve until July 1, 1991. Thereafter, each
16 public member shall be appointed for a 4 year term, or until
17 his successor is appointed and qualified. The terms of the
18 public members initially appointed shall commence upon the
19 appointment of all 7 public members.

20 (e) No public member may serve as a Director for an
21 aggregate of more than 10 years.

22 (Source: P.A. 86-1015; revised 12-6-03.)

23 (20 ILCS 3990/15) (from Ch. 48, par. 2615)

24 Sec. 15. Relationship with other Agencies. The Alliance
25 shall cooperate with the Department of Commerce and Economic
26 Opportunity ~~Community Affairs~~, the Board of Higher Education,
27 the Illinois Community College Board, the Prairie State 2000
28 Authority and any other agency or authority of the State on any
29 project or program that improves the competitiveness of small
30 and medium size Illinois manufacturers. The policies and
31 programs of the Alliance shall be consistent with economic
32 development policies of this State.

33 (Source: P.A. 86-1015; revised 12-6-03.)

34 Section 335. The Illinois Council on Developmental

1 Disabilities Law is amended by changing Sections 2004 and
2 2004.5 as follows:

3 (20 ILCS 4010/2004) (from Ch. 91 1/2, par. 1954)
4 Sec. 2004. Council membership.

5 (a) The council shall be composed of 38 voting members, 27
6 of whom shall be appointed by the Governor from residents of
7 the State so as to ensure that the membership reasonably
8 represents consumers of services to persons with developmental
9 disabilities.

10 (b) Eleven voting members shall be the Directors of Public
11 Aid, Public Health, Aging, Children and Family Services, the
12 Guardianship and Advocacy Commission, the State protection and
13 advocacy agency, the State Board of Education, the Division of
14 Specialized Care for Children of the University of Illinois,
15 and the State University Affiliated Program, or their
16 designees, plus the Secretary of Human Services (or his or her
17 designee) and one additional representative of the Department
18 of Human Services designated by the Secretary.

19 (c) Nineteen voting members shall be persons with
20 developmental disabilities, parents or guardians of such
21 persons, or immediate relatives or guardians of persons with
22 mentally impairing developmental disabilities. None of these
23 members shall be employees of a State agency which receives
24 funds or provides services under the federal Developmental
25 Disabilities Assistance and Bill of Rights Act Amendments of
26 1987, managing employees of any other entity which services
27 funds or provides services under the federal Developmental
28 Disabilities Assistance and Bill of Rights Act Amendments of
29 1987, or persons with an ownership or control interest in such
30 an entity. Of these members:

31 (1) At least 6 shall be persons with developmental
32 disabilities and at least 6 shall be immediate relatives or
33 guardians of persons with mentally impairing developmental
34 disabilities; and

35 (2) One member shall be an immediate relative or

1 guardian of an institutionalized or previously
2 institutionalized person with a developmental disability.

3 (d) Eight voting members shall be representatives of local
4 agencies, nongovernmental agencies and groups concerned with
5 services to persons with developmental disabilities.

6 (e) The Governor shall consider nominations made by
7 advocacy and community-based organizations.

8 (f) Of the initial members appointed by the Governor, 8
9 shall be appointed for terms of one year, 9 shall be appointed
10 for terms of 2 years, and 9 shall be appointed for terms of 3
11 years. Thereafter, all members shall be appointed for terms of
12 3 years. No member shall serve more than 2 successive terms.

13 (g) Individual terms of office shall be chosen by lot at
14 the initial meeting of the council.

15 (h) Vacancies in the membership shall be filled in the same
16 manner as initial appointments. Appointments to fill vacancies
17 occurring before the expiration of a term shall be for the
18 remainder of the unexpired term.

19 (i) Members shall not receive compensation for their
20 services, but shall be reimbursed for their actual expenses
21 plus up to \$50 a day for any loss of wages incurred in the
22 performance of their duties.

23 (j) Total membership consists of the number of voting
24 members, as defined in this Section, excluding any vacant
25 positions. A quorum shall consist of a simple majority of total
26 membership and shall be sufficient to constitute the
27 transaction of business of the council unless stipulated
28 otherwise in the bylaws of the council.

29 (k) The council shall meet at least quarterly.

30 (l) The Director of the Governor's Office of Management and
31 Budget ~~Bureau of the Budget~~, or his or her designee, shall
32 serve as a nonvoting member of the council.

33 (Source: P.A. 89-507, eff. 7-1-97; revised 8-23-03.)

34 (20 ILCS 4010/2004.5)

35 Sec. 2004.5. Council membership. The General Assembly

1 intends that the reduction in the membership of the Council
2 shall occur through attrition between the effective date of
3 this amendatory Act of the 91st General Assembly and January 1,
4 2001. In the event that the terms of 10 voting members have not
5 expired by January 1, 2001, members of the Council serving on
6 that date shall continue to serve until their terms expire.

7 (a) The membership of the Council must reasonably represent
8 the diversity of this State. Not less than 60% of the Council's
9 membership must be individuals with developmental
10 disabilities, parents or guardians of children with
11 developmental disabilities, or immediate relatives or
12 guardians of adults with developmental disabilities who cannot
13 advocate for themselves.

14 The Council must also include representatives of State
15 agencies that administer moneys under federal laws that relate
16 to individuals with developmental disabilities; the State
17 University Center for Excellence in Developmental Disabilities
18 Education, Research, and Service; the State protection and
19 advocacy system; and representatives of local and
20 non-governmental agencies and private non-profit groups
21 concerned with services for individuals with developmental
22 disabilities. The members described in this paragraph must have
23 sufficient authority to engage in policy-making, planning, and
24 implementation on behalf of the department, agency, or program
25 that they represent. Those members may not take part in any
26 discussion of grants or contracts for which their departments,
27 agencies, or programs are grantees, contractors, or applicants
28 and must comply with any other relevant conflict of interest
29 provisions in the Council's policies or bylaws.

30 (b) Seventeen voting members, appointed by the Governor,
31 must be persons with developmental disabilities, parents or
32 guardians of persons with developmental disabilities, or
33 immediate relatives or guardians of persons with
34 mentally-impairing developmental disabilities. None of these
35 members may be employees of a State agency that receives funds
36 or provides services under the federal Developmental

1 Disabilities Assistance and Bill of Rights Act of 1996 (42
2 U.S.C. 6000 et seq.), as now or hereafter amended, managing
3 employees of any other entity that receives moneys or provides
4 services under the federal Developmental Disabilities
5 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et
6 seq.), as now or hereafter amended, or persons with an
7 ownership interest in or a controlling interest in such an
8 entity. Of the members appointed under this subsection (b):

9 (1) at least 6 must be persons with developmental
10 disabilities;

11 (2) at least 6 must be parents, immediate relatives, or
12 guardians of children and adults with developmental
13 disabilities, including individuals with
14 mentally-impairing developmental disabilities who cannot
15 advocate for themselves; and

16 (3) 5 members must be a combination of persons
17 described in paragraphs (1) and (2); at least one of whom
18 must be (i) an immediate relative or guardian of an
19 individual with a developmental disability who resides or
20 who previously resided in an institution or (ii) an
21 individual with a developmental disability who resides or
22 who previously resided in an institution.

23 (c) Two voting members, appointed by the Governor, must be
24 representatives of local and non-governmental agencies and
25 private non-profit groups concerned with services for
26 individuals with developmental disabilities.

27 (d) Nine voting members shall be the Director of Public
28 Aid, or his or her designee; the Director of Aging, or his or
29 her designee; the Director of Children and Family Services, or
30 his or her designee; a representative of the State Board of
31 Education; a representative of the State protection and
32 advocacy system; a representative of the State University
33 Center for Excellence in Developmental Disabilities Education,
34 Research, and Service; representatives of the Office of
35 Developmental Disabilities and the Office of Community Health
36 and Prevention of the Department of Human Services (as the

1 State's lead agency for Title V of the Social Security Act, 42
2 U.S.C. 701 et seq.) designated by the Secretary of Human
3 Services; and a representative of the State entity that
4 administers federal moneys under the federal Rehabilitation
5 Act.

6 (e) The Director of the Governor's Office of Management and
7 Budget ~~Bureau of the Budget~~, or his or her designee, shall be a
8 non-voting member of the Council.

9 (f) The Governor must provide for the timely rotation of
10 members.

11 Appointments to the Council shall be for terms of 3 years.
12 Appointments to fill vacancies occurring before the expiration
13 of a term shall be for the remainder of the term. Members shall
14 serve until their successors are appointed.

15 The Council, at the discretion of the Governor, may
16 coordinate and provide recommendations for new members to the
17 Governor based upon their review of the Council's composition
18 and on input received from other organizations and individuals
19 representing persons with developmental disabilities,
20 including the non-State agency members of the Council. The
21 Council must, at least once each year, advise the Governor on
22 the Council's membership requirements and vacancies, including
23 rotation requirements.

24 No member may serve for more than 2 successive terms.

25 (g) Members may not receive compensation for their
26 services, but shall be reimbursed for their reasonable expenses
27 plus up to \$50 per day for any loss of wages incurred in the
28 performance of their duties.

29 (h) The total membership of the Council consists of the
30 number of voting members, as defined in this Section, excluding
31 any vacant positions. A quorum is a simple majority of the
32 total membership and is sufficient to constitute the
33 transaction of the business of the Council unless otherwise
34 stipulated in the bylaws of the Council.

35 (i) The Council must meet at least quarterly.

36 (Source: P.A. 91-798, eff. 7-9-00; revised 8-23-03.)

1 Section 340. The Prairie State 2000 Authority Act is
2 amended by changing Sections 7 and 12 as follows:

3 (20 ILCS 4020/7) (from Ch. 48, par. 1507)

4 Sec. 7. (a) The Prairie State 2000 Authority shall be
5 governed and operated by a Board of Directors consisting of the
6 State Treasurer, the Director of ~~the Department of~~ Commerce and
7 Economic Opportunity ~~Community Affairs~~ and the Director of ~~the~~
8 ~~Department of~~ Employment Security, or their respective
9 designees, as ex officio members, and 4 public members who
10 shall be appointed by the Governor with the advice and consent
11 of the Senate and who shall be of high moral character and
12 expert in educational or vocational training matters, employee
13 benefits, or finance. Each public member shall be appointed for
14 an initial term as provided in paragraph (b) of this Section.
15 Thereafter, each public member shall hold office for a term of
16 4 years and until his successor has been appointed and assumes
17 office. The Board shall elect a public member to be Chairman. A
18 vacancy shall occur upon resignation, death, conviction of a
19 felony, or removal from office of a Director. The Governor may
20 remove any public member from office on a formal finding of
21 incompetence, neglect of duty or malfeasance in office. Within
22 30 days after the office of any appointed member becomes vacant
23 for any reason, the Governor shall fill the vacancy for the
24 unexpired term in the same manner as that in which appointments
25 are made. If the Senate is not in session when the first
26 appointments are made or when the Governor fills a vacancy, the
27 Governor shall make temporary appointments until the next
28 meeting of the Senate, when he shall nominate persons to be
29 confirmed by the Senate. No more than 2 public members shall be
30 members of the same political party. Every public member's term
31 shall commence on July 1, except for the terms of the public
32 members initially appointed, whose terms shall commence upon
33 the appointment of all 4 public members.

34 (b) The initial terms of public members shall be as

1 follows:

2 (i) Two Directors not members of the same political party
3 shall be appointed to serve until July 1, 1987;

4 (ii) Two Directors not members of the same political party
5 shall be appointed to serve until July 1, 1985.

6 No public member may serve as a Director for an aggregate
7 of more than 8 years. A Director appointed under this paragraph
8 (b) shall serve until his successor shall have been appointed
9 and assumes office.

10 (Source: P.A. 84-1090; revised 12-6-03.)

11 (20 ILCS 4020/12) (from Ch. 48, par. 1512)

12 Sec. 12. General Powers and Duties of the Board. Except as
13 otherwise limited by this Act, the Board shall have all powers
14 necessary to meet its responsibilities and to carry out its
15 purposes, including but not limited to the following powers:

16 (a) To sue and be sued.

17 (b) To establish and maintain petty cash funds as provided
18 in Section 13.3 of "An Act in relation to State finance",
19 approved June 10, 1919, as amended.

20 (c) To make, amend and repeal bylaws, rules, regulations
21 and resolutions consistent with this Act.

22 (d) To make and execute all contracts and instruments
23 necessary or convenient to the exercise of its powers.

24 (e) To exclusively control and manage the Authority and all
25 monies donated, paid or appropriated for the relief or benefit
26 of unemployed or inappropriately skilled workers.

27 (f) To order and direct the issuance of benefit vouchers
28 provided for by this Act, signed by the Chairman and the Chief
29 Executive Officer, to persons entitled thereto in amounts to
30 which such persons are entitled under Section 14. The Board may
31 designate any of its members, or any officer or employee of the
32 Authority, to affix the signature of the Chairman and another
33 to affix the signature of the Chief Executive Officer to the
34 benefit vouchers.

35 (g) Upon determining that appropriate and sufficient

1 educational or vocational training services are being provided
2 by a participating educational or vocational training
3 institution to the bearer of a voucher, to cause prompt payment
4 of the amount stated on the face of the voucher to such
5 participating educational or vocational training institution,
6 on the condition that such amount shall not exceed the benefit
7 levels to which the bearer is entitled.

8 (h) To undertake such studies with respect to job training
9 which will assist the Authority in carrying out the purposes of
10 this Act. The Board shall prepare a report on the feasibility
11 of individual training accounts.

12 (i) To annually review the Prairie State 2000 Authority
13 Program and the provisions of this Act and to make
14 recommendations to the Governor and the General Assembly
15 regarding changes to this Act or some other Act to make
16 improvements in the Program.

17 (j) To have an audit of the accounts of the Authority made
18 annually by persons competent to perform such work and to
19 provide a copy of such audit to the Auditor General who shall
20 review such audit and make such other investigations and audits
21 as he deems necessary, on the condition that the Auditor
22 General shall each biennium conduct an audit independent of the
23 audit conducted by the persons retained by the Board. The Board
24 and the Auditor General shall report the findings revealed by
25 their audits to the Governor, the President of the Senate, the
26 Speaker of the House of Representatives and the Minority
27 Leaders of each house of the General Assembly.

28 (k) To prepare and submit a budget and request for
29 appropriations for the necessary and contingent operating
30 expenses of the Authority.

31 (l) To encourage participation in the Program by means of
32 advertising, incentives, and other marketing devices with
33 special attention to geographic areas with levels of
34 unemployment or underemployment which are substantially above
35 the statewide level of unemployment.

36 (m) To adopt, alter and use a corporate seal.

1 (n) To accept appropriations, grants and funds from the
2 federal and State governments and any agency thereof and expend
3 those monies in accordance with, and in furtherance of the
4 purposes of, this Act.

5 (o) To enter into intergovernmental agreements with other
6 governmental entities, including the Department of Employment
7 Security and the Department of Commerce and Economic
8 Opportunity ~~Community Affairs~~, in order to implement and
9 execute the powers and duties set forth in this Section and all
10 other Sections of this Act.

11 (Source: P.A. 84-1090; revised 12-6-03.)

12 Section 345. The Fiscal Note Act is amended by changing
13 Section 2 as follows:

14 (25 ILCS 50/2) (from Ch. 63, par. 42.32)

15 Sec. 2. The sponsor of each bill, referred to in Section 1,
16 shall present a copy of the bill, with his request for a fiscal
17 note, to the board, commission, department, agency, or other
18 entity of the State which is to receive or expend the
19 appropriation proposed or which is responsible for collection
20 of the revenue proposed to be increased or decreased, or to be
21 levied or provided for. The sponsor of a bill that amends the
22 Mental Health and Developmental Disabilities Code or the
23 Developmental Disability and Mental Disability Services Act
24 shall present a copy of the bill, with his or her request for a
25 fiscal note, to the Department of Human Services. The fiscal
26 note shall be prepared by such board, commission, department,
27 agency, or other entity and furnished to the sponsor of the
28 bill within 5 calendar days thereafter; except that whenever,
29 because of the complexity of the measure, additional time is
30 required for preparation of the fiscal note, the board,
31 commission, department, agency, or other entity may so inform
32 the sponsor of the bill and he may approve an extension of the
33 time within which the note is to be furnished, not to extend,
34 however, beyond June 15, following the date of the request.

1 Whenever any measure for which a fiscal note is required
2 affects more than one State board, commission, department,
3 agency, or other entity, the board, commission, department,
4 agency, or other entity most affected by its provisions
5 according to the sponsor shall be responsible for preparation
6 of the fiscal note. Whenever any measure for which a fiscal
7 note is required does not affect a specific board, commission,
8 department, agency or other such entity, or does not amend the
9 Mental Health and Developmental Disabilities Code or the
10 Developmental Disability and Mental Disability Services Act,
11 the sponsor of the measure shall be responsible for preparation
12 of the fiscal note.

13 In the case of bills having a potential fiscal impact on
14 units of local government, the fiscal note shall be prepared by
15 the Department of Commerce and Economic Opportunity ~~Community~~
16 ~~Affairs~~. In the case of bills having a potential fiscal impact
17 on school districts, the fiscal note shall be prepared by the
18 State Superintendent of Education. In the case of bills having
19 a potential fiscal impact on community college districts, the
20 fiscal note shall be prepared by the Illinois Community College
21 Board.

22 (Source: P.A. 92-567, eff. 1-1-03; revised 12-6-03.)

23 Section 350. The Home Rule Note Act is amended by changing
24 Sections 10 and 40 as follows:

25 (25 ILCS 75/10) (from Ch. 63, par. 42.91-10)

26 Sec. 10. Preparation of the note. Upon the request of the
27 sponsor of a bill described in Section 5, the Director of
28 Commerce and Economic Opportunity ~~Community Affairs~~ or some
29 person within the Department designated by the Director shall
30 prepare a written note setting forth the information required
31 by Section 5. The note shall be designated a home rule note and
32 shall be furnished to the sponsor within 10 calendar days after
33 the request, except that whenever, because of the complexity of
34 the bill, additional time is required for the preparation of

1 the note, the Department may so notify the sponsor and request
2 an extension of time not to exceed 5 additional days within
3 which to furnish the note. An extension may not, however, be
4 beyond June 15 following the date of the request.

5 (Source: P.A. 87-229; revised 12-6-03.)

6 (25 ILCS 75/40) (from Ch. 63, par. 42.91-40)

7 Sec. 40. Confidentiality. The subject matter of bills
8 submitted to the Director shall be kept in strict confidence by
9 the Department of Commerce and Economic Opportunity ~~Community~~
10 ~~Affairs~~, and no information relating to the bill or its home
11 rule impact shall be divulged by any official or employee of
12 the Department, except to the bill's sponsor or the sponsor's
13 designee, before the bill's introduction in the General
14 Assembly.

15 (Source: P.A. 87-229; revised 12-6-03.)

16 Section 360. The State Finance Act is amended by changing
17 Sections 6b-3, 6z-39, 6z-54, 8.14, 8.22, 8.23, 9.03, and 9.04
18 as follows:

19 (30 ILCS 105/6b-3) (from Ch. 127, par. 142b3)

20 Sec. 6b-3. There shall be paid into the State Housing Fund
21 the moneys recovered from Land Clearance Commissions and
22 Housing Authorities under the provisions of (1) Section 32 of
23 the "Housing Authorities Act", approved March 19, 1934, as
24 amended; (2) Section 9a of "An Act to facilitate the
25 development and construction of housing, to provide
26 governmental assistance therefor, and to repeal an Act herein
27 named," approved July 2, 1947, as amended; and (3) Section 25a
28 of the "Blighted Areas Redevelopment Act of 1947", approved
29 July 2, 1947, as amended.

30 The moneys in the State Housing Fund shall be used for
31 grants in aid of housing, development, redevelopment projects,
32 and any other programs compatible with the duties and
33 obligations of the Department of Commerce and Economic

1 ~~Opportunity Community Affairs~~ and local housing authorities or
2 land clearance commissions and such funds may be allocated to
3 those authorities and/or programs in accordance with the
4 judgment of the Department of Commerce and Economic Opportunity
5 ~~Community Affairs~~ except that no moneys may be retained in the
6 fund beyond a period 36 months following their deposit. In any
7 instance where moneys are accumulated in the State Housing Fund
8 and not distributed in accordance with determination made by
9 the Department of Commerce and Economic Opportunity ~~Community~~
10 ~~Affairs~~ within 36 months then such moneys shall be returned to
11 the General Revenue Fund.

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

13 (30 ILCS 105/6z-39)

14 Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The
15 Governor's Office of Management and Budget ~~Bureau of the Budget~~
16 shall be the State coordinator and representative with the
17 United States Department of the Treasury for purposes of
18 implementing the federal Cash Management Improvement Act of
19 1990.

20 The Governor's Office of Management and Budget ~~Bureau of~~
21 ~~the Budget~~ shall: negotiate Treasury-State agreements; develop
22 and file annual reports; establish the net State liability;
23 determine State agency shares of the net State liability;
24 direct State agencies to pay or transfer moneys into the
25 Federal Financing Cost Reimbursement Fund; and initiate
26 payments of the net State liability to the U.S. Treasury out of
27 the Federal Financing Cost Reimbursement Fund. Agencies shall
28 make payments or transfers to the Federal Financing Cost
29 Reimbursement Fund as directed by the Governor's Office of
30 Management and Budget ~~Bureau of the Budget~~ and shall otherwise
31 cooperate with the Governor's Office of Management and Budget
32 ~~Bureau of the Budget~~ to implement the federal Cash Management
33 Improvement Act of 1990.

34 (Source: P.A. 89-21, eff. 7-1-95; revised 8-23-03.)

1 (30 ILCS 105/6z-54)

2 Sec. 6z-54. The Energy Infrastructure Fund.

3 (a) The Energy Infrastructure Fund is created as a special
4 fund in the State treasury.

5 (b) Money in the Energy Infrastructure Fund shall, if and
6 when the State of Illinois issues any bonded indebtedness for
7 financial assistance to new electric generating facilities, as
8 provided in Section 605-332 of the Department of Commerce and
9 Economic Opportunity ~~Community Affairs~~ Law of the Civil
10 Administrative Code of Illinois, be set aside and used for the
11 purpose of paying and discharging annually the principal and
12 interest on that bonded indebtedness then due and payable, and
13 for no other purpose.

14 In addition to other transfers to the General Obligation
15 Bond Retirement and Interest Fund made pursuant to Section 15
16 of the General Obligation Bond Act, upon each delivery of bonds
17 issued for financial assistance to new electric generating
18 facilities under Section 605-332 of the Department of Commerce
19 and Economic Opportunity ~~Community Affairs~~ Law of the Civil
20 Administrative Code of Illinois, the State Comptroller shall
21 compute and certify to the State Treasurer the total amount of
22 principal and interest, and premium, if any, on such bonds
23 during the then current and each succeeding fiscal year. On or
24 before the last day of each month, the State Treasurer and the
25 State Comptroller shall transfer from the Energy
26 Infrastructure Fund to the General Obligation Bond Retirement
27 and Interest Fund an amount sufficient to pay the aggregate of
28 the principal of, interest on, and premium, if any, on the
29 bonds payable on their next payment date, divided by the number
30 of monthly transfers occurring between the last previous
31 payment date (or the delivery date if no payment date has yet
32 occurred) and the next succeeding payment date.

33 (c) To the extent that moneys in the Energy Infrastructure
34 Fund, in the opinion of the Governor and the Director of the
35 Governor's Office of Management and Budget ~~Bureau of the~~
36 ~~Budget~~, are in excess of 125% of the maximum debt service in

1 any fiscal year, such surplus shall, subject to appropriation,
2 be used by the Department of Commerce and Economic Opportunity
3 ~~Community Affairs~~ for financial assistance under other coal
4 development programs administered by the Department, in
5 accordance with the rules of the Department or for other State
6 purposes subject to appropriation.

7 (Source: P.A. 92-12, eff. 7-1-01; 92-651, eff. 7-11-02; revised
8 8-23-03.)

9 (30 ILCS 105/8.14) (from Ch. 127, par. 144.14)

10 Sec. 8.14. Appropriations from the Public Utility Fund
11 shall be made only to the Illinois Commerce Commission for
12 ordinary and contingent expenses of the Commission in the
13 administration of the Public Utilities Act, in the
14 administration of the Electric Supplier Act, and in the
15 administration of the Illinois Gas Pipeline Safety Act; to the
16 Department of Natural Resources for the purpose of conducting
17 studies concerning environmental pollution problems caused or
18 contributed to by public utilities and the means for
19 eliminating or abating those problems, in accordance with the
20 functions of the Department as specified in the Environmental
21 Protection Act; and to the Department of Commerce and Economic
22 Opportunity ~~Community Affairs~~ for administration of energy
23 programs, including those specified in the Comprehensive Solar
24 Energy Act of 1977 and the Illinois Coal and Energy Development
25 Bond Act. No money shall be transferred from the Public Utility
26 Fund to any other fund.

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

28 (30 ILCS 105/8.22) (from Ch. 127, par. 144.22)

29 Sec. 8.22. Appropriations for the ordinary and contingent
30 expenses of the Department of Commerce and Economic Opportunity
31 ~~Community Affairs~~ may be made from the Intra-Agency Services
32 Fund, provided that the State Comptroller and the State
33 Treasurer shall, within a reasonable time after July 1 of each
34 year, upon the direction of the Governor, transfer from the

1 Intra-Agency Services Fund to the General Revenue Fund such
2 amounts as the Governor has determined to be in excess of the
3 amount required to meet the obligations of the Intra-Agency
4 Services Fund.

5 (Source: P.A. 82-790; revised 12-6-03.)

6 (30 ILCS 105/8.23) (from Ch. 127, par. 144.23)

7 Sec. 8.23. Until October 30, 1983, all moneys held in the
8 following Federal trust funds as of the effective date of this
9 amendatory Act of 1982, for expenditures by the Department of
10 Commerce and Community Affairs (now Department of Commerce and
11 Economic Opportunity) for general administration, shall be
12 transferred to the Intra-Agency Services Trust Fund by the
13 State Comptroller and the State Treasurer at the direction of
14 the Department and with the approval of the Governor:

15 (1) The Urban Planning Assistance Fund.

16 (2) The Economic Opportunity Fund.

17 (3) The Federal Labor Projects Fund.

18 (4) The Federal Industrial Services Fund.

19 (5) The Federal Energy Administration Fund.

20 (6) The Economic Development Services Fund.

21 (7) The Human Services Support Fund.

22 (8) The Local Government Affairs Federal Trust Fund.

23 (9) The Federal Moderate Rehabilitation Housing Fund.

24 (Source: P.A. 82-790; revised 12-6-03.)

25 (30 ILCS 105/9.03) (from Ch. 127, par. 145d)

26 Sec. 9.03. The certification on every State payroll voucher
27 shall be as follows:

28 "I certify that the employees named, their respective
29 indicated positions and service times, and appropriation to be
30 charged, as shown on the accompanying payroll sheets are true,
31 complete, correct and according to the provisions of law; that
32 such employees are involved in decision making or have direct
33 line responsibility to a person who has decision making
34 authority concerning the objectives, functions, goals and

1 policies of the organizational unit for which the appropriation
 2 was made; that the results of the work performed by these
 3 employees and that substantially all of their working time is
 4 directly related to the objectives, functions, goals, and
 5 policies of the organizational unit for which the appropriation
 6 is made; that all working time was expended in the service of
 7 the State; and that the employees named are entitled to payment
 8 in the amounts indicated. If applicable, the reporting
 9 requirements of Section 5.1 of the Governor's Office of
 10 Management and Budget Act ~~'an Act to create the Bureau of the~~
 11 ~~Budget and to define its powers and duties and to make an~~
 12 ~~appropriation', approved April 16, 1969, as amended,~~ have been
 13 met.

14 _____
 15 (Date)

(Signature)"

16 For departments under the Civil Administrative Code, the
 17 foregoing certification shall be executed by the Chief
 18 Executive Officer of the department from whose appropriation
 19 the payment will be made or his designee, in addition to any
 20 other certifications or approvals which may be required by law.

21 The foregoing certification shall not be required for
 22 expenditures from amounts appropriated to the Comptroller for
 23 payment of the salaries of State officers.

24 (Source: P.A. 82-790; revised 8-23-03.)

25 (30 ILCS 105/9.04) (from Ch. 127, par. 145e)

26 Sec. 9.04. The certification on behalf of the State agency
 27 on every State voucher for goods and services other than a
 28 payroll or travel voucher shall be as follows:

29 "I certify that the goods or services specified on this
 30 voucher were for the use of this agency and that the
 31 expenditure for such goods or services was authorized and
 32 lawfully incurred; that such goods or services meet all the
 33 required standards set forth in the purchase agreement or
 34 contract to which this voucher relates; and that the amount
 35 shown on this voucher is correct and is approved for payment.

1 If applicable, the reporting requirements of Section 5.1 of the
 2 Governor's Office of Management and Budget Act ~~'An Act to~~
 3 ~~create the Bureau of the Budget and to define its powers and~~
 4 ~~duties and to make an appropriation', approved April 16, 1969,~~
 5 ~~as amended,~~ have been met.

6
 7 (Date) (Signature)"

8 For departments under the Civil Administrative Code, the
 9 foregoing certification shall be executed by the Chief
 10 Executive Officer of the department from whose appropriation
 11 the payment will be made or his designee, in addition to any
 12 other certifications or approvals which may be required by law.
 13 (Source: P.A. 82-790; revised 8-23-03.)

14 Section 365. The Federal Commodity Disbursement Act is
 15 amended by changing Section 1 as follows:

16 (30 ILCS 255/1) (from Ch. 127, par. 176b)

17 Sec. 1. The Governor may receive and disburse funds and
 18 commodities made available by the federal government, or any
 19 agency thereof. In any case where such funds or commodities are
 20 made available to the State but no designation has been made by
 21 the federal government, or agency thereof, of the officer,
 22 department or agency of this State who or which shall be the
 23 receiving agency, the Governor may make such designation, and
 24 thereupon such officer, department or agency shall be
 25 authorized to receive and expend such funds and commodities for
 26 the purpose or purposes for which they are made available
 27 providing such officer, department or agency complies with the
 28 applicable requirements of Section 5.1 of the Governor's Office
 29 of Management and Budget Act ~~"An Act to create a Bureau of the~~
 30 ~~Budget and to define its powers and duties and to make an~~
 31 ~~appropriation", approved April 16, 1969, as now or hereafter~~
 32 ~~amended.~~

33 (Source: P.A. 80-1029; revised 8-23-03.)

1 Section 370. The General Obligation Bond Act is amended by
2 changing Sections 7, 12, 13, 14, and 15 as follows:

3 (30 ILCS 330/7) (from Ch. 127, par. 657)

4 Sec. 7. Coal and Energy Development. The amount of
5 \$663,200,000 is authorized to be used by the Department of
6 Commerce and Economic Opportunity (formerly Department of
7 Commerce and Community Affairs) for coal and energy development
8 purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois
9 Coal and Energy Development Bond Act, for the purposes
10 specified in Section 8.1 of the Energy Conservation and Coal
11 Development Act, and for the purposes specified in Section
12 605-332 of the Department of Commerce and Economic Opportunity
13 Law ~~Community Affairs~~ of the Civil Administrative Code of
14 Illinois. Of this amount:

15 (a) \$115,000,000 is for the specific purposes of
16 acquisition, development, construction, reconstruction,
17 improvement, financing, architectural and technical planning
18 and installation of capital facilities consisting of
19 buildings, structures, durable equipment, and land for the
20 purpose of capital development of coal resources within the
21 State and for the purposes specified in Section 8.1 of the
22 Energy Conservation and Coal Development Act;

23 (b) \$35,000,000 is for the purposes specified in Section
24 8.1 of the Energy Conservation and Coal Development Act and
25 making a grant to the owner of a generating station located in
26 Illinois and having at least three coal-fired generating units
27 with accredited summer capability greater than 500 megawatts
28 each at such generating station as provided in Section 6 of
29 that Bond Act;

30 (c) \$13,200,000 is for research, development and
31 demonstration of forms of energy other than that derived from
32 coal, either on or off State property; and

33 (d) \$500,000,000 is for the purpose of providing financial
34 assistance to new electric generating facilities as provided in
35 Section 605-332 of the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~ Law of the Civil Administrative
2 Code of Illinois.

3 (Source: P.A. 92-13, eff. 6-22-01; revised 12-1-04.)

4 (30 ILCS 330/12) (from Ch. 127, par. 662)

5 Sec. 12. Allocation of Proceeds from Sale of Bonds.

6 (a) Proceeds from the sale of Bonds, authorized by Section
7 3 of this Act, shall be deposited in the separate fund known as
8 the Capital Development Fund.

9 (b) Proceeds from the sale of Bonds, authorized by
10 paragraph (a) of Section 4 of this Act, shall be deposited in
11 the separate fund known as the Transportation Bond, Series A
12 Fund.

13 (c) Proceeds from the sale of Bonds, authorized by
14 paragraphs (b) and (c) of Section 4 of this Act, shall be
15 deposited in the separate fund known as the Transportation
16 Bond, Series B Fund.

17 (d) Proceeds from the sale of Bonds, authorized by Section
18 5 of this Act, shall be deposited in the separate fund known as
19 the School Construction Fund.

20 (e) Proceeds from the sale of Bonds, authorized by Section
21 6 of this Act, shall be deposited in the separate fund known as
22 the Anti-Pollution Fund.

23 (f) Proceeds from the sale of Bonds, authorized by Section
24 7 of this Act, shall be deposited in the separate fund known as
25 the Coal Development Fund.

26 (f-2) Proceeds from the sale of Bonds, authorized by
27 Section 7.2 of this Act, shall be deposited as set forth in
28 Section 7.2.

29 (f-5) Proceeds from the sale of Bonds, authorized by
30 Section 7.5 of this Act, shall be deposited as set forth in
31 Section 7.5.

32 (g) Proceeds from the sale of Bonds, authorized by Section
33 8 of this Act, shall be deposited in the Capital Development
34 Fund.

35 (h) Subsequent to the issuance of any Bonds for the

1 purposes described in Sections 2 through 8 of this Act, the
2 Governor and the Director of the Governor's Office of
3 Management and Budget ~~Bureau of the Budget~~ may provide for the
4 reallocation of unspent proceeds of such Bonds to any other
5 purposes authorized under said Sections of this Act, subject to
6 the limitations on aggregate principal amounts contained
7 therein. Upon any such reallocation, such unspent proceeds
8 shall be transferred to the appropriate funds as determined by
9 reference to paragraphs (a) through (g) of this Section.

10 (Source: P.A. 92-596, eff. 6-28-02; 93-2, eff. 4-7-03; revised
11 8-23-03.)

12 (30 ILCS 330/13) (from Ch. 127, par. 663)

13 Sec. 13. Appropriation of Proceeds from Sale of Bonds.

14 (a) At all times, the proceeds from the sale of Bonds
15 issued pursuant to this Act are subject to appropriation by the
16 General Assembly and, except as provided in Section 7.2, may be
17 obligated or expended only with the written approval of the
18 Governor, in such amounts, at such times, and for such purposes
19 as the respective State agencies, as defined in Section 1-7 of
20 the Illinois State Auditing Act, as amended, deem necessary or
21 desirable for the specific purposes contemplated in Sections 2
22 through 8 of this Act.

23 (b) Proceeds from the sale of Bonds for the purpose of
24 development of coal and alternative forms of energy shall be
25 expended in such amounts and at such times as the Department of
26 Commerce and Economic Opportunity ~~Community Affairs~~, with the
27 advice and recommendation of the Illinois Coal Development
28 Board for coal development projects, may deem necessary and
29 desirable for the specific purpose contemplated by Section 7 of
30 this Act. In considering the approval of projects to be funded,
31 the Department of Commerce and Economic Opportunity ~~Community~~
32 ~~Affairs~~ shall give special consideration to projects designed
33 to remove sulfur and other pollutants in the preparation and
34 utilization of coal, and in the use and operation of electric
35 utility generating plants and industrial facilities which

1 utilize Illinois coal as their primary source of fuel.

2 (c) Any monies received by any officer or employee of the
3 state representing a reimbursement of expenditures previously
4 paid from general obligation bond proceeds shall be deposited
5 into the General Obligation Bond Retirement and Interest Fund
6 authorized in Section 14 of this Act.

7 (Source: P.A. 93-2, eff. 4-7-03; revised 12-1-04.)

8 (30 ILCS 330/14) (from Ch. 127, par. 664)

9 Sec. 14. Repayment.

10 (a) To provide for the manner of repayment of Bonds, the
11 Governor shall include an appropriation in each annual State
12 Budget of monies in such amount as shall be necessary and
13 sufficient, for the period covered by such budget, to pay the
14 interest, as it shall accrue, on all Bonds issued under this
15 Act, to pay and discharge the principal of such Bonds as shall,
16 by their terms, fall due during such period, and to pay a
17 premium, if any, on Bonds to be redeemed prior to the maturity
18 date. Amounts included in such appropriations for the payment
19 of interest on variable rate bonds shall be the maximum amounts
20 of interest that may be payable for the period covered by the
21 budget, after taking into account any credits permitted in the
22 related indenture or other instrument against the amount of
23 such interest required to be appropriated for such period.
24 Amounts included in such appropriations for the payment of
25 interest shall include the amounts certified by the Director of
26 the Governor's Office of Management and Budget ~~Bureau of the~~
27 ~~Budget~~ under subsection (b) of Section 9 of this Act.

28 (b) A separate fund in the State Treasury called the
29 "General Obligation Bond Retirement and Interest Fund" is
30 hereby created.

31 (c) The General Assembly shall annually make
32 appropriations to pay the principal of, interest on, and
33 premium, if any, on Bonds sold under this Act from the General
34 Obligation Bond Retirement and Interest Fund. Amounts included
35 in such appropriations for the payment of interest on variable

1 rate bonds shall be the maximum amounts of interest that may be
2 payable during the fiscal year, after taking into account any
3 credits permitted in the related indenture or other instrument
4 against the amount of such interest required to be appropriated
5 for such period. Amounts included in such appropriations for
6 the payment of interest shall include the amounts certified by
7 the Director of the Governor's Office of Management and Budget
8 ~~Bureau of the Budget~~ under subsection (b) of Section 9 of this
9 Act.

10 If for any reason there are insufficient funds in either
11 the General Revenue Fund or the Road Fund to make transfers to
12 the General Obligation Bond Retirement and Interest Fund as
13 required by Section 15 of this Act, or if for any reason the
14 General Assembly fails to make appropriations sufficient to pay
15 the principal of, interest on, and premium, if any, on the
16 Bonds, as the same by their terms shall become due, this Act
17 shall constitute an irrevocable and continuing appropriation
18 of all amounts necessary for that purpose, and the irrevocable
19 and continuing authority for and direction to the State
20 Treasurer and the Comptroller to make the necessary transfers,
21 as directed by the Governor, out of and disbursements from the
22 revenues and funds of the State.

23 (d) If, because of insufficient funds in either the General
24 Revenue Fund or the Road Fund, monies have been transferred to
25 the General Obligation Bond Retirement and Interest Fund, as
26 required by subsection (c) of this Section, this Act shall
27 constitute the irrevocable and continuing authority for and
28 direction to the State Treasurer and Comptroller to reimburse
29 these funds of the State from the General Revenue Fund or the
30 Road Fund, as appropriate, by transferring, at such times and
31 in such amounts, as directed by the Governor, an amount to
32 these funds equal to that transferred from them.

33 (Source: P.A. 93-9, eff. 6-3-03; revised 8-23-03.)

34 (30 ILCS 330/15) (from Ch. 127, par. 665)

35 Sec. 15. Computation of Principal and Interest; transfers.

1 (a) Upon each delivery of Bonds authorized to be issued
2 under this Act, the Comptroller shall compute and certify to
3 the Treasurer the total amount of principal of, interest on,
4 and premium, if any, on Bonds issued that will be payable in
5 order to retire such Bonds and the amount of principal of,
6 interest on and premium, if any, on such Bonds that will be
7 payable on each payment date according to the tenor of such
8 Bonds during the then current and each succeeding fiscal year.
9 With respect to the interest payable on variable rate bonds,
10 such certifications shall be calculated at the maximum rate of
11 interest that may be payable during the fiscal year, after
12 taking into account any credits permitted in the related
13 indenture or other instrument against the amount of such
14 interest required to be appropriated for such period pursuant
15 to subsection (c) of Section 14 of this Act. With respect to
16 the interest payable, such certifications shall include the
17 amounts certified by the Director of the Governor's Office of
18 Management and Budget ~~Bureau of the Budget~~ under subsection (b)
19 of Section 9 of this Act.

20 On or before the last day of each month the State Treasurer
21 and Comptroller shall transfer from (1) the Road Fund with
22 respect to Bonds issued under paragraph (a) of Section 4 of
23 this Act or Bonds issued for the purpose of refunding such
24 bonds, and from (2) the General Revenue Fund, with respect to
25 all other Bonds issued under this Act, to the General
26 Obligation Bond Retirement and Interest Fund an amount
27 sufficient to pay the aggregate of the principal of, interest
28 on, and premium, if any, on Bonds payable, by their terms on
29 the next payment date divided by the number of full calendar
30 months between the date of such Bonds and the first such
31 payment date, and thereafter, divided by the number of months
32 between each succeeding payment date after the first. Such
33 computations and transfers shall be made for each series of
34 Bonds issued and delivered. Interest payable on variable rate
35 bonds shall be calculated at the maximum rate of interest that
36 may be payable for the relevant period, after taking into

1 account any credits permitted in the related indenture or other
2 instrument against the amount of such interest required to be
3 appropriated for such period pursuant to subsection (c) of
4 Section 14 of this Act. Computations of interest shall include
5 the amounts certified by the Director of the Governor's Office
6 of Management and Budget ~~Bureau of the Budget~~ under subsection
7 (b) of Section 9 of this Act. Interest for which moneys have
8 already been deposited into the capitalized interest account
9 within the General Obligation Bond Retirement and Interest Fund
10 shall not be included in the calculation of the amounts to be
11 transferred under this subsection.

12 The transfer of monies herein and above directed is not
13 required if monies in the General Obligation Bond Retirement
14 and Interest Fund are more than the amount otherwise to be
15 transferred as herein above provided, and if the Governor or
16 his authorized representative notifies the State Treasurer and
17 Comptroller of such fact in writing.

18 (b) After the effective date of this Act, the balance of,
19 and monies directed to be included in the Capital Development
20 Bond Retirement and Interest Fund, Anti-Pollution Bond
21 Retirement and Interest Fund, Transportation Bond, Series A
22 Retirement and Interest Fund, Transportation Bond, Series B
23 Retirement and Interest Fund, and Coal Development Bond
24 Retirement and Interest Fund shall be transferred to and
25 deposited in the General Obligation Bond Retirement and
26 Interest Fund. This Fund shall be used to make debt service
27 payments on the State's general obligation Bonds heretofore
28 issued which are now outstanding and payable from the Funds
29 herein listed as well as on Bonds issued under this Act.

30 (c) The unused portion of federal funds received for a
31 capital facilities project, as authorized by Section 3 of this
32 Act, for which monies from the Capital Development Fund have
33 been expended shall be deposited upon completion of the project
34 in the General Obligation Bond Retirement and Interest Fund.
35 Any federal funds received as reimbursement for the completed
36 construction of a capital facilities project, as authorized by

1 Section 3 of this Act, for which monies from the Capital
2 Development Fund have been expended shall be deposited in the
3 General Obligation Bond Retirement and Interest Fund.

4 (Source: P.A. 93-2, eff. 4-7-03; 93-9, eff. 6-3-03; revised
5 8-23-03.)

6 Section 385. The Metropolitan Civic Center Support Act is
7 amended by changing Sections 2, 5, and 7 as follows:

8 (30 ILCS 355/2) (from Ch. 85, par. 1392)

9 Sec. 2. When used in this Act:

10 "Authority" means the River Forest Metropolitan
11 Exposition, Auditorium and Office Building Authority, the
12 Village Board of Trustees of the Village of Rosemont for the
13 sole purposes of rehabilitating, developing and making
14 improvements to the O'Hare Exposition Center, or any
15 Metropolitan Exposition Auditorium and Office Building
16 Authority, Metropolitan Exposition and Auditorium Authority or
17 Civic Center Authority created prior to the effective date of
18 this amendatory Act of 1983 or hereafter created pursuant to
19 the statutes of the State of Illinois, except those created
20 pursuant to the Metropolitan Pier and Exposition Authority Act.

21 "Bonds" means any limited obligation revenue bonds issued
22 by the Department before July 1, 1989 and by the Bureau (now
23 Office) on or after July 1, 1989 pursuant to Section 7 of this
24 Act.

25 "Bond Fund" means the Illinois Civic Center Bond Fund, as
26 provided in this Act.

27 "Bond Retirement Fund" means the Illinois Civic Center Bond
28 Retirement and Interest Fund, as provided in this Act.

29 "Bond Sale Order" means any order authorizing the issuance
30 and sale of Bonds, which order shall be approved by the
31 Director of the Governor's Office of Management and Budget
32 ~~Bureau of the Budget~~.

33 "Budget Director" means the Director of the Governor's
34 Office of Management and Budget ~~Bureau of the Budget~~.

1 "Bureau" means the Bureau of the Budget, (now Governor's
2 Office of Management and Budget).

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

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

7 "Local Bonds" means any bonds subject to State Financial
8 Support under subparagraph (i) of paragraph (b) of subsection
9 (3) of Section 4 of this Act.

10 "MEA OB Fund" means the Metropolitan Exposition, Auditorium
11 and Office Building Fund, as provided in this Act.

12 "Office" means the Governor's Office of Management and
13 Budget.

14 "State Financial Support" means either the payment of debt
15 service on bonds issued by an Authority or a unit of local
16 government or the grant to an Authority of the proceeds of
17 Bonds issued by the Department before July 1, 1989 and by the
18 Bureau (now Office) on or after July 1, 1989, all in accordance
19 with subsection (3) of Section 4 of this Act.

20 (Source: P.A. 86-44; 87-895; revised 8-23-03.)

21 (30 ILCS 355/5) (from Ch. 85, par. 1395)

22 Sec. 5. To the extent that moneys in the MEAOB Fund, in the
23 opinion of the Governor and the Director of the Governor's
24 Office of Management and Budget ~~Bureau of the Budget~~, are in
25 excess of 125% of the maximum debt service in any fiscal year,
26 the Governor shall notify the Comptroller and the State
27 Treasurer of that fact, who upon receipt of such notification
28 shall transfer the excess moneys from the MEAOB Fund to the
29 General Revenue Fund.

30 (Source: P.A. 84-245; 84-1106; revised 8-23-03.)

31 (30 ILCS 355/7) (from Ch. 85, par. 1397)

32 Sec. 7. The Department before July 1, 1989 and the Bureau
33 (now Office) on and after July 1, 1989 are authorized to issue
34 and sell Bonds in the total amount outstanding at any given

1 time of \$200,000,000, herein called "Bonds". Bonds may be
2 issued for advance refunding of any or all bonds issued prior
3 to July 1, 1985 by an Authority or a unit of local government
4 subject to repayment from State financial support pursuant to
5 subparagraph (i) of paragraph (b) of subsection (3) of Section
6 4 of this Act and for the purpose of providing State financial
7 support to Authorities pursuant to subparagraph (ii) of
8 paragraph (b) of subsection (3) of Section 4 of this Act.
9 Notwithstanding the foregoing, Bonds shall be issued in a total
10 amount outstanding at any given time not to exceed \$10,000,000,
11 which amount is included within and is not in addition to the
12 \$200,000,000 bond authorization under this Section, for the
13 purpose of making construction and improvement grants by the
14 Secretary of State, as State Librarian, to public libraries and
15 library systems, and the Secretary of State, as State
16 Librarian, is authorized to make those grants from moneys
17 appropriated for those purposes. In addition to the
18 \$200,000,000 of Bonds authorized above, bonds may be issued by
19 the Bureau (now Office) on and after July 1, 1989 to refund or
20 advance refund previously issued Bonds if the Budget Director
21 determines that the refunding or advance refunding of Bonds
22 results in debt service savings to the State measured on a
23 present value basis.

24 (Source: P.A. 86-44; 86-1414; revised 8-23-03.)

25 Section 390. The School Construction Bond Act is amended by
26 changing Sections 4 and 6 as follows:

27 (30 ILCS 390/4) (from Ch. 122, par. 1204)

28 Sec. 4. The Bonds shall be issued and sold from time to
29 time in such amounts as directed by the Governor, upon
30 recommendation by the Director of the Governor's Office of
31 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be
32 serial bonds and shall be in such form, in the denomination of
33 \$5,000 or some multiple thereof, payable within 30 years from
34 their date, bearing interest payable annually or semi-annually

1 from their date at the rate of not more than 7% per annum, and
2 be dated as shall be fixed and determined by the Director of
3 the Governor's Office of Management and Budget ~~Bureau of the~~
4 ~~Budget~~ in the order authorizing the issuance and sale of the
5 Bonds, which order shall be approved by the Governor prior to
6 the giving of notice of the sale of any of the Bonds. Said
7 Bonds shall be payable as to both principal and interest at
8 such place or places, within or without the State of Illinois,
9 and may be made registrable as to either principal or as to
10 both principal and interest, as shall be fixed and determined
11 by the Director of the Governor's Office of Management and
12 Budget ~~Bureau of the Budget~~ in the order authorizing the
13 issuance and sale of such Bonds. The Bonds may be callable as
14 fixed and determined by the Director of the Governor's Office
15 of Management and Budget ~~Bureau of the Budget~~ in the order
16 authorizing the issuance and sale of the Bonds; provided
17 however, that the State shall not pay a premium of more than 3%
18 of the principal of any Bonds so called.

19 (Source: P.A. 78-220; revised 8-23-03.)

20 (30 ILCS 390/6) (from Ch. 122, par. 1206)

21 Sec. 6. The Bonds shall be sold from time to time by the
22 Director of the Governor's Office of Management and Budget
23 ~~Bureau of the Budget~~ to the highest and best bidders, for not
24 less than their par value, upon sealed bids, at not exceeding
25 the maximum interest rate fixed in the order authorizing the
26 issuance of the Bonds, provided, that at no one time shall
27 Bonds in excess of the amount of \$150,000,000 be offered for
28 sale. The right to reject any and all bids may be reserved. The
29 Secretary of State shall, from time to time, as the Bonds are
30 to be sold, advertise in at least two daily newspapers, one of
31 which is published in the City of Springfield and one in the
32 City of Chicago, for proposals to purchase the Bonds. Each of
33 such advertisements for proposals shall be published once at
34 least 10 days prior to the date of the opening of the bids. The
35 executed Bonds shall, upon payment therefore, be delivered to

1 the purchaser, and the proceeds of the Bonds shall be paid into
2 the State Treasury. The proceeds of the Bonds shall be
3 deposited in a separate fund known as the "School Construction
4 Fund", which separate fund is hereby created.

5 (Source: P.A. 78-220; revised 8-23-03.)

6 Section 393. The Transportation Bond Act is amended by
7 changing Section 5 as follows:

8 (30 ILCS 415/5) (from Ch. 127, par. 705)

9 Sec. 5. Prior to January 1, 1972, the proceeds from the
10 sale of the Bonds shall be used by and under the direction of
11 the Department of Aeronautics, the Department of Commerce and
12 Community Affairs (now Department of Commerce and Economic
13 Opportunity) and the Department of Public Works and Buildings,
14 and thereafter such department or agency as shall be designated
15 by law, subject to appropriation by the General Assembly, in
16 such amounts and at such times as the respective department
17 deems necessary or desirable for the purposes provided by
18 Section 2 of this Act.

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

20 Section 395. The Capital Development Bond Act of 1972 is
21 amended by changing Sections 4 and 6 as follows:

22 (30 ILCS 420/4) (from Ch. 127, par. 754)

23 Sec. 4. The Bonds shall be issued and sold from time to
24 time in such amounts as directed by the Governor, upon
25 recommendation by the Director of the Governor's Office of
26 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be
27 serial bonds and shall be in such form, in the denomination of
28 \$5,000 or some multiple thereof, payable within thirty (30)
29 years from their date, bearing interest payable annually or
30 semiannually from their date at the rate of not more than seven
31 per cent (7%) per annum, and be dated as shall be fixed and
32 determined by the Director of the Governor's Office of

1 Management and Budget Bureau of the Budget in the order
2 authorizing the issuance and sale of the Bonds, which order
3 shall be approved by the Governor prior to the giving of notice
4 of the sale of any of the Bonds. Said Bonds shall be payable as
5 to both principal and interest at such place or places, within
6 or without the State of Illinois, and may be made registrable
7 as to either principal or as to both principal and interest, as
8 shall be fixed and determined by the Director of the Governor's
9 Office of Management and Budget Bureau of the Budget in the
10 order authorizing the issuance and sale of such Bonds. The
11 Bonds may be callable as fixed and determined by the Director
12 of the Governor's Office of Management and Budget Bureau of the
13 Budget in the order authorizing the issuance and sale of the
14 Bonds; provided however, that the State shall not pay a premium
15 of more than 3% of the principal of any Bonds so called.

16 (Source: P.A. 77-1916; revised 8-23-03.)

17 (30 ILCS 420/6) (from Ch. 127, par. 756)

18 Sec. 6. The Bonds shall be sold from time to time by the
19 Director of the Governor's Office of Management and Budget
20 Bureau of the Budget to the highest and best bidders, for not
21 less than their par value, upon sealed bids, at not exceeding
22 the maximum interest rate fixed in the order authorizing the
23 issuance of the Bonds, provided, that at no one time shall
24 Bonds in excess of the amount of \$150,000,000 be offered for
25 sale. The right to reject any and all bids may be reserved. The
26 Secretary of State shall, from time to time, as the Bonds are
27 to be sold, advertise in at least two daily newspapers, one of
28 which is published in the City of Springfield and one in the
29 City of Chicago, for proposals to purchase the Bonds. Each of
30 such advertisements for proposals shall be published once at
31 least 10 days prior to the date of the opening of the bids. The
32 executed Bonds shall, upon payment therefor, be delivered to
33 the purchaser, and the proceeds of the Bonds shall be paid into
34 the State Treasury. The proceeds of the Bonds shall be
35 deposited in a separate fund known as the "Capital Development

1 Fund", which separate fund is hereby created.

2 (Source: P.A. 77-1916; revised 8-23-03.)

3 Section 400. The Build Illinois Bond Act is amended by
4 changing Section 13 as follows:

5 (30 ILCS 425/13) (from Ch. 127, par. 2813)

6 Sec. 13. Computation of Principal and Interest; Transfer
7 from Build Illinois Bond Account; Payment from Build Illinois
8 Bond Retirement and Interest Fund. Upon each delivery of Bonds
9 authorized to be issued under this Act, the trustee under the
10 Master Indenture shall compute and certify to the Director of
11 the Governor's Office of Management and Budget ~~Bureau of the~~
12 ~~Budget~~, the Comptroller and the Treasurer (a) the total amount
13 of the principal of and the interest and the premium, if any,
14 on the Bonds then being issued and on Bonds previously issued
15 and outstanding that will be payable in order to retire such
16 Bonds at their stated maturities or mandatory sinking fund
17 payment dates and (b) the amount of principal of and interest
18 and premium, if any, on such Bonds that will be payable on each
19 principal, interest and mandatory sinking fund payment date
20 according to the tenor of such Bonds during the then current
21 and each succeeding fiscal year. Such certifications shall
22 include with respect to interest payable on Variable Rate Bonds
23 the maximum amount of interest which may be payable for the
24 relevant period after taking into account any credits permitted
25 in the related indenture against the amount of such interest
26 required to be appropriated for such period pursuant to
27 subsection (c) of Section 11 of this Act.

28 On or before June 20, 1993 and on or before each June 20
29 thereafter so long as Bonds remain outstanding, the trustee
30 under the Master Indenture shall deliver to the Director of the
31 Governor's Office of Management and Budget (formerly Bureau of
32 the Budget), the Comptroller and the Treasurer a certificate
33 setting forth the "Certified Annual Debt Service Requirement"
34 (hereinafter defined) for the next succeeding fiscal year. If

1 Bonds are issued subsequent to the delivery of any such
2 certificate, upon the issuance of such Bonds the trustee under
3 the Master Indenture shall deliver a supplemental certificate
4 setting forth the revisions, if any, in the Certified Annual
5 Debt Service Requirement resulting from the issuance of such
6 Bonds. The "Certified Annual Debt Service Requirement" for any
7 fiscal year shall be an amount equal to (a) the aggregate
8 amount of principal, interest and premium, if any, payable on
9 outstanding Bonds during such fiscal year plus (b) the amount
10 required to be deposited into any reserve fund securing such
11 Bonds or for the purpose of retiring or defeasing such Bonds
12 plus (c) the amount of any deficiencies in required transfers
13 of amounts described in clauses (a) and (b) for any prior
14 fiscal year, minus (d) the amount, if any, of such interest to
15 be paid from Bond proceeds on deposit under any indenture;
16 provided, however, that interest payable on Variable Rate Bonds
17 shall be calculated at the maximum rate of interest which may
18 be payable during such fiscal year after taking into account
19 any credits permitted in the related indenture against the
20 amount of such interest required to be appropriated for such
21 period pursuant to subsection (c) of Section 11 of this Act.

22 In each month during fiscal years 1986 through 1993, the
23 State Treasurer and Comptroller shall transfer, on the last day
24 of such month, from the Build Illinois Bond Account to the
25 Build Illinois Bond Retirement and Interest Fund and shall make
26 payment from the Build Illinois Bond Retirement and Interest
27 Fund to the trustee under the Master Indenture of an amount
28 equal to 1/12 of 150% of the amount set forth below for each
29 such fiscal year, plus any cumulative deficiency in such
30 transfers and payments for prior months; provided that such
31 transfers shall commence in October, 1985 and such amounts for
32 fiscal year 1986 shall equal 1/9 of 150% of the amount set
33 forth below for such fiscal year:

34 Fiscal Year	Amount
35 1986	\$15,000,000
36 1987	\$25,000,000

1	1988	\$40,000,000
2	1989	\$54,000,000
3	1990	\$85,400,000
4	1991	\$133,600,000
5	1992	\$164,400,000
6	1993	\$188,900,000

7 provided that payments of such amounts from the Build Illinois
8 Bond Retirement and Interest Fund to the trustee under the
9 Master Indenture shall commence on the last day of the month in
10 which Bonds are initially issued under this Act; and, further
11 provided, that the first such payment to said trustee shall
12 equal the entire amount then on deposit in the Build Illinois
13 Bond Retirement and Interest Fund; and, further provided, that
14 the aggregate amount of transfers and payments for any such
15 fiscal year shall not exceed the amount set forth above for
16 such fiscal year.

17 In each month in which Bonds are outstanding during fiscal
18 year 1994 and each fiscal year thereafter, the State Treasurer
19 and Comptroller shall transfer, on the last day of such month,
20 from the Build Illinois Bond Account to the Build Illinois Bond
21 Retirement and Interest Fund and shall make payment from the
22 Build Illinois Bond Retirement and Interest Fund to the trustee
23 under the Master Indenture of an amount equal to the greater of
24 (a) 1/12th of 150% of the Certified Annual Debt Service
25 Requirement or (b) the Tax Act Amount (as defined in Section 3
26 of the "Retailers' Occupation Tax Act", as amended) deposited
27 in the Build Illinois Bond Account during such month, plus any
28 cumulative deficiency in such transfers and payments for prior
29 months; provided that such transfers and payments for any such
30 fiscal year shall not exceed the greater of (a) the Certified
31 Annual Debt Service Requirement or (b) the Tax Act Amount.

32 (Source: P.A. 91-53, eff. 6-30-99; revised 8-23-03.)

33 Section 405. The Retirement Savings Act is amended by
34 changing Sections 4, 5, and 7 as follows:

1 (30 ILCS 430/4) (from Ch. 127, par. 3754)

2 Sec. 4. In order to provide investors with investment
3 alternatives suitable for retirement purposes, and in
4 furtherance of the public policy of this Act, bonds authorized
5 by the provisions of the General Obligation Bond Act, as now or
6 hereafter amended, in a total aggregate principal amount not to
7 exceed \$300,000,000, may be issued and sold from time to time,
8 and as often as practicable, as Retirement Savings Bonds in
9 such amounts as directed by the Governor, upon recommendation
10 by the Director of the Governor's Office of Management and
11 Budget ~~Bureau of the Budget~~. Bonds to be issued and sold as
12 Retirement Savings Bonds shall be designated by the Governor
13 and the Director of the Governor's Office of Management and
14 Budget ~~Bureau of the Budget~~ as "General Obligation Retirement
15 Savings Bonds" in the proceedings authorizing the issuance of
16 such Bonds, and shall be subject to all of the terms and
17 provisions of the General Obligation Bond Act, as now or
18 hereafter amended, except that Retirement Savings Bonds may
19 bear interest payable at such time or times and may be sold at
20 such prices and in such manner as may be determined by the
21 Governor and the Director of the Governor's Office of
22 Management and Budget ~~Bureau of the Budget~~. If Retirement
23 Savings Bonds are sold at public sale, the public sale
24 procedures shall be as set forth in Section 11 of the General
25 Obligation Bond Act, as now or hereafter amended. Retirement
26 Savings Bonds may be sold at negotiated sale if the Director of
27 the Governor's Office of Management and Budget ~~Bureau of the~~
28 ~~Budget~~ determines that a negotiated sale will result in either
29 a more efficient and economic sale of such Bonds or greater
30 access to such Bonds by investors who are residents of the
31 State of Illinois. If any Retirement Savings Bonds are sold at
32 a negotiated sale, the underwriter or underwriters to which
33 such Bonds are sold shall (a) have an established retail
34 presence in the State of Illinois or (b) in the judgment of the
35 Director of the Governor's Office of Management and Budget
36 ~~Bureau of the Budget~~, have sufficient capability to make a

1 broad distribution of such Bonds to investors resident in the
2 State of Illinois. In determining the aggregate original
3 principal amount of Retirement Savings Bonds that has been
4 issued pursuant to this Act, the aggregate original principal
5 amount of such Bonds issued and sold shall be taken into
6 account. Any bond issued under this Act may be payable in one
7 payment on a fixed date, or as determined appropriate by the
8 Governor and Director of the Governor's Office of Management
9 and Budget ~~Bureau of the Budget~~.

10 (Source: P.A. 86-892; revised 8-23-03.)

11 (30 ILCS 430/5) (from Ch. 127, par. 3755)

12 Sec. 5. Security of Retirement Savings Bonds. Any
13 Retirement Savings Bonds issued under the General Obligation
14 Bond Act, as now or hereafter amended, in accordance with this
15 Act shall be direct, general obligations of the State of
16 Illinois and subject to repayment as provided in the General
17 Obligation Bond Act, as now or hereafter amended; however in
18 the proceedings of the Governor and the Director of the
19 Governor's Office of Management and Budget ~~Bureau of the Budget~~
20 authorizing the issuance of Retirement Savings Bonds, such
21 officials may covenant on behalf of the State with or for the
22 benefit of the holders of such Bonds as to all matters deemed
23 advisable by such officials, including the terms and conditions
24 for creating and maintaining sinking funds, reserve funds and
25 such other special funds as may be created in such proceedings,
26 separate and apart from all other funds and accounts of the
27 State, and such officials may make such other covenants as may
28 be deemed necessary or desirable to assure the prompt payment
29 of the principal of and interest on such Bonds. The transfers
30 to and appropriations from the General Obligation Bond
31 Retirement and Interest Fund required by the General Obligation
32 Bond Act, as now or hereafter amended, shall be made to and
33 from any fund or funds created pursuant to this Section for the
34 payment of the principal of and interest on any Retirement
35 Savings Bonds.

1 (Source: P.A. 86-892; revised 8-23-03.)

2 (30 ILCS 430/7) (from Ch. 127, par. 3757)

3 Sec. 7. In order to carry out the purposes of this Act, the
4 Governor and Director of the Governor's Office of Management
5 and Budget Bureau ~~of the Budget~~ may include within the
6 proceedings authorizing the issuance of such Bonds, provisions
7 or features deemed complementary to the purposes herein and to
8 make such Bonds attractive to investors saving for retirement
9 purposes. Such features, in the opinion of the Director of the
10 Governor's Office of Management and Budget Bureau ~~of the~~
11 ~~Budget~~, shall not adversely impact the State's cost of funds.

12 Since this type of retirement savings bond may not be
13 appropriate for all persons, any advertisements regarding the
14 sale of such Bonds, including bond prospectuses shall include
15 statements to the effect that (a) these bonds may not be
16 suitable for all investors and, (b) prior to purchase, it is
17 recommended that all investors consult with a qualified advisor
18 regarding the suitability of the bonds as investments for
19 retirement purposes.

20 (Source: P.A. 86-892; revised 8-23-03.)

21 Section 410. The Human Services Provider Bond Reserve
22 Payment Act is amended by changing Section 25 as follows:

23 (30 ILCS 435/25)

24 Sec. 25. Report. By November 1 of each year, every State
25 agency shall report to the Governor's Office of Management and
26 Budget Bureau ~~of the Budget~~ and the Auditor General any direct
27 payment to a bond paying agent made by the agency under this
28 Act during the previous fiscal year.

29 (Source: P.A. 88-117; revised 8-23-03.)

30 Section 415. The Business Enterprise for Minorities,
31 Females, and Persons with Disabilities Act is amended by
32 changing Section 5 as follows:

1 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

2 (Section scheduled to be repealed on September 6, 2008)

3 Sec. 5. Business Enterprise Council.

4 (1) To help implement, monitor and enforce the goals of
5 this Act, there is created the Business Enterprise Council for
6 Minorities, Females, and Persons with Disabilities,
7 hereinafter referred to as the Council, composed of the
8 Secretary of Human Services and the Directors of the Department
9 of Human Rights, the Department of Commerce and Economic
10 Opportunity ~~Community Affairs~~, the Department of Central
11 Management Services, the Department of Transportation and the
12 Capital Development Board, or their duly appointed
13 representatives. Ten individuals representing businesses that
14 are minority or female owned or owned by persons with
15 disabilities, 2 individuals representing the business
16 community, and a representative of public universities shall be
17 appointed by the Governor. These members shall serve 2 year
18 terms and shall be eligible for reappointment. Any vacancy
19 occurring on the Council shall also be filled by the Governor.
20 Any member appointed to fill a vacancy occurring prior to the
21 expiration of the term for which his predecessor was appointed
22 shall be appointed for the remainder of such term. Members of
23 the Council shall serve without compensation but shall be
24 reimbursed for any ordinary and necessary expenses incurred in
25 the performance of their duties.

26 The Director of the Department of Central Management
27 Services shall serve as the Council chairperson and shall
28 select, subject to approval of the council, a Secretary
29 responsible for the operation of the program who shall serve as
30 the Division Manager of the Business Enterprise for Minorities,
31 Females, and Persons with Disabilities Division of the
32 Department of Central Management Services.

33 The Director of each State agency and the chief executive
34 officer of each State university shall appoint a liaison to the
35 Council. The liaison shall be responsible for submitting to the

1 Council any reports and documents necessary under this Act.

2 (2) The Council's authority and responsibility shall be to:

3 (a) Devise a certification procedure to assure that
4 businesses taking advantage of this Act are legitimately
5 classified as businesses owned by minorities, females, or
6 persons with disabilities.

7 (b) Maintain a list of all businesses legitimately
8 classified as businesses owned by minorities, females, or
9 persons with disabilities to provide to State agencies and
10 State universities.

11 (c) Review rules and regulations for the
12 implementation of the program for businesses owned by
13 minorities, females, and persons with disabilities.

14 (d) Review compliance plans submitted by each State
15 agency and State university pursuant to this Act.

16 (e) Make annual reports as provided in Section 8f to
17 the Governor and the General Assembly on the status of the
18 program.

19 (f) Serve as a central clearinghouse for information on
20 State contracts, including the maintenance of a list of all
21 pending State contracts upon which businesses owned by
22 minorities, females, and persons with disabilities may
23 bid. At the Council's discretion, maintenance of the list
24 may include 24-hour electronic access to the list along
25 with the bid and application information.

26 (g) Establish a toll free telephone number to
27 facilitate information requests concerning the
28 certification process and pending contracts.

29 (3) No premium bond rate of a surety company for a bond
30 required of a business owned by a minority, female, or person
31 with a disability bidding for a State contract shall be higher
32 than the lowest rate charged by that surety company for a
33 similar bond in the same classification of work that would be
34 written for a business not owned by a minority, female, or
35 person with a disability.

36 (4) Any Council member who has direct financial or personal

1 interest in any measure pending before the Council shall
2 disclose this fact to the Council and refrain from
3 participating in the determination upon such measure.

4 (5) The Secretary shall have the following duties and
5 responsibilities:

6 (a) To be responsible for the day-to-day operation of
7 the Council.

8 (b) To serve as a coordinator for all of the State's
9 programs for businesses owned by minorities, females, and
10 persons with disabilities and as the information and
11 referral center for all State initiatives for businesses
12 owned by minorities, females, and persons with
13 disabilities.

14 (c) To establish an enforcement procedure whereby the
15 Council may recommend to the appropriate State legal
16 officer that the State exercise its legal remedies which
17 shall include (1) termination of the contract involved, (2)
18 prohibition of participation by the respondent in public
19 contracts for a period not to exceed one year, (3)
20 imposition of a penalty not to exceed any profit acquired
21 as a result of violation, or (4) any combination thereof.
22 Such procedures shall require prior approval by Council.

23 (d) To devise appropriate policies, regulations and
24 procedures for including participation by businesses owned
25 by minorities, females, and persons with disabilities as
26 prime contractors including, but not limited to, (i)
27 encouraging the inclusions of qualified businesses owned
28 by minorities, females, and persons with disabilities on
29 solicitation lists, (ii) investigating the potential of
30 blanket bonding programs for small construction jobs,
31 (iii) investigating and making recommendations concerning
32 the use of the sheltered market process.

33 (e) To devise procedures for the waiver of the
34 participation goals in appropriate circumstances.

35 (f) To accept donations and, with the approval of the
36 Council or the Director of Central Management Services,

1 grants related to the purposes of this Act; to conduct
2 seminars related to the purpose of this Act and to charge
3 reasonable registration fees; and to sell directories,
4 vendor lists and other such information to interested
5 parties, except that forms necessary to become eligible for
6 the program shall be provided free of charge to a business
7 or individual applying for the program.

8 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff.
9 7-1-97; revised 11-3-04.)

10 Section 420. The Rural Economic Development Act is amended
11 by changing Sections 2-2, 2-3, and 2-4 as follows:

12 (30 ILCS 710/2-2) (from Ch. 5, par. 2202-2)

13 Sec. 2-2. The Department of Commerce and Economic
14 Opportunity ~~Community Affairs~~ shall administer programs
15 providing financial assistance in the form of interest
16 subsidies or other forms as allowed by federal law or
17 regulation, court order, or federal administrative order, to
18 individuals and small businesses in rural areas served by rural
19 electric cooperatives for weatherization and energy
20 conservation purposes.

21 For purposes of this Act, weatherization shall include, but
22 not be limited to, insulation, caulking, or weather stripping,
23 adding storm doors or storm windows, repairing or replacing
24 broken windows or doors, cleaning and minor repairs of heating
25 systems, and installation of set-back thermostats.

26 The Department of Commerce and Economic Opportunity
27 ~~Community Affairs~~ shall administer the interest subsidy
28 program directed to assist individual consumers. The financial
29 assistance for individuals shall not exceed \$2,000 and may be
30 extended to individuals whose household gross income does not
31 exceed 150 percent of the area median income as defined by the
32 U.S. Department of Housing and Urban Development.

33 Each Department administering a program under this Section
34 shall develop the application procedures and terms of the

1 assistance. Each Department shall make use of existing
2 administrative procedures where such procedures are
3 applicable.

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

5 (30 ILCS 710/2-3) (from Ch. 5, par. 2202-3)

6 Sec. 2-3. The Department of Commerce and Economic
7 Opportunity ~~Community Affairs~~ shall administer a program
8 demonstrating various alternative energy or energy
9 conservation technologies appropriate for the rural areas of
10 the State. Alternative energy shall include, but not be limited
11 to, solar heating and cooling systems, photovoltaic systems,
12 bioconversion, geothermal recycling and reuse of waste heat or
13 energy, utilization of methane gas derived from industrial and
14 agricultural by-products and other technologies identified by
15 the Department.

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

17 (30 ILCS 710/2-4) (from Ch. 5, par. 2202-4)

18 Sec. 2-4. The Department of Commerce and Economic
19 Opportunity ~~Community Affairs~~ shall provide educational
20 materials, information and technical assistance to support
21 energy conservation education programs designed to assist
22 Illinois' rural population in dealing with economic problems
23 due to high energy costs.

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

25 Section 425. The Industrial Development Assistance Law is
26 amended by changing Sections 2 and 3 as follows:

27 (30 ILCS 720/2) (from Ch. 85, par. 892)

28 Sec. 2. Declaration of policy. The General Assembly finds
29 and declares as follows:

30 (A) That the health, safety, morals and general welfare of
31 the people of this State are directly dependent upon the
32 continual encouragement, development, growth and expansion of

1 business, industry and commerce within the State.

2 (B) That unemployment, the spread of indigency, the heavy
3 burden of public assistance and unemployment compensation can
4 best be avoided by the promotion, attraction, stimulation,
5 development and expansion of business, industry and commerce in
6 the State.

7 Therefore, it is declared to be the policy of this State to
8 promote the health, safety, morals and general welfare of its
9 inhabitants through its Department of Commerce and Economic
10 Opportunity ~~Community Affairs~~ by means of grants to be made to
11 industrial development agencies which are or may be engaged in
12 planning and promoting programs designed to stimulate the
13 establishment of new or enlarged industrial, commercial and
14 manufacturing enterprises within the counties served by such
15 agencies.

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

17 (30 ILCS 720/3) (from Ch. 85, par. 893)

18 Sec. 3. Definitions. "Department" means the Department of
19 Commerce and Economic Opportunity ~~Community Affairs~~.

20 "Governing bodies" means, as to any county, municipality or
21 township, the body empowered to enact ordinances or to adopt
22 resolutions for the governance of such county, municipality or
23 township.

24 "Industrial development agency" means any nonprofit
25 corporation, organization, association or agency which shall
26 be designated by proper resolution of the governing body of any
27 county, concurred in by resolution of the governing bodies of
28 municipalities or townships within said county having in the
29 aggregate over 50% of the population of said county, as
30 determined by the last preceding decennial United States
31 Census, as the agency authorized to make application to and
32 receive grants from the Department of Commerce and Economic
33 Opportunity ~~Community Affairs~~ for the purposes specified in
34 this Act. Any two or more counties may, by the procedures
35 provided in this Act, designate a single industrial development

1 agency to represent such counties for the purposes of this Act.
2 (Source: P.A. 81-1509; revised 12-6-03.)

3 Section 430. The Comprehensive Solar Energy Act of 1977 is
4 amended by changing Section 1.2 as follows:

5 (30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)

6 Sec. 1.2. Definitions. As used in this Act:

7 (a) "Solar Energy" means radiant energy received from the
8 sun at wave lengths suitable for heat transfer, photosynthetic
9 use, or photovoltaic use.

10 (b) "Solar collector" means

11 (1) An assembly, structure, or design, including
12 passive elements, used for gathering, concentrating, or
13 absorbing direct or indirect solar energy, specially
14 designed for holding a substantial amount of useful thermal
15 energy and to transfer that energy to a gas, solid, or
16 liquid or to use that energy directly; or

17 (2) A mechanism that absorbs solar energy and converts
18 it into electricity; or

19 (3) A mechanism or process used for gathering solar
20 energy through wind or thermal gradients; or

21 (4) A component used to transfer thermal energy to a
22 gas, solid, or liquid, or to convert it into electricity.

23 (c) "Solar storage mechanism" means equipment or elements
24 (such as piping and transfer mechanisms, containers, heat
25 exchangers, or controls thereof, and gases, solids, liquids, or
26 combinations thereof) that are utilized for storing solar
27 energy, gathered by a solar collector, for subsequent use.

28 (d) "Solar energy system" means

29 (1) (a) A complete assembly, structure, or design of a
30 solar collector, or a solar storage mechanism, which uses
31 solar energy for generating electricity or for heating or
32 cooling gases, solids, liquids, or other materials;

33 (b) The design, materials, or elements of a system and
34 its maintenance, operation, and labor components, and the

1 necessary components, if any, of supplemental conventional
2 energy systems designed or constructed to interface with a
3 solar energy system; and

4 (c) Any legal, financial, or institutional orders,
5 certificates, or mechanisms, including easements, leases,
6 and agreements, required to ensure continued access to
7 solar energy, its source, or its use in a solar energy
8 system, and including monitoring and educational elements
9 of a demonstration project.

10 (2) "Solar energy system" does not include

11 (a) Distribution equipment that is equally usable
12 in a conventional energy system except for such
13 components of such equipment as are necessary for
14 meeting the requirements of efficient solar energy
15 utilization; and

16 (b) Components of a solar energy system that serve
17 structural, insulating, protective, shading,
18 aesthetic, or other non-solar energy utilization
19 purposes, as defined in the regulations of the
20 Department; and

21 (c) Any facilities of a public utility used to
22 transmit or distribute gas or electricity.

23 (e) "Solar Skyspace" means

24 (1) The maximum three dimensional space extending from
25 a solar energy collector to all positions of the sun
26 necessary for efficient use of the collector.

27 (2) Where a solar energy system is used for heating
28 purposes only, "solar skyspace" means the maximum three
29 dimensional space extending from a solar energy collector
30 to all positions of the sun between 9 a.m. and 3 p.m. Local
31 Apparent Time from September 22 through March 22 of each
32 year.

33 (3) Where a solar energy system is used for cooling
34 purposes only, "solar skyspace" means the maximum three
35 dimensional space extending from a solar energy collector
36 to all positions of the sun between 8 a.m. and 4 p.m. Local

1 Apparent Time from March 23 through September 21.

2 (f) "Solar skyspace easement" means

3 (1) a right, whether or not stated in the form of a
4 restriction, easement, covenant, or condition, in any
5 deed, will, or other instrument executed by or on behalf of
6 any owner of land or solar skyspace or in any order of
7 taking, appropriate to protect the solar skyspace of a
8 solar collector at a particularly described location to
9 forbid or limit any or all of the following where
10 detrimental to access to solar energy.

11 (a) structures on or above ground;

12 (b) vegetation on or above the ground; or

13 (c) other activity;

14 (2) and which shall specifically describe a solar
15 skyspace in three dimensional terms in which the activity,
16 structures, or vegetation are forbidden or limited or in
17 which such an easement shall set performance criteria for
18 adequate collection of solar energy at a particular
19 location.

20 (g) "Conventional Energy System" shall mean an energy
21 system utilizing fossil fuel, nuclear or hydroelectric energy
22 and the components of such system, including transmission
23 lines, burners, furnaces, tanks, boilers, related controls,
24 distribution systems, room or area units and other components.

25 (h) "Supplemental Conventional Energy System" shall mean a
26 conventional energy system utilized for providing energy in
27 conjunction with a solar energy system that provides not less
28 than ten percent of the energy for the particular end use.
29 "Supplemental Conventional Energy System" does not include any
30 facilities of a public utility used to produce, transmit,
31 distribute or store gas or electricity.

32 (i) "Joint Solar Energy System" shall mean a solar energy
33 system that supplies energy for structures or processes on more
34 than one lot or in more than one condominium unit or leasehold,
35 but not to the general public and involving at least two owners
36 or users.

1 (j) "Unit of Local Government" shall mean county,
2 municipality, township, special districts, including school
3 districts, and units designated as units of local government by
4 law, which exercise limited governmental powers.

5 (k) "Department" means the Illinois Department of Commerce
6 and Economic Opportunity ~~Community Affairs~~ or its successor
7 agency.

8 (l) "Public Energy Supplier" shall mean

9 (1) A public utility as defined in an Act concerning
10 Public Utilities, approved June 29, 1921, as amended; or

11 (2) A public utility that is owned or operated by any
12 political subdivision or municipal corporation of this
13 State, or owned by such political subdivision or municipal
14 corporation and operated by any of its lessees or operating
15 agents; or

16 (3) An electric cooperative as defined in Section 10.19
17 of An Act concerning Public Utilities, approved June 29,
18 1921, as amended.

19 (m) "Energy Use Sites" shall mean sites where energy is or
20 may be used or consumed for generating electricity or for
21 heating or cooling gases, solids, liquids, or other materials
22 and where solar energy may be used cost effectively, as defined
23 in the regulations of the Department, consistent with the
24 purposes of this Act.

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

26 Section 435. The Illinois Coal Technology Development
27 Assistance Act is amended by changing Section 2 as follows:

28 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

29 Sec. 2. As used in this Act:

30 (a) "coal" or "coal resources" means Illinois coal or coal
31 products extracted from the ground or reclaimed from the waste
32 material produced by coal extraction operations;

33 (b) "coal demonstration and commercialization" means
34 projects for the construction and operation of facilities to

1 prove the scientific and engineering validity or the commercial
2 application of a coal extraction, preparation, combustion,
3 gasification, liquefaction or other synthetic process,
4 environmental control, or transportation method;

5 (c) "coal research" means scientific investigations
6 conducted for the purpose of increasing the utilization of coal
7 resources and includes investigations in the areas of
8 extraction, preparation, characterization, combustion,
9 gasification, liquefaction and other synthetic processes,
10 environmental control, marketing, transportation, procurement
11 of sites, and environmental impacts;

12 (d) "Fund" means the Coal Technology Development
13 Assistance Fund;

14 (e) "Board" means the Illinois Coal Development Board or
15 its successor;

16 (f) "Department" means the Department of Commerce and
17 Economic Opportunity ~~Community Affairs~~;

18 (g) "public awareness and education" means programs of
19 education, curriculum development, public service
20 announcements, informational advertising and informing the
21 news media on issues related to the use of Illinois coal, the
22 coal industry and related developments. Public awareness and
23 education shall be directed toward school age residents of the
24 State, the citizens of the State and other interested parties.

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

26 Section 440. The Build Illinois Act is amended by changing
27 Sections 8-2, 9-2, 9-4.1, 9-5.1, 9-11, 10-2, and 11-2 as
28 follows:

29 (30 ILCS 750/8-2) (from Ch. 127, par. 2708-2)

30 Sec. 8-2. Definitions. As used in this Article:

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

33 (b) "Local government" means any unit of local government
34 as defined in Article VII, Section 1 of the 1970 Illinois

1 Constitution.

2 (c) "Business retention, development or expansion project"
3 means the expansion of an existing, for-profit commercial,
4 industrial, manufacturing, scientific, agricultural or service
5 business within Illinois, or the establishment of a new such
6 business on a site within Illinois, so long as the business to
7 be established is not relocating from another site within the
8 State, unless the relocation of such a business will result in
9 a substantial increase in employment or retention of an
10 existing such business.

11 (d) "Public infrastructure" means local roads and streets,
12 access roads, bridges, and sidewalks; waste disposal systems;
13 water and sewer line extensions and water distribution and
14 purification facilities, and sewage treatment facilities; rail
15 or air or water port improvements; gas and electric utility
16 facilities; transit capital facilities; development and
17 improvement of publicly owned industrial and commercial sites,
18 or other public capital improvements which are an essential
19 precondition to a business retention, development or expansion
20 project for the purposes of the Business Development Public
21 Infrastructure Loan and Grant Program. "Public Infrastructure"
22 also means capital acquisitions, construction, and
23 improvements to other local facilities and sites, and
24 associated permanent furnishings and equipment that are a
25 necessary precondition to local health, safety and economic
26 development for purposes of the Affordable Financing of Public
27 Infrastructure Loan and Grant Program.

28 (e) "Local public entity" means any entity as defined by
29 Section 1-206 of the Local Governmental and Governmental
30 Employees Tort Immunity Act.

31 (f) "Medical facility" and "public health clinic" mean any
32 entity as defined by subsections (a) and (c), respectively, of
33 Section 6-101 of the Local Governmental and Governmental
34 Employees Tort Immunity Act.

35 (Source: P.A. 88-453; revised 12-6-03.)

1 (30 ILCS 750/9-2) (from Ch. 127, par. 2709-2)

2 Sec. 9-2. Definitions. The following terms, whenever used
3 or referred to in this Article, shall have the following
4 meanings ascribed to them, except where the context clearly
5 requires otherwise:

6 (a) "Financial intermediary" means a community development
7 corporation, a state development credit corporation, a
8 development authority authorized to do business by an act of
9 this State, or other public or private financing institution
10 approved by the Department whose purpose includes financing,
11 promoting, or encouraging economic development.

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

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

21 (d) "Small business" means any for-profit business in
22 Illinois including, but not limited to, any sole
23 proprietorship, partnership, corporation, joint venture,
24 association or cooperative, which has, including its
25 affiliates, less than 500 full time employees, or is determined
26 by the Department to be not dominant in its field.

27 Business concerns are affiliates of one another when either
28 directly or indirectly (i) one concern controls or has the
29 power to control the other, or (ii) a third party or parties
30 controls or has the power to control both. Control can be
31 exercised through common ownership, common management and
32 contractual relationships.

33 (e) "Qualified security" means any note, stock,
34 convertible security, treasury stock, bond, debenture,
35 evidence of indebtedness, limited partnership interest,
36 certificate of interest or participation in any profit-sharing

1 agreement, preorganization certificate or subscription,
2 transferable share, investment contract, certificate of
3 deposit for a security, certificate of interest or
4 participation in a patent or application therefor, or in
5 royalty or other payments under such a patent or application,
6 or, in general, any interest or instrument commonly known as a
7 "security" or any certificate for, receipt for, guarantee of,
8 or option, warrant or right to subscribe to or purchase any of
9 the foregoing, but not including any instrument which contains
10 voting rights or can be converted to contain voting rights in
11 the possession of the Department.

12 (f) "Loan agreement" means an agreement or contract to
13 provide a loan or accept a mortgage or to purchase qualified
14 securities or other means whereby financial aid is made
15 available to a start-up, expanding, or mature, moderate risk
16 small business.

17 (g) "Loan" means a loan or acceptance of a mortgage or the
18 purchase of qualified securities or other means whereby
19 financial aid is made to a start-up, expanding, or mature,
20 moderate risk small business.

21 (h) "Equity investment agreement" means an agreement or
22 contract to provide a loan or accept a mortgage or to purchase
23 qualified securities or other means whereby financial aid is
24 made available to or on behalf of a young, high risk,
25 technology based small business.

26 (i) "Equity investment" means a loan or acceptance of a
27 mortgage or the purchase of qualified securities or other means
28 whereby financial aid is made to or on behalf of a young, high
29 risk, technology based small business.

30 (j) "Project" means any specific economic development
31 activity of a commercial, industrial, manufacturing,
32 agricultural, scientific, service or other business, the
33 result of which is expected to yield an increase in or
34 retention of jobs or the modernization or improvement of
35 competitiveness of firms and may include working capital
36 financing, the purchase or lease of machinery and equipment, or

1 the lease or purchase of real property but does not include
2 refinancing current debt.

3 (k) "Technical assistance agreement" means an agreement or
4 contract or other means whereby financial aid is made available
5 to not-for-profit organizations for the purposes outlined in
6 Section 9-6 of this Article.

7 (l) "Financial intermediary agreement" means an agreement
8 or contract to provide a loan, investment, or other financial
9 aid to a financial intermediary for the purposes outlined in
10 Section 9-4.4 of this Article.

11 (m) "Equity intermediary agreement" means an agreement or
12 contract to provide a loan, investment, or other financial aid
13 to a financial intermediary for the purposes outlined in
14 Section 9-5.3 of this Article.

15 (n) "Other investor" means a venture capital organization
16 or association; an investment partnership, trust or bank; an
17 individual, accounting partnership or corporation that invests
18 funds, or any other entity which provides debt or equity
19 financing for a business project.

20 (Source: P.A. 88-422; revised 12-6-03.)

21 (30 ILCS 750/9-4.1) (from Ch. 127, par. 2709-4.1)

22 Sec. 9-4.1. Applications for loans. All applications for
23 loans to small businesses shall be submitted to the Department
24 on forms and subject to filing fees prescribed by the
25 Department. The Department shall conduct such investigation
26 and obtain such information concerning the application as it
27 considers necessary and diligent. Complete applications
28 received by the Department shall be forwarded to a credit
29 review committee consisting of persons experienced in business
30 financing, and the Director of the Governor's Office of
31 Management and Budget ~~Bureau of the Budget~~ or his designee, for
32 a review and report concerning the advisability of approving
33 the proposed loan. The review and report shall include facts
34 about the company's history, job opportunities, stability of
35 employment, past and present condition and structure, actual

1 and pro-forma income statements, present and future market
2 prospects and management qualifications, and any other facts
3 deemed material to the financing request. The report shall
4 include a reasoned opinion as to whether providing the
5 financing would tend to fulfill the purposes of the Article.
6 The report shall be advisory in nature only. The credit review
7 committee shall be of such composition, act for such time, and
8 have such powers as shall be specified by the Department.

9 After consideration of such report and after such other
10 action as is deemed appropriate, the Department shall approve
11 or deny the application. If the Department approves the
12 application, its approval shall specify the amount of funds to
13 be provided by the Department loan agreement provisions. The
14 business applicant shall be promptly notified of such action by
15 the Department.

16 (Source: P.A. 88-422; revised 8-23-03.)

17 (30 ILCS 750/9-5.1) (from Ch. 127, par. 2709-5.1)

18 Sec. 9-5.1. Applications for Illinois Equity Investments.

19 (a) All applications for the Illinois Equity Investments to
20 or on behalf of small businesses shall be submitted to the
21 Department on forms and subject to filing fees prescribed by
22 the Department. For business project applications, the
23 Department shall conduct such investigation and obtain such
24 information concerning the application as it deems necessary
25 and diligent. Complete applications received by the Department
26 shall be forwarded to an outside credit review committee
27 consisting of persons experienced in new venture equity
28 financing and the Director of the Governor's Office of
29 Management and Budget ~~Bureau of the Budget~~, or his or her
30 designee, for small business for a review and report concerning
31 the advisability of approving the proposed investment. The
32 review and report shall include facts about the company's
33 history, job opportunities, stability of employment, past and
34 present condition and structure, actual and pro-forma income
35 statements, present and future market prospects and management

1 qualifications, and any other facts deemed material to the
2 financing request. The report shall be advisory in nature only
3 and shall include a reasoned opinion as to whether providing
4 the financing would tend to fulfill this purpose of the Act.
5 Except for the Director of the Governor's Office of Management
6 and Budget ~~Bureau of the Budget~~ or his or her designee, the
7 Department may utilize the services of existing outside
8 organizations as the credit review committee.

9 (b) For equity intermediary agreements, applications may
10 include, but shall not be limited to, history and mission of
11 the applicant; needs to be served, which shall be consistent
12 with the purpose of this subsection; products, services, and
13 results expected from the effort; staffing, management, and
14 operational procedures; and budget request and capitalization
15 of the effort. The Department shall review the intermediary
16 applications to determine the viability of the applicant, the
17 consistency of the proposed project with the purposes of this
18 Article, the economic benefits expected to be derived
19 therefrom, the prospects for continuation of the project after
20 Departmental assistance has been provided, and other issues
21 that may be considered necessary.

22 (c) The Department shall, on the basis of the application,
23 the report of the credit review committee, and any other
24 appropriate information, prepare a report concerning the
25 credit-worthiness of the proposed borrower or intermediary,
26 the financial commitment of the participating lender or other
27 investor, the manner in which the proposed small business or
28 intermediary project will advance the economy of the State, and
29 the soundness of the proposed equity investment or intermediary
30 agreement.

31 After consideration of such report and after such other
32 action as it deems appropriate, the Department shall approve or
33 deny the application. If the Department approves the
34 application, its approval shall specify the amount of funds to
35 be provided and the Department equity investment agreement
36 provisions. The small business or intermediary applicant shall

1 be promptly notified of such action by the Department.

2 (Source: P.A. 88-422; revised 8-23-03.)

3 (30 ILCS 750/9-11)

4 Sec. 9-11. Port Development Revolving Loan Program.

5 (1) There is created in the State Treasury the Port
6 Development Revolving Loan Fund, referred to in this Section as
7 the Fund. Moneys in the Fund may be appropriated for the
8 purposes of the Port Development Revolving Loan Program created
9 by this Section to be administered by the Department of
10 Commerce and Economic Opportunity ~~Community Affairs~~ in order to
11 facilitate and enhance the utilization of Illinois' navigable
12 waterways or the development of inland intermodal freight
13 facilities or both. The Department may adopt rules for the
14 administration of the Program.

15 The General Assembly may make appropriations for the
16 purposes of the Program. Repayment of loans made to individual
17 port districts shall be paid back into the Fund to establish an
18 ongoing revolving loan fund to facilitate continuing port
19 development activities in the State.

20 (2) Loan funds from the Program shall be made available to
21 Illinois port districts on a competitive basis. In order to
22 obtain assistance under the Program, a port district must
23 submit a comprehensive application to the Department for
24 consideration.

25 Projects eligible for funding under the Program must be
26 intermodal facilities and within the scope of powers and
27 responsibilities as granted in each port district's enabling
28 legislation. Loan funds shall not be used for working capital
29 or administrative purposes by the port district.

30 (3) The maximum amount which may be loaned from the Program
31 to fund any one project is \$3,000,000. Program funds may be
32 used for up to 50% of an individual project financing. The
33 balance of financing for an individual project must be secured
34 by the respective district.

35 The maximum loan term shall be for 20 years with an

1 interest rate of 5% per annum. Principal and interest payments
2 shall be made on a semi-annual basis.

3 (4) In order to receive a loan from the Program, a port
4 district must:

5 (a) demonstrate that the proposed project shall
6 generate sufficient revenue to support amortization of the
7 loan and be willing to pledge revenues from the project to
8 loan repayment or

9 (b) demonstrate that the port district can financially
10 support debt service payments through general revenue
11 sources of the port district and pledge the full faith and
12 credit of the port district to loan repayment.

13 In order to achieve the requirement of paragraph (a) of
14 this subsection (4), the port district may use guarantees
15 provided under facility operating agreements or guaranteed
16 facility use agreements from private concerns to demonstrate
17 loan repayment ability.

18 Certain infrastructure facilities developed under the
19 Program may be general use public facilities where there is not
20 a definitive and guaranteed revenue stream to support the
21 project, nevertheless the facilities are important to
22 facilitate overall long term port development objectives. In
23 such cases, the full faith and credit of the port district may
24 be used as loan collateral.

25 (5) A loan agreement shall be executed between the port
26 district and the State stipulating all of the terms and
27 conditions of the loan. The Department shall release funds on a
28 reimbursement basis for eligible costs of the project as
29 incurred. The port district shall certify to the Department
30 that expenses incurred during construction are in accordance
31 with plans and specifications as approved by the Department.
32 Funds may be drawn once per month during construction of the
33 project.

34 (6) The loan agreement shall contain customary and usual
35 loan default provisions in the event the port district fails to
36 make the required payments. The loan agreement shall stipulate

1 the State's recourse in curing any default.

2 In the event a port district becomes delinquent in payments
3 to the State, that port district shall not be eligible for any
4 future loans until the delinquency is remedied.

5 (7) Individual port district project applications shall
6 include the following:

7 (a) Statement of purpose. A description of the project
8 shall be submitted along with the project's anticipated
9 overall effect on meeting port district objectives.

10 (b) Project impact. The anticipated net effects of the
11 project shall be enumerated. These impacts may include the
12 economic impact to the State, employment impact,
13 intermodal freight impacts, and environmental impacts.

14 (c) Cost estimates and preliminary project layout. The
15 overall project development cost estimate and general site
16 and or facility drawings.

17 (d) Proposed loan amount. A statement as to the amount
18 proposed from the Program and the port district's
19 intentions as to the source of other financing for the
20 project.

21 (e) Business Proforma. A detailed business proforma
22 must be supplied which estimates facility/project revenues
23 as well as operating costs and debt service.

24 (f) Loan collateral and guarantees. The port
25 district's intentions as to how it intends to collateralize
26 the loan amount, including third party guarantees,
27 pledging of project and facility revenue, or pledging
28 general revenues of the district.

29 (8) The Department shall annually invite Illinois port
30 districts to submit projects for consideration under the
31 Program. The Department shall perform a cost/benefit analysis
32 of each project to determine if a project meets minimum
33 requirements for eligibility. Those applications which meet
34 minimum criteria shall then be ranked by the overall net
35 positive impact on the State.

36 (a) Minimum criteria shall include:

- 1 (i) positive cost/benefit ratio;
- 2 (ii) demonstrated economic feasibility of the
- 3 project; and
- 4 (iii) the ability of the port district to repay the
- 5 loan.
- 6 (b) Ranking criteria may include:
- 7 (i) a cost/benefit ratio of project in relation to
- 8 other projects;
- 9 (ii) product tonnage to be handled;
- 10 (iii) product value to be handled;
- 11 (iv) soundness of business proposition;
- 12 (v) positive intermodal impacts of Illinois
- 13 transportation system;
- 14 (vi) meets overall State transportation
- 15 objectives;
- 16 (vii) economic impact to the State; or
- 17 (viii) environmental benefits of the project.

18 Projects shall be selected according to their ranking up to

19 the limit of available funds. Selected projects shall be

20 invited to submit detailed plans, specifications, operating

21 agreements, environmental clearances, evidence of property

22 title, and other documentation as necessitated by the project.

23 When the Department determines all necessary requirements are

24 met and the remainder of the project financing is available, a

25 loan agreement shall be executed and project development may

26 commence.

27 (Source: P.A. 90-785, eff. 1-1-99; revised 12-6-03.)

28 (30 ILCS 750/10-2) (from Ch. 127, par. 2710-2)

29 Sec. 10-2. Definitions. Unless the context clearly

30 requires otherwise:

31 (a) "Financial institution" means a trust company, a bank,

32 a savings bank, a credit union, an investment bank, a broker,

33 an investment trust, a pension fund, a building and loan

34 association, a savings and loan association, an insurance

35 company or any venture capital company which is authorized to

1 do business in the State.

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

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

10 (d) "Business" means a for-profit, legal entity in Illinois
11 including, but not limited to, any sole proprietorship,
12 partnership, corporation, joint venture, association or
13 cooperative.

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

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

24 (g) "Fund" means the Large Business Attraction Fund created
25 in Section 10-4.

26 (Source: P.A. 84-109; revised 12-6-03.)

27 (30 ILCS 750/11-2) (from Ch. 127, par. 2711-2)

28 Sec. 11-2. Definitions. As used in this Article:

29 (a) "Small business incubator" or "Incubator" means a
30 property described in Sections 11-7 and 11-8.

31 (b) "Community Advisory Board" or "Board" means a board
32 created pursuant to Section 11-4.

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

35 (d) "Educational institution" means a local school

1 district, a private junior college or university, or a State
2 supported community college or university within the State.

3 (e) "Local governmental unit" means a county, township,
4 city, village or incorporated town within this State.

5 (f) "Non-profit organization" means local chambers of
6 commerce, business and economic development corporations and
7 associations, and such other similar organizations so
8 designated by the Department.

9 (g) "Sponsor" means an educational institution, local
10 governmental unit or non-profit organization which receives
11 Department funds under this Article.

12 (h) "Costs of establishment" means the actual costs of
13 acquisition, whether by lease, purchase or other devices, and
14 of construction and renovation of the incubator.

15 (i) "Costs of administration" means the costs of wages or
16 salary for the incubator manager and related clerical and
17 administrative costs.

18 (Source: P.A. 84-109; revised 12-6-03.)

19 Section 445. The Gang Control Grant Act is amended by
20 changing Sections 1, 2, and 4 as follows:

21 (30 ILCS 755/1) (from Ch. 127, par. 3301)

22 Sec. 1. The purpose of this Act is to provide for grants to
23 community groups in order to improve the quality of life in low
24 and moderate income neighborhoods and to authorize the
25 Department of Commerce and Economic Opportunity ~~Community~~
26 ~~Affairs~~ to administer such grants to such community groups.

27 (Source: P.A. 84-1400; revised 12-6-03.)

28 (30 ILCS 755/2) (from Ch. 127, par. 3302)

29 Sec. 2. Definition. As used in this Act, the terms
30 specified in this Section have the meanings ascribed to them in
31 this Section.

32 (a) "Community-based organization" means an organization
33 certified by the Department as an eligible receiver of grants.

1 (b) "Business entity" means a corporation, partnership or
2 sole proprietorship engaged in producing goods or selling
3 services or goods for a profit.

4 (c) "Department" means Department of Commerce and Economic
5 Opportunity ~~Community Affairs~~.

6 (d) "Neighborhood" means the area identified by a
7 community-based organization as its geographically defined
8 area containing the following characteristics:

9 (1) a sense of belonging or identity that ties the
10 residents to a given area;

11 (2) social, cultural, political or economic activities
12 around which residents of the area organize themselves;

13 (3) the existence of cohesive organizations formed by
14 residents; and

15 (4) a history of acting or being treated as a distinct
16 cohesive unit.

17 The term neighborhood may include small municipalities of
18 less than 10,000 population or rural areas which have these
19 characteristics.

20 (Source: P.A. 84-1400; revised 12-6-03.)

21 (30 ILCS 755/4) (from Ch. 127, par. 3304)

22 Sec. 4. (a) No grants may be authorized unless the project
23 for which the grant is made has been approved by the
24 Department.

25 (b) Any community-based organization seeking to have a
26 project approved for a grant must submit an application to the
27 Department describing its potential contributors and the
28 nature and benefit of the project, such as the number of youth
29 to be served by the project, performance standards or
30 benchmarks, and monetary benefits of the project such as
31 additional non-State funds leveraged or new State or local
32 taxes generated.

33 The application must also address how the following
34 criteria will be met:

35 (1) The project must contribute to the self help efforts of

1 the residents of the area involved.

2 (2) The project must involve the residents of the area in
3 planning and implementing the project.

4 (3) The project must lack sufficient resources.

5 (4) The community-based organization must be fiscally
6 responsible for the project.

7 (c) The project must provide alternatives to participation
8 in gangs by juveniles in one of the following ways:

9 (1) by creating permanent jobs;

10 (2) by stimulating neighborhood business activity;

11 (3) by providing job training services;

12 (4) by providing youth recreation and athletic activities;

13 or

14 (5) by strengthening any community-based organizations
15 whose objectives are similar to those listed in items 1 through
16 4 above.

17 (d) If the community-based organization demonstrates its
18 ability to meet the criteria in subsection (b), and will
19 provide juvenile gang alternatives in 1 of the ways listed in
20 subsection (c), the Department shall approve the
21 organization's proposed projects and specify the amount of
22 grant it is eligible to receive for such project. Comments from
23 State elected officials representing the districts in which the
24 project is proposed to be located shall be solicited by the
25 Department in making the decision.

26 (e) Within 45 days of the receipt of an application, the
27 Department shall give notice to the applicant as to whether the
28 application has been approved or disapproved. If the Department
29 disapproves the application, it shall specify the reasons for
30 this decision and allow 60 days for the applicant to make
31 amendments. The Department shall provide assistance upon
32 request to applicants.

33 (f) On an annual basis, the community-based organization
34 shall furnish a statement to the Department of Commerce and
35 Economic Opportunity ~~Community Affairs~~ on the programmatic and
36 financial status of any approved project and an audited

1 financial statement of the project.

2 (Source: P.A. 85-633; revised 12-6-03.)

3 Section 450. The Eliminate the Digital Divide Law is
4 amended by changing Section 5-5 as follows:

5 (30 ILCS 780/5-5)

6 Sec. 5-5. Definitions; descriptions. As used in this
7 Article:

8 "Community-based organization" means a private
9 not-for-profit organization that is located in an Illinois
10 community and that provides services to citizens within that
11 community and the surrounding area.

12 "Community technology centers" provide computer access and
13 educational services using information technology. Community
14 technology centers are diverse in the populations they serve
15 and programs they offer, but similar in that they provide
16 technology access to individuals, communities, and populations
17 that typically would not otherwise have places to use computer
18 and telecommunications technologies.

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

21 "National school lunch program" means a program
22 administered by the U.S. Department of Agriculture and state
23 agencies that provides free or reduced price lunches to
24 economically disadvantaged children. A child whose family
25 income is between 130% and 185% of applicable family size
26 income levels contained in the nonfarm poverty guidelines
27 prescribed by the Office of Management and Budget is eligible
28 for a reduced price lunch. A child whose family income is 130%
29 or less of applicable family size income levels contained in
30 the nonfarm income poverty guidelines prescribed by the Office
31 of Management and Budget is eligible for a free lunch.

32 "Telecommunications services" provided by
33 telecommunications carriers include all commercially available
34 telecommunications services in addition to all reasonable

1 charges that are incurred by taking such services, such as
2 state and federal taxes.

3 "Other special services" provided by telecommunications
4 carriers include Internet access and installation and
5 maintenance of internal connections in addition to all
6 reasonable charges that are incurred by taking such services,
7 such as state and federal taxes.

8 (Source: P.A. 91-704, eff. 7-1-00; revised 12-6-03.)

9 Section 455. The State Mandates Act is amended by changing
10 Section 8 as follows:

11 (30 ILCS 805/8) (from Ch. 85, par. 2208)

12 Sec. 8. Exclusions, reimbursement application, review,
13 appeals, and adjudication.

14 (a) Exclusions: Any of the following circumstances
15 inherent to, or associated with, a mandate shall exclude the
16 State from reimbursement liability under this Act. If the
17 mandate (1) accommodates a request from local governments or
18 organizations thereof; (2) imposes additional duties of a
19 nature which can be carried out by existing staff and
20 procedures at no appreciable net cost increase; (3) creates
21 additional costs but also provides offsetting savings
22 resulting in no aggregate increase in net costs; (4) imposes a
23 cost that is wholly or largely recovered from Federal, State or
24 other external financial aid; (5) imposes additional annual net
25 costs of less than \$1,000 for each of the several local
26 governments affected or less than \$50,000, in the aggregate,
27 for all local governments affected.

28 The failure of the General Assembly to make necessary
29 appropriations shall relieve the local government of the
30 obligation to implement any service mandates, tax exemption
31 mandates, and personnel mandates, as specified in Section 6,
32 subsections (b), (c), (d) and (e), unless the exclusion
33 provided for in this Section are explicitly stated in the Act
34 establishing the mandate. In the event that funding is not

1 provided for a State-mandated program by the General Assembly,
2 the local government may implement or continue the program upon
3 approval of its governing body. If the local government
4 approves the program and funding is subsequently provided, the
5 State shall reimburse the local governments only for costs
6 incurred subsequent to the funding.

7 (b) Reimbursement Estimation and Appropriation Procedure.

8 (1) When a bill is introduced in the General Assembly,
9 the Legislative Reference Bureau, hereafter referred to as
10 the Bureau, shall determine whether such bill may require
11 reimbursement to local governments pursuant to this Act.
12 The Bureau shall make such determination known in the
13 Legislative Synopsis and Digest.

14 In making the determination required by this
15 subsection (b) the Bureau shall disregard any provision in
16 a bill which would make inoperative the reimbursement
17 requirements of Section 6 above, including an express
18 exclusion of the applicability of this Act, and shall make
19 the determination irrespective of any such provision.

20 (2) Any bill or amended bill which creates or expands a
21 State mandate shall be subject to the provisions of "An Act
22 requiring fiscal notes in relation to certain bills",
23 approved June 4, 1965, as amended. The fiscal notes for
24 such bills or amended bills shall include estimates of the
25 costs to local government and the costs of any
26 reimbursement required under this Act. In the case of bills
27 having a potential fiscal impact on units of local
28 government, the fiscal note shall be prepared by the
29 Department. In the case of bills having a potential fiscal
30 impact on school districts, the fiscal note shall be
31 prepared by the State Superintendent of Education. In the
32 case of bills having a potential fiscal impact on community
33 college districts, the fiscal note shall be prepared by the
34 Illinois Community College Board. Such fiscal note shall
35 accompany the bill that requires State reimbursement and
36 shall be prepared prior to any final action on such a bill

1 by the assigned committee. However, if a fiscal note is not
2 filed by the appropriate agency within 30 days of
3 introduction of a bill, the bill can be heard in committee
4 and advanced to the order of second reading. The bill shall
5 then remain on second reading until a fiscal note is filed.
6 A bill discharged from committee shall also remain on
7 second reading until a fiscal note is provided by the
8 appropriate agency.

9 (3) The estimate required by paragraph (2) above, shall
10 include the amount estimated to be required during the
11 first fiscal year of a bill's operation in order to
12 reimburse local governments pursuant to Section 6, for
13 costs mandated by such bill. In the event that the
14 effective date of such a bill is not the first day of the
15 fiscal year the estimate shall also include the amount
16 estimated to be required for reimbursement for the next
17 following full fiscal year.

18 (4) For the initial fiscal year, reimbursement funds
19 shall be provided as follows: (i) any statute mandating
20 such costs shall have a companion appropriation bill, and
21 (ii) any executive order mandating such costs shall be
22 accompanied by a bill to appropriate the funds therefor,
23 or, alternatively an appropriation for such funds shall be
24 included in the executive budget for the next following
25 fiscal year.

26 In subsequent fiscal years appropriations for such
27 costs shall be included in the Governor's budget or
28 supplemental appropriation bills.

29 (c) Reimbursement Application and Disbursement Procedure.

30 (1) For the initial fiscal year during which
31 reimbursement is authorized, each local government, or
32 more than one local government wishing to join in filing a
33 single claim, believing itself to be entitled to
34 reimbursement under this Act shall submit to the
35 Department, State Superintendent of Education or Illinois
36 Community College Board within 60 days of the effective

1 date of the mandate a claim for reimbursement accompanied
2 by its estimate of the increased costs required by the
3 mandate for the balance of the fiscal year. The Department,
4 State Superintendent of Education or Illinois Community
5 College Board shall review such claim and estimate, shall
6 apportion the claim into 3 equal installments and shall
7 direct the Comptroller to pay the installments at equal
8 intervals throughout the remainder of the fiscal year from
9 the funds appropriated for such purposes, provided that the
10 Department, State Superintendent of Education or Illinois
11 Community College Board may (i) audit the records of any
12 local government to verify the actual amount of the
13 mandated cost, and (ii) reduce any claim determined to be
14 excessive or unreasonable.

15 (2) For the subsequent fiscal years, local governments
16 shall submit claims as specified above on or before October
17 1 of each year. The Department, State Superintendent of
18 Education or Illinois Community College Board shall
19 apportion the claims into 3 equal installments and shall
20 direct the Comptroller to pay the first installment upon
21 approval of the claims, with subsequent installments to
22 follow on January 1 and March 1, such claims to be paid
23 from funds appropriated therefor, provided that the
24 Department, State Superintendent of Education or Illinois
25 Community College Board (i) may audit the records of any
26 local governments to verify the actual amount of the
27 mandated cost, (ii) may reduce any claim, determined to be
28 excessive or unreasonable, and (iii) shall adjust the
29 payment to correct for any underpayments or overpayments
30 which occurred in the previous fiscal year.

31 (3) Any funds received by a local government pursuant
32 to this Act may be used for any public purpose.

33 If the funds appropriated for reimbursement of the
34 costs of local government resulting from the creation or
35 expansion of a State mandate are less than the total of the
36 approved claims, the amount appropriated shall be prorated

1 among the local governments having approved claims.

2 (d) Appeals and Adjudication.

3 (1) Local governments may appeal determinations made
4 by State agencies acting pursuant to subsection (c) above.
5 The appeal must be submitted to the State Mandates Board of
6 Review created by Section 9.1 of this Act within 60 days
7 following the date of receipt of the determination being
8 appealed. The appeal must include evidence as to the extent
9 to which the mandate has been carried out in an effective
10 manner and executed without recourse to standards of
11 staffing or expenditure higher than specified in the
12 mandatory statute, if such standards are specified in the
13 statute. The State Mandates Board of Review, after
14 reviewing the evidence submitted to it, may increase or
15 reduce the amount of a reimbursement claim. The decision of
16 the State Mandates Board of Review shall be final subject
17 to judicial review. However, if sufficient funds have not
18 been appropriated, the Department shall notify the General
19 Assembly of such cost, and appropriations for such costs
20 shall be included in a supplemental appropriation bill.

21 (2) A local government may also appeal directly to the
22 State Mandates Board of Review in those situations in which
23 the Department of Commerce and Economic Opportunity
24 ~~Community Affairs~~ does not act upon the local government's
25 application for reimbursement or request for mandate
26 determination submitted under this Act. The appeal must
27 include evidence that the application for reimbursement or
28 request for mandate determination was properly filed and
29 should have been reviewed by the Department.

30 An appeal may be made to the Board if the Department
31 does not respond to a local government's application for
32 reimbursement or request for mandate determination within
33 120 days after filing the application or request. In no
34 case, however, may an appeal be brought more than one year
35 after the application or request is filed with the
36 Department.

1 (Source: P.A. 89-304, eff. 8-11-95; 89-626, eff. 8-9-96;
2 revised 12-6-03.)

3 Section 460. The Illinois Income Tax Act is amended by
4 changing Section 211 as follows:

5 (35 ILCS 5/211)

6 Sec. 211. Economic Development for a Growing Economy Tax
7 Credit. For tax years beginning on or after January 1, 1999, a
8 Taxpayer who has entered into an Agreement under the Economic
9 Development for a Growing Economy Tax Credit Act is entitled to
10 a credit against the taxes imposed under subsections (a) and
11 (b) of Section 201 of this Act in an amount to be determined in
12 the Agreement. If the Taxpayer is a partnership or Subchapter S
13 corporation, the credit shall be allowed to the partners or
14 shareholders in accordance with the determination of income and
15 distributive share of income under Sections 702 and 704 and
16 subchapter S of the Internal Revenue Code. The Department, in
17 cooperation with the Department of Commerce and Economic
18 Opportunity ~~Community Affairs~~, shall prescribe rules to
19 enforce and administer the provisions of this Section. This
20 Section is exempt from the provisions of Section 250 of this
21 Act.

22 The credit shall be subject to the conditions set forth in
23 the Agreement and the following limitations:

24 (1) The tax credit shall not exceed the Incremental
25 Income Tax (as defined in Section 5-5 of the Economic
26 Development for a Growing Economy Tax Credit Act) with
27 respect to the project.

28 (2) The amount of the credit allowed during the tax
29 year plus the sum of all amounts allowed in prior years
30 shall not exceed 100% of the aggregate amount expended by
31 the Taxpayer during all prior tax years on approved costs
32 defined by Agreement.

33 (3) The amount of the credit shall be determined on an
34 annual basis. Except as applied in a carryover year

1 pursuant to Section 211(4) of this Act, the credit may not
2 be applied against any State income tax liability in more
3 than 10 taxable years; provided, however, that (i) an
4 eligible business certified by the Department of Commerce
5 and Economic Opportunity ~~Community Affairs~~ under the
6 Corporate Headquarters Relocation Act may not apply the
7 credit against any of its State income tax liability in
8 more than 15 taxable years and (ii) credits allowed to that
9 eligible business are subject to the conditions and
10 requirements set forth in Sections 5-35 and 5-45 of the
11 Economic Development for a Growing Economy Tax Credit Act.

12 (4) The credit may not exceed the amount of taxes
13 imposed pursuant to subsections (a) and (b) of Section 201
14 of this Act. Any credit that is unused in the year the
15 credit is computed may be carried forward and applied to
16 the tax liability of the 5 taxable years following the
17 excess credit year. The credit shall be applied to the
18 earliest year for which there is a tax liability. If there
19 are credits from more than one tax year that are available
20 to offset a liability, the earlier credit shall be applied
21 first.

22 (5) No credit shall be allowed with respect to any
23 Agreement for any taxable year ending after the
24 Noncompliance Date. Upon receiving notification by the
25 Department of Commerce and Economic Opportunity ~~Community~~
26 ~~Affairs~~ of the noncompliance of a Taxpayer with an
27 Agreement, the Department shall notify the Taxpayer that no
28 credit is allowed with respect to that Agreement for any
29 taxable year ending after the Noncompliance Date, as stated
30 in such notification. If any credit has been allowed with
31 respect to an Agreement for a taxable year ending after the
32 Noncompliance Date for that Agreement, any refund paid to
33 the Taxpayer for that taxable year shall, to the extent of
34 that credit allowed, be an erroneous refund within the
35 meaning of Section 912 of this Act.

36 (6) For purposes of this Section, the terms

1 "Agreement", "Incremental Income Tax", and "Noncompliance
2 Date" have the same meaning as when used in the Economic
3 Development for a Growing Economy Tax Credit Act.

4 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;
5 revised 12-6-03.)

6 Section 465. The Economic Development for a Growing Economy
7 Tax Credit Act is amended by changing Sections 5-5, 5-25, and
8 5-45 as follows:

9 (35 ILCS 10/5-5)

10 Sec. 5-5. Definitions. As used in this Act:

11 "Agreement" means the Agreement between a Taxpayer and the
12 Department under the provisions of Section 5-50 of this Act.

13 "Applicant" means a Taxpayer that is operating a business
14 located or that the Taxpayer plans to locate within the State
15 of Illinois and that is engaged in interstate or intrastate
16 commerce for the purpose of manufacturing, processing,
17 assembling, warehousing, or distributing products, conducting
18 research and development, providing tourism services, or
19 providing services in interstate commerce, office industries,
20 or agricultural processing, but excluding retail, retail food,
21 health, or professional services. "Applicant" does not include
22 a Taxpayer who closes or substantially reduces an operation at
23 one location in the State and relocates substantially the same
24 operation to another location in the State. This does not
25 prohibit a Taxpayer from expanding its operations at another
26 location in the State, provided that existing operations of a
27 similar nature located within the State are not closed or
28 substantially reduced. This also does not prohibit a Taxpayer
29 from moving its operations from one location in the State to
30 another location in the State for the purpose of expanding the
31 operation provided that the Department determines that
32 expansion cannot reasonably be accommodated within the
33 municipality in which the business is located, or in the case
34 of a business located in an incorporated area of the county,

1 within the county in which the business is located, after
2 conferring with the chief elected official of the municipality
3 or county and taking into consideration any evidence offered by
4 the municipality or county regarding the ability to accommodate
5 expansion within the municipality or county.

6 "Committee" means the Illinois Business Investment
7 Committee created under Section 5-25 of this Act within the
8 Illinois Economic Development Board.

9 "Credit" means the amount agreed to between the Department
10 and Applicant under this Act, but not to exceed the Incremental
11 Income Tax attributable to the Applicant's project.

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

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

16 "Full-time Employee" means an individual who is employed
17 for consideration for at least 35 hours each week or who
18 renders any other standard of service generally accepted by
19 industry custom or practice as full-time employment.

20 "Incremental Income Tax" means the total amount withheld
21 during the taxable year from the compensation of New Employees
22 under Article 7 of the Illinois Income Tax Act arising from
23 employment at a project that is the subject of an Agreement.

24 "New Employee" means:

25 (a) A Full-time Employee first employed by a Taxpayer
26 in the project that is the subject of an Agreement and who
27 is hired after the Taxpayer enters into the tax credit
28 Agreement.

29 (b) The term "New Employee" does not include:

30 (1) an employee of the Taxpayer who performs a job
31 that was previously performed by another employee, if
32 that job existed for at least 6 months before hiring
33 the employee;

34 (2) an employee of the Taxpayer who was previously
35 employed in Illinois by a Related Member of the
36 Taxpayer and whose employment was shifted to the

1 Taxpayer after the Taxpayer entered into the tax credit
2 Agreement; or

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

8 (c) Notwithstanding paragraph (1) of subsection (b),
9 an employee may be considered a New Employee under the
10 Agreement if the employee performs a job that was
11 previously performed by an employee who was:

12 (1) treated under the Agreement as a New Employee;
13 and

14 (2) promoted by the Taxpayer to another job.

15 (d) Notwithstanding subsection (a), the Department may
16 award Credit to an Applicant with respect to an employee
17 hired prior to the date of the Agreement if:

18 (1) the Applicant is in receipt of a letter from
19 the Department stating an intent to enter into a credit
20 Agreement;

21 (2) the letter described in paragraph (1) is issued
22 by the Department not later than 15 days after the
23 effective date of this Act; and

24 (3) the employee was hired after the date the
25 letter described in paragraph (1) was issued.

26 "Noncompliance Date" means, in the case of a Taxpayer that
27 is not complying with the requirements of the Agreement or the
28 provisions of this Act, the day following the last date upon
29 which the Taxpayer was in compliance with the requirements of
30 the Agreement and the provisions of this Act, as determined by
31 the Director, pursuant to Section 5-65.

32 "Pass Through Entity" means an entity that is exempt from
33 the tax under subsection (b) or (c) of Section 205 of the
34 Illinois Income Tax Act.

35 "Related Member" means a person that, with respect to the
36 Taxpayer during any portion of the taxable year, is any one of

1 the following:

2 (1) An individual stockholder, if the stockholder and
3 the members of the stockholder's family (as defined in
4 Section 318 of the Internal Revenue Code) own directly,
5 indirectly, beneficially, or constructively, in the
6 aggregate, at least 50% of the value of the Taxpayer's
7 outstanding stock.

8 (2) A partnership, estate, or trust and any partner or
9 beneficiary, if the partnership, estate, or trust, and its
10 partners or beneficiaries own directly, indirectly,
11 beneficially, or constructively, in the aggregate, at
12 least 50% of the profits, capital, stock, or value of the
13 Taxpayer.

14 (3) A corporation, and any party related to the
15 corporation in a manner that would require an attribution
16 of stock from the corporation to the party or from the
17 party to the corporation under the attribution rules of
18 Section 318 of the Internal Revenue Code, if the Taxpayer
19 owns directly, indirectly, beneficially, or constructively
20 at least 50% of the value of the corporation's outstanding
21 stock.

22 (4) A corporation and any party related to that
23 corporation in a manner that would require an attribution
24 of stock from the corporation to the party or from the
25 party to the corporation under the attribution rules of
26 Section 318 of the Internal Revenue Code, if the
27 corporation and all such related parties own in the
28 aggregate at least 50% of the profits, capital, stock, or
29 value of the Taxpayer.

30 (5) A person to or from whom there is attribution of
31 stock ownership in accordance with Section 1563(e) of the
32 Internal Revenue Code, except, for purposes of determining
33 whether a person is a Related Member under this paragraph,
34 20% shall be substituted for 5% wherever 5% appears in
35 Section 1563(e) of the Internal Revenue Code.

36 "Taxpayer" means an individual, corporation, partnership,

1 or other entity that has any Illinois Income Tax liability.

2 (Source: P.A. 91-476, eff. 8-11-99; 92-651, eff. 7-11-02;
3 revised 12-6-03.)

4 (35 ILCS 10/5-25)

5 Sec. 5-25. Review of Application.

6 (a) In addition to those duties granted under the Illinois
7 Economic Development Board Act, the Illinois Economic
8 Development Board shall form a Business Investment Committee
9 for the purpose of making recommendations for applications. At
10 the request of the Board, the Director of Commerce and Economic
11 Opportunity ~~Community Affairs~~ or his or her designee, the
12 Director of the Governor's Office of Management and Budget
13 ~~Bureau of the Budget~~ or his or her designee, the Director of
14 Revenue or his or her designee, the Director of Employment
15 Security or his or her designee, and an elected official of the
16 affected locality, such as the chair of the county board or the
17 mayor, may serve as members of the Committee to assist with its
18 analysis and deliberations.

19 (b) At the Department's request, the Committee shall
20 convene, make inquiries, and conduct studies in the manner and
21 by the methods as it deems desirable, review information with
22 respect to Applicants, and make recommendations for projects to
23 benefit the State. In making its recommendation that an
24 Applicant's application for Credit should or should not be
25 accepted, which shall occur within a reasonable time frame as
26 determined by the nature of the application, the Committee
27 shall determine that all the following conditions exist:

28 (1) The Applicant's project intends, as required by
29 subsection (b) of Section 5-20 to make the required
30 investment in the State and intends to hire the required
31 number of New Employees in Illinois as a result of that
32 project.

33 (2) The Applicant's project is economically sound and
34 will benefit the people of the State of Illinois by
35 increasing opportunities for employment and strengthen the

1 economy of Illinois.

2 (3) That, if not for the Credit, the project would not
3 occur in Illinois, which may be demonstrated by any means
4 including, but not limited to, evidence the Applicant has
5 multi-state location options and could reasonably and
6 efficiently locate outside of the State, or demonstration
7 that at least one other state is being considered for the
8 project, or evidence the receipt of the Credit is a major
9 factor in the Applicant's decision and that without the
10 Credit, the Applicant likely would not create new jobs in
11 Illinois, or demonstration that receiving the Credit is
12 essential to the Applicant's decision to create or retain
13 new jobs in the State.

14 (4) A cost differential is identified, using best
15 available data, in the projected costs for the Applicant's
16 project compared to the costs in the competing state,
17 including the impact of the competing state's incentive
18 programs. The competing state's incentive programs shall
19 include state, local, private, and federal funds
20 available.

21 (5) The political subdivisions affected by the project
22 have committed local incentives with respect to the
23 project, considering local ability to assist.

24 (6) Awarding the Credit will result in an overall
25 positive fiscal impact to the State, as certified by the
26 Committee using the best available data.

27 (7) The Credit is not prohibited by Section 5-35 of
28 this Act.

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

30 (35 ILCS 10/5-45)

31 Sec. 5-45. Amount and duration of the credit.

32 (a) The Department shall determine the amount and duration
33 of the credit awarded under this Act. The duration of the
34 credit may not exceed 10 taxable years. The credit may be
35 stated as a percentage of the Incremental Income Tax

1 attributable to the applicant's project and may include a fixed
2 dollar limitation.

3 (b) Notwithstanding subsection (a), and except as the
4 credit may be applied in a carryover year pursuant to Section
5 211(4) of the Illinois Income Tax Act, the credit may be
6 applied against the State income tax liability in more than 10
7 taxable years but not in more than 15 taxable years for an
8 eligible business that (i) qualifies under this Act and the
9 Corporate Headquarters Relocation Act and has in fact
10 undertaken a qualifying project within the time frame specified
11 by the Department of Commerce and Economic Opportunity
12 ~~Community Affairs~~ under that Act, and (ii) applies against its
13 State income tax liability, during the entire 15-year period,
14 no more than 60% of the maximum credit per year that would
15 otherwise be available under this Act.

16 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;
17 revised 12-6-03.)

18 Section 475. The Use Tax Act is amended by changing Section
19 9 as follows:

20 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

21 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
22 and trailers that are required to be registered with an agency
23 of this State, each retailer required or authorized to collect
24 the tax imposed by this Act shall pay to the Department the
25 amount of such tax (except as otherwise provided) at the time
26 when he is required to file his return for the period during
27 which such tax was collected, less a discount of 2.1% prior to
28 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
29 per calendar year, whichever is greater, which is allowed to
30 reimburse the retailer for expenses incurred in collecting the
31 tax, keeping records, preparing and filing returns, remitting
32 the tax and supplying data to the Department on request. In the
33 case of retailers who report and pay the tax on a transaction
34 by transaction basis, as provided in this Section, such

1 discount shall be taken with each such tax remittance instead
2 of when such retailer files his periodic return. A retailer
3 need not remit that part of any tax collected by him to the
4 extent that he is required to remit and does remit the tax
5 imposed by the Retailers' Occupation Tax Act, with respect to
6 the sale of the same property.

7 Where such tangible personal property is sold under a
8 conditional sales contract, or under any other form of sale
9 wherein the payment of the principal sum, or a part thereof, is
10 extended beyond the close of the period for which the return is
11 filed, the retailer, in collecting the tax (except as to motor
12 vehicles, watercraft, aircraft, and trailers that are required
13 to be registered with an agency of this State), may collect for
14 each tax return period, only the tax applicable to that part of
15 the selling price actually received during such tax return
16 period.

17 Except as provided in this Section, on or before the
18 twentieth day of each calendar month, such retailer shall file
19 a return for the preceding calendar month. Such return shall be
20 filed on forms prescribed by the Department and shall furnish
21 such information as the Department may reasonably require.

22 The Department may require returns to be filed on a
23 quarterly basis. If so required, a return for each calendar
24 quarter shall be filed on or before the twentieth day of the
25 calendar month following the end of such calendar quarter. The
26 taxpayer shall also file a return with the Department for each
27 of the first two months of each calendar quarter, on or before
28 the twentieth day of the following calendar month, stating:

- 29 1. The name of the seller;
- 30 2. The address of the principal place of business from
31 which he engages in the business of selling tangible
32 personal property at retail in this State;
- 33 3. The total amount of taxable receipts received by him
34 during the preceding calendar month from sales of tangible
35 personal property by him during such preceding calendar
36 month, including receipts from charge and time sales, but

1 less all deductions allowed by law;

2 4. The amount of credit provided in Section 2d of this
3 Act;

4 5. The amount of tax due;

5 5-5. The signature of the taxpayer; and

6 6. Such other reasonable information as the Department
7 may require.

8 If a taxpayer fails to sign a return within 30 days after
9 the proper notice and demand for signature by the Department,
10 the return shall be considered valid and any amount shown to be
11 due on the return shall be deemed assessed.

12 Beginning October 1, 1993, a taxpayer who has an average
13 monthly tax liability of \$150,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. Beginning October 1, 1994, a taxpayer who has
16 an average monthly tax liability of \$100,000 or more shall make
17 all payments required by rules of the Department by electronic
18 funds transfer. Beginning October 1, 1995, a taxpayer who has
19 an average monthly tax liability of \$50,000 or more shall make
20 all payments required by rules of the Department by electronic
21 funds transfer. Beginning October 1, 2000, a taxpayer who has
22 an annual tax liability of \$200,000 or more shall make all
23 payments required by rules of the Department by electronic
24 funds transfer. The term "annual tax liability" shall be the
25 sum of the taxpayer's liabilities under this Act, and under all
26 other State and local occupation and use tax laws administered
27 by the Department, for the immediately preceding calendar year.
28 The term "average monthly tax liability" means the sum of the
29 taxpayer's liabilities under this Act, and under all other
30 State and local occupation and use tax laws administered by the
31 Department, for the immediately preceding calendar year
32 divided by 12. Beginning on October 1, 2002, a taxpayer who has
33 a tax liability in the amount set forth in subsection (b) of
34 Section 2505-210 of the Department of Revenue Law shall make
35 all payments required by rules of the Department by electronic
36 funds transfer.

1 Before August 1 of each year beginning in 1993, the
2 Department shall notify all taxpayers required to make payments
3 by electronic funds transfer. All taxpayers required to make
4 payments by electronic funds transfer shall make those payments
5 for a minimum of one year beginning on October 1.

6 Any taxpayer not required to make payments by electronic
7 funds transfer may make payments by electronic funds transfer
8 with the permission of the Department.

9 All taxpayers required to make payment by electronic funds
10 transfer and any taxpayers authorized to voluntarily make
11 payments by electronic funds transfer shall make those payments
12 in the manner authorized by the Department.

13 The Department shall adopt such rules as are necessary to
14 effectuate a program of electronic funds transfer and the
15 requirements of this Section.

16 Before October 1, 2000, if the taxpayer's average monthly
17 tax liability to the Department under this Act, the Retailers'
18 Occupation Tax Act, the Service Occupation Tax Act, the Service
19 Use Tax Act was \$10,000 or more during the preceding 4 complete
20 calendar quarters, he shall file a return with the Department
21 each month by the 20th day of the month next following the
22 month during which such tax liability is incurred and shall
23 make payments to the Department on or before the 7th, 15th,
24 22nd and last day of the month during which such liability is
25 incurred. On and after October 1, 2000, if the taxpayer's
26 average monthly tax liability to the Department under this Act,
27 the Retailers' Occupation Tax Act, the Service Occupation Tax
28 Act, and the Service Use Tax Act was \$20,000 or more during the
29 preceding 4 complete calendar quarters, he shall file a return
30 with the Department each month by the 20th day of the month
31 next following the month during which such tax liability is
32 incurred and shall make payment to the Department on or before
33 the 7th, 15th, 22nd and last day of the month during which such
34 liability is incurred. If the month during which such tax
35 liability is incurred began prior to January 1, 1985, each
36 payment shall be in an amount equal to 1/4 of the taxpayer's

1 actual liability for the month or an amount set by the
2 Department not to exceed 1/4 of the average monthly liability
3 of the taxpayer to the Department for the preceding 4 complete
4 calendar quarters (excluding the month of highest liability and
5 the month of lowest liability in such 4 quarter period). If the
6 month during which such tax liability is incurred begins on or
7 after January 1, 1985, and prior to January 1, 1987, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 27.5% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1987, and prior to January 1, 1988, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 26.25% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1988, and prior to January 1, 1989, or
18 begins on or after January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year. If the month during which
22 such tax liability is incurred begins on or after January 1,
23 1989, and prior to January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year or 100% of the taxpayer's
27 actual liability for the quarter monthly reporting period. The
28 amount of such quarter monthly payments shall be credited
29 against the final tax liability of the taxpayer's return for
30 that month. Before October 1, 2000, once applicable, the
31 requirement of the making of quarter monthly payments to the
32 Department shall continue until such taxpayer's average
33 monthly liability to the Department during the preceding 4
34 complete calendar quarters (excluding the month of highest
35 liability and the month of lowest liability) is less than
36 \$9,000, or until such taxpayer's average monthly liability to

1 the Department as computed for each calendar quarter of the 4
2 preceding complete calendar quarter period is less than
3 \$10,000. However, if a taxpayer can show the Department that a
4 substantial change in the taxpayer's business has occurred
5 which causes the taxpayer to anticipate that his average
6 monthly tax liability for the reasonably foreseeable future
7 will fall below the \$10,000 threshold stated above, then such
8 taxpayer may petition the Department for change in such
9 taxpayer's reporting status. On and after October 1, 2000, once
10 applicable, the requirement of the making of quarter monthly
11 payments to the Department shall continue until such taxpayer's
12 average monthly liability to the Department during the
13 preceding 4 complete calendar quarters (excluding the month of
14 highest liability and the month of lowest liability) is less
15 than \$19,000 or until such taxpayer's average monthly liability
16 to the Department as computed for each calendar quarter of the
17 4 preceding complete calendar quarter period is less than
18 \$20,000. However, if a taxpayer can show the Department that a
19 substantial change in the taxpayer's business has occurred
20 which causes the taxpayer to anticipate that his average
21 monthly tax liability for the reasonably foreseeable future
22 will fall below the \$20,000 threshold stated above, then such
23 taxpayer may petition the Department for a change in such
24 taxpayer's reporting status. The Department shall change such
25 taxpayer's reporting status unless it finds that such change is
26 seasonal in nature and not likely to be long term. If any such
27 quarter monthly payment is not paid at the time or in the
28 amount required by this Section, then the taxpayer shall be
29 liable for penalties and interest on the difference between the
30 minimum amount due and the amount of such quarter monthly
31 payment actually and timely paid, except insofar as the
32 taxpayer has previously made payments for that month to the
33 Department in excess of the minimum payments previously due as
34 provided in this Section. The Department shall make reasonable
35 rules and regulations to govern the quarter monthly payment
36 amount and quarter monthly payment dates for taxpayers who file

1 on other than a calendar monthly basis.

2 If any such payment provided for in this Section exceeds
3 the taxpayer's liabilities under this Act, the Retailers'
4 Occupation Tax Act, the Service Occupation Tax Act and the
5 Service Use Tax Act, as shown by an original monthly return,
6 the Department shall issue to the taxpayer a credit memorandum
7 no later than 30 days after the date of payment, which
8 memorandum may be submitted by the taxpayer to the Department
9 in payment of tax liability subsequently to be remitted by the
10 taxpayer to the Department or be assigned by the taxpayer to a
11 similar taxpayer under this Act, the Retailers' Occupation Tax
12 Act, the Service Occupation Tax Act or the Service Use Tax Act,
13 in accordance with reasonable rules and regulations to be
14 prescribed by the Department, except that if such excess
15 payment is shown on an original monthly return and is made
16 after December 31, 1986, no credit memorandum shall be issued,
17 unless requested by the taxpayer. If no such request is made,
18 the taxpayer may credit such excess payment against tax
19 liability subsequently to be remitted by the taxpayer to the
20 Department under this Act, the Retailers' Occupation Tax Act,
21 the Service Occupation Tax Act or the Service Use Tax Act, in
22 accordance with reasonable rules and regulations prescribed by
23 the Department. If the Department subsequently determines that
24 all or any part of the credit taken was not actually due to the
25 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
26 be reduced by 2.1% or 1.75% of the difference between the
27 credit taken and that actually due, and the taxpayer shall be
28 liable for penalties and interest on such difference.

29 If the retailer is otherwise required to file a monthly
30 return and if the retailer's average monthly tax liability to
31 the Department does not exceed \$200, the Department may
32 authorize his returns to be filed on a quarter annual basis,
33 with the return for January, February, and March of a given
34 year being due by April 20 of such year; with the return for
35 April, May and June of a given year being due by July 20 of such
36 year; with the return for July, August and September of a given

1 year being due by October 20 of such year, and with the return
2 for October, November and December of a given year being due by
3 January 20 of the following year.

4 If the retailer is otherwise required to file a monthly or
5 quarterly return and if the retailer's average monthly tax
6 liability to the Department does not exceed \$50, the Department
7 may authorize his returns to be filed on an annual basis, with
8 the return for a given year being due by January 20 of the
9 following year.

10 Such quarter annual and annual returns, as to form and
11 substance, shall be subject to the same requirements as monthly
12 returns.

13 Notwithstanding any other provision in this Act concerning
14 the time within which a retailer may file his return, in the
15 case of any retailer who ceases to engage in a kind of business
16 which makes him responsible for filing returns under this Act,
17 such retailer shall file a final return under this Act with the
18 Department not more than one month after discontinuing such
19 business.

20 In addition, with respect to motor vehicles, watercraft,
21 aircraft, and trailers that are required to be registered with
22 an agency of this State, every retailer selling this kind of
23 tangible personal property shall file, with the Department,
24 upon a form to be prescribed and supplied by the Department, a
25 separate return for each such item of tangible personal
26 property which the retailer sells, except that if, in the same
27 transaction, (i) a retailer of aircraft, watercraft, motor
28 vehicles or trailers transfers more than one aircraft,
29 watercraft, motor vehicle or trailer to another aircraft,
30 watercraft, motor vehicle or trailer retailer for the purpose
31 of resale or (ii) a retailer of aircraft, watercraft, motor
32 vehicles, or trailers transfers more than one aircraft,
33 watercraft, motor vehicle, or trailer to a purchaser for use as
34 a qualifying rolling stock as provided in Section 3-55 of this
35 Act, then that seller may report the transfer of all the
36 aircraft, watercraft, motor vehicles or trailers involved in

1 that transaction to the Department on the same uniform
2 invoice-transaction reporting return form. For purposes of
3 this Section, "watercraft" means a Class 2, Class 3, or Class 4
4 watercraft as defined in Section 3-2 of the Boat Registration
5 and Safety Act, a personal watercraft, or any boat equipped
6 with an inboard motor.

7 The transaction reporting return in the case of motor
8 vehicles or trailers that are required to be registered with an
9 agency of this State, shall be the same document as the Uniform
10 Invoice referred to in Section 5-402 of the Illinois Vehicle
11 Code and must show the name and address of the seller; the name
12 and address of the purchaser; the amount of the selling price
13 including the amount allowed by the retailer for traded-in
14 property, if any; the amount allowed by the retailer for the
15 traded-in tangible personal property, if any, to the extent to
16 which Section 2 of this Act allows an exemption for the value
17 of traded-in property; the balance payable after deducting such
18 trade-in allowance from the total selling price; the amount of
19 tax due from the retailer with respect to such transaction; the
20 amount of tax collected from the purchaser by the retailer on
21 such transaction (or satisfactory evidence that such tax is not
22 due in that particular instance, if that is claimed to be the
23 fact); the place and date of the sale; a sufficient
24 identification of the property sold; such other information as
25 is required in Section 5-402 of the Illinois Vehicle Code, and
26 such other information as the Department may reasonably
27 require.

28 The transaction reporting return in the case of watercraft
29 and aircraft must show the name and address of the seller; the
30 name and address of the purchaser; the amount of the selling
31 price including the amount allowed by the retailer for
32 traded-in property, if any; the amount allowed by the retailer
33 for the traded-in tangible personal property, if any, to the
34 extent to which Section 2 of this Act allows an exemption for
35 the value of traded-in property; the balance payable after
36 deducting such trade-in allowance from the total selling price;

1 the amount of tax due from the retailer with respect to such
2 transaction; the amount of tax collected from the purchaser by
3 the retailer on such transaction (or satisfactory evidence that
4 such tax is not due in that particular instance, if that is
5 claimed to be the fact); the place and date of the sale, a
6 sufficient identification of the property sold, and such other
7 information as the Department may reasonably require.

8 Such transaction reporting return shall be filed not later
9 than 20 days after the date of delivery of the item that is
10 being sold, but may be filed by the retailer at any time sooner
11 than that if he chooses to do so. The transaction reporting
12 return and tax remittance or proof of exemption from the tax
13 that is imposed by this Act may be transmitted to the
14 Department by way of the State agency with which, or State
15 officer with whom, the tangible personal property must be
16 titled or registered (if titling or registration is required)
17 if the Department and such agency or State officer determine
18 that this procedure will expedite the processing of
19 applications for title or registration.

20 With each such transaction reporting return, the retailer
21 shall remit the proper amount of tax due (or shall submit
22 satisfactory evidence that the sale is not taxable if that is
23 the case), to the Department or its agents, whereupon the
24 Department shall issue, in the purchaser's name, a tax receipt
25 (or a certificate of exemption if the Department is satisfied
26 that the particular sale is tax exempt) which such purchaser
27 may submit to the agency with which, or State officer with
28 whom, he must title or register the tangible personal property
29 that is involved (if titling or registration is required) in
30 support of such purchaser's application for an Illinois
31 certificate or other evidence of title or registration to such
32 tangible personal property.

33 No retailer's failure or refusal to remit tax under this
34 Act precludes a user, who has paid the proper tax to the
35 retailer, from obtaining his certificate of title or other
36 evidence of title or registration (if titling or registration

1 is required) upon satisfying the Department that such user has
2 paid the proper tax (if tax is due) to the retailer. The
3 Department shall adopt appropriate rules to carry out the
4 mandate of this paragraph.

5 If the user who would otherwise pay tax to the retailer
6 wants the transaction reporting return filed and the payment of
7 tax or proof of exemption made to the Department before the
8 retailer is willing to take these actions and such user has not
9 paid the tax to the retailer, such user may certify to the fact
10 of such delay by the retailer, and may (upon the Department
11 being satisfied of the truth of such certification) transmit
12 the information required by the transaction reporting return
13 and the remittance for tax or proof of exemption directly to
14 the Department and obtain his tax receipt or exemption
15 determination, in which event the transaction reporting return
16 and tax remittance (if a tax payment was required) shall be
17 credited by the Department to the proper retailer's account
18 with the Department, but without the 2.1% or 1.75% discount
19 provided for in this Section being allowed. When the user pays
20 the tax directly to the Department, he shall pay the tax in the
21 same amount and in the same form in which it would be remitted
22 if the tax had been remitted to the Department by the retailer.

23 Where a retailer collects the tax with respect to the
24 selling price of tangible personal property which he sells and
25 the purchaser thereafter returns such tangible personal
26 property and the retailer refunds the selling price thereof to
27 the purchaser, such retailer shall also refund, to the
28 purchaser, the tax so collected from the purchaser. When filing
29 his return for the period in which he refunds such tax to the
30 purchaser, the retailer may deduct the amount of the tax so
31 refunded by him to the purchaser from any other use tax which
32 such retailer may be required to pay or remit to the
33 Department, as shown by such return, if the amount of the tax
34 to be deducted was previously remitted to the Department by
35 such retailer. If the retailer has not previously remitted the
36 amount of such tax to the Department, he is entitled to no

1 deduction under this Act upon refunding such tax to the
2 purchaser.

3 Any retailer filing a return under this Section shall also
4 include (for the purpose of paying tax thereon) the total tax
5 covered by such return upon the selling price of tangible
6 personal property purchased by him at retail from a retailer,
7 but as to which the tax imposed by this Act was not collected
8 from the retailer filing such return, and such retailer shall
9 remit the amount of such tax to the Department when filing such
10 return.

11 If experience indicates such action to be practicable, the
12 Department may prescribe and furnish a combination or joint
13 return which will enable retailers, who are required to file
14 returns hereunder and also under the Retailers' Occupation Tax
15 Act, to furnish all the return information required by both
16 Acts on the one form.

17 Where the retailer has more than one business registered
18 with the Department under separate registration under this Act,
19 such retailer may not file each return that is due as a single
20 return covering all such registered businesses, but shall file
21 separate returns for each such registered business.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the State and Local Sales Tax Reform Fund, a special
24 fund in the State Treasury which is hereby created, the net
25 revenue realized for the preceding month from the 1% tax on
26 sales of food for human consumption which is to be consumed off
27 the premises where it is sold (other than alcoholic beverages,
28 soft drinks and food which has been prepared for immediate
29 consumption) and prescription and nonprescription medicines,
30 drugs, medical appliances and insulin, urine testing
31 materials, syringes and needles used by diabetics.

32 Beginning January 1, 1990, each month the Department shall
33 pay into the County and Mass Transit District Fund 4% of the
34 net revenue realized for the preceding month from the 6.25%
35 general rate on the selling price of tangible personal property
36 which is purchased outside Illinois at retail from a retailer

1 and which is titled or registered by an agency of this State's
2 government.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the State and Local Sales Tax Reform Fund, a special
5 fund in the State Treasury, 20% of the net revenue realized for
6 the preceding month from the 6.25% general rate on the selling
7 price of tangible personal property, other than tangible
8 personal property which is purchased outside Illinois at retail
9 from a retailer and which is titled or registered by an agency
10 of this State's government.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the State and Local Sales Tax Reform Fund 100% of the
13 net revenue realized for the preceding month from the 1.25%
14 rate on the selling price of motor fuel and gasohol.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the Local Government Tax Fund 16% of the net revenue
17 realized for the preceding month from the 6.25% general rate on
18 the selling price of tangible personal property which is
19 purchased outside Illinois at retail from a retailer and which
20 is titled or registered by an agency of this State's
21 government.

22 Of the remainder of the moneys received by the Department
23 pursuant to this Act, (a) 1.75% thereof shall be paid into the
24 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
25 and after July 1, 1989, 3.8% thereof shall be paid into the
26 Build Illinois Fund; provided, however, that if in any fiscal
27 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
28 may be, of the moneys received by the Department and required
29 to be paid into the Build Illinois Fund pursuant to Section 3
30 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
31 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
32 Service Occupation Tax Act, such Acts being hereinafter called
33 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
34 may be, of moneys being hereinafter called the "Tax Act
35 Amount", and (2) the amount transferred to the Build Illinois
36 Fund from the State and Local Sales Tax Reform Fund shall be

1 less than the Annual Specified Amount (as defined in Section 3
2 of the Retailers' Occupation Tax Act), an amount equal to the
3 difference shall be immediately paid into the Build Illinois
4 Fund from other moneys received by the Department pursuant to
5 the Tax Acts; and further provided, that if on the last
6 business day of any month the sum of (1) the Tax Act Amount
7 required to be deposited into the Build Illinois Bond Account
8 in the Build Illinois Fund during such month and (2) the amount
9 transferred during such month to the Build Illinois Fund from
10 the State and Local Sales Tax Reform Fund shall have been less
11 than 1/12 of the Annual Specified Amount, an amount equal to
12 the difference shall be immediately paid into the Build
13 Illinois Fund from other moneys received by the Department
14 pursuant to the Tax Acts; and, further provided, that in no
15 event shall the payments required under the preceding proviso
16 result in aggregate payments into the Build Illinois Fund
17 pursuant to this clause (b) for any fiscal year in excess of
18 the greater of (i) the Tax Act Amount or (ii) the Annual
19 Specified Amount for such fiscal year; and, further provided,
20 that the amounts payable into the Build Illinois Fund under
21 this clause (b) shall be payable only until such time as the
22 aggregate amount on deposit under each trust indenture securing
23 Bonds issued and outstanding pursuant to the Build Illinois
24 Bond Act is sufficient, taking into account any future
25 investment income, to fully provide, in accordance with such
26 indenture, for the defeasance of or the payment of the
27 principal of, premium, if any, and interest on the Bonds
28 secured by such indenture and on any Bonds expected to be
29 issued thereafter and all fees and costs payable with respect
30 thereto, all as certified by the Director of the Bureau of the
31 Budget (now Governor's Office of Management and Budget). If on
32 the last business day of any month in which Bonds are
33 outstanding pursuant to the Build Illinois Bond Act, the
34 aggregate of the moneys deposited in the Build Illinois Bond
35 Account in the Build Illinois Fund in such month shall be less
36 than the amount required to be transferred in such month from

1 the Build Illinois Bond Account to the Build Illinois Bond
 2 Retirement and Interest Fund pursuant to Section 13 of the
 3 Build Illinois Bond Act, an amount equal to such deficiency
 4 shall be immediately paid from other moneys received by the
 5 Department pursuant to the Tax Acts to the Build Illinois Fund;
 6 provided, however, that any amounts paid to the Build Illinois
 7 Fund in any fiscal year pursuant to this sentence shall be
 8 deemed to constitute payments pursuant to clause (b) of the
 9 preceding sentence and shall reduce the amount otherwise
 10 payable for such fiscal year pursuant to clause (b) of the
 11 preceding sentence. The moneys received by the Department
 12 pursuant to this Act and required to be deposited into the
 13 Build Illinois Fund are subject to the pledge, claim and charge
 14 set forth in Section 12 of the Build Illinois Bond Act.

15 Subject to payment of amounts into the Build Illinois Fund
 16 as provided in the preceding paragraph or in any amendment
 17 thereto hereafter enacted, the following specified monthly
 18 installment of the amount requested in the certificate of the
 19 Chairman of the Metropolitan Pier and Exposition Authority
 20 provided under Section 8.25f of the State Finance Act, but not
 21 in excess of the sums designated as "Total Deposit", shall be
 22 deposited in the aggregate from collections under Section 9 of
 23 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 24 9 of the Service Occupation Tax Act, and Section 3 of the
 25 Retailers' Occupation Tax Act into the McCormick Place
 26 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
28	1993	\$0
29	1994	53,000,000
30	1995	58,000,000
31	1996	61,000,000
32	1997	64,000,000
33	1998	68,000,000
34	1999	71,000,000
35	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023 and	275,000,000

24 each fiscal year
25 thereafter that bonds
26 are outstanding under
27 Section 13.2 of the
28 Metropolitan Pier and
29 Exposition Authority Act,
30 but not after fiscal year 2042.

31 Beginning July 20, 1993 and in each month of each fiscal
32 year thereafter, one-eighth of the amount requested in the
33 certificate of the Chairman of the Metropolitan Pier and
34 Exposition Authority for that fiscal year, less the amount
35 deposited into the McCormick Place Expansion Project Fund by
36 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition
2 Authority Act, plus cumulative deficiencies in the deposits
3 required under this Section for previous months and years,
4 shall be deposited into the McCormick Place Expansion Project
5 Fund, until the full amount requested for the fiscal year, but
6 not in excess of the amount specified above as "Total Deposit",
7 has been deposited.

8 Subject to payment of amounts into the Build Illinois Fund
9 and the McCormick Place Expansion Project Fund pursuant to the
10 preceding paragraphs or in any amendments thereto hereafter
11 enacted, beginning July 1, 1993, the Department shall each
12 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
13 the net revenue realized for the preceding month from the 6.25%
14 general rate on the selling price of tangible personal
15 property.

16 Subject to payment of amounts into the Build Illinois Fund
17 and the McCormick Place Expansion Project Fund pursuant to the
18 preceding paragraphs or in any amendments thereto hereafter
19 enacted, beginning with the receipt of the first report of
20 taxes paid by an eligible business and continuing for a 25-year
21 period, the Department shall each month pay into the Energy
22 Infrastructure Fund 80% of the net revenue realized from the
23 6.25% general rate on the selling price of Illinois-mined coal
24 that was sold to an eligible business. For purposes of this
25 paragraph, the term "eligible business" means a new electric
26 generating facility certified pursuant to Section 605-332 of
27 the Department of Commerce and Economic Opportunity ~~Community~~
28 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

29 Of the remainder of the moneys received by the Department
30 pursuant to this Act, 75% thereof shall be paid into the State
31 Treasury and 25% shall be reserved in a special account and
32 used only for the transfer to the Common School Fund as part of
33 the monthly transfer from the General Revenue Fund in
34 accordance with Section 8a of the State Finance Act.

35 As soon as possible after the first day of each month, upon
36 certification of the Department of Revenue, the Comptroller

1 shall order transferred and the Treasurer shall transfer from
2 the General Revenue Fund to the Motor Fuel Tax Fund an amount
3 equal to 1.7% of 80% of the net revenue realized under this Act
4 for the second preceding month. Beginning April 1, 2000, this
5 transfer is no longer required and shall not be made.

6 Net revenue realized for a month shall be the revenue
7 collected by the State pursuant to this Act, less the amount
8 paid out during that month as refunds to taxpayers for
9 overpayment of liability.

10 For greater simplicity of administration, manufacturers,
11 importers and wholesalers whose products are sold at retail in
12 Illinois by numerous retailers, and who wish to do so, may
13 assume the responsibility for accounting and paying to the
14 Department all tax accruing under this Act with respect to such
15 sales, if the retailers who are affected do not make written
16 objection to the Department to this arrangement.

17 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
18 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
19 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
20 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
21 92-651, eff. 7-11-02; revised 10-15-03.)

22 Section 480. The Service Use Tax Act is amended by changing
23 Section 9 as follows:

24 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

25 Sec. 9. Each serviceman required or authorized to collect
26 the tax herein imposed shall pay to the Department the amount
27 of such tax (except as otherwise provided) at the time when he
28 is required to file his return for the period during which such
29 tax was collected, less a discount of 2.1% prior to January 1,
30 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
31 year, whichever is greater, which is allowed to reimburse the
32 serviceman for expenses incurred in collecting the tax, keeping
33 records, preparing and filing returns, remitting the tax and
34 supplying data to the Department on request. A serviceman need

1 not remit that part of any tax collected by him to the extent
2 that he is required to pay and does pay the tax imposed by the
3 Service Occupation Tax Act with respect to his sale of service
4 involving the incidental transfer by him of the same property.

5 Except as provided hereinafter in this Section, on or
6 before the twentieth day of each calendar month, such
7 serviceman shall file a return for the preceding calendar month
8 in accordance with reasonable Rules and Regulations to be
9 promulgated by the Department. Such return shall be filed on a
10 form prescribed by the Department and shall contain such
11 information as the Department may reasonably require.

12 The Department may require returns to be filed on a
13 quarterly basis. If so required, a return for each calendar
14 quarter shall be filed on or before the twentieth day of the
15 calendar month following the end of such calendar quarter. The
16 taxpayer shall also file a return with the Department for each
17 of the first two months of each calendar quarter, on or before
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from
21 which he engages in business as a serviceman in this State;

22 3. The total amount of taxable receipts received by him
23 during the preceding calendar month, including receipts
24 from charge and time sales, but less all deductions allowed
25 by law;

26 4. The amount of credit provided in Section 2d of this
27 Act;

28 5. The amount of tax due;

29 5-5. The signature of the taxpayer; and

30 6. Such other reasonable information as the Department
31 may require.

32 If a taxpayer fails to sign a return within 30 days after
33 the proper notice and demand for signature by the Department,
34 the return shall be considered valid and any amount shown to be
35 due on the return shall be deemed assessed.

36 Beginning October 1, 1993, a taxpayer who has an average

1 monthly tax liability of \$150,000 or more shall make all
2 payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1994, a taxpayer who has
4 an average monthly tax liability of \$100,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 1995, a taxpayer who has
7 an average monthly tax liability of \$50,000 or more shall make
8 all payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 2000, a taxpayer who has
10 an annual tax liability of \$200,000 or more shall make all
11 payments required by rules of the Department by electronic
12 funds transfer. The term "annual tax liability" shall be the
13 sum of the taxpayer's liabilities under this Act, and under all
14 other State and local occupation and use tax laws administered
15 by the Department, for the immediately preceding calendar year.
16 The term "average monthly tax liability" means the sum of the
17 taxpayer's liabilities under this Act, and under all other
18 State and local occupation and use tax laws administered by the
19 Department, for the immediately preceding calendar year
20 divided by 12. Beginning on October 1, 2002, a taxpayer who has
21 a tax liability in the amount set forth in subsection (b) of
22 Section 2505-210 of the Department of Revenue Law shall make
23 all payments required by rules of the Department by electronic
24 funds transfer.

25 Before August 1 of each year beginning in 1993, the
26 Department shall notify all taxpayers required to make payments
27 by electronic funds transfer. All taxpayers required to make
28 payments by electronic funds transfer shall make those payments
29 for a minimum of one year beginning on October 1.

30 Any taxpayer not required to make payments by electronic
31 funds transfer may make payments by electronic funds transfer
32 with the permission of the Department.

33 All taxpayers required to make payment by electronic funds
34 transfer and any taxpayers authorized to voluntarily make
35 payments by electronic funds transfer shall make those payments
36 in the manner authorized by the Department.

1 The Department shall adopt such rules as are necessary to
2 effectuate a program of electronic funds transfer and the
3 requirements of this Section.

4 If the serviceman is otherwise required to file a monthly
5 return and if the serviceman's average monthly tax liability to
6 the Department does not exceed \$200, the Department may
7 authorize his returns to be filed on a quarter annual basis,
8 with the return for January, February and March of a given year
9 being due by April 20 of such year; with the return for April,
10 May and June of a given year being due by July 20 of such year;
11 with the return for July, August and September of a given year
12 being due by October 20 of such year, and with the return for
13 October, November and December of a given year being due by
14 January 20 of the following year.

15 If the serviceman is otherwise required to file a monthly
16 or quarterly return and if the serviceman's average monthly tax
17 liability to the Department does not exceed \$50, the Department
18 may authorize his returns to be filed on an annual basis, with
19 the return for a given year being due by January 20 of the
20 following year.

21 Such quarter annual and annual returns, as to form and
22 substance, shall be subject to the same requirements as monthly
23 returns.

24 Notwithstanding any other provision in this Act concerning
25 the time within which a serviceman may file his return, in the
26 case of any serviceman who ceases to engage in a kind of
27 business which makes him responsible for filing returns under
28 this Act, such serviceman shall file a final return under this
29 Act with the Department not more than 1 month after
30 discontinuing such business.

31 Where a serviceman collects the tax with respect to the
32 selling price of property which he sells and the purchaser
33 thereafter returns such property and the serviceman refunds the
34 selling price thereof to the purchaser, such serviceman shall
35 also refund, to the purchaser, the tax so collected from the
36 purchaser. When filing his return for the period in which he

1 refunds such tax to the purchaser, the serviceman may deduct
2 the amount of the tax so refunded by him to the purchaser from
3 any other Service Use Tax, Service Occupation Tax, retailers'
4 occupation tax or use tax which such serviceman may be required
5 to pay or remit to the Department, as shown by such return,
6 provided that the amount of the tax to be deducted shall
7 previously have been remitted to the Department by such
8 serviceman. If the serviceman shall not previously have
9 remitted the amount of such tax to the Department, he shall be
10 entitled to no deduction hereunder upon refunding such tax to
11 the purchaser.

12 Any serviceman filing a return hereunder shall also include
13 the total tax upon the selling price of tangible personal
14 property purchased for use by him as an incident to a sale of
15 service, and such serviceman shall remit the amount of such tax
16 to the Department when filing such return.

17 If experience indicates such action to be practicable, the
18 Department may prescribe and furnish a combination or joint
19 return which will enable servicemen, who are required to file
20 returns hereunder and also under the Service Occupation Tax
21 Act, to furnish all the return information required by both
22 Acts on the one form.

23 Where the serviceman has more than one business registered
24 with the Department under separate registration hereunder,
25 such serviceman shall not file each return that is due as a
26 single return covering all such registered businesses, but
27 shall file separate returns for each such registered business.

28 Beginning January 1, 1990, each month the Department shall
29 pay into the State and Local Tax Reform Fund, a special fund in
30 the State Treasury, the net revenue realized for the preceding
31 month from the 1% tax on sales of food for human consumption
32 which is to be consumed off the premises where it is sold
33 (other than alcoholic beverages, soft drinks and food which has
34 been prepared for immediate consumption) and prescription and
35 nonprescription medicines, drugs, medical appliances and
36 insulin, urine testing materials, syringes and needles used by

1 diabetics.

2 Beginning January 1, 1990, each month the Department shall
3 pay into the State and Local Sales Tax Reform Fund 20% of the
4 net revenue realized for the preceding month from the 6.25%
5 general rate on transfers of tangible personal property, other
6 than tangible personal property which is purchased outside
7 Illinois at retail from a retailer and which is titled or
8 registered by an agency of this State's government.

9 Beginning August 1, 2000, each month the Department shall
10 pay into the State and Local Sales Tax Reform Fund 100% of the
11 net revenue realized for the preceding month from the 1.25%
12 rate on the selling price of motor fuel and gasohol.

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, (a) 1.75% thereof shall be paid into the
15 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
16 and after July 1, 1989, 3.8% thereof shall be paid into the
17 Build Illinois Fund; provided, however, that if in any fiscal
18 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
19 may be, of the moneys received by the Department and required
20 to be paid into the Build Illinois Fund pursuant to Section 3
21 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
22 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
23 Service Occupation Tax Act, such Acts being hereinafter called
24 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
25 may be, of moneys being hereinafter called the "Tax Act
26 Amount", and (2) the amount transferred to the Build Illinois
27 Fund from the State and Local Sales Tax Reform Fund shall be
28 less than the Annual Specified Amount (as defined in Section 3
29 of the Retailers' Occupation Tax Act), an amount equal to the
30 difference shall be immediately paid into the Build Illinois
31 Fund from other moneys received by the Department pursuant to
32 the Tax Acts; and further provided, that if on the last
33 business day of any month the sum of (1) the Tax Act Amount
34 required to be deposited into the Build Illinois Bond Account
35 in the Build Illinois Fund during such month and (2) the amount
36 transferred during such month to the Build Illinois Fund from

1 the State and Local Sales Tax Reform Fund shall have been less
2 than 1/12 of the Annual Specified Amount, an amount equal to
3 the difference shall be immediately paid into the Build
4 Illinois Fund from other moneys received by the Department
5 pursuant to the Tax Acts; and, further provided, that in no
6 event shall the payments required under the preceding proviso
7 result in aggregate payments into the Build Illinois Fund
8 pursuant to this clause (b) for any fiscal year in excess of
9 the greater of (i) the Tax Act Amount or (ii) the Annual
10 Specified Amount for such fiscal year; and, further provided,
11 that the amounts payable into the Build Illinois Fund under
12 this clause (b) shall be payable only until such time as the
13 aggregate amount on deposit under each trust indenture securing
14 Bonds issued and outstanding pursuant to the Build Illinois
15 Bond Act is sufficient, taking into account any future
16 investment income, to fully provide, in accordance with such
17 indenture, for the defeasance of or the payment of the
18 principal of, premium, if any, and interest on the Bonds
19 secured by such indenture and on any Bonds expected to be
20 issued thereafter and all fees and costs payable with respect
21 thereto, all as certified by the Director of the Bureau of the
22 Budget (now Governor's Office of Management and Budget). If on
23 the last business day of any month in which Bonds are
24 outstanding pursuant to the Build Illinois Bond Act, the
25 aggregate of the moneys deposited in the Build Illinois Bond
26 Account in the Build Illinois Fund in such month shall be less
27 than the amount required to be transferred in such month from
28 the Build Illinois Bond Account to the Build Illinois Bond
29 Retirement and Interest Fund pursuant to Section 13 of the
30 Build Illinois Bond Act, an amount equal to such deficiency
31 shall be immediately paid from other moneys received by the
32 Department pursuant to the Tax Acts to the Build Illinois Fund;
33 provided, however, that any amounts paid to the Build Illinois
34 Fund in any fiscal year pursuant to this sentence shall be
35 deemed to constitute payments pursuant to clause (b) of the
36 preceding sentence and shall reduce the amount otherwise

1 payable for such fiscal year pursuant to clause (b) of the
 2 preceding sentence. The moneys received by the Department
 3 pursuant to this Act and required to be deposited into the
 4 Build Illinois Fund are subject to the pledge, claim and charge
 5 set forth in Section 12 of the Build Illinois Bond Act.

6 Subject to payment of amounts into the Build Illinois Fund
 7 as provided in the preceding paragraph or in any amendment
 8 thereto hereafter enacted, the following specified monthly
 9 installment of the amount requested in the certificate of the
 10 Chairman of the Metropolitan Pier and Exposition Authority
 11 provided under Section 8.25f of the State Finance Act, but not
 12 in excess of the sums designated as "Total Deposit", shall be
 13 deposited in the aggregate from collections under Section 9 of
 14 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 15 9 of the Service Occupation Tax Act, and Section 3 of the
 16 Retailers' Occupation Tax Act into the McCormick Place
 17 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
18		
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000
26	2000	75,000,000
27	2001	80,000,000
28	2002	93,000,000
29	2003	99,000,000
30	2004	103,000,000
31	2005	108,000,000
32	2006	113,000,000
33	2007	119,000,000
34	2008	126,000,000
35	2009	132,000,000

1	2010	139,000,000
2	2011	146,000,000
3	2012	153,000,000
4	2013	161,000,000
5	2014	170,000,000
6	2015	179,000,000
7	2016	189,000,000
8	2017	199,000,000
9	2018	210,000,000
10	2019	221,000,000
11	2020	233,000,000
12	2021	246,000,000
13	2022	260,000,000
14	2023 and	275,000,000

15 each fiscal year
16 thereafter that bonds
17 are outstanding under
18 Section 13.2 of the
19 Metropolitan Pier and
20 Exposition Authority Act,
21 but not after fiscal year 2042.

22 Beginning July 20, 1993 and in each month of each fiscal
23 year thereafter, one-eighth of the amount requested in the
24 certificate of the Chairman of the Metropolitan Pier and
25 Exposition Authority for that fiscal year, less the amount
26 deposited into the McCormick Place Expansion Project Fund by
27 the State Treasurer in the respective month under subsection
28 (g) of Section 13 of the Metropolitan Pier and Exposition
29 Authority Act, plus cumulative deficiencies in the deposits
30 required under this Section for previous months and years,
31 shall be deposited into the McCormick Place Expansion Project
32 Fund, until the full amount requested for the fiscal year, but
33 not in excess of the amount specified above as "Total Deposit",
34 has been deposited.

35 Subject to payment of amounts into the Build Illinois Fund
36 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning July 1, 1993, the Department shall each
3 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
4 the net revenue realized for the preceding month from the 6.25%
5 general rate on the selling price of tangible personal
6 property.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning with the receipt of the first report of
11 taxes paid by an eligible business and continuing for a 25-year
12 period, the Department shall each month pay into the Energy
13 Infrastructure Fund 80% of the net revenue realized from the
14 6.25% general rate on the selling price of Illinois-mined coal
15 that was sold to an eligible business. For purposes of this
16 paragraph, the term "eligible business" means a new electric
17 generating facility certified pursuant to Section 605-332 of
18 the Department of Commerce and Economic Opportunity Community
19 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

20 All remaining moneys received by the Department pursuant to
21 this Act shall be paid into the General Revenue Fund of the
22 State Treasury.

23 As soon as possible after the first day of each month, upon
24 certification of the Department of Revenue, the Comptroller
25 shall order transferred and the Treasurer shall transfer from
26 the General Revenue Fund to the Motor Fuel Tax Fund an amount
27 equal to 1.7% of 80% of the net revenue realized under this Act
28 for the second preceding month. Beginning April 1, 2000, this
29 transfer is no longer required and shall not be made.

30 Net revenue realized for a month shall be the revenue
31 collected by the State pursuant to this Act, less the amount
32 paid out during that month as refunds to taxpayers for
33 overpayment of liability.

34 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
35 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;
36 revised 10-15-03.)

1 Section 490. The Retailers' Occupation Tax Act is amended
2 by changing Sections 1d, 1f, 1i, 1j.1, 1k, 1o, and 5l as
3 follows:

4 (35 ILCS 120/1d) (from Ch. 120, par. 440d)

5 Sec. 1d. Subject to the provisions of Section 1f, all
6 tangible personal property to be used or consumed within an
7 enterprise zone established pursuant to the "Illinois
8 Enterprise Zone Act", as amended, or subject to the provisions
9 of Section 5.5 of the Illinois Enterprise Zone Act, all
10 tangible personal property to be used or consumed by any High
11 Impact Business, in the process of the manufacturing or
12 assembly of tangible personal property for wholesale or retail
13 sale or lease or in the process of graphic arts production if
14 used or consumed at a facility which is a Department of
15 Commerce and Economic Opportunity ~~Community Affairs~~ certified
16 business and located in a county of more than 4,000 persons and
17 less than 45,000 persons is exempt from the tax imposed by this
18 Act. This exemption includes repair and replacement parts for
19 machinery and equipment used primarily in the process of
20 manufacturing or assembling tangible personal property or in
21 the process of graphic arts production if used or consumed at a
22 facility which is a Department of Commerce and Economic
23 Opportunity ~~Community Affairs~~ certified business and located
24 in a county of more than 4,000 persons and less than 45,000
25 persons for wholesale or retail sale, or lease, and equipment,
26 manufacturing or graphic arts fuels, material and supplies for
27 the maintenance, repair or operation of such manufacturing or
28 assembling or graphic arts machinery or equipment.

29 (Source: P.A. 85-1182; 86-1456; revised 12-6-03.)

30 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

31 Sec. 1f. Except for High Impact Businesses, the exemption
32 stated in Sections 1d and 1e of this Act shall only apply to
33 business enterprises which:

1 (1) either (i) make investments which cause the
2 creation of a minimum of 200 full-time equivalent jobs in
3 Illinois or (ii) make investments which cause the retention
4 of a minimum of 2000 full-time jobs in Illinois or (iii)
5 make investments of a minimum of \$40,000,000 and retain at
6 least 90% of the jobs in place on the date on which the
7 exemption is granted and for the duration of the exemption;
8 and

9 (2) are located in an Enterprise Zone established
10 pursuant to the Illinois Enterprise Zone Act; and

11 (3) are certified by the Department of Commerce and
12 Economic Opportunity ~~Community Affairs~~ as complying with
13 the requirements specified in clauses (1), (2) and (3).

14 Any business enterprise seeking to avail itself of the
15 exemptions stated in Sections 1d or 1e, or both, shall make
16 application to the Department of Commerce and Economic
17 Opportunity ~~Community Affairs~~ in such form and providing such
18 information as may be prescribed by the Department of Commerce
19 and Economic Opportunity ~~Community Affairs~~. However, no
20 business enterprise shall be required, as a condition for
21 certification under clause (4) of this Section, to attest that
22 its decision to invest under clause (1) of this Section and to
23 locate under clause (2) of this Section is predicated upon the
24 availability of the exemptions authorized by Sections 1d or 1e.

25 The Department of Commerce and Economic Opportunity
26 ~~Community Affairs~~ shall determine whether the business
27 enterprise meets the criteria prescribed in this Section. If
28 the Department of Commerce and Economic Opportunity ~~Community~~
29 ~~Affairs~~ determines that such business enterprise meets the
30 criteria, it shall issue a certificate of eligibility for
31 exemption to the business enterprise in such form as is
32 prescribed by the Department of Revenue. The Department of
33 Commerce and Economic Opportunity ~~Community Affairs~~ shall act
34 upon such certification requests within 60 days after receipt
35 of the application, and shall file with the Department of
36 Revenue a copy of each certificate of eligibility for

1 exemption.

2 The Department of Commerce and Economic Opportunity
3 ~~Community Affairs~~ shall have the power to promulgate rules and
4 regulations to carry out the provisions of this Section
5 including the power to define the amounts and types of eligible
6 investments not specified in this Section which business
7 enterprises must make in order to receive the exemptions stated
8 in Sections 1d and 1e of this Act; and to require that any
9 business enterprise that is granted a tax exemption repay the
10 exempted tax if the business enterprise fails to comply with
11 the terms and conditions of the certification.

12 Such certificate of eligibility for exemption shall be
13 presented by the business enterprise to its supplier when
14 making the initial purchase of tangible personal property for
15 which an exemption is granted by Section 1d or Section 1e, or
16 both, together with a certification by the business enterprise
17 that such tangible personal property is exempt from taxation
18 under Section 1d or Section 1e and by indicating the exempt
19 status of each subsequent purchase on the face of the purchase
20 order.

21 The Department of Commerce and Economic Opportunity
22 ~~Community Affairs~~ shall determine the period during which such
23 exemption from the taxes imposed under this Act is in effect
24 which shall not exceed 20 years.

25 (Source: P.A. 86-44; 86-1456; revised 12-6-03.)

26 (35 ILCS 120/1i) (from Ch. 120, par. 440i)

27 Sec. 1i. High Impact Service Facility means a facility used
28 primarily for the sorting, handling and redistribution of mail,
29 freight, cargo, or other parcels received from agents or
30 employees of the handler or shipper for processing at a common
31 location and redistribution to other employees or agents for
32 delivery to an ultimate destination on an item-by-item basis,
33 and which: (1) will make an investment in a business enterprise
34 project of \$100,000,000 dollars or more; (2) will cause the
35 creation of at least 750 to 1,000 jobs or more in an enterprise

1 zone established pursuant to the Illinois Enterprise Zone Act;
2 and (3) is certified by the Department of Commerce and Economic
3 Opportunity ~~Community Affairs~~ as contractually obligated to
4 meet the requirements specified in divisions (1) and (2) of
5 this paragraph within the time period as specified by the
6 certification. Any business enterprise project applying for
7 the exemption stated in this Section shall make application to
8 the Department of Commerce and Economic Opportunity ~~Community~~
9 ~~Affairs~~ in such form and providing such information as may be
10 prescribed by the Department of Commerce and Economic
11 Opportunity ~~Community Affairs~~.

12 The Department of Commerce and Economic Opportunity
13 ~~Community Affairs~~ shall determine whether the business
14 enterprise project meets the criteria prescribed in this
15 Section. If the Department of Commerce and Economic Opportunity
16 ~~Community Affairs~~ determines that such business enterprise
17 project meets the criteria, it shall issue a certificate of
18 eligibility for exemption to the business enterprise in such
19 form as is prescribed by the Department of Revenue. The
20 Department of Commerce and Economic Opportunity ~~Community~~
21 ~~Affairs~~ shall act upon such certification requests within 60
22 days after receipt of the application, and shall file with the
23 Department of Revenue a copy of each certificate of eligibility
24 for exemption.

25 The Department of Commerce and Economic Opportunity
26 ~~Community Affairs~~ shall have the power to promulgate rules and
27 regulations to carry out the provisions of this Section and to
28 require that any business enterprise that is granted a tax
29 exemption repay the exempted tax if the business enterprise
30 fails to comply with the terms and conditions of the
31 certification.

32 The certificate of eligibility for exemption shall be
33 presented by the business enterprise to its supplier when
34 making the initial purchase of machinery and equipment for
35 which an exemption is granted by Section 1j of this Act,
36 together with a certification by the business enterprise that

1 such machinery and equipment is exempt from taxation under
2 Section 1j of this Act and by indicating the exempt status of
3 each subsequent purchase on the face of the purchase order.

4 The certification of eligibility for exemption shall be
5 presented by the business enterprise to its supplier when
6 making the purchase of jet fuel and petroleum products for
7 which an exemption is granted by Section 1j.1 of this Act,
8 together with a certification by the business enterprise that
9 such jet fuel and petroleum product, are exempt from taxation
10 under Section 1j.1 of this Act, and by indicating the exempt
11 status of each subsequent purchase on the face of the purchase
12 order.

13 The Department of Commerce and Economic Opportunity
14 ~~Community Affairs~~ shall determine the period during which such
15 exemption from the taxes imposed under this Act will remain in
16 effect.

17 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

18 (35 ILCS 120/1j.1)

19 Sec. 1j.1. Exemption; jet fuel used in the operation of
20 high impact service facilities. Subject to the provisions of
21 Section 1i of this Act, jet fuel and petroleum products sold to
22 and used in the conduct of its business of sorting, handling
23 and redistribution of mail, freight, cargo or other parcels in
24 the operation of a high impact service facility, as defined in
25 Section 1i of this Act, located within an enterprise zone
26 established pursuant to the Illinois Enterprise Zone Act shall
27 be exempt from the tax imposed by this Act, provided that the
28 business enterprise has waived its right to a tax exemption of
29 the charges imposed under Section 9-222.1 of the Public
30 Utilities Act. The Department of Commerce and Economic
31 Opportunity ~~Community Affairs~~ shall promulgate rules necessary
32 to further define jet fuel and petroleum products sold to,
33 used, and eligible for exemption in a high impact service
34 facility. The minimum period for which an exemption from taxes
35 is granted by this Section is 10 years, regardless of the

1 duration of the enterprise zone in which the project is
2 located.

3 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

4 (35 ILCS 120/1k) (from Ch. 120, par. 440k)

5 Sec. 1k. Aircraft maintenance facility means a facility
6 operated by an interstate carrier for hire that is used
7 primarily for the maintenance, rebuilding or repair of
8 aircraft, aircraft parts and auxiliary equipment owned or
9 leased by that carrier and used by that carrier as rolling
10 stock moving in interstate commerce, and which: (1) will make
11 an investment by the interstate carrier for hire of
12 \$400,000,000 or more in an enterprise zone; (2) will cause the
13 creation of at least 5,000 full-time jobs in that enterprise
14 zone; (3) is located in a county with population not less than
15 150,000 and not more than 200,000 and that contains 3
16 enterprise zones as of December 31, 1990; (4) enters into a
17 legally binding agreement with the Department of Commerce and
18 Economic Opportunity ~~Community Affairs~~ to comply with clauses
19 (1) and (2) of this paragraph within a time period specified in
20 the rules and regulations promulgated pursuant to this Section;
21 and (5) is certified by the Department of Commerce and Economic
22 Opportunity ~~Community Affairs~~ to be in compliance with clauses
23 (1), (2), (3) and (4) of this Section. Any aircraft maintenance
24 facility applying for the exemption stated in this Section
25 shall make application to the Department of Commerce and
26 Economic Opportunity ~~Community Affairs~~ in such form and
27 providing such information as may be prescribed by the
28 Department of Commerce and Economic Opportunity ~~Community~~
29 ~~Affairs~~.

30 The Department of Commerce and Economic Opportunity
31 ~~Community Affairs~~ shall determine whether the facility meets
32 the criteria prescribed in this Section. If the Department of
33 Commerce and Economic Opportunity ~~Community Affairs~~ determines
34 that the facility meets the criteria, it shall issue a
35 certificate of eligibility for exemption in the form prescribed

1 by the Department of Revenue to the business enterprise
2 operating the facility. The Department of Commerce and Economic
3 Opportunity ~~Community Affairs~~ shall act upon certification
4 request within 60 days after receipt of application, and shall
5 file with the Department of Revenue a copy of each certificate
6 of eligibility for exemption.

7 The Department of Commerce and Economic Opportunity
8 ~~Community Affairs~~ shall promulgate rules and regulations to
9 carry out the provisions of this Section, and to require that
10 any business enterprise that is granted a tax exemption pay the
11 exempted tax to the Department of Revenue if the business
12 enterprise fails to comply with the terms and conditions of the
13 certification, and pay all penalties and interest on that
14 exempted tax as determined by the Department of Revenue.

15 The certificate of eligibility for exemption shall be
16 presented by the business enterprise to its supplier when
17 making the initial purchase of machinery and equipment for
18 which an exemption is granted by Section 1m or Section 1n of
19 this Act, or both, together with a certification by the
20 business enterprise that the machinery and equipment is exempt
21 from taxation under Section 1m or 1n of this Act. The exempt
22 status, if any, of each subsequent purchase shall be indicated
23 on the face of the purchase order.

24 (Source: P.A. 86-1490; revised 12-6-03.)

25 (35 ILCS 120/1o)

26 Sec. 1o. Aircraft support center exemption.

27 (a) For the purposes of this Act, "aircraft support center"
28 means a support center operated by a carrier for hire that is
29 used primarily for the maintenance, rebuilding, or repair of
30 aircraft, aircraft parts, and auxiliary equipment, and which
31 carrier:

32 (1) will make an investment of \$30,000,000 or more at a
33 federal Air Force Base located in this State;

34 (2) will cause the creation of at least 750 full-time
35 jobs at a joint use military and civilian airport at that

1 federal Air Force Base;

2 (3) enters into a legally binding agreement with the
3 Department of Commerce and Economic Opportunity ~~Community~~
4 ~~Affairs~~ to comply with paragraphs (1) and (2) within a time
5 period specified in the rules and regulations promulgated
6 by the Department of Commerce and Economic Opportunity
7 ~~Community Affairs~~ pursuant to this subsection; and

8 (4) is certified by the Department of Commerce and
9 Economic Opportunity ~~Community Affairs~~ to be in compliance
10 with paragraphs (1), (2), and (3).

11 Any aircraft support center applying for an exemption stated in
12 this Section shall make application to the Department of
13 Commerce and Economic Opportunity ~~Community Affairs~~ in such
14 form and providing such information as may be prescribed by
15 that Department. The Department of Commerce and Economic
16 Opportunity ~~Community Affairs~~ shall determine whether the
17 aircraft support center meets the criteria prescribed in this
18 subsection. If the Department of Commerce and Economic
19 Opportunity ~~Community Affairs~~ determines that the aircraft
20 support center meets the criteria, it shall issue a certificate
21 of eligibility for exemption in the form prescribed by the
22 Department of Revenue to the carrier operating the aircraft
23 support center. The Department of Commerce and Economic
24 Opportunity ~~Community Affairs~~ shall act upon certification
25 request within 60 days after receipt of application and shall
26 file with the Department of Revenue a copy of each certificate
27 of eligibility for exemption.

28 The Department of Commerce and Economic Opportunity
29 ~~Community Affairs~~ shall promulgate rules and regulations to
30 carry out the provisions of this subsection and to require that
31 any business operating an aircraft support center that is
32 granted a tax exemption pay the exempted tax to the Department
33 of Revenue if the business fails to comply with the terms and
34 conditions of the certification and pay all penalties and
35 interest on that exempted tax as determined by the Department
36 of Revenue.

1 The certificate of eligibility for exemption shall be
2 presented by the carrier operating an aircraft support center
3 to its supplier when making the initial purchase of items for
4 which an exemption is granted by this Section together with a
5 certification by the business that the items are exempt from
6 taxation under this Act. The exempt status, if any, of each
7 subsequent purchase shall be indicated on the face of the
8 purchase order.

9 (b) Subject to the provisions of this subsection, jet fuel
10 and petroleum products used or consumed by any aircraft support
11 center directly in the process of maintaining, rebuilding, or
12 repairing aircraft is exempt from the tax imposed by this Act.
13 The Department of Revenue shall promulgate any rules necessary
14 to further define the items eligible for exemption.

15 (c) This Section is exempt from the provisions of Section
16 2-70.

17 (Source: P.A. 90-792, eff. 1-1-99; revised 12-6-03.)

18 (35 ILCS 120/51) (from Ch. 120, par. 4441)

19 Sec. 5l. Beginning January 1, 1995, each retailer who makes
20 a sale of building materials that will be incorporated into a
21 High Impact Business location as designated by the Department
22 of Commerce and Economic Opportunity ~~Community Affairs~~ under
23 Section 5.5 of the Illinois Enterprise Zone Act may deduct
24 receipts from such sales when calculating only the 6.25% State
25 rate of tax imposed by this Act. Beginning on the effective
26 date of this amendatory Act of 1995, a retailer may also deduct
27 receipts from such sales when calculating any applicable local
28 taxes. However, until the effective date of this amendatory Act
29 of 1995, a retailer may file claims for credit or refund to
30 recover the amount of any applicable local tax paid on such
31 sales. No retailer who is eligible for the deduction or credit
32 under Section 5k of this Act for making a sale of building
33 materials to be incorporated into real estate in an enterprise
34 zone by rehabilitation, remodeling or new construction shall be
35 eligible for the deduction or credit authorized under this

1 Section.

2 (Source: P.A. 89-89, eff. 6-30-95; revised 12-6-03.)

3 Section 495. The Gas Use Tax Law is amended by changing
4 Section 5-10 as follows:

5 (35 ILCS 173/5-10)

6 Sec. 5-10. Imposition of tax. Beginning October 1, 2003, a
7 tax is imposed upon the privilege of using in this State gas
8 obtained in a purchase of out-of-state gas at the rate of 2.4
9 cents per therm or 5% of the purchase price for the billing
10 period, whichever is the lower rate. Such tax rate shall be
11 referred to as the "self-assessing purchaser tax rate".
12 Beginning with bills issued by delivering suppliers on and
13 after October 1, 2003, purchasers may elect an alternative tax
14 rate of 2.4 cents per therm to be paid under the provisions of
15 Section 5-15 of this Law to a delivering supplier maintaining a
16 place of business in this State. Such tax rate shall be
17 referred to as the "alternate tax rate". The tax imposed under
18 this Section shall not apply to gas used by business
19 enterprises certified under Section 9-222.1 of the Public
20 Utilities Act, as amended, to the extent of such exemption and
21 during the period of time specified by the Department of
22 Commerce and Economic Opportunity ~~Community Affairs~~.

23 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

24 Section 500. The Property Tax Code is amended by changing
25 Sections 10-5, 18-165, 29-10, and 29-15 as follows:

26 (35 ILCS 200/10-5)

27 Sec. 10-5. Solar energy systems; definitions. It is the
28 policy of this State that the use of solar energy systems
29 should be encouraged because they conserve nonrenewable
30 resources, reduce pollution and promote the health and
31 well-being of the people of this State, and should be valued in
32 relation to these benefits.

1 (a) "Solar energy" means radiant energy received from the
2 sun at wave lengths suitable for heat transfer, photosynthetic
3 use, or photovoltaic use.

4 (b) "Solar collector" means

5 (1) An assembly, structure, or design, including
6 passive elements, used for gathering, concentrating, or
7 absorbing direct and indirect solar energy, specially
8 designed for holding a substantial amount of useful thermal
9 energy and to transfer that energy to a gas, solid, or
10 liquid or to use that energy directly; or

11 (2) A mechanism that absorbs solar energy and converts
12 it into electricity; or

13 (3) A mechanism or process used for gathering solar
14 energy through wind or thermal gradients; or

15 (4) A component used to transfer thermal energy to a
16 gas, solid, or liquid, or to convert it into electricity.

17 (c) "Solar storage mechanism" means equipment or elements
18 (such as piping and transfer mechanisms, containers, heat
19 exchangers, or controls thereof, and gases, solids, liquids, or
20 combinations thereof) that are utilized for storing solar
21 energy, gathered by a solar collector, for subsequent use.

22 (d) "Solar energy system" means

23 (1)(A) A complete assembly, structure, or design of
24 solar collector, or a solar storage mechanism, which uses
25 solar energy for generating electricity or for heating or
26 cooling gases, solids, liquids, or other materials;

27 (B) The design, materials, or elements of a system and
28 its maintenance, operation, and labor components, and the
29 necessary components, if any, of supplemental conventional
30 energy systems designed or constructed to interface with a
31 solar energy system; and

32 (C) Any legal, financial, or institutional orders,
33 certificates, or mechanisms, including easements, leases,
34 and agreements, required to ensure continued access to
35 solar energy, its source, or its use in a solar energy
36 system, and including monitoring and educational elements

1 of a demonstration project.

2 (2) "Solar energy system" does not include

3 (A) Distribution equipment that is equally usable
4 in a conventional energy system except for those
5 components of the equipment that are necessary for
6 meeting the requirements of efficient solar energy
7 utilization; and

8 (B) Components of a solar energy system that serve
9 structural, insulating, protective, shading,
10 aesthetic, or other non-solar energy utilization
11 purposes, as defined in the regulations of the
12 Department of Commerce and Economic Opportunity
13 ~~Community Affairs~~.

14 (3) The solar energy system shall conform to the
15 standards for those systems established by regulation of
16 the Department of Commerce and Economic Opportunity
17 ~~Community Affairs~~.

18 (Source: P.A. 88-455; 89-445, eff. 2-7-96; revised 12-6-03.)

19 (35 ILCS 200/18-165)

20 Sec. 18-165. Abatement of taxes.

21 (a) Any taxing district, upon a majority vote of its
22 governing authority, may, after the determination of the
23 assessed valuation of its property, order the clerk of that
24 county to abate any portion of its taxes on the following types
25 of property:

26 (1) Commercial and industrial.

27 (A) The property of any commercial or industrial
28 firm, including but not limited to the property of (i)
29 any firm that is used for collecting, separating,
30 storing, or processing recyclable materials, locating
31 within the taxing district during the immediately
32 preceding year from another state, territory, or
33 country, or having been newly created within this State
34 during the immediately preceding year, or expanding an
35 existing facility, or (ii) any firm that is used for

1 the generation and transmission of electricity
2 locating within the taxing district during the
3 immediately preceding year or expanding its presence
4 within the taxing district during the immediately
5 preceding year by construction of a new electric
6 generating facility that uses natural gas as its fuel,
7 or any firm that is used for production operations at a
8 new, expanded, or reopened coal mine within the taxing
9 district, that has been certified as a High Impact
10 Business by the Illinois Department of Commerce and
11 Economic Opportunity ~~Community Affairs~~. The property
12 of any firm used for the generation and transmission of
13 electricity shall include all property of the firm used
14 for transmission facilities as defined in Section 5.5
15 of the Illinois Enterprise Zone Act. The abatement
16 shall not exceed a period of 10 years and the aggregate
17 amount of abated taxes for all taxing districts
18 combined shall not exceed \$4,000,000.

19 (A-5) Any property in the taxing district of a new
20 electric generating facility, as defined in Section
21 605-332 of the Department of Commerce and Economic
22 Opportunity ~~Community Affairs~~ Law of the Civil
23 Administrative Code of Illinois. The abatement shall
24 not exceed a period of 10 years. The abatement shall be
25 subject to the following limitations:

26 (i) if the equalized assessed valuation of the
27 new electric generating facility is equal to or
28 greater than \$25,000,000 but less than
29 \$50,000,000, then the abatement may not exceed (i)
30 over the entire term of the abatement, 5% of the
31 taxing district's aggregate taxes from the new
32 electric generating facility and (ii) in any one
33 year of abatement, 20% of the taxing district's
34 taxes from the new electric generating facility;

35 (ii) if the equalized assessed valuation of
36 the new electric generating facility is equal to or

1 greater than \$50,000,000 but less than
2 \$75,000,000, then the abatement may not exceed (i)
3 over the entire term of the abatement, 10% of the
4 taxing district's aggregate taxes from the new
5 electric generating facility and (ii) in any one
6 year of abatement, 35% of the taxing district's
7 taxes from the new electric generating facility;

8 (iii) if the equalized assessed valuation of
9 the new electric generating facility is equal to or
10 greater than \$75,000,000 but less than
11 \$100,000,000, then the abatement may not exceed
12 (i) over the entire term of the abatement, 20% of
13 the taxing district's aggregate taxes from the new
14 electric generating facility and (ii) in any one
15 year of abatement, 50% of the taxing district's
16 taxes from the new electric generating facility;

17 (iv) if the equalized assessed valuation of
18 the new electric generating facility is equal to or
19 greater than \$100,000,000 but less than
20 \$125,000,000, then the abatement may not exceed
21 (i) over the entire term of the abatement, 30% of
22 the taxing district's aggregate taxes from the new
23 electric generating facility and (ii) in any one
24 year of abatement, 60% of the taxing district's
25 taxes from the new electric generating facility;

26 (v) if the equalized assessed valuation of the
27 new electric generating facility is equal to or
28 greater than \$125,000,000 but less than
29 \$150,000,000, then the abatement may not exceed
30 (i) over the entire term of the abatement, 40% of
31 the taxing district's aggregate taxes from the new
32 electric generating facility and (ii) in any one
33 year of abatement, 60% of the taxing district's
34 taxes from the new electric generating facility;

35 (vi) if the equalized assessed valuation of
36 the new electric generating facility is equal to or

1 greater than \$150,000,000, then the abatement may
2 not exceed (i) over the entire term of the
3 abatement, 50% of the taxing district's aggregate
4 taxes from the new electric generating facility
5 and (ii) in any one year of abatement, 60% of the
6 taxing district's taxes from the new electric
7 generating facility.

8 The abatement is not effective unless the owner of
9 the new electric generating facility agrees to repay to
10 the taxing district all amounts previously abated,
11 together with interest computed at the rate and in the
12 manner provided for delinquent taxes, in the event that
13 the owner of the new electric generating facility
14 closes the new electric generating facility before the
15 expiration of the entire term of the abatement.

16 The authorization of taxing districts to abate
17 taxes under this subdivision (a) (1) (A-5) expires on
18 January 1, 2010.

19 (B) The property of any commercial or industrial
20 development of at least 500 acres having been created
21 within the taxing district. The abatement shall not
22 exceed a period of 20 years and the aggregate amount of
23 abated taxes for all taxing districts combined shall
24 not exceed \$12,000,000.

25 (C) The property of any commercial or industrial
26 firm currently located in the taxing district that
27 expands a facility or its number of employees. The
28 abatement shall not exceed a period of 10 years and the
29 aggregate amount of abated taxes for all taxing
30 districts combined shall not exceed \$4,000,000. The
31 abatement period may be renewed at the option of the
32 taxing districts.

33 (2) Horse racing. Any property in the taxing district
34 which is used for the racing of horses and upon which
35 capital improvements consisting of expansion, improvement
36 or replacement of existing facilities have been made since

1 July 1, 1987. The combined abatements for such property
2 from all taxing districts in any county shall not exceed
3 \$5,000,000 annually and shall not exceed a period of 10
4 years.

5 (3) Auto racing. Any property designed exclusively for
6 the racing of motor vehicles. Such abatement shall not
7 exceed a period of 10 years.

8 (4) Academic or research institute. The property of any
9 academic or research institute in the taxing district that
10 (i) is an exempt organization under paragraph (3) of
11 Section 501(c) of the Internal Revenue Code, (ii) operates
12 for the benefit of the public by actually and exclusively
13 performing scientific research and making the results of
14 the research available to the interested public on a
15 non-discriminatory basis, and (iii) employs more than 100
16 employees. An abatement granted under this paragraph shall
17 be for at least 15 years and the aggregate amount of abated
18 taxes for all taxing districts combined shall not exceed
19 \$5,000,000.

20 (5) Housing for older persons. Any property in the
21 taxing district that is devoted exclusively to affordable
22 housing for older households. For purposes of this
23 paragraph, "older households" means those households (i)
24 living in housing provided under any State or federal
25 program that the Department of Human Rights determines is
26 specifically designed and operated to assist elderly
27 persons and is solely occupied by persons 55 years of age
28 or older and (ii) whose annual income does not exceed 80%
29 of the area gross median income, adjusted for family size,
30 as such gross income and median income are determined from
31 time to time by the United States Department of Housing and
32 Urban Development. The abatement shall not exceed a period
33 of 15 years, and the aggregate amount of abated taxes for
34 all taxing districts shall not exceed \$3,000,000.

35 (6) Historical society. For assessment years 1998
36 through 2008, the property of an historical society

1 qualifying as an exempt organization under Section
2 501(c)(3) of the federal Internal Revenue Code.

3 (7) Recreational facilities. Any property in the
4 taxing district (i) that is used for a municipal airport,
5 (ii) that is subject to a leasehold assessment under
6 Section 9-195 of this Code and (iii) which is sublet from a
7 park district that is leasing the property from a
8 municipality, but only if the property is used exclusively
9 for recreational facilities or for parking lots used
10 exclusively for those facilities. The abatement shall not
11 exceed a period of 10 years.

12 (8) Relocated corporate headquarters. If approval
13 occurs within 5 years after the effective date of this
14 amendatory Act of the 92nd General Assembly, any property
15 or a portion of any property in a taxing district that is
16 used by an eligible business for a corporate headquarters
17 as defined in the Corporate Headquarters Relocation Act.
18 Instead of an abatement under this paragraph (8), a taxing
19 district may enter into an agreement with an eligible
20 business to make annual payments to that eligible business
21 in an amount not to exceed the property taxes paid directly
22 or indirectly by that eligible business to the taxing
23 district and any other taxing districts for premises
24 occupied pursuant to a written lease and may make those
25 payments without the need for an annual appropriation. No
26 school district, however, may enter into an agreement with,
27 or abate taxes for, an eligible business unless the
28 municipality in which the corporate headquarters is
29 located agrees to provide funding to the school district in
30 an amount equal to the amount abated or paid by the school
31 district as provided in this paragraph (8). Any abatement
32 ordered or agreement entered into under this paragraph (8)
33 may be effective for the entire term specified by the
34 taxing district, except the term of the abatement or annual
35 payments may not exceed 20 years.

36 (b) Upon a majority vote of its governing authority, any

1 municipality may, after the determination of the assessed
2 valuation of its property, order the county clerk to abate any
3 portion of its taxes on any property that is located within the
4 corporate limits of the municipality in accordance with Section
5 8-3-18 of the Illinois Municipal Code.

6 (Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247,
7 eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03;
8 revised 12-6-03.)

9 (35 ILCS 200/29-10)

10 Sec. 29-10. State must be party to proceedings. No amount
11 may be claimed from the State by or on behalf of any unit of
12 local government for any local improvement made by special
13 assessment or special tax that benefits, or is alleged to
14 benefit, abutting property owned by the State unless the State
15 has been made a party to all proceedings, has been given all
16 notices, and has been afforded the same opportunities for
17 hearing and for objecting to the assessment in the same manner
18 and under the same conditions as provided in the law applicable
19 to the making of the local improvement by special assessment or
20 special tax by that unit of local government.

21 For the purposes of this Article, any notices required
22 under applicable law must be sent by registered or certified
23 mail to the Director of the Department or the other State
24 officer having jurisdiction over the State property affected,
25 to the Director of ~~the Department of~~ Commerce and Economic
26 Opportunity ~~Community Affairs~~, and to the Attorney General.

27 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

28 (35 ILCS 200/29-15)

29 Sec. 29-15. Payment of assessment. When the Attorney
30 General has certified to the Director of Commerce and Economic
31 Opportunity ~~Community Affairs~~ that the amount, in the nature of
32 a special assessment by which specified abutting State property
33 has been benefited by a specified local improvement, has been
34 determined in compliance with this Article, the Director shall,

1 to the extent that appropriations are available for that
2 purpose, voucher the amount of that assessment, or \$25,000,
3 whichever is less, for payment to the appropriate unit of local
4 government. When the amount appropriated in any fiscal year for
5 those purposes is insufficient to pay a special assessment
6 totalling \$25,000 or less in full, the balance of that special
7 assessment shall be vouchered for payment from the
8 appropriation for those purposes for the next succeeding fiscal
9 year.

10 If the amount of the assessment exceeds \$25,000, the
11 Director of the Department or the other State officer having
12 jurisdiction over the property affected shall include in the
13 Department's budget for the next succeeding fiscal year a
14 request for the appropriation of the amount by which the
15 assessment exceeds \$25,000, plus interest, if any, which shall
16 be vouchered for payment from that appropriation.

17 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

18 Section 505. The Gas Revenue Tax Act is amended by changing
19 Section 1 as follows:

20 (35 ILCS 615/1) (from Ch. 120, par. 467.16)

21 Sec. 1. For the purposes of this Act: "Gross receipts"
22 means the consideration received for gas distributed,
23 supplied, furnished or sold to persons for use or consumption
24 and not for resale, and for all services (including the
25 transportation or storage of gas for an end-user) rendered in
26 connection therewith, and shall include cash, services and
27 property of every kind or nature, and shall be determined
28 without any deduction on account of the cost of the service,
29 product or commodity supplied, the cost of materials used,
30 labor or service costs, or any other expense whatsoever.
31 However, "gross receipts" shall not include receipts from:

32 (i) any minimum or other charge for gas or gas service
33 where the customer has taken no terms of gas;

34 (ii) any charge for a dishonored check;

1 (iii) any finance or credit charge, penalty or charge
2 for delayed payment, or discount for prompt payment;

3 (iv) any charge for reconnection of service or for
4 replacement or relocation of facilities;

5 (v) any advance or contribution in aid of construction;

6 (vi) repair, inspection or servicing of equipment
7 located on customer premises;

8 (vii) leasing or rental of equipment, the leasing or
9 rental of which is not necessary to distributing,
10 furnishing, supplying, selling, transporting or storing
11 gas;

12 (viii) any sale to a customer if the taxpayer is
13 prohibited by federal or State constitution, treaty,
14 convention, statute or court decision from recovering the
15 related tax liability from such customer;

16 (ix) any charges added to customers' bills pursuant to
17 the provisions of Section 9-221 or Section 9-222 of the
18 Public Utilities Act, as amended, or any charges added to
19 customers' bills by taxpayers who are not subject to rate
20 regulation by the Illinois Commerce Commission for the
21 purpose of recovering any of the tax liabilities or other
22 amounts specified in such provisions of such Act; and

23 (x) prior to October 1, 2003, any charge for gas or gas
24 services to a customer who acquired contractual rights for
25 the direct purchase of gas or gas services originating from
26 an out-of-state supplier or source on or before March 1,
27 1995, except for those charges solely related to the local
28 distribution of gas by a public utility. This exemption
29 includes any charge for gas or gas service, except for
30 those charges solely related to the local distribution of
31 gas by a public utility, to a customer who maintained an
32 account with a public utility (as defined in Section 3-105
33 of the Public Utilities Act) for the transportation of
34 customer-owned gas on or before March 1, 1995. The
35 provisions of this amendatory Act of 1997 are intended to
36 clarify, rather than change, existing law as to the meaning

1 and scope of this exemption. This exemption (x) expires on
2 September 30, 2003.

3 In case credit is extended, the amount thereof shall be
4 included only as and when payments are received.

5 "Gross receipts" shall not include consideration received
6 from business enterprises certified under Section 9-222.1 of
7 the Public Utilities Act, as amended, to the extent of such
8 exemption and during the period of time specified by the
9 Department of Commerce and Economic Opportunity ~~Community~~
10 ~~Affairs~~.

11 "Department" means the Department of Revenue of the State
12 of Illinois.

13 "Director" means the Director of Revenue for the Department
14 of Revenue of the State of Illinois.

15 "Taxpayer" means a person engaged in the business of
16 distributing, supplying, furnishing or selling gas for use or
17 consumption and not for resale.

18 "Person" means any natural individual, firm, trust,
19 estate, partnership, association, joint stock company, joint
20 adventure, corporation, limited liability company, or a
21 receiver, trustee, guardian or other representative appointed
22 by order of any court, or any city, town, county or other
23 political subdivision of this State.

24 "Invested capital" means that amount equal to (i) the
25 average of the balances at the beginning and end of each
26 taxable period of the taxpayer's total stockholder's equity and
27 total long-term debt, less investments in and advances to all
28 corporations, as set forth on the balance sheets included in
29 the taxpayer's annual report to the Illinois Commerce
30 Commission for the taxable period; (ii) multiplied by a
31 fraction determined under Sections 301 and 304(a) of the
32 "Illinois Income Tax Act" and reported on the Illinois income
33 tax return for the taxable period ending in or with the taxable
34 period in question. However, notwithstanding the income tax
35 return reporting requirement stated above, beginning July 1,
36 1979, no taxpayer's denominators used to compute the sales,

1 property or payroll factors under subsection (a) of Section 304
2 of the Illinois Income Tax Act shall include payroll, property
3 or sales of any corporate entity other than the taxpayer for
4 the purposes of determining an allocation for the invested
5 capital tax. This amendatory Act of 1982, Public Act 82-1024,
6 is not intended to and does not make any change in the meaning
7 of any provision of this Act, it having been the intent of the
8 General Assembly in initially enacting the definition of
9 "invested capital" to provide for apportionment of the invested
10 capital of each company, based solely upon the sales, property
11 and payroll of that company.

12 "Taxable period" means each period which ends after the
13 effective date of this Act and which is covered by an annual
14 report filed by the taxpayer with the Illinois Commerce
15 Commission.

16 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

17 Section 510. The Public Utilities Revenue Act is amended by
18 changing Section 1 as follows:

19 (35 ILCS 620/1) (from Ch. 120, par. 468)

20 Sec. 1. For the purposes of this Law:

21 "Consumer Price Index" means the Consumer Price Index For
22 All Urban Consumers for all items published by the United
23 States Department of Labor; provided that if this index no
24 longer exists, the Department of Revenue shall prescribe the
25 use of a comparable, substitute index.

26 "Gross receipts" means the consideration received for
27 electricity distributed, supplied, furnished or sold to
28 persons for use or consumption and not for resale, and for all
29 services (including the transmission of electricity for an
30 end-user) rendered in connection therewith, and includes cash,
31 services and property of every kind or nature, and shall be
32 determined without any deduction on account of the cost of the
33 service, product or commodity supplied, the cost of materials
34 used, labor or service costs, or any other expense whatsoever.

1 However, "gross receipts" shall not include receipts from:

2 (i) any minimum or other charge for electricity or
3 electric service where the customer has taken no
4 kilowatt-hours of electricity;

5 (ii) any charge for a dishonored check;

6 (iii) any finance or credit charge, penalty or charge
7 for delayed payment, or discount for prompt payment;

8 (iv) any charge for reconnection of service or for
9 replacement or relocation of facilities;

10 (v) any advance or contribution in aid of construction;

11 (vi) repair, inspection or servicing of equipment
12 located on customer premises;

13 (vii) leasing or rental of equipment, the leasing or
14 rental of which is not necessary to distributing,
15 furnishing, supplying, selling or transporting
16 electricity;

17 (viii) any sale to a customer if the taxpayer is
18 prohibited by federal or State constitution, treaty,
19 convention, statute or court decision from recovering the
20 related tax liability from such customer; and

21 (ix) any charges added to customers' bills pursuant to
22 the provisions of Section 9-221 or Section 9-222 of the
23 Public Utilities Act, as amended, or any charges added to
24 customers' bills by taxpayers who are not subject to rate
25 regulation by the Illinois Commerce Commission for the
26 purpose of recovering any of the tax liabilities or other
27 amount specified in such provisions of such Act. In case
28 credit is extended, the amount thereof shall be included
29 only as and when payments are received.

30 "Gross receipts" shall not include consideration received
31 from business enterprises certified under Section 9-222.1 of
32 the Public Utilities Act, as amended, to the extent of such
33 exemption and during the period of time specified by the
34 Department of Commerce and Economic Opportunity Community
35 Affairs.

36 "Department" means the Department of Revenue of the State

1 of Illinois.

2 "Director" means the Director of Revenue for the Department
3 of Revenue of the State of Illinois.

4 "Distributing electricity" means delivering electric
5 energy to an end user over facilities owned, leased, or
6 controlled by the taxpayer.

7 "Taxpayer" for purposes of the tax on the distribution of
8 electricity imposed by this Act means an electric cooperative,
9 an electric utility, or an alternative retail electric supplier
10 (other than a person that is an alternative retail electric
11 supplier solely pursuant to subsection (e) of Section 16-115 of
12 the Public Utilities Act), as those terms are defined in the
13 Public Utilities Act, engaged in the business of distributing
14 electricity in this State for use or consumption and not for
15 resale.

16 "Taxpayer" for purposes of the Public Utilities Revenue Tax
17 means a person engaged in the business of distributing,
18 supplying, furnishing or selling electricity for use or
19 consumption and not for resale.

20 "Person" means any natural individual, firm, trust,
21 estate, partnership, association, joint stock company, joint
22 adventure, corporation, limited liability company, or a
23 receiver, trustee, guardian or other representative appointed
24 by order of any court, or any city, town, county or other
25 political subdivision of this State.

26 "Invested capital" in the case of an electric cooperative
27 subject to the tax imposed by Section 2a.1 means an amount
28 equal to the product determined by multiplying, (i) the average
29 of the balances at the beginning and end of the taxable period
30 of the taxpayer's total equity (including memberships,
31 patronage capital, operating margins, non-operating margins,
32 other margins and other equities), as set forth on the balance
33 sheets included in the taxpayer's annual report to the United
34 States Department of Agriculture Rural Utilities Services
35 (established pursuant to the federal Rural Electrification Act
36 of 1936, as amended), by (ii) the fraction determined under

1 Sections 301 and 304(a) of the Illinois Income Tax Act, as
2 amended, for the taxable period.

3 "Taxable period" means each calendar year which ends after
4 the effective date of this Act. In the case of an electric
5 cooperative subject to the tax imposed by Section 2a.1,
6 "taxable period" means each calendar year ending after the
7 effective date of this Act and covered by an annual report
8 filed by the taxpayer with the United States Department of
9 Agriculture Rural Utilities Services.

10 (Source: P.A. 90-561, eff. 1-1-98; revised 12-6-03.)

11 Section 515. The Telecommunications Excise Tax Act is
12 amended by changing Section 2 as follows:

13 (35 ILCS 630/2) (from Ch. 120, par. 2002)

14 Sec. 2. As used in this Article, unless the context clearly
15 requires otherwise:

16 (a) "Gross charge" means the amount paid for the act or
17 privilege of originating or receiving telecommunications in
18 this State and for all services and equipment provided in
19 connection therewith by a retailer, valued in money whether
20 paid in money or otherwise, including cash, credits, services
21 and property of every kind or nature, and shall be determined
22 without any deduction on account of the cost of such
23 telecommunications, the cost of materials used, labor or
24 service costs or any other expense whatsoever. In case credit
25 is extended, the amount thereof shall be included only as and
26 when paid. "Gross charges" for private line service shall
27 include charges imposed at each channel termination point
28 within this State, charges for the channel mileage between each
29 channel termination point within this State, and charges for
30 that portion of the interstate inter-office channel provided
31 within Illinois. Charges for that portion of the interstate
32 inter-office channel provided in Illinois shall be determined
33 by the retailer as follows: (i) for interstate inter-office
34 channels having 2 channel termination points, only one of which

1 is in Illinois, 50% of the total charge imposed; or (ii) for
2 interstate inter-office channels having more than 2 channel
3 termination points, one or more of which are in Illinois, an
4 amount equal to the total charge multiplied by a fraction, the
5 numerator of which is the number of channel termination points
6 within Illinois and the denominator of which is the total
7 number of channel termination points. Prior to January 1, 2004,
8 any method consistent with this paragraph or other method that
9 reasonably apportions the total charges for interstate
10 inter-office channels among the states in which channel
11 terminations points are located shall be accepted as a
12 reasonable method to determine the charges for that portion of
13 the interstate inter-office channel provided within Illinois
14 for that period. However, "gross charges" shall not include any
15 of the following:

16 (1) Any amounts added to a purchaser's bill because of
17 a charge made pursuant to (i) the tax imposed by this
18 Article; (ii) charges added to customers' bills pursuant to
19 the provisions of Sections 9-221 or 9-222 of the Public
20 Utilities Act, as amended, or any similar charges added to
21 customers' bills by retailers who are not subject to rate
22 regulation by the Illinois Commerce Commission for the
23 purpose of recovering any of the tax liabilities or other
24 amounts specified in such provisions of such Act; (iii) the
25 tax imposed by Section 4251 of the Internal Revenue Code;
26 (iv) 911 surcharges; or (v) the tax imposed by the
27 Simplified Municipal Telecommunications Tax Act.

28 (2) Charges for a sent collect telecommunication
29 received outside of the State.

30 (3) Charges for leased time on equipment or charges for
31 the storage of data or information for subsequent retrieval
32 or the processing of data or information intended to change
33 its form or content. Such equipment includes, but is not
34 limited to, the use of calculators, computers, data
35 processing equipment, tabulating equipment or accounting
36 equipment and also includes the usage of computers under a

1 time-sharing agreement.

2 (4) Charges for customer equipment, including such
3 equipment that is leased or rented by the customer from any
4 source, wherein such charges are disaggregated and
5 separately identified from other charges.

6 (5) Charges to business enterprises certified under
7 Section 9-222.1 of the Public Utilities Act, as amended, to
8 the extent of such exemption and during the period of time
9 specified by the Department of Commerce and Economic
10 Opportunity ~~Community Affairs~~.

11 (6) Charges for telecommunications and all services
12 and equipment provided in connection therewith between a
13 parent corporation and its wholly owned subsidiaries or
14 between wholly owned subsidiaries when the tax imposed
15 under this Article has already been paid to a retailer and
16 only to the extent that the charges between the parent
17 corporation and wholly owned subsidiaries or between
18 wholly owned subsidiaries represent expense allocation
19 between the corporations and not the generation of profit
20 for the corporation rendering such service.

21 (7) Bad debts. Bad debt means any portion of a debt
22 that is related to a sale at retail for which gross charges
23 are not otherwise deductible or excludable that has become
24 worthless or uncollectable, as determined under applicable
25 federal income tax standards. If the portion of the debt
26 deemed to be bad is subsequently paid, the retailer shall
27 report and pay the tax on that portion during the reporting
28 period in which the payment is made.

29 (8) Charges paid by inserting coins in coin-operated
30 telecommunication devices.

31 (9) Amounts paid by telecommunications retailers under
32 the Telecommunications Municipal Infrastructure
33 Maintenance Fee Act.

34 (10) Charges for nontaxable services or
35 telecommunications if (i) those charges are aggregated
36 with other charges for telecommunications that are

1 taxable, (ii) those charges are not separately stated on
2 the customer bill or invoice, and (iii) the retailer can
3 reasonably identify the nontaxable charges on the
4 retailer's books and records kept in the regular course of
5 business. If the nontaxable charges cannot reasonably be
6 identified, the gross charge from the sale of both taxable
7 and nontaxable services or telecommunications billed on a
8 combined basis shall be attributed to the taxable services
9 or telecommunications. The burden of proving nontaxable
10 charges shall be on the retailer of the telecommunications.

11 (b) "Amount paid" means the amount charged to the
12 taxpayer's service address in this State regardless of where
13 such amount is billed or paid.

14 (c) "Telecommunications", in addition to the meaning
15 ordinarily and popularly ascribed to it, includes, without
16 limitation, messages or information transmitted through use of
17 local, toll and wide area telephone service; private line
18 services; channel services; telegraph services;
19 teletypewriter; computer exchange services; cellular mobile
20 telecommunications service; specialized mobile radio;
21 stationary two way radio; paging service; or any other form of
22 mobile and portable one-way or two-way communications; or any
23 other transmission of messages or information by electronic or
24 similar means, between or among points by wire, cable,
25 fiber-optics, laser, microwave, radio, satellite or similar
26 facilities. As used in this Act, "private line" means a
27 dedicated non-traffic sensitive service for a single customer,
28 that entitles the customer to exclusive or priority use of a
29 communications channel or group of channels, from one or more
30 specified locations to one or more other specified locations.
31 The definition of "telecommunications" shall not include value
32 added services in which computer processing applications are
33 used to act on the form, content, code and protocol of the
34 information for purposes other than transmission.
35 "Telecommunications" shall not include purchases of
36 telecommunications by a telecommunications service provider

1 for use as a component part of the service provided by him to
2 the ultimate retail consumer who originates or terminates the
3 taxable end-to-end communications. Carrier access charges,
4 right of access charges, charges for use of inter-company
5 facilities, and all telecommunications resold in the
6 subsequent provision of, used as a component of, or integrated
7 into end-to-end telecommunications service shall be
8 non-taxable as sales for resale.

9 (d) "Interstate telecommunications" means all
10 telecommunications that either originate or terminate outside
11 this State.

12 (e) "Intrastate telecommunications" means all
13 telecommunications that originate and terminate within this
14 State.

15 (f) "Department" means the Department of Revenue of the
16 State of Illinois.

17 (g) "Director" means the Director of Revenue for the
18 Department of Revenue of the State of Illinois.

19 (h) "Taxpayer" means a person who individually or through
20 his agents, employees or permittees engages in the act or
21 privilege of originating or receiving telecommunications in
22 this State and who incurs a tax liability under this Article.

23 (i) "Person" means any natural individual, firm, trust,
24 estate, partnership, association, joint stock company, joint
25 venture, corporation, limited liability company, or a
26 receiver, trustee, guardian or other representative appointed
27 by order of any court, the Federal and State governments,
28 including State universities created by statute or any city,
29 town, county or other political subdivision of this State.

30 (j) "Purchase at retail" means the acquisition,
31 consumption or use of telecommunication through a sale at
32 retail.

33 (k) "Sale at retail" means the transmitting, supplying or
34 furnishing of telecommunications and all services and
35 equipment provided in connection therewith for a consideration
36 to persons other than the Federal and State governments, and

1 State universities created by statute and other than between a
2 parent corporation and its wholly owned subsidiaries or between
3 wholly owned subsidiaries for their use or consumption and not
4 for resale.

5 (l) "Retailer" means and includes every person engaged in
6 the business of making sales at retail as defined in this
7 Article. The Department may, in its discretion, upon
8 application, authorize the collection of the tax hereby imposed
9 by any retailer not maintaining a place of business within this
10 State, who, to the satisfaction of the Department, furnishes
11 adequate security to insure collection and payment of the tax.
12 Such retailer shall be issued, without charge, a permit to
13 collect such tax. When so authorized, it shall be the duty of
14 such retailer to collect the tax upon all of the gross charges
15 for telecommunications in this State in the same manner and
16 subject to the same requirements as a retailer maintaining a
17 place of business within this State. The permit may be revoked
18 by the Department at its discretion.

19 (m) "Retailer maintaining a place of business in this
20 State", or any like term, means and includes any retailer
21 having or maintaining within this State, directly or by a
22 subsidiary, an office, distribution facilities, transmission
23 facilities, sales office, warehouse or other place of business,
24 or any agent or other representative operating within this
25 State under the authority of the retailer or its subsidiary,
26 irrespective of whether such place of business or agent or
27 other representative is located here permanently or
28 temporarily, or whether such retailer or subsidiary is licensed
29 to do business in this State.

30 (n) "Service address" means the location of
31 telecommunications equipment from which the telecommunications
32 services are originated or at which telecommunications
33 services are received by a taxpayer. In the event this may not
34 be a defined location, as in the case of mobile phones, paging
35 systems, maritime systems, service address means the
36 customer's place of primary use as defined in the Mobile

1 Telecommunications Sourcing Conformity Act. For air-to-ground
2 systems and the like, service address shall mean the location
3 of a taxpayer's primary use of the telecommunications equipment
4 as defined by telephone number, authorization code, or location
5 in Illinois where bills are sent.

6 (o) "Prepaid telephone calling arrangements" mean the
7 right to exclusively purchase telephone or telecommunications
8 services that must be paid for in advance and enable the
9 origination of one or more intrastate, interstate, or
10 international telephone calls or other telecommunications
11 using an access number, an authorization code, or both, whether
12 manually or electronically dialed, for which payment to a
13 retailer must be made in advance, provided that, unless
14 recharged, no further service is provided once that prepaid
15 amount of service has been consumed. Prepaid telephone calling
16 arrangements include the recharge of a prepaid calling
17 arrangement. For purposes of this subsection, "recharge" means
18 the purchase of additional prepaid telephone or
19 telecommunications services whether or not the purchaser
20 acquires a different access number or authorization code.
21 "Prepaid telephone calling arrangement" does not include an
22 arrangement whereby a customer purchases a payment card and
23 pursuant to which the service provider reflects the amount of
24 such purchase as a credit on an invoice issued to that customer
25 under an existing subscription plan.

26 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,
27 eff. 1-1-04; 93-286, 1-1-04; revised 12-6-03.)

28 Section 520. The Telecommunications Infrastructure
29 Maintenance Fee Act is amended by changing Section 10 as
30 follows:

31 (35 ILCS 635/10)

32 Sec. 10. Definitions.

33 (a) "Gross charges" means the amount paid to a
34 telecommunications retailer for the act or privilege of

1 originating or receiving telecommunications in this State and
2 for all services rendered in connection therewith, valued in
3 money whether paid in money or otherwise, including cash,
4 credits, services, and property of every kind or nature, and
5 shall be determined without any deduction on account of the
6 cost of such telecommunications, the cost of the materials
7 used, labor or service costs, or any other expense whatsoever.
8 In case credit is extended, the amount thereof shall be
9 included only as and when paid. "Gross charges" for private
10 line service shall include charges imposed at each channel
11 termination point within this State, charges for the channel
12 mileage between each channel termination point within this
13 State, and charges for that portion of the interstate
14 inter-office channel provided within Illinois. Charges for
15 that portion of the interstate inter-office channel provided in
16 Illinois shall be determined by the retailer as follows: (i)
17 for interstate inter-office channels having 2 channel
18 termination points, only one of which is in Illinois, 50% of
19 the total charge imposed; or (ii) for interstate inter-office
20 channels having more than 2 channel termination points, one or
21 more of which are in Illinois, an amount equal to the total
22 charge multiplied by a fraction, the numerator of which is the
23 number of channel termination points within Illinois and the
24 denominator of which is the total number of channel termination
25 points. Prior to January 1, 2004, any method consistent with
26 this paragraph or other method that reasonably apportions the
27 total charges for interstate inter-office channels among the
28 states in which channel terminations points are located shall
29 be accepted as a reasonable method to determine the charges for
30 that portion of the interstate inter-office channel provided
31 within Illinois for that period. However, "gross charges" shall
32 not include any of the following:

- 33 (1) Any amounts added to a purchaser's bill because of
34 a charge made under: (i) the fee imposed by this Section,
35 (ii) additional charges added to a purchaser's bill under
36 Section 9-221 or 9-222 of the Public Utilities Act, (iii)

1 the tax imposed by the Telecommunications Excise Tax Act,
2 (iv) 911 surcharges, (v) the tax imposed by Section 4251 of
3 the Internal Revenue Code, or (vi) the tax imposed by the
4 Simplified Municipal Telecommunications Tax Act.

5 (2) Charges for a sent collect telecommunication
6 received outside of this State.

7 (3) Charges for leased time on equipment or charges for
8 the storage of data or information or subsequent retrieval
9 or the processing of data or information intended to change
10 its form or content. Such equipment includes, but is not
11 limited to, the use of calculators, computers, data
12 processing equipment, tabulating equipment, or accounting
13 equipment and also includes the usage of computers under a
14 time-sharing agreement.

15 (4) Charges for customer equipment, including such
16 equipment that is leased or rented by the customer from any
17 source, wherein such charges are disaggregated and
18 separately identified from other charges.

19 (5) Charges to business enterprises certified under
20 Section 9-222.1 of the Public Utilities Act to the extent
21 of such exemption and during the period of time specified
22 by the Department of Commerce and Economic Opportunity
23 ~~Community Affairs~~.

24 (6) Charges for telecommunications and all services
25 and equipment provided in connection therewith between a
26 parent corporation and its wholly owned subsidiaries or
27 between wholly owned subsidiaries, and only to the extent
28 that the charges between the parent corporation and wholly
29 owned subsidiaries or between wholly owned subsidiaries
30 represent expense allocation between the corporations and
31 not the generation of profit other than a regulatory
32 required profit for the corporation rendering such
33 services.

34 (7) Bad debts ("bad debt" means any portion of a debt
35 that is related to a sale at retail for which gross charges
36 are not otherwise deductible or excludable that has become

1 worthless or uncollectible, as determined under applicable
2 federal income tax standards; if the portion of the debt
3 deemed to be bad is subsequently paid, the retailer shall
4 report and pay the tax on that portion during the reporting
5 period in which the payment is made).

6 (8) Charges paid by inserting coins in coin-operated
7 telecommunication devices.

8 (9) Charges for nontaxable services or
9 telecommunications if (i) those charges are aggregated
10 with other charges for telecommunications that are
11 taxable, (ii) those charges are not separately stated on
12 the customer bill or invoice, and (iii) the retailer can
13 reasonably identify the nontaxable charges on the
14 retailer's books and records kept in the regular course of
15 business. If the nontaxable charges cannot reasonably be
16 identified, the gross charge from the sale of both taxable
17 and nontaxable services or telecommunications billed on a
18 combined basis shall be attributed to the taxable services
19 or telecommunications. The burden of proving nontaxable
20 charges shall be on the retailer of the telecommunications.

21 (a-5) "Department" means the Illinois Department of
22 Revenue.

23 (b) "Telecommunications" includes, but is not limited to,
24 messages or information transmitted through use of local, toll,
25 and wide area telephone service, channel services, telegraph
26 services, teletypewriter service, computer exchange services,
27 private line services, specialized mobile radio services, or
28 any other transmission of messages or information by electronic
29 or similar means, between or among points by wire, cable, fiber
30 optics, laser, microwave, radio, satellite, or similar
31 facilities. Unless the context clearly requires otherwise,
32 "telecommunications" shall also include wireless
33 telecommunications as hereinafter defined.

34 "Telecommunications" shall not include value added services in
35 which computer processing applications are used to act on the
36 form, content, code, and protocol of the information for

1 purposes other than transmission. "Telecommunications" shall
2 not include purchase of telecommunications by a
3 telecommunications service provider for use as a component part
4 of the service provided by him or her to the ultimate retail
5 consumer who originates or terminates the end-to-end
6 communications. Retailer access charges, right of access
7 charges, charges for use of intercompany facilities, and all
8 telecommunications resold in the subsequent provision and used
9 as a component of, or integrated into, end-to-end
10 telecommunications service shall not be included in gross
11 charges as sales for resale. "Telecommunications" shall not
12 include the provision of cable services through a cable system
13 as defined in the Cable Communications Act of 1984 (47 U.S.C.
14 Sections 521 and following) as now or hereafter amended or
15 through an open video system as defined in the Rules of the
16 Federal Communications Commission (47 C.D.F. 76.1550 and
17 following) as now or hereafter amended. Beginning January 1,
18 2001, prepaid telephone calling arrangements shall not be
19 considered "telecommunications" subject to the tax imposed
20 under this Act. For purposes of this Section, "prepaid
21 telephone calling arrangements" means that term as defined in
22 Section 2-27 of the Retailers' Occupation Tax Act.

23 (c) "Wireless telecommunications" includes cellular mobile
24 telephone services, personal wireless services as defined in
25 Section 704(C) of the Telecommunications Act of 1996 (Public
26 Law No. 104-104) as now or hereafter amended, including all
27 commercial mobile radio services, and paging services.

28 (d) "Telecommunications retailer" or "retailer" or
29 "carrier" means and includes every person engaged in the
30 business of making sales of telecommunications at retail as
31 defined in this Section. The Department may, in its discretion,
32 upon applications, authorize the collection of the fee hereby
33 imposed by any retailer not maintaining a place of business
34 within this State, who, to the satisfaction of the Department,
35 furnishes adequate security to insure collection and payment of
36 the fee. When so authorized, it shall be the duty of such

1 retailer to pay the fee upon all of the gross charges for
2 telecommunications in the same manner and subject to the same
3 requirements as a retailer maintaining a place of business
4 within this State.

5 (e) "Retailer maintaining a place of business in this
6 State", or any like term, means and includes any retailer
7 having or maintaining within this State, directly or by a
8 subsidiary, an office, distribution facilities, transmission
9 facilities, sales office, warehouse, or other place of
10 business, or any agent or other representative operating within
11 this State under the authority of the retailer or its
12 subsidiary, irrespective of whether such place of business or
13 agent or other representative is located here permanently or
14 temporarily, or whether such retailer or subsidiary is licensed
15 to do business in this State.

16 (f) "Sale of telecommunications at retail" means the
17 transmitting, supplying, or furnishing of telecommunications
18 and all services rendered in connection therewith for a
19 consideration, other than between a parent corporation and its
20 wholly owned subsidiaries or between wholly owned
21 subsidiaries, when the gross charge made by one such
22 corporation to another such corporation is not greater than the
23 gross charge paid to the retailer for their use or consumption
24 and not for sale.

25 (g) "Service address" means the location of
26 telecommunications equipment from which telecommunications
27 services are originated or at which telecommunications
28 services are received. If this is not a defined location, as in
29 the case of wireless telecommunications, paging systems,
30 maritime systems, service address means the customer's place of
31 primary use as defined in the Mobile Telecommunications
32 Sourcing Conformity Act. For air-to-ground systems, and the
33 like, "service address" shall mean the location of the
34 customer's primary use of the telecommunications equipment as
35 defined by the location in Illinois where bills are sent.

36 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,

1 eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

2 Section 525. The Simplified Municipal Telecommunications
3 Tax Act is amended by changing Section 5-7 as follows:

4 (35 ILCS 636/5-7)

5 Sec. 5-7. Definitions. For purposes of the taxes authorized
6 by this Act:

7 "Amount paid" means the amount charged to the taxpayer's
8 service address in such municipality regardless of where such
9 amount is billed or paid.

10 "Department" means the Illinois Department of Revenue.

11 "Gross charge" means the amount paid for the act or
12 privilege of originating or receiving telecommunications in
13 such municipality and for all services and equipment provided
14 in connection therewith by a retailer, valued in money whether
15 paid in money or otherwise, including cash, credits, services
16 and property of every kind or nature, and shall be determined
17 without any deduction on account of the cost of such
18 telecommunications, the cost of the materials used, labor or
19 service costs or any other expense whatsoever. In case credit
20 is extended, the amount thereof shall be included only as and
21 when paid. "Gross charges" for private line service shall
22 include charges imposed at each channel termination point
23 within a municipality that has imposed a tax under this Section
24 and charges for the portion of the inter-office channels
25 provided within that municipality. Charges for that portion of
26 the inter-office channel connecting 2 or more channel
27 termination points, one or more of which is located within the
28 jurisdictional boundary of such municipality, shall be
29 determined by the retailer by multiplying an amount equal to
30 the total charge for the inter-office channel by a fraction,
31 the numerator of which is the number of channel termination
32 points that are located within the jurisdictional boundary of
33 the municipality and the denominator of which is the total
34 number of channel termination points connected by the

1 inter-office channel. Prior to January 1, 2004, any method
2 consistent with this paragraph or other method that reasonably
3 apportions the total charges for inter-office channels among
4 the municipalities in which channel termination points are
5 located shall be accepted as a reasonable method to determine
6 the taxable portion of an inter-office channel provided within
7 a municipality for that period. However, "gross charge" shall
8 not include any of the following:

9 (1) Any amounts added to a purchaser's bill because of
10 a charge made pursuant to: (i) the tax imposed by this Act,
11 (ii) the tax imposed by the Telecommunications Excise Tax
12 Act, (iii) the tax imposed by Section 4251 of the Internal
13 Revenue Code, (iv) 911 surcharges, or (v) charges added to
14 customers' bills pursuant to the provisions of Section
15 9-221 or 9-222 of the Public Utilities Act, as amended, or
16 any similar charges added to customers' bills by retailers
17 who are not subject to rate regulation by the Illinois
18 Commerce Commission for the purpose of recovering any of
19 the tax liabilities or other amounts specified in those
20 provisions of the Public Utilities Act.

21 (2) Charges for a sent collect telecommunication
22 received outside of such municipality.

23 (3) Charges for leased time on equipment or charges for
24 the storage of data or information for subsequent retrieval
25 or the processing of data or information intended to change
26 its form or content. Such equipment includes, but is not
27 limited to, the use of calculators, computers, data
28 processing equipment, tabulating equipment or accounting
29 equipment and also includes the usage of computers under a
30 time-sharing agreement.

31 (4) Charges for customer equipment, including such
32 equipment that is leased or rented by the customer from any
33 source, wherein such charges are disaggregated and
34 separately identified from other charges.

35 (5) Charges to business enterprises certified as
36 exempt under Section 9-222.1 of the Public Utilities Act to

1 the extent of such exemption and during the period of time
2 specified by the Department of Commerce and Economic
3 Opportunity ~~Community Affairs~~.

4 (6) Charges for telecommunications and all services
5 and equipment provided in connection therewith between a
6 parent corporation and its wholly owned subsidiaries or
7 between wholly owned subsidiaries when the tax imposed
8 under this Act has already been paid to a retailer and only
9 to the extent that the charges between the parent
10 corporation and wholly owned subsidiaries or between
11 wholly owned subsidiaries represent expense allocation
12 between the corporations and not the generation of profit
13 for the corporation rendering such service.

14 (7) Bad debts ("bad debt" means any portion of a debt
15 that is related to a sale at retail for which gross charges
16 are not otherwise deductible or excludable that has become
17 worthless or uncollectible, as determined under applicable
18 federal income tax standards; if the portion of the debt
19 deemed to be bad is subsequently paid, the retailer shall
20 report and pay the tax on that portion during the reporting
21 period in which the payment is made).

22 (8) Charges paid by inserting coins in coin-operated
23 telecommunication devices.

24 (9) Amounts paid by telecommunications retailers under
25 the Telecommunications Infrastructure Maintenance Fee Act.

26 (10) Charges for nontaxable services or
27 telecommunications if (i) those charges are aggregated
28 with other charges for telecommunications that are
29 taxable, (ii) those charges are not separately stated on
30 the customer bill or invoice, and (iii) the retailer can
31 reasonably identify the nontaxable charges on the
32 retailer's books and records kept in the regular course of
33 business. If the nontaxable charges cannot reasonably be
34 identified, the gross charge from the sale of both taxable
35 and nontaxable services or telecommunications billed on a
36 combined basis shall be attributed to the taxable services

1 or telecommunications. The burden of proving nontaxable
2 charges shall be on the retailer of the telecommunications.

3 "Interstate telecommunications" means all
4 telecommunications that either originate or terminate outside
5 this State.

6 "Intrastate telecommunications" means all
7 telecommunications that originate and terminate within this
8 State.

9 "Person" means any natural individual, firm, trust,
10 estate, partnership, association, joint stock company, joint
11 venture, corporation, limited liability company, or a
12 receiver, trustee, guardian, or other representative appointed
13 by order of any court, the Federal and State governments,
14 including State universities created by statute, or any city,
15 town, county, or other political subdivision of this State.

16 "Purchase at retail" means the acquisition, consumption or
17 use of telecommunications through a sale at retail.

18 "Retailer" means and includes every person engaged in the
19 business of making sales at retail as defined in this Section.
20 The Department may, in its discretion, upon application,
21 authorize the collection of the tax hereby imposed by any
22 retailer not maintaining a place of business within this State,
23 who, to the satisfaction of the Department, furnishes adequate
24 security to insure collection and payment of the tax. Such
25 retailer shall be issued, without charge, a permit to collect
26 such tax. When so authorized, it shall be the duty of such
27 retailer to collect the tax upon all of the gross charges for
28 telecommunications in this State in the same manner and subject
29 to the same requirements as a retailer maintaining a place of
30 business within this State. The permit may be revoked by the
31 Department at its discretion.

32 "Retailer maintaining a place of business in this State",
33 or any like term, means and includes any retailer having or
34 maintaining within this State, directly or by a subsidiary, an
35 office, distribution facilities, transmission facilities,
36 sales office, warehouse or other place of business, or any

1 agent or other representative operating within this State under
2 the authority of the retailer or its subsidiary, irrespective
3 of whether such place of business or agent or other
4 representative is located here permanently or temporarily, or
5 whether such retailer or subsidiary is licensed to do business
6 in this State.

7 "Sale at retail" means the transmitting, supplying or
8 furnishing of telecommunications and all services and
9 equipment provided in connection therewith for a
10 consideration, to persons other than the Federal and State
11 governments, and State universities created by statute and
12 other than between a parent corporation and its wholly owned
13 subsidiaries or between wholly owned subsidiaries for their use
14 or consumption and not for resale.

15 "Service address" means the location of telecommunications
16 equipment from which telecommunications services are
17 originated or at which telecommunications services are
18 received by a taxpayer. In the event this may not be a defined
19 location, as in the case of mobile phones, paging systems, and
20 maritime systems, service address means the customer's place of
21 primary use as defined in the Mobile Telecommunications
22 Sourcing Conformity Act. For air-to-ground systems and the
23 like, "service address" shall mean the location of a taxpayer's
24 primary use of the telecommunications equipment as defined by
25 telephone number, authorization code, or location in Illinois
26 where bills are sent.

27 "Taxpayer" means a person who individually or through his
28 or her agents, employees, or permittees engages in the act or
29 privilege of originating or receiving telecommunications in a
30 municipality and who incurs a tax liability as authorized by
31 this Act.

32 "Telecommunications", in addition to the meaning
33 ordinarily and popularly ascribed to it, includes, without
34 limitation, messages or information transmitted through use of
35 local, toll, and wide area telephone service, private line
36 services, channel services, telegraph services,

1 teletypewriter, computer exchange services, cellular mobile
2 telecommunications service, specialized mobile radio,
3 stationary two-way radio, paging service, or any other form of
4 mobile and portable one-way or two-way communications, or any
5 other transmission of messages or information by electronic or
6 similar means, between or among points by wire, cable, fiber
7 optics, laser, microwave, radio, satellite, or similar
8 facilities. As used in this Act, "private line" means a
9 dedicated non-traffic sensitive service for a single customer,
10 that entitles the customer to exclusive or priority use of a
11 communications channel or group of channels, from one or more
12 specified locations to one or more other specified locations.
13 The definition of "telecommunications" shall not include value
14 added services in which computer processing applications are
15 used to act on the form, content, code, and protocol of the
16 information for purposes other than transmission.
17 "Telecommunications" shall not include purchases of
18 telecommunications by a telecommunications service provider
19 for use as a component part of the service provided by such
20 provider to the ultimate retail consumer who originates or
21 terminates the taxable end-to-end communications. Carrier
22 access charges, right of access charges, charges for use of
23 inter-company facilities, and all telecommunications resold in
24 the subsequent provision of, used as a component of, or
25 integrated into, end-to-end telecommunications service shall
26 be non-taxable as sales for resale. Prepaid telephone calling
27 arrangements shall not be considered "telecommunications"
28 subject to the tax imposed under this Act. For purposes of this
29 Section, "prepaid telephone calling arrangements" means that
30 term as defined in Section 2-27 of the Retailers' Occupation
31 Tax Act.

32 (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286,
33 eff. 1-1-04; revised 12-6-03.)

34 Section 530. The Electricity Excise Tax Law is amended by
35 changing Sections 2-3 and 2-4 as follows:

1 (35 ILCS 640/2-3)

2 Sec. 2-3. Definitions. As used in this Law, unless the
3 context clearly requires otherwise:

4 (a) "Department" means the Department of Revenue of the
5 State of Illinois.

6 (b) "Director" means the Director of the Department of
7 Revenue of the State of Illinois.

8 (c) "Person" means any natural individual, firm, trust,
9 estate, partnership, association, joint stock company, joint
10 venture, corporation, limited liability company, or a
11 receiver, trustee, guardian, or other representative appointed
12 by order of any court, or any city, town, village, county, or
13 other political subdivision of this State.

14 (d) "Purchase price" means the consideration paid for the
15 distribution, supply, furnishing, sale, transmission or
16 delivery of electricity to a person for non-residential use or
17 consumption (and for both residential and non-residential use
18 or consumption in the case of electricity purchased from a
19 municipal system or electric cooperative described in
20 subsection (b) of Section 2-4) and not for resale, and for all
21 services directly related to the production, transmission or
22 distribution of electricity distributed, supplied, furnished,
23 sold, transmitted or delivered for non-residential use or
24 consumption, and includes transition charges imposed in
25 accordance with Article XVI of the Public Utilities Act and
26 instrument funding charges imposed in accordance with Article
27 XVIII of the Public Utilities Act, as well as cash, services
28 and property of every kind or nature, and shall be determined
29 without any deduction on account of the cost of the service,
30 product or commodity supplied, the cost of materials used,
31 labor or service costs, or any other expense whatsoever.
32 However, "purchase price" shall not include consideration paid
33 for:

34 (i) any charge for a dishonored check;

35 (ii) any finance or credit charge, penalty or charge

1 for delayed payment, or discount for prompt payment;

2 (iii) any charge for reconnection of service or for
3 replacement or relocation of facilities;

4 (iv) any advance or contribution in aid of
5 construction;

6 (v) repair, inspection or servicing of equipment
7 located on customer premises;

8 (vi) leasing or rental of equipment, the leasing or
9 rental of which is not necessary to furnishing, supplying
10 or selling electricity;

11 (vii) any purchase by a purchaser if the supplier is
12 prohibited by federal or State constitution, treaty,
13 convention, statute or court decision from recovering the
14 related tax liability from such purchaser; and

15 (viii) any amounts added to purchasers' bills because
16 of charges made pursuant to the tax imposed by this Law.

17 In case credit is extended, the amount thereof shall be
18 included only as and when payments are made.

19 "Purchase price" shall not include consideration received
20 from business enterprises certified under Section 9-222.1 or
21 9-222.1A of the Public Utilities Act, as amended, to the extent
22 of such exemption and during the period of time specified by
23 the Department of Commerce and Economic Opportunity ~~Community~~
24 ~~Affairs~~.

25 (e) "Purchaser" means any person who acquires electricity
26 for use or consumption and not for resale, for a valuable
27 consideration.

28 (f) "Non-residential electric use" means any use or
29 consumption of electricity which is not residential electric
30 use.

31 (g) "Residential electric use" means electricity used or
32 consumed at a dwelling of 2 or fewer units, or electricity for
33 household purposes used or consumed at a building with multiple
34 dwelling units where the electricity is registered by a
35 separate meter for each dwelling unit.

36 (h) "Self-assessing purchaser" means a purchaser for

1 non-residential electric use who elects to register with and to
2 pay tax directly to the Department in accordance with Sections
3 2-10 and 2-11 of this Law.

4 (i) "Delivering supplier" means any person engaged in the
5 business of delivering electricity to persons for use or
6 consumption and not for resale, but not an entity engaged in
7 the practice of resale and redistribution of electricity within
8 a building prior to January 2, 1957, and who, in any case where
9 more than one person participates in the delivery of
10 electricity to a specific purchaser, is the last of the
11 suppliers engaged in delivering the electricity prior to its
12 receipt by the purchaser.

13 (j) "Delivering supplier maintaining a place of business in
14 this State", or any like term, means any delivering supplier
15 having or maintaining within this State, directly or by a
16 subsidiary, an office, generation facility, transmission
17 facility, distribution facility, sales office or other place of
18 business, or any employee, agent or other representative
19 operating within this State under the authority of such
20 delivering supplier or such delivering supplier's subsidiary,
21 irrespective of whether such place of business or agent or
22 other representative is located in this State permanently or
23 temporarily, or whether such delivering supplier or such
24 delivering supplier's subsidiary is licensed to do business in
25 this State.

26 (k) "Use" means the exercise by any person of any right or
27 power over electricity incident to the ownership of that
28 electricity, except that it does not include the generation,
29 production, transmission, distribution, delivery or sale of
30 electricity in the regular course of business or the use of
31 electricity for such purposes.

32 (Source: P.A. 91-914, eff. 7-7-00; 92-310, eff. 8-9-01; revised
33 12-6-03.)

34 (35 ILCS 640/2-4)

35 Sec. 2-4. Tax imposed.

1 (a) Except as provided in subsection (b), a tax is imposed
2 on the privilege of using in this State electricity purchased
3 for use or consumption and not for resale, other than by
4 municipal corporations owning and operating a local
5 transportation system for public service, at the following
6 rates per kilowatt-hour delivered to the purchaser:

7 (i) For the first 2000 kilowatt-hours used or consumed
8 in a month: 0.330 cents per kilowatt-hour;

9 (ii) For the next 48,000 kilowatt-hours used or
10 consumed in a month: 0.319 cents per kilowatt-hour;

11 (iii) For the next 50,000 kilowatt-hours used or
12 consumed in a month: 0.303 cents per kilowatt-hour;

13 (iv) For the next 400,000 kilowatt-hours used or
14 consumed in a month: 0.297 cents per kilowatt-hour;

15 (v) For the next 500,000 kilowatt-hours used or
16 consumed in a month: 0.286 cents per kilowatt-hour;

17 (vi) For the next 2,000,000 kilowatt-hours used or
18 consumed in a month: 0.270 cents per kilowatt-hour;

19 (vii) For the next 2,000,000 kilowatt-hours used or
20 consumed in a month: 0.254 cents per kilowatt-hour;

21 (viii) For the next 5,000,000 kilowatt-hours used or
22 consumed in a month: 0.233 cents per kilowatt-hour;

23 (ix) For the next 10,000,000 kilowatt-hours used or
24 consumed in a month: 0.207 cents per kilowatt-hour;

25 (x) For all electricity in excess of 20,000,000
26 kilowatt-hours used or consumed in a month: 0.202 cents per
27 kilowatt-hour.

28 Provided, that in lieu of the foregoing rates, the tax is
29 imposed on a self-assessing purchaser at the rate of 5.1% of
30 the self-assessing purchaser's purchase price for all
31 electricity distributed, supplied, furnished, sold,
32 transmitted and delivered to the self-assessing purchaser in a
33 month.

34 (b) A tax is imposed on the privilege of using in this
35 State electricity purchased from a municipal system or electric
36 cooperative, as defined in Article XVII of the Public Utilities

1 Act, which has not made an election as permitted by either
2 Section 17-200 or Section 17-300 of such Act, at the lesser of
3 0.32 cents per kilowatt hour of all electricity distributed,
4 supplied, furnished, sold, transmitted, and delivered by such
5 municipal system or electric cooperative to the purchaser or 5%
6 of each such purchaser's purchase price for all electricity
7 distributed, supplied, furnished, sold, transmitted, and
8 delivered by such municipal system or electric cooperative to
9 the purchaser, whichever is the lower rate as applied to each
10 purchaser in each billing period.

11 (c) The tax imposed by this Section 2-4 is not imposed with
12 respect to any use of electricity by business enterprises
13 certified under Section 9-222.1 or 9-222.1A of the Public
14 Utilities Act, as amended, to the extent of such exemption and
15 during the time specified by the Department of Commerce and
16 Economic Opportunity ~~Community Affairs~~; or with respect to any
17 transaction in interstate commerce, or otherwise, to the extent
18 to which such transaction may not, under the Constitution and
19 statutes of the United States, be made the subject of taxation
20 by this State.

21 (Source: P.A. 90-561, eff. 8-1-98; 91-914, eff. 7-7-00; revised
22 12-6-03.)

23 Section 535. The Illinois Pension Code is amended by
24 changing Sections 14-108.4 and 14-134 as follows:

25 (40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)

26 Sec. 14-108.4. State police early retirement incentives.

27 (a) To be eligible for the benefits provided in this
28 Section, a person must:

29 (1) be a member of this System who, on any day during
30 October, 1992, is in active payroll status in a position of
31 employment with the Department of State Police for which
32 eligible creditable service is being earned under Section
33 14-110;

34 (2) have not previously retired under this Article;

1 (3) file a written application requesting the benefits
2 provided in this Section with the Director of State Police
3 and the Board on or before January 20, 1993;

4 (4) establish eligibility to receive a retirement
5 annuity under Section 14-110 by January 31, 1993 (for which
6 purpose any age enhancement or creditable service received
7 under this Section may be used) and elect to receive the
8 retirement annuity beginning not earlier than January 1,
9 1993 and not later than February 1, 1993, except that with
10 the written permission of the Director of State Police, the
11 effective date of the retirement annuity may be postponed
12 to no later than July 1, 1993.

13 (b) An eligible person may establish up to 5 years of
14 creditable service under this Article, in increments of one
15 month, by making the contributions specified in subsection (c).
16 In addition, for each month of creditable service established
17 under this Section, a person's age at retirement shall be
18 deemed to be one month older than it actually is.

19 The creditable service established under this Section
20 shall be deemed eligible creditable service as defined in
21 Section 14-110, and may be used for all purposes under this
22 Article and the Retirement Systems Reciprocal Act, except for
23 the computation of final average compensation under Section
24 14-103.12, or the determination of compensation under this or
25 any other Article of this Code.

26 The age enhancement established under this Section may be
27 used for all purposes under this Article (including calculation
28 of a proportionate annuity payable by this System under the
29 Retirement Systems Reciprocal Act), except for purposes of the
30 level income option in Section 14-112, the reversionary annuity
31 under Section 14-113, and the required distributions under
32 Section 14-121.1. However, age enhancement established under
33 this Section shall not be used in determining benefits payable
34 under other Articles of this Code under the Retirement Systems
35 Reciprocal Act.

36 (c) For all creditable service established under this

1 Section, a person must pay to the System an employee
2 contribution to be determined by the System, based on the
3 member's final rate of compensation and one-half of the total
4 retirement contribution rate in effect for the member under
5 subdivision (a) (3) of Section 14-133 on the date of withdrawal.

6 If the member receives a lump sum payment for accumulated
7 vacation, sick leave and personal leave upon withdrawal from
8 service, and the net amount of that lump sum payment is at
9 least as great as the amount of the contribution required under
10 this Section, the entire contribution (or so much of it as does
11 not exceed the contribution limitations of Section 415 of the
12 Internal Revenue Code of 1986) must be paid by the employee
13 before the retirement annuity may become payable. If there is
14 no such lump sum payment, or if it is less than the
15 contribution required under this Section, the member may either
16 pay the entire contribution before the retirement annuity
17 becomes payable, or may instead make an initial payment before
18 the retirement annuity becomes payable, equal to the net amount
19 of the lump sum payment for accumulated vacation, sick leave
20 and personal leave (or so much of it as does not exceed the
21 contribution limitations of Section 415 of the Internal Revenue
22 Code of 1986), and have the remaining amount due deducted from
23 the retirement annuity in 24 equal monthly installments
24 beginning in the month in which the retirement annuity takes
25 effect.

26 However, if the net amount of the lump sum payment for
27 accumulated vacation, sick leave and personal leave equals or
28 exceeds the contribution required under this Section, but the
29 required contribution exceeds an applicable contribution
30 limitation contained in Section 415 of the Internal Revenue
31 Code of 1986, then the amount of the contribution in excess of
32 the Section 415 limitation shall instead be paid by the
33 annuitant in January of 1994. If this additional amount is not
34 paid as required, the retirement annuity shall be suspended
35 until the required contribution is received.

36 (d) Notwithstanding Section 14-111, an annuitant who has

1 received any age enhancement or creditable service under this
2 Section and who reenters service under this Article other than
3 as a temporary employee shall thereby forfeit such age
4 enhancement and creditable service, and become entitled to a
5 refund of the contributions made pursuant to this Section.

6 (e) The Board shall determine the unfunded accrued
7 liability created by the granting of early retirement benefits
8 to State policemen under this Section, and shall certify the
9 amount of that liability to the Department of State Police, the
10 State Comptroller, the State Treasurer, and the Bureau of the
11 Budget (now Governor's Office of Management and Budget) by June
12 1, 1993, or as soon thereafter as is practical. In addition to
13 any other payments to the System required under this Code, the
14 Department of State Police shall pay to the System the amount
15 of that unfunded accrued liability, out of funds appropriated
16 to the Department for that purpose, over a period of 7 years at
17 the rate of 14.3% of the certified amount per year, plus
18 interest on the unpaid balance at the actuarial rate as
19 calculated and certified annually by the Board. Beginning in
20 State fiscal year 1996, the liability created under this
21 subsection (e) shall be included in the calculation of the
22 required State contribution under Section 14-131 and no
23 additional payments need be made under this subsection.

24 (Source: P.A. 87-1265; 88-593, eff. 8-22-94; revised 8-23-03.)

25 (40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)

26 Sec. 14-134. Board created. The retirement system created
27 by this Article shall be a trust, separate and distinct from
28 all other entities. The responsibility for the operation of the
29 system and for making effective this Article is vested in a
30 board of trustees.

31 The board shall consist of 7 trustees, as follows:

32 (a) the Director of the Governor's Office of Management and
33 Budget ~~Bureau of the Budget~~; (b) the Comptroller; (c) one
34 trustee, not a State employee, who shall be Chairman, to be
35 appointed by the Governor for a 5 year term; (d) two members of

1 the system, one of whom shall be an annuitant age 60 or over,
2 having at least 8 years of creditable service, to be appointed
3 by the Governor for terms of 5 years; (e) one member of the
4 system having at least 8 years of creditable service, to be
5 elected from the contributing membership of the system by the
6 contributing members as provided in Section 14-134.1; (f) one
7 annuitant of the system who has been an annuitant for at least
8 one full year, to be elected from and by the annuitants of the
9 system, as provided in Section 14-134.1. The Director of the
10 Governor's Office of Management and Budget ~~Bureau of the Budget~~
11 and the Comptroller shall be ex-officio members and shall serve
12 as trustees during their respective terms of office, except
13 that each of them may designate another officer or employee
14 from the same agency to serve in his or her place. However, no
15 ex-officio member may designate a different proxy within one
16 year after designating a proxy unless the person last so
17 designated has become ineligible to serve in that capacity.
18 Except for the elected trustees, any vacancy in the office of
19 trustee shall be filled in the same manner as the office was
20 filled previously.

21 A trustee shall serve until a successor qualifies, except
22 that a trustee who is a member of the system shall be
23 disqualified as a trustee immediately upon terminating service
24 with the State.

25 Each trustee is entitled to one vote on the board, and 4
26 trustees shall constitute a quorum for the transaction of
27 business. The affirmative votes of a majority of the trustees
28 present, but at least 3 trustees, shall be necessary for action
29 by the board at any meeting. The board's action of July 22,
30 1986, by which it amended the bylaws of the system to increase
31 the number of affirmative votes required for board action from
32 3 to 4 (in response to Public Act 84-1028, which increased the
33 number of trustees from 5 to 7), and the board's rejection,
34 between that date and the effective date of this amendatory Act
35 of 1993, of proposed actions not receiving at least 4
36 affirmative votes, are hereby validated.

1 The trustees shall serve without compensation, but shall be
2 reimbursed from the funds of the system for all necessary
3 expenses incurred through service on the board.

4 Each trustee shall take an oath of office that he or she
5 will diligently and honestly administer the affairs of the
6 system, and will not knowingly violate or willfully permit the
7 violation of any of the provisions of law applicable to the
8 system. The oath shall be subscribed to by the trustee making
9 it, certified by the officer before whom it is taken, and filed
10 with the Secretary of State. A trustee shall qualify for
11 membership on the board when the oath has been approved by the
12 board.

13 (Source: P.A. 87-1265; revised 8-23-03.)

14 Section 540. The Regional Planning Commission Act is
15 amended by changing Section 1 as follows:

16 (50 ILCS 15/1) (from Ch. 85, par. 1021)

17 Sec. 1. Governing bodies of counties, cities, or other
18 local governmental units, when authorized by the Department of
19 Commerce and Economic Opportunity ~~Community Affairs~~, may
20 cooperate with the governing bodies of the counties and cities
21 or other governing bodies of any adjoining state or states in
22 the creation of a joint planning commission where such
23 cooperation has been authorized by law by the adjoining state
24 or states. Such a joint planning commission may be designated
25 to be a regional or metropolitan planning commission and shall
26 have powers, duties and functions as authorized by "An Act to
27 provide for regional planning and for the creation,
28 organization and powers of regional planning commissions",
29 approved June 25, 1929, as heretofore or hereafter amended,
30 and, as agreed among the governing bodies. Such a planning
31 commission shall be a legal entity for all purposes.

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

33 Section 545. The Local Government Financial Planning and

1 Supervision Act is amended by changing Sections 5 and 12 as
2 follows:

3 (50 ILCS 320/5) (from Ch. 85, par. 7205)

4 Sec. 5. Establishment of commission.

5 (a) This subsection (a) applies through December 31, 1992.

6 (1) Upon receipt of a petition for establishment of a
7 financial planning and supervision commission, the
8 Governor may direct the establishment of such a commission
9 if the Governor determines that a fiscal emergency exists.

10 (2) Prior to making such determination, the Governor
11 shall give reasonable notice and opportunity for a hearing
12 to all creditors of the petitioning unit of local
13 government who are subject to the stay provisions of
14 Section 7 of this Act. The determination shall be entered
15 not less than 60 days after the filing of the petition. A
16 determination of fiscal emergency by the Governor shall be
17 a final administrative decision subject to the provisions
18 of the Administrative Review Law. The court on such review
19 may grant exceptions to the stay provisions of Section 7 of
20 this Act as adequate protection of creditors' interests or
21 equity may require. The commission shall convene within 30
22 days of the entry by the Governor of his or her
23 determination of the fiscal emergency.

24 (3) (A) The Commission shall consist of 7 Directors.

25 (B) One Director shall be appointed by the chief
26 executive officer of the unit of local government.

27 (C) One Director shall be appointed by the majority
28 vote of the governing body of the unit of local
29 government.

30 (D) Five Directors shall be appointed by the
31 Governor, with the advice and consent of the Senate.
32 The Governor shall select one of the Directors to serve
33 as Chairperson during the term of his or her
34 appointment. Of the initial Directors so appointed, 3
35 shall be appointed to serve for terms expiring 3 years

1 from the date of their appointment, and 2 shall be
2 appointed to serve for terms expiring 2 years from the
3 date of their appointment. Thereafter, each Director
4 appointed by the Governor shall be appointed to hold
5 office for a term of 3 years and until his or her
6 successor has been appointed as provided in Section
7 8-12-7 of the Illinois Municipal Code. Directors shall
8 be eligible for reappointment. Any vacancy which shall
9 arise shall be filled by appointment by the Governor,
10 with the advice and consent of the Senate, for the
11 unexpired term and until a successor Director has been
12 appointed as provided in Section 8-12-7 of the Illinois
13 Municipal Code. A vacancy shall occur upon
14 resignation, death, conviction of a felony, or removal
15 from office of a Director. A Director may be removed
16 for incompetency, malfeasance, or neglect of duty at
17 the instance of the Governor. If the Senate is not in
18 session or is in recess when appointments subject to
19 its confirmation are made, the Governor shall make
20 temporary appointments which shall be subject to
21 subsequent Senate approval.

22 (b) This subsection (b) applies on and after January 1,
23 1993.

24 (1) Upon receipt of a petition for establishment of a
25 financial planning and supervision commission, the
26 Governor may direct the establishment of such a commission
27 if the Governor determines that a fiscal emergency exists.

28 (2) Prior to making such determination, the Governor
29 shall give reasonable notice and opportunity for a hearing
30 to all creditors of the petitioning unit of local
31 government. The determination shall be entered not less
32 than 60 days after the filing of the petition. A
33 determination of fiscal emergency by the Governor shall be
34 a final administrative decision subject to the provisions
35 of the Administrative Review Law. The court on such review
36 may grant exceptions to the stay provisions of Section 7 of

1 this Act as adequate protection of creditors' interests or
2 equity may require. The commission shall convene within 30
3 days of the entry by the Governor of his or her
4 determination of the fiscal emergency.

5 (3) A commission shall consist of 11 members:

6 (A) Eight members as follows: the Governor, the
7 State Comptroller, the Director of Revenue, the
8 Director of the Governor's Office of Management and
9 Budget ~~Bureau of the Budget~~, the State Treasurer, the
10 Executive Director of the Illinois Finance Authority,
11 the Director of the Department of Commerce and Economic
12 Opportunity ~~Community Affairs~~ and the presiding
13 officer of the governing body of the unit of local
14 government, or their respective designees. A designee,
15 when present, shall be counted in determining whether a
16 quorum is present at any meeting of the commission and
17 may vote and participate in all proceedings and actions
18 of the commission. The designations shall be in
19 writing, executed by the member making the
20 designation, and filed with the secretary of the
21 commission. The designations may be changed from time
22 to time in like manner, but due regard shall be given
23 to the need for continuity. The Governor shall appoint
24 a chairman of the commission from among the 8 members
25 described in this subparagraph (A).

26 (B) Three members nominated and appointed as
27 follows: the governing body and chief governing
28 officer of the unit of local government shall submit in
29 writing to the chairman of the commission the
30 nomination of 5 persons agreed to by them and meeting
31 the qualifications set forth in this Act. Nominations
32 shall accompany the petition for establishment of the
33 financial planning and supervision commission. If the
34 chairman is not satisfied that at least 3 of the
35 nominees are well qualified, he shall notify the
36 governing body of the unit of local government to

1 submit in writing, within 5 days, additional nominees,
2 not exceeding 3. The chairman shall appoint 3 members
3 from all the nominees so submitted or a lesser number
4 that he considers well qualified. Each of the 3
5 appointed members shall serve for a term of one year,
6 subject to removal by the chairman for misfeasance,
7 nonfeasance or malfeasance in office. Upon the
8 expiration of the term of an appointed member, or in
9 the event of the death, resignation, incapacity or
10 removal, or other ineligibility to serve of an
11 appointed member, the chairman shall appoint a
12 successor pursuant to the process of original
13 appointment.

14 Each of the 3 appointed members shall be an
15 individual:

16 (i) Who has knowledge and experience in
17 financial matters, financial management, or
18 business organization or operations, including
19 experience in the private sector in management of
20 business or financial enterprise, or in management
21 consulting, public accounting, or other
22 professional activity; and

23 (ii) Who has not at any time during the 2 years
24 preceding the date of appointment held any elected
25 public office.

26 The governing body and chief governing officer of the
27 unit of local government, to the extent possible, shall
28 nominate members whose residency, office, or principal
29 place of professional or business activity is situated
30 within the unit of local government.

31 An appointed member of the commission shall not
32 become a candidate for elected public office while
33 serving as a member of the commission.

34 (4) Immediately after his appointment of the initial 3
35 appointed members of the commission, the chairman shall
36 call the first meeting of the commission and shall cause

1 written notice of the time, date and place of the first
2 meeting to be given to each member of the commission at
3 least 48 hours in advance of the meeting.

4 (5) The commission members shall select one of their
5 number to serve as treasurer of the commission.

6 (Source: P.A. 93-205, eff. 1-1-04; revised 8-23-03.)

7 (50 ILCS 320/12) (from Ch. 85, par. 7212)

8 Sec. 12. Expenses incurred by commission. Any expense or
9 obligation incurred by the financial planning and supervision
10 commission under this Act shall be payable solely from
11 appropriations made for that purpose by the General Assembly.

12 The commission is authorized to maintain monies
13 appropriated for its use in a local account for such purposes
14 to be held outside the State Treasury. Disbursements from this
15 account shall require the approval and signatures of the
16 chairman of the commission and the treasurer of the commission.
17 The commission shall be authorized to request the State
18 Comptroller and State Treasurer to issue State warrants against
19 appropriations made for its use, in anticipation of commission
20 expenses, for deposit into the local account.

21 The compensation and expenses of a financial advisor
22 retained by the commission shall be paid from monies
23 appropriated to the Department of Commerce and Economic
24 Opportunity ~~Community Affairs~~ for that purpose. Those
25 appropriations shall only be committed, obligated, and
26 expended by the Department of Commerce and Economic Opportunity
27 ~~Community Affairs~~ as the result of an order signed by the
28 chairman of the commission identifying the selected "financial
29 advisor" pursuant to subsection (c) of Section 6 of this Act
30 and stating the maximum compensation awarded to the financial
31 advisor under the contract. A copy of the order shall be filed
32 with the State Comptroller prior to any disbursement of funds.

33 (Source: P.A. 86-1211; revised 12-6-03.)

34 Section 550. The Illinois Municipal Budget Law is amended

1 by changing Section 2 as follows:

2 (50 ILCS 330/2) (from Ch. 85, par. 802)

3 Sec. 2. The following terms, unless the context otherwise
4 indicates, have the following meaning:

5 (1) "Municipality" means and includes all municipal
6 corporations and political subdivisions of this State, or any
7 such unit or body hereafter created by authority of law, except
8 the following: (a) The State of Illinois; (b) counties; (c)
9 cities, villages and incorporated towns; (d) sanitary
10 districts created under "An Act to create sanitary districts
11 and to remove obstructions in the Des Plaines and Illinois
12 Rivers", approved May 29, 1889, as amended; (e) forest preserve
13 districts having a population of 500,000 or more, created under
14 "An Act to provide for the creation and management of forest
15 preserve districts and repealing certain Acts therein named",
16 approved June 27, 1913, as amended; (f) school districts; (g)
17 the Chicago Park District created under "An Act in relation to
18 the creation, maintenance, operation and improvement of the
19 Chicago Park District", approved, June 10, 1933, as amended;
20 (h) park districts created under "The Park District Code",
21 approved July 8, 1947, as amended; (i) the Regional
22 Transportation Authority created under the "Regional
23 Transportation Authority Act", enacted by the 78th General
24 Assembly; and (j) the Illinois Sports Facilities Authority.

25 (2) "Governing body" means the corporate authorities,
26 body, or other officer of the municipality authorized by law to
27 raise revenue, appropriate funds, or levy taxes for the
28 operation and maintenance thereof.

29 (3) "Department" means the Department of Commerce and
30 Economic Opportunity ~~Community Affairs~~.

31 (Source: P.A. 85-1034; revised 12-6-03.)

32 Section 555. The Emergency Telephone System Act is amended
33 by changing Section 13 as follows:

1 (50 ILCS 750/13) (from Ch. 134, par. 43)

2 Sec. 13. On or before February 16, 1979, and again on or
3 before February 16, 1981, the Commission shall report to the
4 General Assembly the progress in the implementation of systems
5 required by this Act. Such reports shall contain his
6 recommendations for additional legislation.

7 In December of 1979 and in December of 1980 the Commission,
8 with the advice and assistance of the Attorney General, shall
9 submit recommendations to the Bureau of the Budget (now
10 Governor's Office of Management and Budget) and to the Governor
11 specifying amounts necessary to further implement the
12 organization of telephone systems specified in this Act during
13 the succeeding fiscal year. The report specified in this
14 paragraph shall contain, in addition, an estimate of the fiscal
15 impact to local public agencies which will be caused by
16 implementation of this Act.

17 By March 1 in 1979 and every even-numbered year thereafter,
18 each telephone company shall file a report with the Commission
19 and the General Assembly specifying, in such detail as the
20 Commission has by rule or regulation required, the extent to
21 which it has implemented a planned emergency telephone system
22 and its projected further implementation of such a system.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the
27 Secretary of the Senate and the Legislative Research Unit, as
28 required by Section 3.1 of "An Act to revise the law in
29 relation to the General Assembly", approved February 25, 1874,
30 as amended, and filing such additional copies with the State
31 Government Report Distribution Center for the General Assembly
32 as is required under paragraph (t) of Section 7 of the State
33 Library Act.

34 (Source: P.A. 84-1438; revised 8-23-03.)

35 Section 560. The Local Land Resource Management Planning

1 Act is amended by changing Sections 3 and 8 as follows:

2 (50 ILCS 805/3) (from Ch. 85, par. 5803)

3 Sec. 3. Definitions. As used in this Act, the following
4 words and phrases have the following meanings:

5 A. "Department" means the Department of Commerce and
6 Economic Opportunity ~~Community Affairs~~.

7 B. "Local Land Resource Management Plan" means a map of
8 existing and generalized proposed land use and a policy
9 statement in the form of words, numbers, illustrations, or
10 other symbols of communication adopted by the municipal and
11 county governing bodies. The Local Land Resource Management
12 Plan may interrelate functional, visual and natural systems and
13 activities relating to the use of land. It shall include but
14 not be limited to sewer and water systems, energy distribution
15 systems, recreational facilities, public safety facilities and
16 their relationship to natural resources, air, water and land
17 quality management or conservation programs within its
18 jurisdiction. Such a plan shall be deemed to be "joint or
19 compatible" when so declared by joint resolution of the
20 affected municipality and county, or when separate plans have
21 been referred to the affected municipality or county for review
22 and suggestions, and such suggestions have been duly considered
23 by the adopting jurisdiction and a reasonable basis for
24 provisions of a plan that are contrary to the suggestions is
25 stated in a resolution of the adopting jurisdiction.

26 C. "Land" means the earth, water and air, above, below or
27 on the surface, and including any improvements or structures
28 customarily regarded as land.

29 D. "Municipality" means any city, village or incorporated
30 town.

31 E. "Unit of local government" means any county,
32 municipality, township or special district which exercises
33 limited governmental functions or provides services in respect
34 to limited governmental subjects.

35 (Source: P.A. 84-865; revised 12-6-03.)

1 (50 ILCS 805/8) (from Ch. 85, par. 5808)

2 Sec. 8. Planning Grants. (a) The Department of Commerce and
3 Economic Opportunity ~~Community Affairs~~ may make annual grants
4 to counties and municipalities to develop, update, administer
5 and implement Local Land Resource Management Plans, as defined
6 in this Act.

7 (b) A recipient local government may receive an initial
8 grant to develop a plan after filing a resolution of intent to
9 develop a plan. The plan shall be completed within 18 months of
10 the receipt of the grant.

11 (c) The amount of the initial grant and the annual grant to
12 be received by the recipient shall be based on the most recent
13 updated U. S. Census at a rate of one dollar per person, but
14 shall not be less than \$20,000 and shall not exceed \$100,000
15 per fiscal year.

16 (d) The Department of Commerce and Economic Opportunity
17 ~~Community Affairs~~ may promulgate such rules and regulations
18 establishing procedures for determining entitlement and
19 eligible uses of such grants as it deems necessary for the
20 purposes of this Act.

21 (Source: P.A. 84-865; revised 12-6-03.)

22 Section 565. The County Economic Development Project Area
23 Property Tax Allocation Act is amended by changing Section 3 as
24 follows:

25 (55 ILCS 85/3) (from Ch. 34, par. 7003)

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

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

31 (b) "Economic development plan" means the written plan of a
32 county which sets forth an economic development program for an
33 economic development project area. Each economic development

1 plan shall include but not be limited to (1) estimated economic
2 development project costs, (2) the sources of funds to pay such
3 costs, (3) the nature and term of any obligations to be issued
4 by the county to pay such costs, (4) the most recent equalized
5 assessed valuation of the economic development project area,
6 (5) an estimate of the equalized assessed valuation of the
7 economic development project area after completion of the
8 economic development plan, (6) the estimated date of completion
9 of any economic development project proposed to be undertaken,
10 (7) a general description of any proposed developer, user, or
11 tenant of any property to be located or improved within the
12 economic development project area, (8) a description of the
13 type, structure and general character of the facilities to be
14 developed or improved in the economic development project area,
15 (9) a description of the general land uses to apply in the
16 economic development project area, (10) a description of the
17 type, class and number of employees to be employed in the
18 operation of the facilities to be developed or improved in the
19 economic development project area and (11) a commitment by the
20 county to fair employment practices and an affirmative action
21 plan with respect to any economic development program to be
22 undertaken by the county.

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

25 (d) "Economic development project area" means any improved
26 or vacant area which is located within the corporate limits of
27 a county and which (1) is within the unincorporated area of
28 such county, or, with the consent of any affected municipality,
29 is located partially within the unincorporated area of such
30 county and partially within one or more municipalities, (2) is
31 contiguous, (3) is not less in the aggregate than 100 acres,
32 (4) is suitable for siting by any commercial, manufacturing,
33 industrial, research or transportation enterprise of
34 facilities to include but not be limited to commercial
35 businesses, offices, factories, mills, processing plants,
36 assembly plants, packing plants, fabricating plants,

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

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

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

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

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

1 development project area which are essential to the
2 preparation of the economic development project area for
3 use in accordance with an economic development plan; and
4 specifically including payments to developers or other
5 non-governmental persons as reimbursement for site
6 preparation costs incurred by such developer or
7 non-governmental person;

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

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

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

27 (7) All or a portion of a taxing district's capital
28 costs resulting from an economic development project
29 necessarily incurred or estimated to be incurred by a
30 taxing district in the furtherance of the objectives of an
31 economic development project, to the extent that the county
32 by written agreement accepts, approves and agrees to incur
33 or to reimburse such costs;

34 (8) Relocation costs to the extent that a county
35 determines that relocation costs shall be paid or is
36 required to make payment of relocation costs by federal or

1 State law;

2 (9) The estimated tax revenues from real property in an
3 economic development project area acquired by a county
4 which, according to the economic development plan, is to be
5 used for a private use and which any taxing district would
6 have received had the county not adopted property tax
7 allocation financing for an economic development project
8 area and which would result from such taxing district's
9 levies made after the time of the adoption by the county of
10 property tax allocation financing to the time the current
11 equalized assessed value of real property in the economic
12 development project area exceeds the total initial
13 equalized value of real property in that area;

14 (10) Costs of rebating ad valorem taxes paid by any
15 developer or other nongovernmental person in whose name the
16 general taxes were paid for the last preceding year on any
17 lot, block, tract or parcel of land in the economic
18 development project area, provided that:

19 (i) such economic development project area is
20 located in an enterprise zone created pursuant to the
21 Illinois Enterprise Zone Act;

22 (ii) such ad valorem taxes shall be rebated only in
23 such amounts and for such tax year or years as the
24 county and any one or more affected taxing districts
25 shall have agreed by prior written agreement;

26 (iii) any amount of rebate of taxes shall not
27 exceed the portion, if any, of taxes levied by the
28 county or such taxing district or districts which is
29 attributable to the increase in the current equalized
30 assessed valuation of each taxable lot, block, tract or
31 parcel of real property in the economic development
32 project area over and above the initial equalized
33 assessed value of each property existing at the time
34 property tax allocation financing was adopted for said
35 economic development project area; and

36 (iv) costs of rebating ad valorem taxes shall be

1 paid by a county solely from the special tax allocation
2 fund established pursuant to this Act and shall be paid
3 from the proceeds of any obligations issued by a
4 county.

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

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

35 (A) private financing costs shall be paid or
36 reimbursed by a county only pursuant to the prior

1 official action of the county evidencing an intent to
2 pay such private financing costs;

3 (B) except as provided in subparagraph (D) of this
4 Section, the aggregate amount of such costs paid or
5 reimbursed by a county in any one year shall not exceed
6 30% of such costs paid or incurred by such developer or
7 other non-governmental person in that year;

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

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

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

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

33 (g) "Taxing districts" means municipalities, townships,
34 counties, and school, road, park, sanitary, mosquito
35 abatement, forest preserve, public health, fire protection,
36 river conservancy, tuberculosis sanitarium and any other

1 county corporations or districts with the power to levy taxes
2 on real property.

3 (Source: P.A. 90-655, eff. 7-30-98; revised 12-6-03.)

4 Section 570. The Illinois Municipal Code is amended by
5 changing Sections 8-11-2, 11-31.1-14, 11-48.3-29, 11-74.4-6,
6 11-74.4-8a, and 11-74.6-10 as follows:

7 (65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

8 Sec. 8-11-2. The corporate authorities of any municipality
9 may tax any or all of the following occupations or privileges:

10 1. (Blank).

11 2. Persons engaged in the business of distributing,
12 supplying, furnishing, or selling gas for use or
13 consumption within the corporate limits of a municipality
14 of 500,000 or fewer population, and not for resale, at a
15 rate not to exceed 5% of the gross receipts therefrom.

16 2a. Persons engaged in the business of distributing,
17 supplying, furnishing, or selling gas for use or
18 consumption within the corporate limits of a municipality
19 of over 500,000 population, and not for resale, at a rate
20 not to exceed 8% of the gross receipts therefrom. If
21 imposed, this tax shall be paid in monthly payments.

22 3. The privilege of using or consuming electricity
23 acquired in a purchase at retail and used or consumed
24 within the corporate limits of the municipality at rates
25 not to exceed the following maximum rates, calculated on a
26 monthly basis for each purchaser:

27 (i) For the first 2,000 kilowatt-hours used or consumed
28 in a month; 0.61 cents per kilowatt-hour;

29 (ii) For the next 48,000 kilowatt-hours used or
30 consumed in a month; 0.40 cents per kilowatt-hour;

31 (iii) For the next 50,000 kilowatt-hours used or
32 consumed in a month; 0.36 cents per kilowatt-hour;

33 (iv) For the next 400,000 kilowatt-hours used or
34 consumed in a month; 0.35 cents per kilowatt-hour;

1 (v) For the next 500,000 kilowatt-hours used or
2 consumed in a month; 0.34 cents per kilowatt-hour;

3 (vi) For the next 2,000,000 kilowatt-hours used or
4 consumed in a month; 0.32 cents per kilowatt-hour;

5 (vii) For the next 2,000,000 kilowatt-hours used or
6 consumed in a month; 0.315 cents per kilowatt-hour;

7 (viii) For the next 5,000,000 kilowatt-hours used or
8 consumed in a month; 0.31 cents per kilowatt-hour;

9 (ix) For the next 10,000,000 kilowatt-hours used or
10 consumed in a month; 0.305 cents per kilowatt-hour; and

11 (x) For all electricity used or consumed in excess of
12 20,000,000 kilowatt-hours in a month, 0.30 cents per
13 kilowatt-hour.

14 If a municipality imposes a tax at rates lower than
15 either the maximum rates specified in this Section or the
16 alternative maximum rates promulgated by the Illinois
17 Commerce Commission, as provided below, the tax rates shall
18 be imposed upon the kilowatt hour categories set forth
19 above with the same proportional relationship as that which
20 exists among such maximum rates. Notwithstanding the
21 foregoing, until December 31, 2008, no municipality shall
22 establish rates that are in excess of rates reasonably
23 calculated to produce revenues that equal the maximum total
24 revenues such municipality could have received under the
25 tax authorized by this subparagraph in the last full
26 calendar year prior to the effective date of Section 65 of
27 this amendatory Act of 1997; provided that this shall not
28 be a limitation on the amount of tax revenues actually
29 collected by such municipality.

30 Upon the request of the corporate authorities of a
31 municipality, the Illinois Commerce Commission shall,
32 within 90 days after receipt of such request, promulgate
33 alternative rates for each of these kilowatt-hour
34 categories that will reflect, as closely as reasonably
35 practical for that municipality, the distribution of the
36 tax among classes of purchasers as if the tax were based on

1 a uniform percentage of the purchase price of electricity.
2 A municipality that has adopted an ordinance imposing a tax
3 pursuant to subparagraph 3 as it existed prior to the
4 effective date of Section 65 of this amendatory Act of 1997
5 may, rather than imposing the tax permitted by this
6 amendatory Act of 1997, continue to impose the tax pursuant
7 to that ordinance with respect to gross receipts received
8 from residential customers through July 31, 1999, and with
9 respect to gross receipts from any non-residential
10 customer until the first bill issued to such customer for
11 delivery services in accordance with Section 16-104 of the
12 Public Utilities Act but in no case later than the last
13 bill issued to such customer before December 31, 2000. No
14 ordinance imposing the tax permitted by this amendatory Act
15 of 1997 shall be applicable to any non-residential customer
16 until the first bill issued to such customer for delivery
17 services in accordance with Section 16-104 of the Public
18 Utilities Act but in no case later than the last bill
19 issued to such non-residential customer before December
20 31, 2000.

21 4. Persons engaged in the business of distributing,
22 supplying, furnishing, or selling water for use or
23 consumption within the corporate limits of the
24 municipality, and not for resale, at a rate not to exceed
25 5% of the gross receipts therefrom.

26 None of the taxes authorized by this Section may be imposed
27 with respect to any transaction in interstate commerce or
28 otherwise to the extent to which the business or privilege may
29 not, under the constitution and statutes of the United States,
30 be made the subject of taxation by this State or any political
31 sub-division thereof; nor shall any persons engaged in the
32 business of distributing, supplying, furnishing, selling or
33 transmitting gas, water, or electricity, or using or consuming
34 electricity acquired in a purchase at retail, be subject to
35 taxation under the provisions of this Section for those
36 transactions that are or may become subject to taxation under

1 the provisions of the "Municipal Retailers' Occupation Tax Act"
2 authorized by Section 8-11-1; nor shall any tax authorized by
3 this Section be imposed upon any person engaged in a business
4 or on any privilege unless the tax is imposed in like manner
5 and at the same rate upon all persons engaged in businesses of
6 the same class in the municipality, whether privately or
7 municipally owned or operated, or exercising the same privilege
8 within the municipality.

9 Any of the taxes enumerated in this Section may be in
10 addition to the payment of money, or value of products or
11 services furnished to the municipality by the taxpayer as
12 compensation for the use of its streets, alleys, or other
13 public places, or installation and maintenance therein,
14 thereon or thereunder of poles, wires, pipes or other equipment
15 used in the operation of the taxpayer's business.

16 (a) If the corporate authorities of any home rule
17 municipality have adopted an ordinance that imposed a tax on
18 public utility customers, between July 1, 1971, and October 1,
19 1981, on the good faith belief that they were exercising
20 authority pursuant to Section 6 of Article VII of the 1970
21 Illinois Constitution, that action of the corporate
22 authorities shall be declared legal and valid, notwithstanding
23 a later decision of a judicial tribunal declaring the ordinance
24 invalid. No municipality shall be required to rebate, refund,
25 or issue credits for any taxes described in this paragraph, and
26 those taxes shall be deemed to have been levied and collected
27 in accordance with the Constitution and laws of this State.

28 (b) In any case in which (i) prior to October 19, 1979, the
29 corporate authorities of any municipality have adopted an
30 ordinance imposing a tax authorized by this Section (or by the
31 predecessor provision of the "Revised Cities and Villages Act")
32 and have explicitly or in practice interpreted gross receipts
33 to include either charges added to customers' bills pursuant to
34 the provision of paragraph (a) of Section 36 of the Public
35 Utilities Act or charges added to customers' bills by taxpayers
36 who are not subject to rate regulation by the Illinois Commerce

1 Commission for the purpose of recovering any of the tax
2 liabilities or other amounts specified in such paragraph (a) of
3 Section 36 of that Act, and (ii) on or after October 19, 1979,
4 a judicial tribunal has construed gross receipts to exclude all
5 or part of those charges, then neither those municipality nor
6 any taxpayer who paid the tax shall be required to rebate,
7 refund, or issue credits for any tax imposed or charge
8 collected from customers pursuant to the municipality's
9 interpretation prior to October 19, 1979. This paragraph
10 reflects a legislative finding that it would be contrary to the
11 public interest to require a municipality or its taxpayers to
12 refund taxes or charges attributable to the municipality's more
13 inclusive interpretation of gross receipts prior to October 19,
14 1979, and is not intended to prescribe or limit judicial
15 construction of this Section. The legislative finding set forth
16 in this subsection does not apply to taxes imposed after the
17 effective date of this amendatory Act of 1995.

18 (c) The tax authorized by subparagraph 3 shall be collected
19 from the purchaser by the person maintaining a place of
20 business in this State who delivers the electricity to the
21 purchaser. This tax shall constitute a debt of the purchaser to
22 the person who delivers the electricity to the purchaser and if
23 unpaid, is recoverable in the same manner as the original
24 charge for delivering the electricity. Any tax required to be
25 collected pursuant to an ordinance authorized by subparagraph 3
26 and any such tax collected by a person delivering electricity
27 shall constitute a debt owed to the municipality by such person
28 delivering the electricity, provided, that the person
29 delivering electricity shall be allowed credit for such tax
30 related to deliveries of electricity the charges for which are
31 written off as uncollectible, and provided further, that if
32 such charges are thereafter collected, the delivering supplier
33 shall be obligated to remit such tax. For purposes of this
34 subsection (c), any partial payment not specifically
35 identified by the purchaser shall be deemed to be for the
36 delivery of electricity. Persons delivering electricity shall

1 collect the tax from the purchaser by adding such tax to the
2 gross charge for delivering the electricity, in the manner
3 prescribed by the municipality. Persons delivering electricity
4 shall also be authorized to add to such gross charge an amount
5 equal to 3% of the tax to reimburse the person delivering
6 electricity for the expenses incurred in keeping records,
7 billing customers, preparing and filing returns, remitting the
8 tax and supplying data to the municipality upon request. If the
9 person delivering electricity fails to collect the tax from the
10 purchaser, then the purchaser shall be required to pay the tax
11 directly to the municipality in the manner prescribed by the
12 municipality. Persons delivering electricity who file returns
13 pursuant to this paragraph (c) shall, at the time of filing
14 such return, pay the municipality the amount of the tax
15 collected pursuant to subparagraph 3.

16 (d) For the purpose of the taxes enumerated in this
17 Section:

18 "Gross receipts" means the consideration received for
19 distributing, supplying, furnishing or selling gas for use or
20 consumption and not for resale, and the consideration received
21 for distributing, supplying, furnishing or selling water for
22 use or consumption and not for resale, and for all services
23 rendered in connection therewith valued in money, whether
24 received in money or otherwise, including cash, credit,
25 services and property of every kind and material and for all
26 services rendered therewith, and shall be determined without
27 any deduction on account of the cost of the service, product or
28 commodity supplied, the cost of materials used, labor or
29 service cost, or any other expenses whatsoever. "Gross
30 receipts" shall not include that portion of the consideration
31 received for distributing, supplying, furnishing, or selling
32 gas or water to business enterprises described in paragraph (e)
33 of this Section to the extent and during the period in which
34 the exemption authorized by paragraph (e) is in effect or for
35 school districts or units of local government described in
36 paragraph (f) during the period in which the exemption

1 authorized in paragraph (f) is in effect.

2 For utility bills issued on or after May 1, 1996, but
3 before May 1, 1997, and for receipts from those utility bills,
4 "gross receipts" does not include one-third of (i) amounts
5 added to customers' bills under Section 9-222 of the Public
6 Utilities Act, or (ii) amounts added to customers' bills by
7 taxpayers who are not subject to rate regulation by the
8 Illinois Commerce Commission for the purpose of recovering any
9 of the tax liabilities described in Section 9-222 of the Public
10 Utilities Act. For utility bills issued on or after May 1,
11 1997, but before May 1, 1998, and for receipts from those
12 utility bills, "gross receipts" does not include two-thirds of
13 (i) amounts added to customers' bills under Section 9-222 of
14 the Public Utilities Act, or (ii) amount added to customers'
15 bills by taxpayers who are not subject to rate regulation by
16 the Illinois Commerce Commission for the purpose of recovering
17 any of the tax liabilities described in Section 9-222 of the
18 Public Utilities Act. For utility bills issued on or after May
19 1, 1998, and for receipts from those utility bills, "gross
20 receipts" does not include (i) amounts added to customers'
21 bills under Section 9-222 of the Public Utilities Act, or (ii)
22 amounts added to customers' bills by taxpayers who are not
23 subject to rate regulation by the Illinois Commerce Commission
24 for the purpose of recovering any of the tax liabilities
25 described in Section 9-222 of the Public Utilities Act.

26 For purposes of this Section "gross receipts" shall not
27 include amounts added to customers' bills under Section 9-221
28 of the Public Utilities Act. This paragraph is not intended to
29 nor does it make any change in the meaning of "gross receipts"
30 for the purposes of this Section, but is intended to remove
31 possible ambiguities, thereby confirming the existing meaning
32 of "gross receipts" prior to the effective date of this
33 amendatory Act of 1995.

34 "Person" as used in this Section means any natural
35 individual, firm, trust, estate, partnership, association,
36 joint stock company, joint adventure, corporation, limited

1 liability company, municipal corporation, the State or any of
2 its political subdivisions, any State university created by
3 statute, or a receiver, trustee, guardian or other
4 representative appointed by order of any court.

5 "Person maintaining a place of business in this State"
6 shall mean any person having or maintaining within this State,
7 directly or by a subsidiary or other affiliate, an office,
8 generation facility, distribution facility, transmission
9 facility, sales office or other place of business, or any
10 employee, agent, or other representative operating within this
11 State under the authority of the person or its subsidiary or
12 other affiliate, irrespective of whether such place of business
13 or agent or other representative is located in this State
14 permanently or temporarily, or whether such person, subsidiary
15 or other affiliate is licensed or qualified to do business in
16 this State.

17 "Public utility" shall have the meaning ascribed to it in
18 Section 3-105 of the Public Utilities Act and shall include
19 alternative retail electric suppliers as defined in Section
20 16-102 of that Act.

21 "Purchase at retail" shall mean any acquisition of
22 electricity by a purchaser for purposes of use or consumption,
23 and not for resale, but shall not include the use of
24 electricity by a public utility directly in the generation,
25 production, transmission, delivery or sale of electricity.

26 "Purchaser" shall mean any person who uses or consumes,
27 within the corporate limits of the municipality, electricity
28 acquired in a purchase at retail.

29 (e) Any municipality that imposes taxes upon public
30 utilities or upon the privilege of using or consuming
31 electricity pursuant to this Section whose territory includes
32 any part of an enterprise zone or federally designated Foreign
33 Trade Zone or Sub-Zone may, by a majority vote of its corporate
34 authorities, exempt from those taxes for a period not exceeding
35 20 years any specified percentage of gross receipts of public
36 utilities received from, or electricity used or consumed by,

1 business enterprises that:

2 (1) either (i) make investments that cause the creation
3 of a minimum of 200 full-time equivalent jobs in Illinois,
4 (ii) make investments of at least \$175,000,000 that cause
5 the creation of a minimum of 150 full-time equivalent jobs
6 in Illinois, or (iii) make investments that cause the
7 retention of a minimum of 1,000 full-time jobs in Illinois;
8 and

9 (2) are either (i) located in an Enterprise Zone
10 established pursuant to the Illinois Enterprise Zone Act or
11 (ii) Department of Commerce and Economic Opportunity
12 ~~Community Affairs~~ designated High Impact Businesses
13 located in a federally designated Foreign Trade Zone or
14 Sub-Zone; and

15 (3) are certified by the Department of Commerce and
16 Economic Opportunity ~~Community Affairs~~ as complying with
17 the requirements specified in clauses (1) and (2) of this
18 paragraph (e).

19 Upon adoption of the ordinance authorizing the exemption,
20 the municipal clerk shall transmit a copy of that ordinance to
21 the Department of Commerce and Economic Opportunity ~~Community~~
22 ~~Affairs~~. The Department of Commerce and Economic Opportunity
23 ~~Community Affairs~~ shall determine whether the business
24 enterprises located in the municipality meet the criteria
25 prescribed in this paragraph. If the Department of Commerce and
26 Economic Opportunity ~~Community Affairs~~ determines that the
27 business enterprises meet the criteria, it shall grant
28 certification. The Department of Commerce and Economic
29 Opportunity ~~Community Affairs~~ shall act upon certification
30 requests within 30 days after receipt of the ordinance.

31 Upon certification of the business enterprise by the
32 Department of Commerce and Economic Opportunity ~~Community~~
33 ~~Affairs~~, the Department of Commerce and Economic Opportunity
34 ~~Community Affairs~~ shall notify the Department of Revenue of the
35 certification. The Department of Revenue shall notify the
36 public utilities of the exemption status of the gross receipts

1 received from, and the electricity used or consumed by, the
2 certified business enterprises. Such exemption status shall be
3 effective within 3 months after certification.

4 (f) A municipality that imposes taxes upon public utilities
5 or upon the privilege of using or consuming electricity under
6 this Section and whose territory includes part of another unit
7 of local government or a school district may by ordinance
8 exempt the other unit of local government or school district
9 from those taxes.

10 (g) The amendment of this Section by Public Act 84-127
11 shall take precedence over any other amendment of this Section
12 by any other amendatory Act passed by the 84th General Assembly
13 before the effective date of Public Act 84-127.

14 (h) In any case in which, before July 1, 1992, a person
15 engaged in the business of transmitting messages through the
16 use of mobile equipment, such as cellular phones and paging
17 systems, has determined the municipality within which the gross
18 receipts from the business originated by reference to the
19 location of its transmitting or switching equipment, then (i)
20 neither the municipality to which tax was paid on that basis
21 nor the taxpayer that paid tax on that basis shall be required
22 to rebate, refund, or issue credits for any such tax or charge
23 collected from customers to reimburse the taxpayer for the tax
24 and (ii) no municipality to which tax would have been paid with
25 respect to those gross receipts if the provisions of this
26 amendatory Act of 1991 had been in effect before July 1, 1992,
27 shall have any claim against the taxpayer for any amount of the
28 tax.

29 (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02;
30 92-526, eff. 1-1-03; revised 12-6-03.)

31 (65 ILCS 5/11-31.1-14) (from Ch. 24, par. 11-31.1-14)

32 Sec. 11-31.1-14. Application for grants. Any municipality
33 adopting this Division may make application to the Department
34 of Commerce and Economic Opportunity ~~Community Affairs~~ for
35 grants to help defray the cost of establishing and maintaining

1 a code hearing department as provided in this Division. The
2 application for grants shall be in the manner and form
3 prescribed by the Department of Commerce and Economic
4 Opportunity ~~Community Affairs~~.

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

6 (65 ILCS 5/11-48.3-29) (from Ch. 24, par. 11-48.3-29)

7 Sec. 11-48.3-29. The Authority shall receive financial
8 support from the Department of Commerce and Economic
9 Opportunity ~~Community Affairs~~ in the amounts that may be
10 appropriated for such purpose.

11 (Source: P.A. 86-279; revised 12-6-03.)

12 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

13 Sec. 11-74.4-6. (a) Except as provided herein, notice of
14 the public hearing shall be given by publication and mailing.
15 Notice by publication shall be given by publication at least
16 twice, the first publication to be not more than 30 nor less
17 than 10 days prior to the hearing in a newspaper of general
18 circulation within the taxing districts having property in the
19 proposed redevelopment project area. Notice by mailing shall be
20 given by depositing such notice in the United States mails by
21 certified mail addressed to the person or persons in whose name
22 the general taxes for the last preceding year were paid on each
23 lot, block, tract, or parcel of land lying within the project
24 redevelopment area. Said notice shall be mailed not less than
25 10 days prior to the date set for the public hearing. In the
26 event taxes for the last preceding year were not paid, the
27 notice shall also be sent to the persons last listed on the tax
28 rolls within the preceding 3 years as the owners of such
29 property. For redevelopment project areas with redevelopment
30 plans or proposed redevelopment plans that would require
31 removal of 10 or more inhabited residential units or that
32 contain 75 or more inhabited residential units, the
33 municipality shall make a good faith effort to notify by mail
34 all residents of the redevelopment project area. At a minimum,

1 the municipality shall mail a notice to each residential
2 address located within the redevelopment project area. The
3 municipality shall endeavor to ensure that all such notices are
4 effectively communicated and shall include (in addition to
5 notice in English) notice in the predominant language other
6 than English when appropriate.

7 (b) The notices issued pursuant to this Section shall
8 include the following:

9 (1) The time and place of public hearing;

10 (2) The boundaries of the proposed redevelopment
11 project area by legal description and by street location
12 where possible;

13 (3) A notification that all interested persons will be
14 given an opportunity to be heard at the public hearing;

15 (4) A description of the redevelopment plan or
16 redevelopment project for the proposed redevelopment
17 project area if a plan or project is the subject matter of
18 the hearing.

19 (5) Such other matters as the municipality may deem
20 appropriate.

21 (c) Not less than 45 days prior to the date set for
22 hearing, the municipality shall give notice by mail as provided
23 in subsection (a) to all taxing districts of which taxable
24 property is included in the redevelopment project area, project
25 or plan and to the Department of Commerce and Economic
26 Opportunity ~~Community Affairs~~, and in addition to the other
27 requirements under subsection (b) the notice shall include an
28 invitation to the Department of Commerce and Economic
29 Opportunity ~~Community Affairs~~ and each taxing district to
30 submit comments to the municipality concerning the subject
31 matter of the hearing prior to the date of hearing.

32 (d) In the event that any municipality has by ordinance
33 adopted tax increment financing prior to 1987, and has complied
34 with the notice requirements of this Section, except that the
35 notice has not included the requirements of subsection (b),
36 paragraphs (2), (3) and (4), and within 90 days of the

1 effective date of this amendatory Act of 1991, that
2 municipality passes an ordinance which contains findings that:
3 (1) all taxing districts prior to the time of the hearing
4 required by Section 11-74.4-5 were furnished with copies of a
5 map incorporated into the redevelopment plan and project
6 substantially showing the legal boundaries of the
7 redevelopment project area; (2) the redevelopment plan and
8 project, or a draft thereof, contained a map substantially
9 showing the legal boundaries of the redevelopment project area
10 and was available to the public at the time of the hearing; and
11 (3) since the adoption of any form of tax increment financing
12 authorized by this Act, and prior to June 1, 1991, no objection
13 or challenge has been made in writing to the municipality in
14 respect to the notices required by this Section, then the
15 municipality shall be deemed to have met the notice
16 requirements of this Act and all actions of the municipality
17 taken in connection with such notices as were given are hereby
18 validated and hereby declared to be legally sufficient for all
19 purposes of this Act.

20 (e) If a municipality desires to propose a redevelopment
21 plan for a redevelopment project area that would result in the
22 displacement of residents from 10 or more inhabited residential
23 units or for a redevelopment project area that contains 75 or
24 more inhabited residential units, the municipality shall hold a
25 public meeting before the mailing of the notices of public
26 hearing as provided in subsection (c) of this Section. The
27 meeting shall be for the purpose of enabling the municipality
28 to advise the public, taxing districts having real property in
29 the redevelopment project area, taxpayers who own property in
30 the proposed redevelopment project area, and residents in the
31 area as to the municipality's possible intent to prepare a
32 redevelopment plan and designate a redevelopment project area
33 and to receive public comment. The time and place for the
34 meeting shall be set by the head of the municipality's
35 Department of Planning or other department official designated
36 by the mayor or city or village manager without the necessity

1 of a resolution or ordinance of the municipality and may be
2 held by a member of the staff of the Department of Planning of
3 the municipality or by any other person, body, or commission
4 designated by the corporate authorities. The meeting shall be
5 held at least 14 business days before the mailing of the notice
6 of public hearing provided for in subsection (c) of this
7 Section.

8 Notice of the public meeting shall be given by mail. Notice
9 by mail shall be not less than 15 days before the date of the
10 meeting and shall be sent by certified mail to all taxing
11 districts having real property in the proposed redevelopment
12 project area and to all entities requesting that information
13 that have registered with a person and department designated by
14 the municipality in accordance with registration guidelines
15 established by the municipality pursuant to Section
16 11-74.4-4.2. The municipality shall make a good faith effort to
17 notify all residents and the last known persons who paid
18 property taxes on real estate in a redevelopment project area.
19 This requirement shall be deemed to be satisfied if the
20 municipality mails, by regular mail, a notice to each
21 residential address and the person or persons in whose name
22 property taxes were paid on real property for the last
23 preceding year located within the redevelopment project area.
24 Notice shall be in languages other than English when
25 appropriate. The notices issued under this subsection shall
26 include the following:

27 (1) The time and place of the meeting.

28 (2) The boundaries of the area to be studied for
29 possible designation as a redevelopment project area by
30 street and location.

31 (3) The purpose or purposes of establishing a
32 redevelopment project area.

33 (4) A brief description of tax increment financing.

34 (5) The name, telephone number, and address of the
35 person who can be contacted for additional information
36 about the proposed redevelopment project area and who

1 should receive all comments and suggestions regarding the
2 development of the area to be studied.

3 (6) Notification that all interested persons will be
4 given an opportunity to be heard at the public meeting.

5 (7) Such other matters as the municipality deems
6 appropriate.

7 At the public meeting, any interested person or
8 representative of an affected taxing district may be heard
9 orally and may file, with the person conducting the meeting,
10 statements that pertain to the subject matter of the meeting.

11 (Source: P.A. 91-478, eff. 11-1-99; revised 12-6-03.)

12 (65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

13 Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality
14 which has adopted tax increment allocation financing prior to
15 January 1, 1987, may by ordinance (1) authorize the Department
16 of Revenue, subject to appropriation, to annually certify and
17 cause to be paid from the Illinois Tax Increment Fund to such
18 municipality for deposit in the municipality's special tax
19 allocation fund an amount equal to the Net State Sales Tax
20 Increment and (2) authorize the Department of Revenue to
21 annually notify the municipality of the amount of the Municipal
22 Sales Tax Increment which shall be deposited by the
23 municipality in the municipality's special tax allocation
24 fund. Provided that for purposes of this Section no amendments
25 adding additional area to the redevelopment project area which
26 has been certified as the State Sales Tax Boundary shall be
27 taken into account if such amendments are adopted by the
28 municipality after January 1, 1987. If an amendment is adopted
29 which decreases the area of a State Sales Tax Boundary, the
30 municipality shall update the list required by subsection
31 (3)(a) of this Section. The Retailers' Occupation Tax
32 liability, Use Tax liability, Service Occupation Tax liability
33 and Service Use Tax liability for retailers and servicemen
34 located within the disconnected area shall be excluded from the
35 base from which tax increments are calculated and the revenue

1 from any such retailer or serviceman shall not be included in
2 calculating incremental revenue payable to the municipality. A
3 municipality adopting an ordinance under this subsection (1) of
4 this Section for a redevelopment project area which is
5 certified as a State Sales Tax Boundary shall not be entitled
6 to payments of State taxes authorized under subsection (2) of
7 this Section for the same redevelopment project area. Nothing
8 herein shall be construed to prevent a municipality from
9 receiving payment of State taxes authorized under subsection
10 (2) of this Section for a separate redevelopment project area
11 that does not overlap in any way with the State Sales Tax
12 Boundary receiving payments of State taxes pursuant to
13 subsection (1) of this Section.

14 A certified copy of such ordinance shall be submitted by
15 the municipality to the Department of Commerce and Economic
16 Opportunity ~~Community Affairs~~ and the Department of Revenue not
17 later than 30 days after the effective date of the ordinance.
18 Upon submission of the ordinances, and the information required
19 pursuant to subsection 3 of this Section, the Department of
20 Revenue shall promptly determine the amount of such taxes paid
21 under the Retailers' Occupation Tax Act, Use Tax Act, Service
22 Use Tax Act, the Service Occupation Tax Act, the Municipal
23 Retailers' Occupation Tax Act and the Municipal Service
24 Occupation Tax Act by retailers and servicemen on transactions
25 at places located in the redevelopment project area during the
26 base year, and shall certify all the foregoing "initial sales
27 tax amounts" to the municipality within 60 days of submission
28 of the list required of subsection (3) (a) of this Section.

29 If a retailer or serviceman with a place of business
30 located within a redevelopment project area also has one or
31 more other places of business within the municipality but
32 outside the redevelopment project area, the retailer or
33 serviceman shall, upon request of the Department of Revenue,
34 certify to the Department of Revenue the amount of taxes paid
35 pursuant to the Retailers' Occupation Tax Act, the Municipal
36 Retailers' Occupation Tax Act, the Service Occupation Tax Act

1 and the Municipal Service Occupation Tax Act at each place of
2 business which is located within the redevelopment project area
3 in the manner and for the periods of time requested by the
4 Department of Revenue.

5 When the municipality determines that a portion of an
6 increase in the aggregate amount of taxes paid by retailers and
7 servicemen under the Retailers' Occupation Tax Act, Use Tax
8 Act, Service Use Tax Act, or the Service Occupation Tax Act is
9 the result of a retailer or serviceman initiating retail or
10 service operations in the redevelopment project area by such
11 retailer or serviceman with a resulting termination of retail
12 or service operations by such retailer or serviceman at another
13 location in Illinois in the standard metropolitan statistical
14 area of such municipality, the Department of Revenue shall be
15 notified that the retailers occupation tax liability, use tax
16 liability, service occupation tax liability, or service use tax
17 liability from such retailer's or serviceman's terminated
18 operation shall be included in the base Initial Sales Tax
19 Amounts from which the State Sales Tax Increment is calculated
20 for purposes of State payments to the affected municipality;
21 provided, however, for purposes of this paragraph
22 "termination" shall mean a closing of a retail or service
23 operation which is directly related to the opening of the same
24 retail or service operation in a redevelopment project area
25 which is included within a State Sales Tax Boundary, but it
26 shall not include retail or service operations closed for
27 reasons beyond the control of the retailer or serviceman, as
28 determined by the Department.

29 If the municipality makes the determination referred to in
30 the prior paragraph and notifies the Department and if the
31 relocation is from a location within the municipality, the
32 Department, at the request of the municipality, shall adjust
33 the certified aggregate amount of taxes that constitute the
34 Municipal Sales Tax Increment paid by retailers and servicemen
35 on transactions at places of business located within the State
36 Sales Tax Boundary during the base year using the same

1 procedures as are employed to make the adjustment referred to
2 in the prior paragraph. The adjusted Municipal Sales Tax
3 Increment calculated by the Department shall be sufficient to
4 satisfy the requirements of subsection (1) of this Section.

5 When a municipality which has adopted tax increment
6 allocation financing in 1986 determines that a portion of the
7 aggregate amount of taxes paid by retailers and servicemen
8 under the Retailers Occupation Tax Act, Use Tax Act, Service
9 Use Tax Act, or Service Occupation Tax Act, the Municipal
10 Retailers' Occupation Tax Act and the Municipal Service
11 Occupation Tax Act, includes revenue of a retailer or
12 serviceman which terminated retailer or service operations in
13 1986, prior to the adoption of tax increment allocation
14 financing, the Department of Revenue shall be notified by such
15 municipality that the retailers' occupation tax liability, use
16 tax liability, service occupation tax liability or service use
17 tax liability, from such retailer's or serviceman's terminated
18 operations shall be excluded from the Initial Sales Tax Amounts
19 for such taxes. The revenue from any such retailer or
20 serviceman which is excluded from the base year under this
21 paragraph, shall not be included in calculating incremental
22 revenues if such retailer or serviceman reestablishes such
23 business in the redevelopment project area.

24 For State fiscal year 1992, the Department of Revenue shall
25 budget, and the Illinois General Assembly shall appropriate
26 from the Illinois Tax Increment Fund in the State treasury, an
27 amount not to exceed \$18,000,000 to pay to each eligible
28 municipality the Net State Sales Tax Increment to which such
29 municipality is entitled.

30 Beginning on January 1, 1993, each municipality's
31 proportional share of the Illinois Tax Increment Fund shall be
32 determined by adding the annual Net State Sales Tax Increment
33 and the annual Net Utility Tax Increment to determine the
34 Annual Total Increment. The ratio of the Annual Total Increment
35 of each municipality to the Annual Total Increment for all
36 municipalities, as most recently calculated by the Department,

1 shall determine the proportional shares of the Illinois Tax
2 Increment Fund to be distributed to each municipality.

3 Beginning in October, 1993, and each January, April, July
4 and October thereafter, the Department of Revenue shall certify
5 to the Treasurer and the Comptroller the amounts payable
6 quarter annually during the fiscal year to each municipality
7 under this Section. The Comptroller shall promptly then draw
8 warrants, ordering the State Treasurer to pay such amounts from
9 the Illinois Tax Increment Fund in the State treasury.

10 The Department of Revenue shall utilize the same periods
11 established for determining State Sales Tax Increment to
12 determine the Municipal Sales Tax Increment for the area within
13 a State Sales Tax Boundary and certify such amounts to such
14 municipal treasurer who shall transfer such amounts to the
15 special tax allocation fund.

16 The provisions of this subsection (1) do not apply to
17 additional municipal retailers' occupation or service
18 occupation taxes imposed by municipalities using their home
19 rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4
20 and 8-11-1.5 of this Act. A municipality shall not receive from
21 the State any share of the Illinois Tax Increment Fund unless
22 such municipality deposits all its Municipal Sales Tax
23 Increment and the local incremental real property tax revenues,
24 as provided herein, into the appropriate special tax allocation
25 fund. If, however, a municipality has extended the estimated
26 dates of completion of the redevelopment project and retirement
27 of obligations to finance redevelopment project costs by
28 municipal ordinance to December 31, 2013 under subsection (n)
29 of Section 11-74.4-3, then that municipality shall continue to
30 receive from the State a share of the Illinois Tax Increment
31 Fund so long as the municipality deposits, from any funds
32 available, excluding funds in the special tax allocation fund,
33 an amount equal to the municipal share of the real property tax
34 increment revenues into the special tax allocation fund during
35 the extension period. The amount to be deposited by the
36 municipality in each of the tax years affected by the extension

1 to December 31, 2013 shall be equal to the municipal share of
2 the property tax increment deposited into the special tax
3 allocation fund by the municipality for the most recent year
4 that the property tax increment was distributed. A municipality
5 located within an economic development project area created
6 under the County Economic Development Project Area Property Tax
7 Allocation Act which has abated any portion of its property
8 taxes which otherwise would have been deposited in its special
9 tax allocation fund shall not receive from the State the Net
10 Sales Tax Increment.

11 (2) A municipality which has adopted tax increment
12 allocation financing with regard to an industrial park or
13 industrial park conservation area, prior to January 1, 1988,
14 may by ordinance authorize the Department of Revenue to
15 annually certify and pay from the Illinois Tax Increment Fund
16 to such municipality for deposit in the municipality's special
17 tax allocation fund an amount equal to the Net State Utility
18 Tax Increment. Provided that for purposes of this Section no
19 amendments adding additional area to the redevelopment project
20 area shall be taken into account if such amendments are adopted
21 by the municipality after January 1, 1988. Municipalities
22 adopting an ordinance under this subsection (2) of this Section
23 for a redevelopment project area shall not be entitled to
24 payment of State taxes authorized under subsection (1) of this
25 Section for the same redevelopment project area which is within
26 a State Sales Tax Boundary. Nothing herein shall be construed
27 to prevent a municipality from receiving payment of State taxes
28 authorized under subsection (1) of this Section for a separate
29 redevelopment project area within a State Sales Tax Boundary
30 that does not overlap in any way with the redevelopment project
31 area receiving payments of State taxes pursuant to subsection
32 (2) of this Section.

33 A certified copy of such ordinance shall be submitted to
34 the Department of Commerce and Economic Opportunity Community
35 ~~Affairs~~ and the Department of Revenue not later than 30 days
36 after the effective date of the ordinance.

1 When a municipality determines that a portion of an
2 increase in the aggregate amount of taxes paid by industrial or
3 commercial facilities under the Public Utilities Act, is the
4 result of an industrial or commercial facility initiating
5 operations in the redevelopment project area with a resulting
6 termination of such operations by such industrial or commercial
7 facility at another location in Illinois, the Department of
8 Revenue shall be notified by such municipality that such
9 industrial or commercial facility's liability under the Public
10 Utility Tax Act shall be included in the base from which tax
11 increments are calculated for purposes of State payments to the
12 affected municipality.

13 After receipt of the calculations by the public utility as
14 required by subsection (4) of this Section, the Department of
15 Revenue shall annually budget and the Illinois General Assembly
16 shall annually appropriate from the General Revenue Fund
17 through State Fiscal Year 1989, and thereafter from the
18 Illinois Tax Increment Fund, an amount sufficient to pay to
19 each eligible municipality the amount of incremental revenue
20 attributable to State electric and gas taxes as reflected by
21 the charges imposed on persons in the project area to which
22 such municipality is entitled by comparing the preceding
23 calendar year with the base year as determined by this Section.
24 Beginning on January 1, 1993, each municipality's proportional
25 share of the Illinois Tax Increment Fund shall be determined by
26 adding the annual Net State Utility Tax Increment and the
27 annual Net Utility Tax Increment to determine the Annual Total
28 Increment. The ratio of the Annual Total Increment of each
29 municipality to the Annual Total Increment for all
30 municipalities, as most recently calculated by the Department,
31 shall determine the proportional shares of the Illinois Tax
32 Increment Fund to be distributed to each municipality.

33 A municipality shall not receive any share of the Illinois
34 Tax Increment Fund from the State unless such municipality
35 imposes the maximum municipal charges authorized pursuant to
36 Section 9-221 of the Public Utilities Act and deposits all

1 municipal utility tax incremental revenues as certified by the
2 public utilities, and all local real estate tax increments into
3 such municipality's special tax allocation fund.

4 (3) Within 30 days after the adoption of the ordinance
5 required by either subsection (1) or subsection (2) of this
6 Section, the municipality shall transmit to the Department of
7 Commerce and Economic Opportunity ~~Community Affairs~~ and the
8 Department of Revenue the following:

9 (a) if applicable, a certified copy of the ordinance
10 required by subsection (1) accompanied by a complete list
11 of street names and the range of street numbers of each
12 street located within the redevelopment project area for
13 which payments are to be made under this Section in both
14 the base year and in the year preceding the payment year;
15 and the addresses of persons registered with the Department
16 of Revenue; and, the name under which each such retailer or
17 serviceman conducts business at that address, if different
18 from the corporate name; and the Illinois Business Tax
19 Number of each such person (The municipality shall update
20 this list in the event of a revision of the redevelopment
21 project area, or the opening or closing or name change of
22 any street or part thereof in the redevelopment project
23 area, or if the Department of Revenue informs the
24 municipality of an addition or deletion pursuant to the
25 monthly updates given by the Department.);

26 (b) if applicable, a certified copy of the ordinance
27 required by subsection (2) accompanied by a complete list
28 of street names and range of street numbers of each street
29 located within the redevelopment project area, the utility
30 customers in the project area, and the utilities serving
31 the redevelopment project areas;

32 (c) certified copies of the ordinances approving the
33 redevelopment plan and designating the redevelopment
34 project area;

35 (d) a copy of the redevelopment plan as approved by the
36 municipality;

1 (e) an opinion of legal counsel that the municipality
2 had complied with the requirements of this Act; and

3 (f) a certification by the chief executive officer of
4 the municipality that with regard to a redevelopment
5 project area: (1) the municipality has committed all of the
6 municipal tax increment created pursuant to this Act for
7 deposit in the special tax allocation fund, (2) the
8 redevelopment projects described in the redevelopment plan
9 would not be completed without the use of State incremental
10 revenues pursuant to this Act, (3) the municipality will
11 pursue the implementation of the redevelopment plan in an
12 expeditious manner, (4) the incremental revenues created
13 pursuant to this Section will be exclusively utilized for
14 the development of the redevelopment project area, and (5)
15 the increased revenue created pursuant to this Section
16 shall be used exclusively to pay redevelopment project
17 costs as defined in this Act.

18 (4) The Department of Revenue upon receipt of the
19 information set forth in paragraph (b) of subsection (3) shall
20 immediately forward such information to each public utility
21 furnishing natural gas or electricity to buildings within the
22 redevelopment project area. Upon receipt of such information,
23 each public utility shall promptly:

24 (a) provide to the Department of Revenue and the
25 municipality separate lists of the names and addresses of
26 persons within the redevelopment project area receiving
27 natural gas or electricity from such public utility. Such
28 list shall be updated as necessary by the public utility.
29 Each month thereafter the public utility shall furnish the
30 Department of Revenue and the municipality with an itemized
31 listing of charges imposed pursuant to Sections 9-221 and
32 9-222 of the Public Utilities Act on persons within the
33 redevelopment project area.

34 (b) determine the amount of charges imposed pursuant to
35 Sections 9-221 and 9-222 of the Public Utilities Act on
36 persons in the redevelopment project area during the base

1 year, both as a result of municipal taxes on electricity
2 and gas and as a result of State taxes on electricity and
3 gas and certify such amounts both to the municipality and
4 the Department of Revenue; and

5 (c) determine the amount of charges imposed pursuant to
6 Sections 9-221 and 9-222 of the Public Utilities Act on
7 persons in the redevelopment project area on a monthly
8 basis during the base year, both as a result of State and
9 municipal taxes on electricity and gas and certify such
10 separate amounts both to the municipality and the
11 Department of Revenue.

12 After the determinations are made in paragraphs (b) and
13 (c), the public utility shall monthly during the existence of
14 the redevelopment project area notify the Department of Revenue
15 and the municipality of any increase in charges over the base
16 year determinations made pursuant to paragraphs (b) and (c).

17 (5) The payments authorized under this Section shall be
18 deposited by the municipal treasurer in the special tax
19 allocation fund of the municipality, which for accounting
20 purposes shall identify the sources of each payment as:
21 municipal receipts from the State retailers occupation,
22 service occupation, use and service use taxes; and municipal
23 public utility taxes charged to customers under the Public
24 Utilities Act and State public utility taxes charged to
25 customers under the Public Utilities Act.

26 (6) Before the effective date of this amendatory Act of the
27 91st General Assembly, any municipality receiving payments
28 authorized under this Section for any redevelopment project
29 area or area within a State Sales Tax Boundary within the
30 municipality shall submit to the Department of Revenue and to
31 the taxing districts which are sent the notice required by
32 Section 6 of this Act annually within 180 days after the close
33 of each municipal fiscal year the following information for the
34 immediately preceding fiscal year:

35 (a) Any amendments to the redevelopment plan, the
36 redevelopment project area, or the State Sales Tax

1 Boundary.

2 (b) Audited financial statements of the special tax
3 allocation fund.

4 (c) Certification of the Chief Executive Officer of the
5 municipality that the municipality has complied with all of
6 the requirements of this Act during the preceding fiscal
7 year.

8 (d) An opinion of legal counsel that the municipality
9 is in compliance with this Act.

10 (e) An analysis of the special tax allocation fund
11 which sets forth:

12 (1) the balance in the special tax allocation fund
13 at the beginning of the fiscal year;

14 (2) all amounts deposited in the special tax
15 allocation fund by source;

16 (3) all expenditures from the special tax
17 allocation fund by category of permissible
18 redevelopment project cost; and

19 (4) the balance in the special tax allocation fund
20 at the end of the fiscal year including a breakdown of
21 that balance by source. Such ending balance shall be
22 designated as surplus if it is not required for
23 anticipated redevelopment project costs or to pay debt
24 service on bonds issued to finance redevelopment
25 project costs, as set forth in Section 11-74.4-7
26 hereof.

27 (f) A description of all property purchased by the
28 municipality within the redevelopment project area
29 including:

30 1. Street address

31 2. Approximate size or description of property

32 3. Purchase price

33 4. Seller of property.

34 (g) A statement setting forth all activities
35 undertaken in furtherance of the objectives of the
36 redevelopment plan, including:

1 1. Any project implemented in the preceding fiscal
2 year

3 2. A description of the redevelopment activities
4 undertaken

5 3. A description of any agreements entered into by
6 the municipality with regard to the disposition or
7 redevelopment of any property within the redevelopment
8 project area or the area within the State Sales Tax
9 Boundary.

10 (h) With regard to any obligations issued by the
11 municipality:

12 1. copies of bond ordinances or resolutions

13 2. copies of any official statements

14 3. an analysis prepared by financial advisor or
15 underwriter setting forth: (a) nature and term of
16 obligation; and (b) projected debt service including
17 required reserves and debt coverage.

18 (i) A certified audit report reviewing compliance with
19 this statute performed by an independent public accountant
20 certified and licensed by the authority of the State of
21 Illinois. The financial portion of the audit must be
22 conducted in accordance with Standards for Audits of
23 Governmental Organizations, Programs, Activities, and
24 Functions adopted by the Comptroller General of the United
25 States (1981), as amended. The audit report shall contain a
26 letter from the independent certified public accountant
27 indicating compliance or noncompliance with the
28 requirements of subsection (q) of Section 11-74.4-3. If the
29 audit indicates that expenditures are not in compliance
30 with the law, the Department of Revenue shall withhold
31 State sales and utility tax increment payments to the
32 municipality until compliance has been reached, and an
33 amount equal to the ineligible expenditures has been
34 returned to the Special Tax Allocation Fund.

35 (6.1) After July 29, 1988 and before the effective date of
36 this amendatory Act of the 91st General Assembly, any funds

1 which have not been designated for use in a specific
2 development project in the annual report shall be designated as
3 surplus. No funds may be held in the Special Tax Allocation
4 Fund for more than 36 months from the date of receipt unless
5 the money is required for payment of contractual obligations
6 for specific development project costs. If held for more than
7 36 months in violation of the preceding sentence, such funds
8 shall be designated as surplus. Any funds designated as surplus
9 must first be used for early redemption of any bond
10 obligations. Any funds designated as surplus which are not
11 disposed of as otherwise provided in this paragraph, shall be
12 distributed as surplus as provided in Section 11-74.4-7.

13 (7) Any appropriation made pursuant to this Section for the
14 1987 State fiscal year shall not exceed the amount of \$7
15 million and for the 1988 State fiscal year the amount of \$10
16 million. The amount which shall be distributed to each
17 municipality shall be the incremental revenue to which each
18 municipality is entitled as calculated by the Department of
19 Revenue, unless the requests of the municipality exceed the
20 appropriation, then the amount to which each municipality shall
21 be entitled shall be prorated among the municipalities in the
22 same proportion as the increment to which the municipality
23 would be entitled bears to the total increment which all
24 municipalities would receive in the absence of this limitation,
25 provided that no municipality may receive an amount in excess
26 of 15% of the appropriation. For the 1987 Net State Sales Tax
27 Increment payable in Fiscal Year 1989, no municipality shall
28 receive more than 7.5% of the total appropriation; provided,
29 however, that any of the appropriation remaining after such
30 distribution shall be prorated among municipalities on the
31 basis of their pro rata share of the total increment. Beginning
32 on January 1, 1993, each municipality's proportional share of
33 the Illinois Tax Increment Fund shall be determined by adding
34 the annual Net State Sales Tax Increment and the annual Net
35 Utility Tax Increment to determine the Annual Total Increment.
36 The ratio of the Annual Total Increment of each municipality to

1 the Annual Total Increment for all municipalities, as most
2 recently calculated by the Department, shall determine the
3 proportional shares of the Illinois Tax Increment Fund to be
4 distributed to each municipality.

5 (7.1) No distribution of Net State Sales Tax Increment to a
6 municipality for an area within a State Sales Tax Boundary
7 shall exceed in any State Fiscal Year an amount equal to 3
8 times the sum of the Municipal Sales Tax Increment, the real
9 property tax increment and deposits of funds from other
10 sources, excluding state and federal funds, as certified by the
11 city treasurer to the Department of Revenue for an area within
12 a State Sales Tax Boundary. After July 29, 1988, for those
13 municipalities which issue bonds between June 1, 1988 and 3
14 years from July 29, 1988 to finance redevelopment projects
15 within the area in a State Sales Tax Boundary, the distribution
16 of Net State Sales Tax Increment during the 16th through 20th
17 years from the date of issuance of the bonds shall not exceed
18 in any State Fiscal Year an amount equal to 2 times the sum of
19 the Municipal Sales Tax Increment, the real property tax
20 increment and deposits of funds from other sources, excluding
21 State and federal funds.

22 (8) Any person who knowingly files or causes to be filed
23 false information for the purpose of increasing the amount of
24 any State tax incremental revenue commits a Class A
25 misdemeanor.

26 (9) The following procedures shall be followed to determine
27 whether municipalities have complied with the Act for the
28 purpose of receiving distributions after July 1, 1989 pursuant
29 to subsection (1) of this Section 11-74.4-8a.

30 (a) The Department of Revenue shall conduct a
31 preliminary review of the redevelopment project areas and
32 redevelopment plans pertaining to those municipalities
33 receiving payments from the State pursuant to subsection
34 (1) of Section 8a of this Act for the purpose of
35 determining compliance with the following standards:

36 (1) For any municipality with a population of more

1 than 12,000 as determined by the 1980 U.S. Census: (a)
2 the redevelopment project area, or in the case of a
3 municipality which has more than one redevelopment
4 project area, each such area, must be contiguous and
5 the total of all such areas shall not comprise more
6 than 25% of the area within the municipal boundaries
7 nor more than 20% of the equalized assessed value of
8 the municipality; (b) the aggregate amount of 1985
9 taxes in the redevelopment project area, or in the case
10 of a municipality which has more than one redevelopment
11 project area, the total of all such areas, shall be not
12 more than 25% of the total base year taxes paid by
13 retailers and servicemen on transactions at places of
14 business located within the municipality under the
15 Retailers' Occupation Tax Act, the Use Tax Act, the
16 Service Use Tax Act, and the Service Occupation Tax
17 Act. Redevelopment project areas created prior to 1986
18 are not subject to the above standards if their
19 boundaries were not amended in 1986.

20 (2) For any municipality with a population of
21 12,000 or less as determined by the 1980 U.S. Census:
22 (a) the redevelopment project area, or in the case of a
23 municipality which has more than one redevelopment
24 project area, each such area, must be contiguous and
25 the total of all such areas shall not comprise more
26 than 35% of the area within the municipal boundaries
27 nor more than 30% of the equalized assessed value of
28 the municipality; (b) the aggregate amount of 1985
29 taxes in the redevelopment project area, or in the case
30 of a municipality which has more than one redevelopment
31 project area, the total of all such areas, shall not be
32 more than 35% of the total base year taxes paid by
33 retailers and servicemen on transactions at places of
34 business located within the municipality under the
35 Retailers' Occupation Tax Act, the Use Tax Act, the
36 Service Use Tax Act, and the Service Occupation Tax

1 Act. Redevelopment project areas created prior to 1986
2 are not subject to the above standards if their
3 boundaries were not amended in 1986.

4 (3) Such preliminary review of the redevelopment
5 project areas applying the above standards shall be
6 completed by November 1, 1988, and on or before
7 November 1, 1988, the Department shall notify each
8 municipality by certified mail, return receipt
9 requested that either (1) the Department requires
10 additional time in which to complete its preliminary
11 review; or (2) the Department is issuing either (a) a
12 Certificate of Eligibility or (b) a Notice of Review.
13 If the Department notifies a municipality that it
14 requires additional time to complete its preliminary
15 investigation, it shall complete its preliminary
16 investigation no later than February 1, 1989, and by
17 February 1, 1989 shall issue to each municipality
18 either (a) a Certificate of Eligibility or (b) a Notice
19 of Review. A redevelopment project area for which a
20 Certificate of Eligibility has been issued shall be
21 deemed a "State Sales Tax Boundary."

22 (4) The Department of Revenue shall also issue a
23 Notice of Review if the Department has received a
24 request by November 1, 1988 to conduct such a review
25 from taxpayers in the municipality, local taxing
26 districts located in the municipality or the State of
27 Illinois, or if the redevelopment project area has more
28 than 5 retailers and has had growth in State sales tax
29 revenue of more than 15% from calendar year 1985 to
30 1986.

31 (b) For those municipalities receiving a Notice of
32 Review, the Department will conduct a secondary review
33 consisting of: (i) application of the above standards
34 contained in subsection (9)(a)(1)(a) and (b) or
35 (9)(a)(2)(a) and (b), and (ii) the definitions of blighted
36 and conservation area provided for in Section 11-74.4-3.

1 Such secondary review shall be completed by July 1, 1989.

2 Upon completion of the secondary review, the
3 Department will issue (a) a Certificate of Eligibility or
4 (b) a Preliminary Notice of Deficiency. Any municipality
5 receiving a Preliminary Notice of Deficiency may amend its
6 redevelopment project area to meet the standards and
7 definitions set forth in this paragraph (b). This amended
8 redevelopment project area shall become the "State Sales
9 Tax Boundary" for purposes of determining the State Sales
10 Tax Increment.

11 (c) If the municipality advises the Department of its
12 intent to comply with the requirements of paragraph (b) of
13 this subsection outlined in the Preliminary Notice of
14 Deficiency, within 120 days of receiving such notice from
15 the Department, the municipality shall submit
16 documentation to the Department of the actions it has taken
17 to cure any deficiencies. Thereafter, within 30 days of the
18 receipt of the documentation, the Department shall either
19 issue a Certificate of Eligibility or a Final Notice of
20 Deficiency. If the municipality fails to advise the
21 Department of its intent to comply or fails to submit
22 adequate documentation of such cure of deficiencies the
23 Department shall issue a Final Notice of Deficiency that
24 provides that the municipality is ineligible for payment of
25 the Net State Sales Tax Increment.

26 (d) If the Department issues a final determination of
27 ineligibility, the municipality shall have 30 days from the
28 receipt of determination to protest and request a hearing.
29 Such hearing shall be conducted in accordance with Sections
30 10-25, 10-35, 10-40, and 10-50 of the Illinois
31 Administrative Procedure Act. The decision following the
32 hearing shall be subject to review under the Administrative
33 Review Law.

34 (e) Any Certificate of Eligibility issued pursuant to
35 this subsection 9 shall be binding only on the State for
36 the purposes of establishing municipal eligibility to

1 receive revenue pursuant to subsection (1) of this Section
2 11-74.4-8a.

3 (f) It is the intent of this subsection that the
4 periods of time to cure deficiencies shall be in addition
5 to all other periods of time permitted by this Section,
6 regardless of the date by which plans were originally
7 required to be adopted. To cure said deficiencies, however,
8 the municipality shall be required to follow the procedures
9 and requirements pertaining to amendments, as provided in
10 Sections 11-74.4-5 and 11-74.4-6 of this Act.

11 (10) If a municipality adopts a State Sales Tax Boundary in
12 accordance with the provisions of subsection (9) of this
13 Section, such boundaries shall subsequently be utilized to
14 determine Revised Initial Sales Tax Amounts and the Net State
15 Sales Tax Increment; provided, however, that such revised State
16 Sales Tax Boundary shall not have any effect upon the boundary
17 of the redevelopment project area established for the purposes
18 of determining the ad valorem taxes on real property pursuant
19 to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the
20 municipality's authority to implement the redevelopment plan
21 for that redevelopment project area. For any redevelopment
22 project area with a smaller State Sales Tax Boundary within its
23 area, the municipality may annually elect to deposit the
24 Municipal Sales Tax Increment for the redevelopment project
25 area in the special tax allocation fund and shall certify the
26 amount to the Department prior to receipt of the Net State
27 Sales Tax Increment. Any municipality required by subsection
28 (9) to establish a State Sales Tax Boundary for one or more of
29 its redevelopment project areas shall submit all necessary
30 information required by the Department concerning such
31 boundary and the retailers therein, by October 1, 1989, after
32 complying with the procedures for amendment set forth in
33 Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales
34 Tax Increment produced within the State Sales Tax Boundary
35 shall be spent only within that area. However expenditures of
36 all municipal property tax increment and municipal sales tax

1 increment in a redevelopment project area are not required to
2 be spent within the smaller State Sales Tax Boundary within
3 such redevelopment project area.

4 (11) The Department of Revenue shall have the authority to
5 issue rules and regulations for purposes of this Section. and
6 regulations for purposes of this Section.

7 (12) If, under Section 5.4.1 of the Illinois Enterprise
8 Zone Act, a municipality determines that property that lies
9 within a State Sales Tax Boundary has an improvement,
10 rehabilitation, or renovation that is entitled to a property
11 tax abatement, then that property along with any improvements,
12 rehabilitation, or renovations shall be immediately removed
13 from any State Sales Tax Boundary. The municipality that made
14 the determination shall notify the Department of Revenue within
15 30 days after the determination. Once a property is removed
16 from the State Sales Tax Boundary because of the existence of a
17 property tax abatement resulting from an enterprise zone, then
18 that property shall not be permitted to be amended into a State
19 Sales Tax Boundary.

20 (Source: P.A. 91-51, eff. 6-30-99; 91-478, eff. 11-1-99;
21 92-263, eff. 8-7-01; revised 12-6-03.)

22 (65 ILCS 5/11-74.6-10)

23 Sec. 11-74.6-10. Definitions.

24 (a) "Environmentally contaminated area" means any improved
25 or vacant area within the boundaries of a redevelopment project
26 area located within the corporate limits of a municipality
27 when, (i) there has been a determination of release or
28 substantial threat of release of a hazardous substance or
29 pesticide, by the United States Environmental Protection
30 Agency or the Illinois Environmental Protection Agency, or the
31 Illinois Pollution Control Board, or any court, or a release or
32 substantial threat of release which is addressed as part of the
33 Pre-Notice Site Cleanup Program under Section 22.2(m) of the
34 Illinois Environmental Protection Act, or a release or
35 substantial threat of release of petroleum under Section 22.12

1 of the Illinois Environmental Protection Act, and (ii) which
2 release or threat of release presents an imminent and
3 substantial danger to public health or welfare or presents a
4 significant threat to public health or the environment, and
5 (iii) which release or threat of release would have a
6 significant impact on the cost of redeveloping the area.

7 (b) "Department" means the Department of Commerce and
8 Economic Opportunity ~~Community Affairs~~.

9 (c) "Industrial park" means an area in a redevelopment
10 project area suitable for use by any manufacturing, industrial,
11 research, or transportation enterprise, of facilities,
12 including but not limited to factories, mills, processing
13 plants, assembly plants, packing plants, fabricating plants,
14 distribution centers, warehouses, repair overhaul or service
15 facilities, freight terminals, research facilities, test
16 facilities or railroad facilities. An industrial park may
17 contain space for commercial and other use as long as the
18 expected principal use of the park is industrial and is
19 reasonably expected to result in the creation of a significant
20 number of new permanent full time jobs. An industrial park may
21 also contain related operations and facilities including, but
22 not limited to, business and office support services such as
23 centralized computers, telecommunications, publishing,
24 accounting, photocopying and similar activities and employee
25 services such as child care, health care, food service and
26 similar activities. An industrial park may also include
27 demonstration projects, prototype development, specialized
28 training on developing technology, and pure research in any
29 field related or adaptable to business and industry.

30 (d) "Research park" means an area in a redevelopment
31 project area suitable for development of a facility or complex
32 that includes research laboratories and related operations.
33 These related operations may include, but are not limited to,
34 business and office support services such as centralized
35 computers, telecommunications, publishing, accounting,
36 photocopying and similar activities, and employee services

1 such as child care, health care, food service and similar
2 activities. A research park may include demonstration
3 projects, prototype development, specialized training on
4 developing technology, and pure research in any field related
5 or adaptable to business and industry.

6 (e) "Industrial park conservation area" means an area
7 within the boundaries of a redevelopment project area located
8 within the corporate limits of a municipality or within 1 1/2
9 miles of the corporate limits of a municipality if the area is
10 to be annexed to the municipality, if the area is zoned as
11 industrial no later than the date on which the municipality by
12 ordinance designates the redevelopment project area, and if the
13 area includes improved or vacant land suitable for use as an
14 industrial park or a research park, or both. To be designated
15 as an industrial park conservation area, the area shall also
16 satisfy one of the following standards:

17 (1) Standard One: The municipality must be a labor
18 surplus municipality and the area must be served by
19 adequate public and or road transportation for access by
20 the unemployed and for the movement of goods or materials
21 and the redevelopment project area shall contain no more
22 than 2% of the most recently ascertained equalized assessed
23 value of all taxable real properties within the corporate
24 limits of the municipality after adjustment for all
25 annexations associated with the establishment of the
26 redevelopment project area or be located in the vicinity of
27 a waste disposal site or other waste facility. The project
28 plan shall include a plan for and shall establish a
29 marketing program to attract appropriate businesses to the
30 proposed industrial park conservation area and shall
31 include an adequate plan for financing and construction of
32 the necessary infrastructure. No redevelopment projects
33 may be authorized by the municipality under Standard One of
34 subsection (e) of this Section unless the project plan also
35 provides for an employment training project that would
36 prepare unemployed workers for work in the industrial park

1 conservation area, and the project has been approved by
2 official action of or is to be operated by the local
3 community college district, public school district or
4 state or locally designated private industry council or
5 successor agency, or

6 (2) Standard Two: The municipality must be a
7 substantial labor surplus municipality and the area must be
8 served by adequate public and or road transportation for
9 access by the unemployed and for the movement of goods or
10 materials and the redevelopment project area shall contain
11 no more than 2% of the most recently ascertained equalized
12 assessed value of all taxable real properties within the
13 corporate limits of the municipality after adjustment for
14 all annexations associated with the establishment of the
15 redevelopment project area. No redevelopment projects may
16 be authorized by the municipality under Standard Two of
17 subsection (e) of this Section unless the project plan also
18 provides for an employment training project that would
19 prepare unemployed workers for work in the industrial park
20 conservation area, and the project has been approved by
21 official action of or is to be operated by the local
22 community college district, public school district or
23 state or locally designated private industry council or
24 successor agency.

25 (f) "Vacant industrial buildings conservation area" means
26 an area containing one or more industrial buildings located
27 within the corporate limits of the municipality that has been
28 zoned industrial for at least 5 years before the designation of
29 that area as a redevelopment project area by the municipality
30 and is planned for reuse principally for industrial purposes.
31 For the area to be designated as a vacant industrial buildings
32 conservation area, the area shall also satisfy one of the
33 following standards:

34 (1) Standard One: The area shall consist of one or more
35 industrial buildings totaling at least 50,000 net square
36 feet of industrial space, with a majority of the total area

1 of all the buildings having been vacant for at least 18
2 months; and (A) the area is located in a labor surplus
3 municipality or a substantial labor surplus municipality,
4 or (B) the equalized assessed value of the properties
5 within the area during the last 2 years is at least 25%
6 lower than the maximum equalized assessed value of those
7 properties during the immediately preceding 10 years.

8 (2) Standard Two: The area exclusively consists of
9 industrial buildings or a building complex operated by a
10 user or related users (A) that has within the immediately
11 preceding 5 years either (i) employed 200 or more employees
12 at that location, or (ii) if the area is located in a
13 municipality with a population of 12,000 or less, employed
14 more than 50 employees at that location and (B) either is
15 currently vacant, or the owner has: (i) directly notified
16 the municipality of the user's intention to terminate
17 operations at the facility or (ii) filed a notice of
18 closure under the Worker Adjustment and Retraining
19 Notification Act.

20 (g) "Labor surplus municipality" means a municipality in
21 which, during the 4 calendar years immediately preceding the
22 date the municipality by ordinance designates an industrial
23 park conservation area, the average unemployment rate was 1% or
24 more over the State average unemployment rate for that same
25 period of time as published in the United States Department of
26 Labor Bureau of Labor Statistics publication entitled "The
27 Employment Situation" or its successor publication. For the
28 purpose of this subsection (g), if unemployment rate statistics
29 for the municipality are not available, the unemployment rate
30 in the municipality shall be deemed to be: (i) for a
31 municipality that is not in an urban county, the same as the
32 unemployment rate in the principal county where the
33 municipality is located or (ii) for a municipality in an urban
34 county at that municipality's option, either the unemployment
35 rate certified for the municipality by the Department after
36 consultation with the Illinois Department of Labor or the

1 federal Bureau of Labor Statistics, or the unemployment rate of
2 the municipality as determined by the most recent federal
3 census if that census was not dated more than 5 years prior to
4 the date on which the determination is made.

5 (h) "Substantial labor surplus municipality" means a
6 municipality in which, during the 5 calendar years immediately
7 preceding the date the municipality by ordinance designates an
8 industrial park conservation area, the average unemployment
9 rate was 2% or more over the State average unemployment rate
10 for that same period of time as published in the United States
11 Department of Labor Statistics publication entitled "The
12 Employment Situation" or its successor publication. For the
13 purpose of this subsection (h), if unemployment rate statistics
14 for the municipality are not available, the unemployment rate
15 in the municipality shall be deemed to be: (i) for a
16 municipality that is not in an urban county, the same as the
17 unemployment rate in the principal county in which the
18 municipality is located; or (ii) for a municipality in an urban
19 county, at that municipality's option, either the unemployment
20 rate certified for the municipality by the Department after
21 consultation with the Illinois Department of Labor or the
22 federal Bureau of Labor Statistics, or the unemployment rate of
23 the municipality as determined by the most recent federal
24 census if that census was not dated more than 5 years prior to
25 the date on which the determination is made.

26 (i) "Municipality" means a city, village or incorporated
27 town.

28 (j) "Obligations" means bonds, loans, debentures, notes,
29 special certificates or other evidence of indebtedness issued
30 by the municipality to carry out a redevelopment project or to
31 refund outstanding obligations.

32 (k) "Payment in lieu of taxes" means those estimated tax
33 revenues from real property in a redevelopment project area
34 derived from real property that has been acquired by a
35 municipality, which according to the redevelopment project or
36 plan are to be used for a private use, that taxing districts

1 would have received had a municipality not acquired the real
2 property and adopted tax increment allocation financing and
3 that would result from levies made after the time of the
4 adoption of tax increment allocation financing until the time
5 the current equalized assessed value of real property in the
6 redevelopment project area exceeds the total initial equalized
7 assessed value of real property in that area.

8 (1) "Redevelopment plan" means the comprehensive program
9 of the municipality for development or redevelopment intended
10 by the payment of redevelopment project costs to reduce or
11 eliminate the conditions that qualified the redevelopment
12 project area or redevelopment planning area, or both, as an
13 environmentally contaminated area or industrial park
14 conservation area, or vacant industrial buildings conservation
15 area, or combination thereof, and thereby to enhance the tax
16 bases of the taxing districts that extend into the
17 redevelopment project area or redevelopment planning area. On
18 and after the effective date of this amendatory Act of the 91st
19 General Assembly, no redevelopment plan may be approved or
20 amended to include the development of vacant land (i) with a
21 golf course and related clubhouse and other facilities or (ii)
22 designated by federal, State, county, or municipal government
23 as public land for outdoor recreational activities or for
24 nature preserves and used for that purpose within 5 years prior
25 to the adoption of the redevelopment plan. For the purpose of
26 this subsection, "recreational activities" is limited to mean
27 camping and hunting. Each redevelopment plan must set forth in
28 writing the bases for the municipal findings required in this
29 subsection, the program to be undertaken to accomplish the
30 objectives, including but not limited to: (1) an itemized list
31 of estimated redevelopment project costs, (2) evidence
32 indicating that the redevelopment project area or the
33 redevelopment planning area, or both, on the whole has not been
34 subject to growth and development through investment by private
35 enterprise, (3) (i) in the case of an environmentally
36 contaminated area, industrial park conservation area, or a

1 vacant industrial buildings conservation area classified under
2 either Standard One, or Standard Two of subsection (f) where
3 the building is currently vacant, evidence that implementation
4 of the redevelopment plan is reasonably expected to create a
5 significant number of permanent full time jobs, (ii) in the
6 case of a vacant industrial buildings conservation area
7 classified under Standard Two (B) (i) or (ii) of subsection (f),
8 evidence that implementation of the redevelopment plan is
9 reasonably expected to retain a significant number of existing
10 permanent full time jobs, and (iii) in the case of a
11 combination of an environmentally contaminated area,
12 industrial park conservation area, or vacant industrial
13 buildings conservation area, evidence that the standards
14 concerning the creation or retention of jobs for each area set
15 forth in (i) or (ii) above are met, (4) an assessment of the
16 financial impact of the redevelopment project area or the
17 redevelopment planning area, or both, on the overlapping taxing
18 bodies or any increased demand for services from any taxing
19 district affected by the plan and any program to address such
20 financial impact or increased demand, (5) the sources of funds
21 to pay costs, (6) the nature and term of the obligations to be
22 issued, (7) the most recent equalized assessed valuation of the
23 redevelopment project area or the redevelopment planning area,
24 or both, (8) an estimate of the equalized assessed valuation
25 after redevelopment and the general land uses that are applied
26 in the redevelopment project area or the redevelopment planning
27 area, or both, (9) a commitment to fair employment practices
28 and an affirmative action plan, (10) if it includes an
29 industrial park conservation area, the following: (i) a general
30 description of any proposed developer, (ii) user and tenant of
31 any property, (iii) a description of the type, structure and
32 general character of the facilities to be developed, and (iv) a
33 description of the type, class and number of new employees to
34 be employed in the operation of the facilities to be developed,
35 (11) if it includes an environmentally contaminated area, the
36 following: either (i) a determination of release or substantial

1 threat of release of a hazardous substance or pesticide or of
2 petroleum by the United States Environmental Protection Agency
3 or the Illinois Environmental Protection Agency, or the
4 Illinois Pollution Control Board or any court; or (ii) both an
5 environmental audit report by a nationally recognized
6 independent environmental auditor having a reputation for
7 expertise in these matters and a copy of the signed Review and
8 Evaluation Services Agreement indicating acceptance of the
9 site by the Illinois Environmental Protection Agency into the
10 Pre-Notice Site Cleanup Program, (12) if it includes a vacant
11 industrial buildings conservation area, the following: (i) a
12 general description of any proposed developer, (ii) user and
13 tenant of any building or buildings, (iii) a description of the
14 type, structure and general character of the building or
15 buildings to be developed, and (iv) a description of the type,
16 class and number of new employees to be employed or existing
17 employees to be retained in the operation of the building or
18 buildings to be redeveloped, and (13) if property is to be
19 annexed to the municipality, the terms of the annexation
20 agreement.

21 No redevelopment plan shall be adopted by a municipality
22 without findings that:

23 (1) the redevelopment project area or redevelopment
24 planning area, or both, on the whole has not been subject
25 to growth and development through investment by private
26 enterprise and would not reasonably be anticipated to be
27 developed in accordance with public goals stated in the
28 redevelopment plan without the adoption of the
29 redevelopment plan;

30 (2) the redevelopment plan and project conform to the
31 comprehensive plan for the development of the municipality
32 as a whole, or, for municipalities with a population of
33 100,000 or more, regardless of when the redevelopment plan
34 and project was adopted, the redevelopment plan and project
35 either: (i) conforms to the strategic economic development
36 or redevelopment plan issued by the designated planning

1 authority of the municipality or (ii) includes land uses
2 that have been approved by the planning commission of the
3 municipality;

4 (3) that the redevelopment plan is reasonably expected
5 to create or retain a significant number of permanent full
6 time jobs as set forth in paragraph (3) of subsection (1)
7 above;

8 (4) the estimated date of completion of the
9 redevelopment project and retirement of obligations
10 incurred to finance redevelopment project costs is not
11 later than December 31 of the year in which the payment to
12 the municipal treasurer as provided in subsection (b) of
13 Section 11-74.6-35 is to be made with respect to ad valorem
14 taxes levied in the twenty-third calendar year after the
15 year in which the ordinance approving the redevelopment
16 project area is adopted; a municipality may by municipal
17 ordinance amend an existing redevelopment plan to conform
18 to this paragraph (4) as amended by this amendatory Act of
19 the 91st General Assembly concerning ordinances adopted on
20 or after January 15, 1981, which municipal ordinance may be
21 adopted without further hearing or notice and without
22 complying with the procedures provided in this Law
23 pertaining to an amendment to or the initial approval of a
24 redevelopment plan and project and designation of a
25 redevelopment project area;

26 (5) in the case of an industrial park conservation
27 area, that the municipality is a labor surplus municipality
28 or a substantial labor surplus municipality and that the
29 implementation of the redevelopment plan is reasonably
30 expected to create a significant number of permanent full
31 time new jobs and, by the provision of new facilities,
32 significantly enhance the tax base of the taxing districts
33 that extend into the redevelopment project area;

34 (6) in the case of an environmentally contaminated
35 area, that the area is subject to a release or substantial
36 threat of release of a hazardous substance, pesticide or

1 petroleum which presents an imminent and substantial
2 danger to public health or welfare or presents a
3 significant threat to public health or environment, that
4 such release or threat of release will have a significant
5 impact on the cost of redeveloping the area, that the
6 implementation of the redevelopment plan is reasonably
7 expected to result in the area being redeveloped, the tax
8 base of the affected taxing districts being significantly
9 enhanced thereby, and the creation of a significant number
10 of permanent full time jobs; and

11 (7) in the case of a vacant industrial buildings
12 conservation area, that the area is located within the
13 corporate limits of a municipality that has been zoned
14 industrial for at least 5 years before its designation as a
15 project redeveloped area, that it contains one or more
16 industrial buildings, and whether the area has been
17 designated under Standard One or Standard Two of subsection
18 (f) and the basis for that designation.

19 (m) "Redevelopment project" means any public or private
20 development project in furtherance of the objectives of a
21 redevelopment plan. On and after the effective date of this
22 amendatory Act of the 91st General Assembly, no redevelopment
23 plan may be approved or amended to include the development of
24 vacant land (i) with a golf course and related clubhouse and
25 other facilities or (ii) designated by federal, State, county,
26 or municipal government as public land for outdoor recreational
27 activities or for nature preserves and used for that purpose
28 within 5 years prior to the adoption of the redevelopment plan.
29 For the purpose of this subsection, "recreational activities"
30 is limited to mean camping and hunting.

31 (n) "Redevelopment project area" means a contiguous area
32 designated by the municipality that is not less in the
33 aggregate than 1 1/2 acres, and for which the municipality has
34 made a finding that there exist conditions that cause the area
35 to be classified as an industrial park conservation area, a
36 vacant industrial building conservation area, an

1 environmentally contaminated area or a combination of these
2 types of areas.

3 (o) "Redevelopment project costs" means the sum total of
4 all reasonable or necessary costs incurred or estimated to be
5 incurred by the municipality, and any of those costs incidental
6 to a redevelopment plan and a redevelopment project. These
7 costs include, without limitation, the following:

8 (1) Costs of studies, surveys, development of plans,
9 and specifications, implementation and administration of
10 the redevelopment plan, staff and professional service
11 costs for architectural, engineering, legal, marketing,
12 financial, planning, or other services, but no charges for
13 professional services may be based on a percentage of the
14 tax increment collected; except that on and after the
15 effective date of this amendatory Act of the 91st General
16 Assembly, no contracts for professional services,
17 excluding architectural and engineering services, may be
18 entered into if the terms of the contract extend beyond a
19 period of 3 years. In addition, "redevelopment project
20 costs" shall not include lobbying expenses. After
21 consultation with the municipality, each tax increment
22 consultant or advisor to a municipality that plans to
23 designate or has designated a redevelopment project area
24 shall inform the municipality in writing of any contracts
25 that the consultant or advisor has entered into with
26 entities or individuals that have received, or are
27 receiving, payments financed by tax increment revenues
28 produced by the redevelopment project area with respect to
29 which the consultant or advisor has performed, or will be
30 performing, service for the municipality. This requirement
31 shall be satisfied by the consultant or advisor before the
32 commencement of services for the municipality and
33 thereafter whenever any other contracts with those
34 individuals or entities are executed by the consultant or
35 advisor;

36 (1.5) After July 1, 1999, annual administrative costs

1 shall not include general overhead or administrative costs
2 of the municipality that would still have been incurred by
3 the municipality if the municipality had not designated a
4 redevelopment project area or approved a redevelopment
5 plan;

6 (1.6) The cost of marketing sites within the
7 redevelopment project area to prospective businesses,
8 developers, and investors.

9 (2) Property assembly costs within a redevelopment
10 project area, including but not limited to acquisition of
11 land and other real or personal property or rights or
12 interests therein.

13 (3) Site preparation costs, including but not limited
14 to clearance of any area within a redevelopment project
15 area by demolition or removal of any existing buildings,
16 structures, fixtures, utilities and improvements and
17 clearing and grading; and including installation, repair,
18 construction, reconstruction, or relocation of public
19 streets, public utilities, and other public site
20 improvements within or without a redevelopment project
21 area which are essential to the preparation of the
22 redevelopment project area for use in accordance with a
23 redevelopment plan.

24 (4) Costs of renovation, rehabilitation,
25 reconstruction, relocation, repair or remodeling of any
26 existing public or private buildings, improvements, and
27 fixtures within a redevelopment project area; and the cost
28 of replacing an existing public building if pursuant to the
29 implementation of a redevelopment project the existing
30 public building is to be demolished to use the site for
31 private investment or devoted to a different use requiring
32 private investment.

33 (5) Costs of construction within a redevelopment
34 project area of public improvements, including but not
35 limited to, buildings, structures, works, utilities or
36 fixtures, except that on and after the effective date of

1 this amendatory Act of the 91st General Assembly,
2 redevelopment project costs shall not include the cost of
3 constructing a new municipal public building principally
4 used to provide offices, storage space, or conference
5 facilities or vehicle storage, maintenance, or repair for
6 administrative, public safety, or public works personnel
7 and that is not intended to replace an existing public
8 building as provided under paragraph (4) unless either (i)
9 the construction of the new municipal building implements a
10 redevelopment project that was included in a redevelopment
11 plan that was adopted by the municipality prior to the
12 effective date of this amendatory Act of the 91st General
13 Assembly or (ii) the municipality makes a reasonable
14 determination in the redevelopment plan, supported by
15 information that provides the basis for that
16 determination, that the new municipal building is required
17 to meet an increase in the need for public safety purposes
18 anticipated to result from the implementation of the
19 redevelopment plan.

20 (6) Costs of eliminating or removing contaminants and
21 other impediments required by federal or State
22 environmental laws, rules, regulations, and guidelines,
23 orders or other requirements or those imposed by private
24 lending institutions as a condition for approval of their
25 financial support, debt or equity, for the redevelopment
26 projects, provided, however, that in the event (i) other
27 federal or State funds have been certified by an
28 administrative agency as adequate to pay these costs during
29 the 18 months after the adoption of the redevelopment plan,
30 or (ii) the municipality has been reimbursed for such costs
31 by persons legally responsible for them, such federal,
32 State, or private funds shall, insofar as possible, be
33 fully expended prior to the use of any revenues deposited
34 in the special tax allocation fund of the municipality and
35 any other such federal, State or private funds received
36 shall be deposited in the fund. The municipality shall seek

1 reimbursement of these costs from persons legally
2 responsible for these costs and the costs of obtaining this
3 reimbursement.

4 (7) Costs of job training and retraining projects.

5 (8) Financing costs, including but not limited to all
6 necessary and incidental expenses related to the issuance
7 of obligations and which may include payment of interest on
8 any obligations issued under this Act including interest
9 accruing during the estimated period of construction of any
10 redevelopment project for which the obligations are issued
11 and for not exceeding 36 months thereafter and including
12 reasonable reserves related to those costs.

13 (9) All or a portion of a taxing district's capital
14 costs resulting from the redevelopment project necessarily
15 incurred or to be incurred in furtherance of the objectives
16 of the redevelopment plan and project, to the extent the
17 municipality by written agreement accepts and approves
18 those costs.

19 (10) Relocation costs to the extent that a municipality
20 determines that relocation costs shall be paid or is
21 required to make payment of relocation costs by federal or
22 State law.

23 (11) Payments in lieu of taxes.

24 (12) Costs of job training, retraining, advanced
25 vocational education or career education, including but
26 not limited to courses in occupational, semi-technical or
27 technical fields leading directly to employment, incurred
28 by one or more taxing districts, if those costs are: (i)
29 related to the establishment and maintenance of additional
30 job training, advanced vocational education or career
31 education programs for persons employed or to be employed
32 by employers located in a redevelopment project area; and
33 (ii) are incurred by a taxing district or taxing districts
34 other than the municipality and are set forth in a written
35 agreement by or among the municipality and the taxing
36 district or taxing districts, which agreement describes

1 the program to be undertaken, including but not limited to
2 the number of employees to be trained, a description of the
3 training and services to be provided, the number and type
4 of positions available or to be available, itemized costs
5 of the program and sources of funds to pay for the same,
6 and the term of the agreement. These costs include,
7 specifically, the payment by community college districts
8 of costs under Sections 3-37, 3-38, 3-40 and 3-40.1 of the
9 Public Community College Act and by school districts of
10 costs under Sections 10-22.20a and 10-23.3a of the School
11 Code.

12 (13) The interest costs incurred by redevelopers or
13 other nongovernmental persons in connection with a
14 redevelopment project, and specifically including payments
15 to redevelopers or other nongovernmental persons as
16 reimbursement for such costs incurred by such redeveloper
17 or other nongovernmental person, provided that:

18 (A) interest costs shall be paid or reimbursed by a
19 municipality only pursuant to the prior official
20 action of the municipality evidencing an intent to pay
21 or reimburse such interest costs;

22 (B) such payments in any one year may not exceed
23 30% of the annual interest costs incurred by the
24 redeveloper with regard to the redevelopment project
25 during that year;

26 (C) except as provided in subparagraph (E), the
27 aggregate amount of such costs paid or reimbursed by a
28 municipality shall not exceed 30% of the total (i)
29 costs paid or incurred by the redeveloper or other
30 nongovernmental person in that year plus (ii)
31 redevelopment project costs excluding any property
32 assembly costs and any relocation costs incurred by a
33 municipality pursuant to this Act;

34 (D) interest costs shall be paid or reimbursed by a
35 municipality solely from the special tax allocation
36 fund established pursuant to this Act and shall not be

1 paid or reimbursed from the proceeds of any obligations
2 issued by a municipality;

3 (E) if there are not sufficient funds available in
4 the special tax allocation fund in any year to make
5 such payment or reimbursement in full, any amount of
6 such interest cost remaining to be paid or reimbursed
7 by a municipality shall accrue and be payable when
8 funds are available in the special tax allocation fund
9 to make such payment.

10 (14) The costs of construction of new privately owned
11 buildings shall not be an eligible redevelopment project
12 cost.

13 If a special service area has been established under the
14 Special Service Area Tax Act, then any tax increment revenues
15 derived from the tax imposed thereunder to the Special Service
16 Area Tax Act may be used within the redevelopment project area
17 for the purposes permitted by that Act as well as the purposes
18 permitted by this Act.

19 (p) "Redevelopment Planning Area" means an area so
20 designated by a municipality after the municipality has
21 complied with all the findings and procedures required to
22 establish a redevelopment project area, including the
23 existence of conditions that qualify the area as an industrial
24 park conservation area, or an environmentally contaminated
25 area, or a vacant industrial buildings conservation area, or a
26 combination of these types of areas, and adopted a
27 redevelopment plan and project for the planning area and its
28 included redevelopment project areas. The area shall not be
29 designated as a redevelopment planning area for more than 5
30 years. At any time in the 5 years following that designation of
31 the redevelopment planning area, the municipality may
32 designate the redevelopment planning area, or any portion of
33 the redevelopment planning area, as a redevelopment project
34 area without making additional findings or complying with
35 additional procedures required for the creation of a
36 redevelopment project area. An amendment of a redevelopment

1 plan and project in accordance with the findings and procedures
2 of this Act after the designation of a redevelopment planning
3 area at any time within the 5 years after the designation of
4 the redevelopment planning area shall not require new
5 qualification of findings for the redevelopment project area to
6 be designated within the redevelopment planning area.

7 The terms "redevelopment plan", "redevelopment project",
8 and "redevelopment project area" have the definitions set out
9 in subsections (l), (m), and (n), respectively.

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

16 (r) "Taxing districts' capital costs" means those costs of
17 taxing districts for capital improvements that are found by the
18 municipal corporate authorities to be necessary and a direct
19 result of the redevelopment project.

20 (s) "Urban county" means a county with 240,000 or more
21 inhabitants.

22 (t) "Vacant area", as used in subsection (a) of this
23 Section, means any parcel or combination of parcels of real
24 property without industrial, commercial and residential
25 buildings that has not been used for commercial agricultural
26 purposes within 5 years before the designation of the
27 redevelopment project area, unless that parcel is included in
28 an industrial park conservation area.

29 (Source: P.A. 90-655, eff. 7-30-98; 91-474, eff. 11-1-99;
30 revised 12-6-03.)

31 Section 575. The Metropolitan Pier and Exposition
32 Authority Act is amended by changing Sections 10.1, 13.1, and
33 22.1 as follows:

34 (70 ILCS 210/10.1) (from Ch. 85, par. 1230.1)

1 Sec. 10.1. (a) The Authority is hereby authorized to
2 provide for the issuance, from time to time, of refunding or
3 advance refunding bonds for the purpose of refunding any bonds
4 or notes then outstanding (herein collectively referred to as
5 bonds) at or prior to maturity or on any redemption date,
6 whether an entire issue or series, or one or more issues or
7 series, or any portions or parts of any issue or series, which
8 shall have been issued under the provisions of this Act.

9 (b) The proceeds of any such refunding bonds may be used to
10 carry out one or more of the following purposes:

11 (1) To pay the principal amount of all outstanding
12 bonds to be retired at maturity or redeemed prior to
13 maturity;

14 (2) To pay the total amount of any redemption premium
15 incident to redemption of such outstanding bonds to be
16 refunded;

17 (3) To pay the total amount of any interest accrued or
18 to accrue to the date or dates of redemption or maturity of
19 such outstanding bonds to be refunded;

20 (4) To pay any and all costs or expenses incident to
21 such refunding;

22 (5) To establish reserves for the payment of such
23 refunding bonds and the interest thereon.

24 (c) The issuance of refunding bonds, the maturities and
25 other details thereof, the rights of the holders thereof and
26 the rights, duties and obligations of the Authority in respect
27 of the same shall be governed by the provisions of this Act,
28 insofar as the same may be applicable, and may in harmony
29 therewith be augmented or supplemented by resolution or
30 ordinance to conform to the facts and circumstances prevailing
31 in each instance of issuance of such refunding bonds; provided
32 that, with respect to refunding or advance refunding bonds
33 issued before January 1, 1991, the Authority shall consult with
34 the Illinois Governor's Office of Management and Budget
35 (formerly Bureau of the Budget) to develop the structure of the
36 proposed transaction.

1 After the adoption by the Board of an ordinance authorizing
2 the issuance of such refunding bonds before January 1, 1991,
3 and the execution of any proposal or contract relating to the
4 sale thereof, the Authority shall prepare and deliver a report
5 as soon as practical to the Director of the Governor's Office
6 of Management and Budget (formerly Bureau of the Budget), the
7 President of the Senate, the Minority Leader of the Senate, the
8 Speaker of the House of Representatives and the Minority Leader
9 of the House of Representatives setting forth the amount of
10 refunding bonds, the interest rate or rates, a schedule of
11 estimated debt service requirements, the projected cost
12 savings to the State, the method or manner of the sale and any
13 participants therein, including underwriters, financial
14 advisors, attorneys, accountants, trustees, printers,
15 registrars and paying agents.

16 (d) With reference to the investment of the proceeds of any
17 such refunding bonds, the interest on which is exempt from tax
18 under federal law, the Authority shall not authorize or
19 anticipate investment earnings exceeding such as are
20 authorized or permitted under prevailing federal laws,
21 regulations and administrative rulings relating to arbitrage
22 bonds.

23 (e) The proceeds of any such refunding bonds (together with
24 any other funds available for application to refunding
25 purposes, if so provided or permitted by ordinance authorizing
26 the issuance of such refunding bonds or in a trust agreement
27 securing the same) may be placed in trust to be applied to the
28 purchase, retirement at maturity or redemption of the bonds to
29 be refunded on such dates as may be determined by the
30 Authority. Pending application thereof, the proceeds of such
31 refunding bonds and such other available funds, if any, may be
32 invested in direct obligations of, or obligations the principal
33 thereof and the interest on which are unconditionally
34 guaranteed by, the United States of America which shall mature,
35 or which shall be subject to redemption by the holder thereof
36 at its option not later than the respective date or dates when

1 such proceeds and other available funds, if any, (either
2 together with the interest accruing thereon or without
3 considering the interest accruing thereon) will be required for
4 the refunding purpose intended or authorized.

5 (f) Upon the deposit of the proceeds of the refunding bonds
6 (together with any other funds available for application to
7 refunding purposes, if so provided or permitted by ordinance
8 authorizing the issuance of such refunding bonds or in a trust
9 agreement securing the same) in an irrevocable trust pursuant
10 to a trust agreement with a trustee requiring the trustee to
11 satisfy the obligations of the Authority to timely redeem and
12 retire the outstanding bonds for which the proceeds and other
13 funds, if any, are deposited, in an amount sufficient to
14 satisfy the obligation of the Authority to timely redeem and
15 retire such outstanding bonds or upon the deposit in such
16 irrevocable trust of direct obligations which, or obligations
17 the principal and interest of which, are unconditionally
18 guaranteed by the United States of America, in an amount
19 sufficient to pay all principal and all interest accrued and to
20 be accrued in respect of the bonds to be refunded from the
21 reinvestment of such principal and interest, or in such amounts
22 so that upon maturity (or upon optional redemption by the
23 trustee) of such obligations amounts will be produced, taking
24 into account investment earnings, on a timely basis sufficient
25 to satisfy the obligations of the Authority to timely redeem
26 and retire such outstanding bonds, and notwithstanding any
27 provision of any ordinance or trust agreement authorizing the
28 issuance of such outstanding bonds to the contrary, such
29 outstanding bonds shall be deemed paid and no longer be deemed
30 to be outstanding for purposes of such ordinance or trust
31 agreement, and all rights and obligations of the bond holders
32 and the Authority under such prior ordinance or trust agreement
33 shall be deemed discharged, provided, however, that the holders
34 of such outstanding bonds shall have an irrevocable and
35 unconditional right to payment in full of all principal of and
36 premium if any and interest on such outstanding bonds when due

1 from the amounts on deposit in such trust. The trustee shall be
2 any trust company or bank in the State of Illinois having the
3 power of a trust company possessing capital and surplus of not
4 less than \$100,000,000.

5 (g) Bond proceeds on deposit in the construction fund, are
6 authorized to be used to pay principal or interest on the
7 refunded bonds and the Authority is authorized to issue bonds
8 for the purpose of reimbursing its construction fund in the
9 amount of the bond proceeds used in connection with the
10 refunding issuance. That portion of the bond proceeds used to
11 reimburse the construction fund shall be deemed refunding bonds
12 for the purposes of this Act.

13 (Source: P.A. 87-733; revised 8-23-03.)

14 (70 ILCS 210/13.1) (from Ch. 85, par. 1233.1)

15 Sec. 13.1. There is hereby created the Metropolitan Fair
16 and Exposition Authority Improvement Bond Fund and the
17 Metropolitan Fair and Exposition Authority Completion Note
18 Subordinate Fund in the State Treasury. All moneys transferred
19 from the McCormick Place Account in the Build Illinois Fund to
20 the Metropolitan Fair and Exposition Authority Improvement
21 Bond Fund and all moneys transferred from the Metropolitan Fair
22 and Exposition Authority Improvement Bond Fund to the
23 Metropolitan Fair and Exposition Authority Completion Note
24 Subordinate Fund may be appropriated by law for the purpose of
25 paying the debt service requirements on all bonds and notes
26 issued under this Section, including refunding bonds, (herein
27 collectively referred to as bonds) to be issued by the
28 Authority subsequent to July 1, 1984 in an aggregate amount
29 (excluding the amount of any refunding bonds issued by the
30 Authority subsequent to January 1, 1986), not to exceed
31 \$312,500,000, with such aggregate amount comprised of (i) an
32 amount not to exceed \$259,000,000 for the purpose of paying
33 costs of the Project and (ii) the balance for the purpose of
34 refunding those bonds of the Authority that were issued prior
35 to July 1, 1984 and for the purpose of establishing necessary

1 reserves on, paying capitalized interest on, and paying costs
2 of issuance of bonds, other than refunding bonds issued
3 subsequent to January 1, 1986, issued for those purposes,
4 provided that any proceeds of bonds, other than refunding bonds
5 issued subsequent to January 1, 1986, and interest or other
6 investment earnings thereon not used for the purposes stated in
7 items (i) and (ii) above shall be used solely to redeem
8 outstanding bonds, other than bonds which have been refunded or
9 advance refunded, of the Authority. The Authority will use its
10 best efforts to cause all bonds issued pursuant to this
11 Section, other than bonds which have been refunded or advance
12 refunded, to be or to become on a parity with one another.
13 Notwithstanding any provision of any prior ordinance or trust
14 agreement authorizing the issuance of outstanding bonds
15 payable or to become payable from the Metropolitan Fair and
16 Exposition Authority Improvement Bond Fund, refunding or
17 advance refunding bonds may be issued subsequent to January 1,
18 1986, payable from the Metropolitan Fair and Exposition
19 Authority Improvement Bond Fund on a parity with any such prior
20 bonds which remain outstanding provided, that in the event of
21 any such partial refunding (i) the debt service requirements
22 after such refunding for all bonds payable from the
23 Metropolitan Fair and Exposition Authority Improvement Bond
24 Fund issued after July 1, 1984, by the Authority which shall be
25 outstanding after such refunding shall not have been increased
26 by reason of such refunding in any then current or future
27 fiscal year in which such prior outstanding bonds shall remain
28 outstanding and (ii) such parity refunding bonds shall be
29 deemed to be parity bonds issued to pay costs of the Project
30 for purposes of such prior ordinance or trust agreement. It is
31 hereby found and determined that (i) the issuance of such
32 parity refunding bonds shall further the purposes of this Act
33 and (ii) the contractual rights of the bondholders under any
34 such prior ordinance or trust agreement will not be impaired or
35 adversely affected by such issuance.

36 No amounts in excess of the sum of \$250,000,000 plus all

1 interest and other investment income earned prior to the
2 effective date of this amendatory Act of 1985 on all proceeds
3 of all bonds issued for the purpose of paying costs of the
4 Project shall be obligated or expended with respect to the
5 costs of the Project without prior written approval from the
6 Director of the Governor's Office of Management and Budget
7 ~~Bureau of the Budget~~. Such approval shall be based upon factors
8 including, but not limited to, the necessity, in relation to
9 the Authority's ability to complete the Project and open the
10 facility to the public in a timely manner, of incurring the
11 costs, and the appropriateness of using bond funds for such
12 purpose. The Director of the Governor's Office of Management
13 and Budget ~~Bureau of the Budget~~ may, in his discretion,
14 consider other reasonable factors in determining whether to
15 approve payment of costs of the Project. The Authority shall
16 furnish to the Governor's Office of Management and Budget
17 ~~Bureau of the Budget~~ such information as may from time to time
18 be requested. The Director of the Governor's Office of
19 Management and Budget ~~Bureau of the Budget~~ or any duly
20 authorized employee of the Governor's Office of Management and
21 Budget ~~Bureau of the Budget~~ shall, for the purpose of securing
22 such information, have access to, and the right to examine, all
23 books, documents, papers and records of the Authority.

24 On the first day of each month commencing after July of
25 1984, moneys, if any, on deposit in the Metropolitan Fair and
26 Exposition Authority Improvement Bond Fund shall, subject to
27 appropriation by law, be paid in full to the Authority or upon
28 its direction to the trustee or trustees for bond holders of
29 bonds which by their terms are payable from the moneys received
30 from the Metropolitan Fair and Exposition Authority
31 Improvement Bond Fund issued by the Metropolitan Pier and
32 Exposition Authority subsequent to July 1, 1984, for the
33 purposes specified in the first paragraph of this Section and
34 in Section 10.1 of this Act, such trustee or trustees having
35 been designated pursuant to ordinance of the Authority, until
36 an amount equal to 100% of the aggregate amount of such

1 principal and interest in such fiscal year, including pursuant
2 to sinking fund requirements, has been so paid and deficiencies
3 in reserves established from bond proceeds shall have been
4 remedied.

5 On the first day of each month commencing after October of
6 1985, moneys, if any, on deposit in the Metropolitan Fair and
7 Exposition Authority Completion Note Subordinate Fund shall,
8 subject to appropriation by law, be paid in full to the
9 Authority or upon its direction to the trustee or trustees for
10 bond holders of bonds issued by the Metropolitan Pier and
11 Exposition Authority subsequent to September of 1985 which by
12 their terms are payable from moneys received from the
13 Metropolitan Fair and Exposition Authority Completion Note
14 Subordinate Fund for the purposes specified in the first
15 paragraph of this Section and in Section 10.1 of this Act, such
16 trustee or trustees having been designated pursuant to
17 ordinance of the Authority, until an amount equal to 100% of
18 the aggregate amount of such principal and interest in such
19 fiscal year, including pursuant to sinking fund requirements,
20 has been so paid and deficiencies in reserves established from
21 bond proceeds shall have been remedied.

22 The State of Illinois pledges to and agrees with the
23 holders of the bonds of the Metropolitan Pier and Exposition
24 Authority issued pursuant to this Section that the State will
25 not limit or alter the rights and powers vested in the
26 Metropolitan Pier and Exposition Authority by this Act so as to
27 impair the terms of any contract made by the Metropolitan Pier
28 and Exposition Authority with such holders or in any way impair
29 the rights and remedies of such holders until such bonds,
30 together with interest thereon, with interest on any unpaid
31 installments of interest, and all costs and expenses in
32 connection with any action or proceedings by or on behalf of
33 such holders, are fully met and discharged. In addition, the
34 State pledges to and agrees with the holders of the bonds of
35 the Metropolitan Pier and Exposition Authority issued pursuant
36 to this Act that the State will not limit or alter the basis on

1 which State funds are to be paid to the Metropolitan Pier and
2 Exposition Authority as provided in this Act, or the use of
3 such funds, so as to impair the terms of any such contract. The
4 Metropolitan Pier and Exposition Authority is authorized to
5 include these pledges and agreements of the State in any
6 contract with the holders of bonds issued pursuant to this
7 Section.

8 The State shall not be liable on bonds of the Metropolitan
9 Pier and Exposition Authority issued under this Act, and such
10 bonds shall not be a debt of the State, nor shall this Act be
11 construed as a guarantee by the State of the debts of the
12 Metropolitan Pier and Exposition Authority. The bonds shall
13 contain a statement to such effect on the face thereof.

14 (Source: P.A. 86-17; 87-733; revised 8-23-03.)

15 (70 ILCS 210/22.1) (from Ch. 85, par. 1242.1)

16 Sec. 22.1. The Authority shall pass all ordinances and make
17 all rules and regulations necessary to assure equal access for
18 economically disadvantaged persons, including but not limited
19 to persons eligible for assistance pursuant to the Job Training
20 Partnership Act, to all positions of employment provided for by
21 the Authority pursuant to Section 22 and to all positions of
22 employment with any person performing any work for the
23 Authority. The Authority shall submit a detailed employment
24 report not later than March 1 of each year to the General
25 Assembly. The Department of Commerce and Economic Opportunity
26 ~~Community Affairs~~ shall monitor the Authority's compliance
27 with this Section.

28 (Source: P.A. 83-1129; revised 12-6-03.)

29 Section 580. The Quad Cities Regional Economic Development
30 Authority Act, approved September 22, 1987 is amended by
31 changing Sections 4 and 19 as follows:

32 (70 ILCS 510/4) (from Ch. 85, par. 6204)

33 Sec. 4. (a) There is hereby created a political

1 subdivision, body politic and municipal corporation named the
2 Quad Cities Regional Economic Development Authority. The
3 territorial jurisdiction of the Authority is that geographic
4 area within the boundaries of Rock Island, Henry, Knox, and
5 Mercer counties in the State of Illinois and any navigable
6 waters and air space located therein.

7 (b) The governing and administrative powers of the
8 Authority shall be vested in a body consisting of 11 members
9 including, as an ex officio member, the Director of ~~the~~
10 ~~Department of Commerce and Economic Opportunity Community~~
11 ~~Affairs~~, or his or her designee. The other 10 members of the
12 Authority shall be designated "public members", 6 of whom shall
13 be appointed by the Governor with the advice and consent of the
14 Senate. Of the 6 members appointed by the Governor, one shall
15 be from a city within the Authority's territory with a
16 population of 25,000 or more and the remainder shall be
17 appointed at large. Of the 6 members appointed by the Governor,
18 2 members shall have business or finance experience. One member
19 shall be appointed by each of the county board chairmen of Rock
20 Island, Henry, Knox, and Mercer Counties with the advice and
21 consent of the respective county board. All public members
22 shall reside within the territorial jurisdiction of this Act.
23 Six members shall constitute a quorum. The public members shall
24 be persons of recognized ability and experience in one or more
25 of the following areas: economic development, finance,
26 banking, industrial development, small business management,
27 real estate development, community development, venture
28 finance, organized labor or civic, community or neighborhood
29 organization. The Chairman of the Authority shall be a public
30 member elected by the affirmative vote of not fewer than 6
31 members of the Authority. The term of the Chairman shall be one
32 year.

33 (c) The terms of all members of the Authority shall begin
34 30 days after the effective date of this Act, except (i) the
35 terms of those members added by this amendatory Act of 1989
36 shall begin 30 days after the effective date of this amendatory

1 Act of 1989 and (ii) the terms of those members added by this
2 amendatory Act of the 92nd General Assembly shall begin 30 days
3 after the effective date of this amendatory Act of the 92nd
4 General Assembly. Of the 10 public members appointed pursuant
5 to this Act, 2 (one of whom shall be appointed by the Governor)
6 shall serve until the third Monday in January, 1989, 2 (one of
7 whom shall be appointed by the Governor) shall serve until the
8 third Monday in January, 1990, 2 (one of whom shall be
9 appointed by the Governor) shall serve until the third Monday
10 in January, 1991, 2 (both of whom shall be appointed by the
11 Governor) shall serve until the third Monday in January, 1992,
12 and 2 (one of whom shall be appointed by the Governor and one
13 of whom shall be appointed by the county board chairman of Knox
14 County) shall serve until the third Monday in January, 2004.
15 The initial terms of the members appointed by the county board
16 chairmen (other than the county board chairman of Knox County)
17 shall be determined by lot. All successors shall be appointed
18 by the original appointing authority and hold office for a term
19 of 3 years commencing the third Monday in January of the year
20 in which their term commences, except in case of an appointment
21 to fill a vacancy. Vacancies occurring among the public members
22 shall be filled for the remainder of the term. In case of
23 vacancy in a Governor-appointed membership when the Senate is
24 not in session, the Governor may make a temporary appointment
25 until the next meeting of the Senate when a person shall be
26 nominated to fill such office, and any person so nominated who
27 is confirmed by the Senate shall hold office during the
28 remainder of the term and until a successor shall be appointed
29 and qualified. Members of the Authority shall not be entitled
30 to compensation for their services as members but shall be
31 entitled to reimbursement for all necessary expenses incurred
32 in connection with the performance of their duties as members.

33 (d) The Governor may remove any public member of the
34 Authority appointed by the Governor in case of incompetency,
35 neglect of duty, or malfeasance in office. The Chairman of a
36 county board may remove any public member of the Authority

1 appointed by such Chairman in the case of incompetency, neglect
2 of duty, or malfeasance in office.

3 (e) The Board shall appoint an Executive Director who shall
4 have a background in finance, including familiarity with the
5 legal and procedural requirements of issuing bonds, real estate
6 or economic development and administration. The Executive
7 Director shall hold office at the discretion of the Board. The
8 Executive Director shall be the chief administrative and
9 operational officer of the Authority, shall direct and
10 supervise its administrative affairs and general management,
11 shall perform such other duties as may be prescribed from time
12 to time by the members and shall receive compensation fixed by
13 the Authority. The Authority may engage the services of such
14 other agents and employees, including attorneys, appraisers,
15 engineers, accountants, credit analysts and other consultants,
16 as it may deem advisable and may prescribe their duties and fix
17 their compensation.

18 (f) The Board shall create a task force to study and make
19 recommendations to the Board on the economic development of the
20 territory within the jurisdiction of this Act. The number of
21 members constituting the task force shall be set by the Board
22 and may vary from time to time. The Board may set a specific
23 date by which the task force is to submit its final report and
24 recommendations to the Board.

25 (Source: P.A. 92-63, eff. 7-12-01; revised 12-6-03.)

26 (70 ILCS 510/19) (from Ch. 85, par. 6219)

27 Sec. 19. Civic Center. The Authority shall commence a study
28 to determine the feasibility of a civic center or other public
29 assembly hall or arena to be located within the territorial
30 jurisdiction of the Authority. This report shall address, at a
31 minimum, marketing analysis, site availability, competition,
32 funding sources available from the Department of Commerce and
33 Economic Opportunity ~~Community Affairs~~, and other matters
34 deemed appropriate by the board.

35 (Source: P.A. 85-713; revised 12-6-03.)

1 Section 585. The Quad Cities Regional Economic Development
2 Authority Act, certified December 30, 1987 is amended by
3 changing Section 4 as follows:

4 (70 ILCS 515/4) (from Ch. 85, par. 6504)

5 Sec. 4. (a) There is hereby created a political
6 subdivision, body politic and municipal corporation named the
7 Quad Cities Regional Economic Development Authority. The
8 territorial jurisdiction of the Authority is that geographic
9 area within the boundaries of Rock Island, Henry and Mercer
10 counties in the State of Illinois and any navigable waters and
11 air space located therein.

12 (b) The governing and administrative powers of the
13 Authority shall be vested in a body consisting of 7 members
14 including, as an ex officio member, the Director of ~~the~~
15 ~~Department of Commerce and~~ Economic Opportunity Community
16 ~~Affairs~~, or his or her designee. The other 8 members of the
17 Authority shall be designated "public members", 3 of whom shall
18 be appointed by the Governor with the advice and consent of the
19 Senate. Of the 3 members appointed by the Governor, one shall
20 be from a city within the Authority's territory with a
21 population of 25,000 or more and the remainder shall be
22 appointed at large. One member shall be appointed by each of
23 the county board chairmen of Rock Island, Henry and Mercer
24 counties with the advice and consent of the respective county
25 board. All public members shall reside within the territorial
26 jurisdiction of this Act. Four members shall constitute a
27 quorum. The public members shall be persons of recognized
28 ability and experience in one or more of the following areas:
29 economic development, finance, banking, industrial
30 development, small business management, real estate
31 development, community development, venture finance, organized
32 labor or civic, community or neighborhood organization. The
33 Chairman of the Authority shall be a public member elected by
34 the affirmative vote of not fewer than 4 members of the

1 Authority. The term of the Chairman shall be one year.

2 (c) The terms of all members of the Authority shall begin
3 30 days after the effective date of this Act. Of the 6 public
4 members appointed pursuant to this Act, 2 (one of whom shall be
5 appointed by the Governor) shall serve until the third Monday
6 in January, 1989, 2 (one of whom shall be appointed by the
7 Governor) shall serve until the third Monday in January, 1990,
8 and 2 (one of whom shall be appointed by the Governor) shall
9 serve until the third Monday in January, 1991. The initial
10 terms of the members appointed by the county board chairmen
11 shall be determined by lot. All successors shall be appointed
12 by the original appointing authority and hold office for a term
13 of 3 years commencing the third Monday in January of the year
14 in which their term commences, except in case of an appointment
15 to fill a vacancy. Vacancies occurring among the public members
16 shall be filled for the remainder of the term. In case of
17 vacancy in a Governor-appointed membership when the Senate is
18 not in session, the Governor may make a temporary appointment
19 until the next meeting of the Senate when a person shall be
20 nominated to fill such office, and any person so nominated who
21 is confirmed by the Senate shall hold office during the
22 remainder of the term and until a successor shall be appointed
23 and qualified. Members of the Authority shall not be entitled
24 to compensation for their services as members but shall be
25 entitled to reimbursement for all necessary expenses incurred
26 in connection with the performance of their duties as members.

27 (d) The Governor may remove any public member of the
28 Authority appointed by the Governor in case of incompetency,
29 neglect of duty, or malfeasance in office. The Chairman of a
30 county board may remove any public member of the Authority
31 appointed by such Chairman in the case of incompetency, neglect
32 of duty, or malfeasance in office.

33 (e) The Board shall appoint an Executive Director who shall
34 have a background in finance, including familiarity with the
35 legal and procedural requirements of issuing bonds, real estate
36 or economic development and administration. The Executive

1 Director shall hold office at the discretion of the Board. The
2 Executive Director shall be the chief administrative and
3 operational officer of the Authority, shall direct and
4 supervise its administrative affairs and general management,
5 shall perform such other duties as may be prescribed from time
6 to time by the members and shall receive compensation fixed by
7 the Authority. The Authority may engage the services of such
8 other agents and employees, including attorneys, appraisers,
9 engineers, accountants, credit analysts and other consultants,
10 as it may deem advisable and may prescribe their duties and fix
11 their compensation.

12 (f) The Board shall create a task force to study and make
13 recommendations to the Board on the economic development of the
14 territory within the jurisdiction of this Act. The number of
15 members constituting the task force shall be set by the Board
16 and may vary from time to time. The Board may set a specific
17 date by which the task force is to submit its final report and
18 recommendations to the Board.

19 (Source: P.A. 85-988; revised 12-6-03.)

20 Section 590. The Southwestern Illinois Development
21 Authority Act is amended by changing Section 4 as follows:

22 (70 ILCS 520/4) (from Ch. 85, par. 6154)

23 Sec. 4. (a) There is hereby created a political
24 subdivision, body politic and municipal corporation named the
25 Southwestern Illinois Development Authority. The territorial
26 jurisdiction of the Authority is that geographic area within
27 the boundaries of Madison, St. Clair, and Clinton counties in
28 the State of Illinois and any navigable waters and air space
29 located therein.

30 (b) The governing and administrative powers of the
31 Authority shall be vested in a body consisting of 11 members
32 including, as ex officio members, the Director of ~~the~~
33 ~~Department of~~ Commerce and Economic Opportunity Community
34 ~~Affairs~~, or his or her designee, and the Director of ~~the~~

1 ~~Department of~~ Central Management Services, or his or her
2 designee. The other 9 members of the Authority shall be
3 designated "public members", 4 of whom shall be appointed by
4 the Governor with the advice and consent of the Senate, 2 of
5 whom shall be appointed by the county board chairman of Madison
6 County, 2 of whom shall be appointed by the county board
7 chairman of St. Clair County, and one of whom shall be
8 appointed by the county board chairman of Clinton County. All
9 public members shall reside within the territorial
10 jurisdiction of this Act. Six members shall constitute a
11 quorum. The public members shall be persons of recognized
12 ability and experience in one or more of the following areas:
13 economic development, finance, banking, industrial
14 development, small business management, real estate
15 development, community development, venture finance, organized
16 labor or civic, community or neighborhood organization. The
17 Chairman of the Authority shall be elected by the Board
18 annually from the 4 members appointed by the county board
19 chairmen.

20 (c) The terms of all members of the Authority shall begin
21 30 days after the effective date of this Act. Of the 8 public
22 members appointed pursuant to this Act, 3 shall serve until the
23 third Monday in January, 1988, 3 shall serve until the third
24 Monday in January, 1989, and 2 shall serve until the third
25 Monday in January, 1990. All successors shall be appointed by
26 the original appointing authority and hold office for a term of
27 3 years commencing the third Monday in January of the year in
28 which their term commences, except in case of an appointment to
29 fill a vacancy. Vacancies occurring among the public members
30 shall be filled for the remainder of the term. In case of
31 vacancy in a Governor-appointed membership when the Senate is
32 not in session, the Governor may make a temporary appointment
33 until the next meeting of the Senate when a person shall be
34 nominated to fill such office, and any person so nominated who
35 is confirmed by the Senate shall hold office during the
36 remainder of the term and until a successor shall be appointed

1 and qualified. Members of the Authority shall not be entitled
2 to compensation for their services as members but shall be
3 entitled to reimbursement for all necessary expenses incurred
4 in connection with the performance of their duties as members.

5 (d) The Governor may remove any public member of the
6 Authority in case of incompetency, neglect of duty, or
7 malfeasance in office.

8 (e) The Board shall appoint an Executive Director who shall
9 have a background in finance, including familiarity with the
10 legal and procedural requirements of issuing bonds, real estate
11 or economic development and administration. The Executive
12 Director shall hold office at the discretion of the Board. The
13 Executive Director shall be the chief administrative and
14 operational officer of the Authority, shall direct and
15 supervise its administrative affairs and general management,
16 shall perform such other duties as may be prescribed from time
17 to time by the members and shall receive compensation fixed by
18 the Authority. The Executive Director shall attend all meetings
19 of the Authority; however, no action of the Authority shall be
20 invalid on account of the absence of the Executive Director
21 from a meeting. The Authority may engage the services of such
22 other agents and employees, including attorneys, appraisers,
23 engineers, accountants, credit analysts and other consultants,
24 as it may deem advisable and may prescribe their duties and fix
25 their compensation.

26 (f) The Board may, by majority vote, nominate up to 4
27 non-voting members for appointment by the Governor. Non-voting
28 members shall be persons of recognized ability and experience
29 in one or more of the following areas: economic development,
30 finance, banking, industrial development, small business
31 management, real estate development, community development,
32 venture finance, organized labor or civic, community or
33 neighborhood organization. Non-voting members shall serve at
34 the pleasure of the Board. All non-voting members may attend
35 meetings of the Board and shall be reimbursed as provided in
36 subsection (c).

1 (g) The Board shall create a task force to study and make
2 recommendations to the Board on the economic development of the
3 city of East St. Louis and on the economic development of the
4 riverfront within the territorial jurisdiction of this Act. The
5 members of the task force shall reside within the territorial
6 jurisdiction of this Act, shall serve at the pleasure of the
7 Board and shall be persons of recognized ability and experience
8 in one or more of the following areas: economic development,
9 finance, banking, industrial development, small business
10 management, real estate development, community development,
11 venture finance, organized labor or civic, community or
12 neighborhood organization. The number of members constituting
13 the task force shall be set by the Board and may vary from time
14 to time. The Board may set a specific date by which the task
15 force is to submit its final report and recommendations to the
16 Board.

17 (Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)

18 Section 595. The Tri-County River Valley Development
19 Authority Law is amended by changing Section 2004 as follows:

20 (70 ILCS 525/2004) (from Ch. 85, par. 7504)

21 Sec. 2004. Establishment.

22 (a) There is hereby created a political subdivision, body
23 politic and municipal corporation named the Tri-County River
24 Valley Development Authority. The territorial jurisdiction of
25 the Authority is that geographic area within the boundaries of
26 Peoria, Tazewell and Woodford counties in the State of Illinois
27 and any navigable waters and air space located therein.

28 (b) The governing and administrative powers of the
29 Authority shall be vested in a body consisting of 11 members
30 including, as ex officio members, the Director of Commerce and
31 Economic Opportunity ~~Community Affairs~~, or his or her designee,
32 and the Director of Natural Resources, or that Director's
33 designee. The other 9 members of the Authority shall be
34 designated "public members", 3 of whom shall be appointed by

1 the Governor, 3 of whom shall be appointed one each by the
2 county board chairmen of Peoria, Tazewell and Woodford counties
3 and 3 of whom shall be appointed one each by the city councils
4 of East Peoria, Pekin and Peoria. All public members shall
5 reside within the territorial jurisdiction of this Act. Six
6 members shall constitute a quorum. The public members shall be
7 persons of recognized ability and experience in one or more of
8 the following areas: economic development, finance, banking,
9 industrial development, small business management, real estate
10 development, community development, venture finance, organized
11 labor or civic, community or neighborhood organization. The
12 Chairman of the Authority shall be elected by the Board
13 annually from the 6 members appointed by the county board
14 chairmen and city councils.

15 (c) The terms of all members of the Authority shall begin
16 30 days after the effective date of this Article. Of the 9
17 public members appointed pursuant to this Act, 3 shall serve
18 until the third Monday in January 1992, 3 shall serve until the
19 third Monday in January 1993, and 3 shall serve until the third
20 Monday in January 1994. All successors shall be appointed by
21 the original appointing authority and hold office for a term of
22 3 years commencing the third Monday in January of the year in
23 which their term commences, except in case of an appointment to
24 fill a vacancy. Vacancies occurring among the public members
25 shall be filled for the remainder of the term. In case of
26 vacancy in a Governor-appointed membership when the Senate is
27 not in session, the Governor may make a temporary appointment
28 until the next meeting of the Senate when a person shall be
29 nominated to fill such office, and any person so nominated who
30 is confirmed by the Senate shall hold office during the
31 remainder of the term and until a successor shall be appointed
32 and qualified. Members of the Authority shall not be entitled
33 to compensation for their services as members but may be
34 reimbursed for all necessary expenses incurred in connection
35 with the performance of their duties as members.

36 (d) The Governor may remove any public member of the

1 Authority in case of incompetency, neglect of duty, or
2 malfeasance in office.

3 (e) The Board may appoint an Executive Director who shall
4 have a background in finance, including familiarity with the
5 legal and procedural requirements of issuing bonds, real estate
6 or economic development and administration. The Executive
7 Director shall hold office at the discretion of the Board. The
8 Executive Director shall be the chief administrative and
9 operational officer of the Authority, shall direct and
10 supervise its administrative affairs and general management,
11 shall perform such other duties as may be prescribed from time
12 to time by the members and shall receive compensation fixed by
13 the Authority. The Executive Director shall attend all meetings
14 of the Authority; however, no action of the Authority shall be
15 invalid on account of the absence of the Executive Director
16 from a meeting. The Authority may engage the services of such
17 other agents and employees, including attorneys, appraisers,
18 engineers, accountants, credit analysts and other consultants,
19 as it may deem advisable and may prescribe their duties and fix
20 their compensation.

21 (f) The Board may, by majority vote, nominate up to 4
22 non-voting members for appointment by the Governor. Non-voting
23 members shall be persons of recognized ability and experience
24 in one or more of the following areas: economic development,
25 finance, banking, industrial development, small business
26 management, real estate development, community development,
27 venture finance, organized labor or civic, community or
28 neighborhood organization. Non-voting members shall serve at
29 the pleasure of the Board. All non-voting members may attend
30 meetings of the Board and may be reimbursed as provided in
31 subsection (c).

32 (g) The Board shall create a task force to study and make
33 recommendations to the Board on the economic development of the
34 territory within the jurisdiction of this Act. The members of
35 the task force shall reside within the territorial jurisdiction
36 of this Article, shall serve at the pleasure of the Board and

1 shall be persons of recognized ability and experience in one or
2 more of the following areas: economic development, finance,
3 banking, industrial development, small business management,
4 real estate development, community development, venture
5 finance, organized labor or civic, community or neighborhood
6 organization. The number of members constituting the task force
7 shall be set by the Board and may vary from time to time. The
8 Board may set a specific date by which the task force is to
9 submit its final report and recommendations to the Board.

10 (Source: P.A. 89-445, eff. 2-7-96; 90-655, eff. 7-30-98;
11 revised 12-6-03.)

12 Section 600. The Upper Illinois River Valley Development
13 Authority Act is amended by changing Section 4 as follows:

14 (70 ILCS 530/4) (from Ch. 85, par. 7154)

15 Sec. 4. Establishment.

16 (a) There is hereby created a political subdivision, body
17 politic and municipal corporation named the Upper Illinois
18 River Valley Development Authority. The territorial
19 jurisdiction of the Authority is that geographic area within
20 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,
21 Kane, McHenry, and Marshall counties in the State of Illinois
22 and any navigable waters and air space located therein.

23 (b) The governing and administrative powers of the
24 Authority shall be vested in a body consisting of 20 members
25 including, as ex officio members, the Director of ~~the~~
26 ~~Department of~~ Commerce and Economic Opportunity Community
27 ~~Affairs~~, or his or her designee, and the Director of the
28 Department of Central Management Services, or his or her
29 designee. The other 18 members of the Authority shall be
30 designated "public members", 10 of whom shall be appointed by
31 the Governor with the advice and consent of the Senate and 8 of
32 whom shall be appointed one each by the county board chairmen
33 of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and
34 Marshall counties. All public members shall reside within the

1 territorial jurisdiction of this Act. Eleven members shall
2 constitute a quorum. The public members shall be persons of
3 recognized ability and experience in one or more of the
4 following areas: economic development, finance, banking,
5 industrial development, small business management, real estate
6 development, community development, venture finance, organized
7 labor or civic, community or neighborhood organization. The
8 Chairman of the Authority shall be elected by the Board
9 annually from the 8 members appointed by the county board
10 chairmen.

11 (c) The terms of all initial members of the Authority shall
12 begin 30 days after the effective date of this Act. Of the 14
13 public members appointed pursuant to this Act, 4 appointed by
14 the Governor shall serve until the third Monday in January,
15 1992, 4 appointed by the Governor shall serve until the third
16 Monday in January, 1993, one appointed by the Governor shall
17 serve until the third Monday in January, 1994, one appointed by
18 the Governor shall serve until the third Monday in January
19 1999, the member appointed by the county board chairman of
20 LaSalle County shall serve until the third Monday in January,
21 1992, the members appointed by the county board chairmen of
22 Grundy County, Bureau County, Putnam County, and Marshall
23 County shall serve until the third Monday in January, 1994, and
24 the member appointed by the county board chairman of Kendall
25 County shall serve until the third Monday in January, 1999. The
26 initial members appointed by the chairmen of the county boards
27 of Kane and McHenry counties shall serve until the third Monday
28 in January, 2003. All successors shall be appointed by the
29 original appointing authority and hold office for a term of 3
30 years commencing the third Monday in January of the year in
31 which their term commences, except in case of an appointment to
32 fill a vacancy. Vacancies occurring among the public members
33 shall be filled for the remainder of the term. In case of
34 vacancy in a Governor-appointed membership when the Senate is
35 not in session, the Governor may make a temporary appointment
36 until the next meeting of the Senate when a person shall be

1 nominated to fill such office, and any person so nominated who
2 is confirmed by the Senate shall hold office during the
3 remainder of the term and until a successor shall be appointed
4 and qualified. Members of the Authority shall not be entitled
5 to compensation for their services as members but shall be
6 entitled to reimbursement for all necessary expenses incurred
7 in connection with the performance of their duties as members.

8 (d) The Governor may remove any public member of the
9 Authority in case of incompetency, neglect of duty, or
10 malfeasance in office.

11 (e) The Board shall appoint an Executive Director who shall
12 have a background in finance, including familiarity with the
13 legal and procedural requirements of issuing bonds, real estate
14 or economic development and administration. The Executive
15 Director shall hold office at the discretion of the Board. The
16 Executive Director shall be the chief administrative and
17 operational officer of the Authority, shall direct and
18 supervise its administrative affairs and general management,
19 shall perform such other duties as may be prescribed from time
20 to time by the members and shall receive compensation fixed by
21 the Authority. The Executive Director shall attend all meetings
22 of the Authority; however, no action of the Authority shall be
23 invalid on account of the absence of the Executive Director
24 from a meeting. The Authority may engage the services of such
25 other agents and employees, including attorneys, appraisers,
26 engineers, accountants, credit analysts and other consultants,
27 as it may deem advisable and may prescribe their duties and fix
28 their compensation.

29 (f) The Board may, by majority vote, nominate up to 4
30 non-voting members for appointment by the Governor. Non-voting
31 members shall be persons of recognized ability and experience
32 in one or more of the following areas: economic development,
33 finance, banking, industrial development, small business
34 management, real estate development, community development,
35 venture finance, organized labor or civic, community or
36 neighborhood organization. Non-voting members shall serve at

1 the pleasure of the Board. All non-voting members may attend
2 meetings of the Board and shall be reimbursed as provided in
3 subsection (c).

4 (g) The Board shall create a task force to study and make
5 recommendations to the Board on the economic development of the
6 territory within the jurisdiction of this Act. The members of
7 the task force shall reside within the territorial jurisdiction
8 of this Act, shall serve at the pleasure of the Board and shall
9 be persons of recognized ability and experience in one or more
10 of the following areas: economic development, finance,
11 banking, industrial development, small business management,
12 real estate development, community development, venture
13 finance, organized labor or civic, community or neighborhood
14 organization. The number of members constituting the task force
15 shall be set by the Board and may vary from time to time. The
16 Board may set a specific date by which the task force is to
17 submit its final report and recommendations to the Board.

18 (Source: P.A. 91-905, eff. 7-7-00; revised 12-6-03.)

19 Section 605. The Will-Kankakee Regional Development
20 Authority Law is amended by changing Section 4 as follows:

21 (70 ILCS 535/4) (from Ch. 85, par. 7454)

22 Sec. 4. Establishment.

23 (a) There is hereby created a political subdivision, body
24 politic and municipal corporation named the Will-Kankakee
25 Regional Development Authority. The territorial jurisdiction
26 of the Authority is that geographic area within the boundaries
27 of Will and Kankakee counties in the State of Illinois and any
28 navigable waters and air space located therein.

29 (b) The governing and administrative powers of the
30 Authority shall be vested in a body consisting of 10 members
31 including, as an ex officio member, the Director of ~~the~~
32 ~~Department of~~ Commerce and Economic Opportunity Community
33 ~~Affairs~~, or his or her designee. The other 9 members of the
34 Authority shall be designated "public members", 3 of whom shall

1 be appointed by the Governor, 3 of whom shall be appointed by
2 the county board chairman of Will County, and 3 of whom shall
3 be appointed by the county board chairman of Kankakee County.
4 All public members shall reside within the territorial
5 jurisdiction of this Act. Six members shall constitute a
6 quorum. The public members shall be persons of recognized
7 ability and experience in one or more of the following areas:
8 economic development, finance, banking, industrial
9 development, small business management, real estate
10 development, community development, venture finance, organized
11 labor or civic, community or neighborhood organization. The
12 Chairman of the Authority shall be elected by the Board
13 annually from the 6 members appointed by the county board
14 chairmen.

15 (c) The terms of all members of the Authority shall begin
16 30 days after the effective date of this Act. Of the 9 public
17 members appointed pursuant to this Act, 3 shall serve until the
18 third Monday in January 1992, 3 shall serve until the third
19 Monday in January 1993, and 3 shall serve until the third
20 Monday in January 1994. All successors shall be appointed by
21 the original appointing authority and hold office for a term of
22 3 years commencing the third Monday in January of the year in
23 which their term commences, except in case of an appointment to
24 fill a vacancy. Vacancies occurring among the public members
25 shall be filled for the remainder of the term. In case of
26 vacancy in a Governor-appointed membership when the Senate is
27 not in session, the Governor may make a temporary appointment
28 until the next meeting of the Senate when a person shall be
29 nominated to fill such office, and any person so nominated who
30 is confirmed by the Senate shall hold office during the
31 remainder of the term and until a successor shall be appointed
32 and qualified. Members of the Authority shall not be entitled
33 to compensation for their services as members but may be
34 reimbursed for all necessary expenses incurred in connection
35 with the performance of their duties as members.

36 (d) The Governor may remove any public member of the

1 Authority in case of incompetency, neglect of duty, or
2 malfeasance in office.

3 (e) The Board may appoint an Executive Director who shall
4 have a background in finance, including familiarity with the
5 legal and procedural requirements of issuing bonds, real estate
6 or economic development and administration. The Executive
7 Director shall hold office at the discretion of the Board. The
8 Executive Director shall be the chief administrative and
9 operational officer of the Authority, shall direct and
10 supervise its administrative affairs and general management,
11 shall perform such other duties as may be prescribed from time
12 to time by the members and shall receive compensation fixed by
13 the Authority. The Executive Director shall attend all meetings
14 of the Authority; however, no action of the Authority shall be
15 invalid on account of the absence of the Executive Director
16 from a meeting. The Authority may engage the services of such
17 other agents and employees, including attorneys, appraisers,
18 engineers, accountants, credit analysts and other consultants,
19 as it may deem advisable and may prescribe their duties and fix
20 their compensation.

21 (f) The Board may, by majority vote, nominate up to 4
22 non-voting members for appointment by the Governor. Non-voting
23 members shall be persons of recognized ability and experience
24 in one or more of the following areas: economic development,
25 finance, banking, industrial development, small business
26 management, real estate development, community development,
27 venture finance, organized labor or civic, community or
28 neighborhood organization. Non-voting members shall serve at
29 the pleasure of the Board. All non-voting members may attend
30 meetings of the Board and may be reimbursed as provided in
31 subsection (c).

32 (g) The Board shall create a task force to study and make
33 recommendations to the Board on the economic development of the
34 territory within the jurisdiction of this Act. The members of
35 the task force shall reside within the territorial jurisdiction
36 of this Act, shall serve at the pleasure of the Board and shall

1 be persons of recognized ability and experience in one or more
2 of the following areas: economic development, finance,
3 banking, industrial development, small business management,
4 real estate development, community development, venture
5 finance, organized labor or civic, community or neighborhood
6 organization. The number of members constituting the task force
7 shall be set by the Board and may vary from time to time. The
8 Board may set a specific date by which the task force is to
9 submit its final report and recommendations to the Board.

10 (Source: P.A. 86-1481; revised 12-6-03.)

11 Section 610. The Northeastern Illinois Planning Act is
12 amended by changing Sections 14, 35, 36, and 37 as follows:

13 (70 ILCS 1705/14) (from Ch. 85, par. 1114)

14 Sec. 14. All funds received for the use of the Commission
15 shall be deposited in the name of the Commission, by the
16 treasurer, in a depository approved by the Commission and shall
17 be withdrawn or paid out only by check or draft upon the
18 depository signed by any two of such Commissioners or Employees
19 of the Commission as may be designated for this purpose by the
20 Commission, provided further that funds appropriated to the
21 Commission by the General Assembly shall be expended in
22 accordance with a formal planning program and budget which has
23 been reviewed by the Department of Commerce and Economic
24 Opportunity ~~Community Affairs~~. All persons so designated shall
25 execute bonds with corporate sureties approved by the
26 Commission in the same manner and amount as required of the
27 treasurer.

28 In case any person whose signature appears upon any check
29 or draft, issued pursuant to this Act, ceases (after attaching
30 his signature) to hold his office before the delivery thereof
31 to the payee, his signature nevertheless shall be valid and
32 sufficient for all purposes with the same effect as if he had
33 remained in office until delivery thereof.

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

1 (70 ILCS 1705/35) (from Ch. 85, par. 1135)

2 Sec. 35. At the close of each fiscal year, the Commission
3 shall prepare a complete report of its receipts and
4 expenditures during the fiscal year, including such receipts
5 and expenditures as authorized by Section 36 of this Act. Such
6 report shall be prepared in detail, stating the particular
7 amount received or expended, the name of the person from whom
8 received or to whom expended, on what account, and for what
9 purpose or purposes. A copy of this report shall be filed with
10 the Governor, the Senate and the House of Representatives, and
11 with the treasurer of each county included in the Counties
12 Area. In addition, on or before December 31 of each even
13 numbered year, the Commission shall prepare a report of its
14 activities during the biennium indicating how its funds were
15 expended, indicating the amount of the appropriation requested
16 for the next biennium and explaining how the appropriation will
17 be utilized to carry out its responsibilities. A copy of this
18 report shall be filed with the Governor, the Senate and the
19 House of Representatives, and the Department of Commerce and
20 Economic Opportunity ~~Community Affairs~~.

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

22 (70 ILCS 1705/36) (from Ch. 85, par. 1136)

23 Sec. 36. The Commission may accept and expend, for purposes
24 consistent with the purposes of this Act, funds and money from
25 any source, including grants, bequests, gifts or contributions
26 made by a person, a unit of government, the State Government or
27 the Federal Government.

28 The Commission is authorized to enter into agreements with
29 any agency of the Federal government relating to grant-in-aid
30 under Section 701 of the "Housing Act of 1954", being Public
31 Law 560 of the Eighty-third Congress, approved August 2, 1954,
32 as heretofore or hereafter amended, or under any other Act of
33 Congress by which Federal funds may be made available for any
34 activity of the Commission authorized by this Act. Application

1 for federal planning grants submitted to the Federal Government
2 shall be reviewed by the Department of Commerce and Economic
3 Opportunity ~~Community Affairs~~.

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

5 (70 ILCS 1705/37) (from Ch. 85, par. 1137)

6 Sec. 37. The Commission created by this Act shall cooperate
7 with the Department of Commerce and Economic Opportunity
8 ~~Community Affairs~~, the units of government and with the plan
9 commissions and regional planning commissions created by any
10 unit of government and regional associations of municipalities
11 within the area of operation of the Commission and any such
12 plan commission, regional planning commission, regional
13 association of municipalities or unit of government may
14 furnish, sell or make available to the Commission created by
15 this Act any of its data, charts, maps, reports or regulations
16 relating to land use and development which the Commission may
17 request.

18 The Commission created by this Act may cooperate with any
19 planning agency of a sister State contiguous to the area of
20 operation of the Commission to the end that plans for the
21 development of urban areas in such sister State contiguous to
22 the Counties Area may be integrated and coordinated so far as
23 possible with the comprehensive plan and policies adopted by
24 the Commission.

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

26 Section 615. The Southwestern Illinois Metropolitan and
27 Regional Planning Act is amended by changing Sections 5, 14,
28 35, and 37 as follows:

29 (70 ILCS 1710/5) (from Ch. 85, par. 1155)

30 Sec. 5. The corporate authorities of the Southwestern
31 Illinois Metropolitan and Regional Planning Commission shall
32 consist of commissioners selected as follows:

33 Eight commissioners appointed by the Governor, at

1 least 4 of whom shall be elected officials of a unit of
2 government and at least 7 of whom shall be residents of the
3 Metropolitan and Regional Counties Area. No more than 4 of
4 the Governor's appointees shall be of the same political
5 party.

6 One member from among the Illinois Commissioners of the
7 Bi-State Development Agency, elected by said commissioners
8 of said Agency, provided that preference shall be given in
9 this appointment to the Chairman or Vice Chairman of said
10 Agency if either or both of those officers is an Illinois
11 resident.

12 The Chairman or presiding officer of each statutory
13 Port District existing or operating within the
14 Metropolitan and Regional Counties Area, or a member of the
15 governing board of each such Port District appointed by the
16 Chairman or presiding officer thereof to serve in his
17 stead.

18 The President of the Metro-East Sanitary District or a
19 member of the governing board of such District appointed by
20 the President thereto to serve in his stead.

21 Two members from each of the county boards of counties
22 within the Area of operation having a population of less
23 than 100,000, such members to be appointed by the chairman
24 or presiding officer of such counties and in such manner
25 that one of the 2 members so appointed is the chairman or
26 presiding officer of the relevant county board or an
27 elected member of such board appointed to serve in the
28 stead of such chairman or presiding officer.

29 Three members from each of the county boards of
30 counties within the Area of operation having a population
31 in excess of 100,000, such members to be appointed by the
32 chairman or presiding officer of such counties and in such
33 manner that one of the 3 members so appointed is the
34 chairman or presiding officer of the relevant county board
35 or an elected member of such board appointed to serve in
36 the stead of such chairman or presiding officer; provided,

1 further, that at least one member so appointed from each
2 county having a population in excess of 100,000 shall be a
3 resident in an area of such county outside any city,
4 village or incorporated town, and at least one member so
5 appointed from such counties shall be a resident of a city,
6 village or incorporated town of such county.

7 The Mayor or Village Board President from each city,
8 village or incorporated town in the Area of operation
9 having 4,500 or more inhabitants, or a member of the
10 Council or Village Board appointed by such Mayor or Board
11 President to serve in his stead.

12 One Mayor or Village Board President in each county
13 within the Area of operation from a city, village or
14 incorporated town having fewer than 4,500 inhabitants to be
15 selected by all Mayors or Village Board Presidents of such
16 cities, villages or incorporated towns in each such county.

17 Two members from each township-organized county in the
18 Area of operation who shall be township supervisors
19 appointed by the Chairman of the relevant county board in
20 such a manner that one of the 2 shall represent a township
21 having fewer than 4,500 inhabitants and one of the 2 shall
22 represent a township having more than 4,500 inhabitants,
23 provided that in the event no township in any such county
24 has in excess of 4,500 inhabitants the supervisor of the
25 township in such county which has the largest number of
26 inhabitants shall be one of the 2 members so appointed by
27 that county.

28 Two members from each commission-organized county in
29 the Area of operation who shall be elected officials of
30 either the county board or of a unit of government in such
31 county and who shall be appointed by the Chairman of the
32 County Board of such county.

33 The President of the Southwestern Illinois Council of
34 Mayors or a Mayor of a community within the Area of
35 operation appointed by such President to serve in his
36 stead.

1 One member from among the Illinois members of the
2 East-West Gateway Coordinating Council, elected by said
3 members of said council, provided preference shall be given
4 in this appointment to the Chairman or Vice Chairman of
5 said Council if either or both of those officers is an
6 Illinois resident.

7 Each selecting authority shall give notice of his, or her,
8 or its selections to each other selecting authority, to the
9 Executive Director of the Commission, and to the Secretary of
10 State. Selections or appointments to be made for the first time
11 pursuant to this amendatory Act of 1975 shall be made no later
12 than October 1, 1975 and notice given thereon by that date.

13 In addition to the commissioners provided for above, the
14 following shall also be commissioners selected or appointed and
15 notice thereon given as contemplated by the preceding
16 paragraph:

17 Two members from each county in the Area of operation
18 who shall be a chairman of a county planning commission, a
19 chairman of a municipal planning commission, or a county
20 engineer, such members to be appointed by the Chairman of
21 the County Board.

22 The regional superintendent of schools for each
23 educational service region located in whole or in part
24 within the Area of operation.

25 The President of Southern Illinois University at
26 Edwardsville or a person appointed by him to serve in his
27 stead.

28 The Director of Commerce and Economic Opportunity
29 ~~Community Affairs~~ or a person appointed by him to serve in
30 his stead.

31 The district highway engineer for the Illinois
32 Department of Transportation.

33 The Chairman of the Southwestern Illinois Council on
34 Economic Development composed of the Counties of Madison,
35 St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

36 One representative from each County within the Area of

1 operation who shall be other than an elected official and
2 who shall be appointed by the Chairman of each County
3 Board, provided that each representative so appointed
4 shall be from disadvantaged or minority groups within the
5 County's population.

6 Five Commissioners, appointed by the President of the
7 Commission, with the concurrence of the Executive
8 Committee, one to be selected from each of 5 civic,
9 fraternal, cultural or religious organizations which meet
10 all of the following criteria:

11 (1) has a written charter or constitution and
12 written bylaws;

13 (2) has filed or is eligible to file articles of
14 incorporation pursuant to the General Not for Profit
15 Corporation Act;

16 (3) has been in existence for at least 5 years; and

17 (4) is generally recognized as being substantially
18 representative of the minority population within the
19 Commission's area of operation.

20 The Commission shall develop a fair and reasonable
21 procedure for determining the organizations from which
22 appointments will be made.

23 Within 30 days after selection and before entering upon the
24 duties of his or her office, each commissioner shall take and
25 subscribe to the constitutional oath of office and file it with
26 the Secretary of State.

27 The Commission shall maintain a level of minority
28 membership equal to or greater than proportionate level of
29 minority population which exists within the area of the
30 Commission.

31 (Source: P.A. 87-217; revised 12-6-03.)

32 (70 ILCS 1710/14) (from Ch. 85, par. 1164)

33 Sec. 14. All funds received for the use of the Commission
34 shall be deposited in the name of the Commission by the
35 treasurer, in a depository approved by the Commission and shall

1 be withdrawn or paid out only by check or draft upon the
2 depository signed by any two of such Commissioners or employees
3 of the Commission as may be designated for this purpose by the
4 Commission, provided further that funds appropriated to the
5 Commission by the General Assembly shall not be expended except
6 in accordance with a formal planning program and budget which
7 has been reviewed and approved by the Department of Commerce
8 and Economic Opportunity ~~Community Affairs~~. All persons so
9 designated shall execute bonds with corporate sureties
10 approved by the Commission in the same manner and amount as
11 required of the treasurer, and in such amount as determined by
12 the Commission.

13 In case any person whose signature appears upon any check
14 or draft, issued pursuant to this Act, ceases (after attaching
15 his signature) to hold his office before the delivery thereof
16 to the payee, his signature nevertheless shall be valid and
17 sufficient for all purposes with the same effect as if he had
18 remained in office until delivery thereof.

19 (Source: P.A. 82-944; revised 12-6-03.)

20 (70 ILCS 1710/35) (from Ch. 85, par. 1185)

21 Sec. 35. At the close of each fiscal year, the Commission
22 shall prepare a complete report of its receipts and
23 expenditures during the fiscal year. A copy of this report
24 shall be filed with the Governor and with the treasurer of each
25 county included in the Metropolitan and Regional Counties Area.
26 In addition, on or before December 31 of each even numbered
27 year, the Commission shall prepare jointly with the Department
28 of Commerce and Economic Opportunity ~~Community Affairs~~, a
29 report of its activities during the biennium indicating how its
30 funds were expended, indicating the amount of the appropriation
31 requested for the next biennium and explaining how the
32 appropriation will be utilized to carry out its
33 responsibilities. A copy of this report shall be filed with the
34 Governor, the Senate and the House of Representatives.

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

1 (70 ILCS 1710/37) (from Ch. 85, par. 1187)

2 Sec. 37. The Commission created by this Act shall cooperate
3 with the Department of Commerce and Economic Opportunity
4 ~~Community Affairs~~, the units of government and with the plan
5 commissions and regional planning commissions created by any
6 unit of government and regional associations of municipalities
7 within the area of operation of the Commission and any such
8 plan commission, regional planning commission, regional
9 association of municipalities or unit of government may
10 furnish, sell or make available to the Commission created by
11 this Act any of its data, charts, maps, reports or regulations
12 relating to land use and development which the Commission may
13 request.

14 The Commission created by this Act may cooperate with any
15 planning agency in the State of Illinois, or with any planning
16 agency of a sister State contiguous to the area of operation of
17 the Commission to the end that plans for the development of
18 urban areas in such sister State contiguous to the Metropolitan
19 and Regional Counties Area may be integrated and coordinated so
20 far as possible with the comprehensive and functional plans and
21 policies adopted by the Commission.

22 (Source: P.A. 82-944; revised 12-6-03.)

23 Section 620. The Regional Transportation Authority Act is
24 amended by changing Section 4.04 as follows:

25 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

26 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

27 (a) The Authority shall have the continuing power to borrow
28 money and to issue its negotiable bonds or notes as provided in
29 this Section. Unless otherwise indicated in this Section, the
30 term "notes" also includes bond anticipation notes, which are
31 notes which by their terms provide for their payment from the
32 proceeds of bonds thereafter to be issued. Bonds or notes of
33 the Authority may be issued for any or all of the following

1 purposes: to pay costs to the Authority or a Service Board of
2 constructing or acquiring any public transportation facilities
3 (including funds and rights relating thereto, as provided in
4 Section 2.05 of this Act); to repay advances to the Authority
5 or a Service Board made for such purposes; to pay other
6 expenses of the Authority or a Service Board incident to or
7 incurred in connection with such construction or acquisition;
8 to provide funds for any transportation agency to pay principal
9 of or interest or redemption premium on any bonds or notes,
10 whether as such amounts become due or by earlier redemption,
11 issued prior to the date of this amendatory Act by such
12 transportation agency to construct or acquire public
13 transportation facilities or to provide funds to purchase such
14 bonds or notes; and to provide funds for any transportation
15 agency to construct or acquire any public transportation
16 facilities, to repay advances made for such purposes, and to
17 pay other expenses incident to or incurred in connection with
18 such construction or acquisition; and to provide funds for
19 payment of obligations, including the funding of reserves,
20 under any self-insurance plan or joint self-insurance pool or
21 entity.

22 In addition to any other borrowing as may be authorized by
23 this Section, the Authority may issue its notes, from time to
24 time, in anticipation of tax receipts of the Authority or of
25 other revenues or receipts of the Authority, in order to
26 provide money for the Authority or the Service Boards to cover
27 any cash flow deficit which the Authority or a Service Board
28 anticipates incurring. Any such notes are referred to in this
29 Section as "Working Cash Notes". No Working Cash Notes shall be
30 issued for a term of longer than 18 months. Proceeds of Working
31 Cash Notes may be used to pay day to day operating expenses of
32 the Authority or the Service Boards, consisting of wages,
33 salaries and fringe benefits, professional and technical
34 services (including legal, audit, engineering and other
35 consulting services), office rental, furniture, fixtures and
36 equipment, insurance premiums, claims for self-insured amounts

1 under insurance policies, public utility obligations for
2 telephone, light, heat and similar items, travel expenses,
3 office supplies, postage, dues, subscriptions, public hearings
4 and information expenses, fuel purchases, and payments of
5 grants and payments under purchase of service agreements for
6 operations of transportation agencies, prior to the receipt by
7 the Authority or a Service Board from time to time of funds for
8 paying such expenses. In addition to any Working Cash Notes
9 that the Board of the Authority may determine to issue, the
10 Suburban Bus Board, the Commuter Rail Board or the Board of the
11 Chicago Transit Authority may demand and direct that the
12 Authority issue its Working Cash Notes in such amounts and
13 having such maturities as the Service Board may determine.

14 Notwithstanding any other provision of this Act, any
15 amounts necessary to pay principal of and interest on any
16 Working Cash Notes issued at the demand and direction of a
17 Service Board or any Working Cash Notes the proceeds of which
18 were used for the direct benefit of a Service Board or any
19 other Bonds or Notes of the Authority the proceeds of which
20 were used for the direct benefit of a Service Board shall
21 constitute a reduction of the amount of any other funds
22 provided by the Authority to that Service Board. The Authority
23 shall, after deducting any costs of issuance, tender the net
24 proceeds of any Working Cash Notes issued at the demand and
25 direction of a Service Board to such Service Board as soon as
26 may be practicable after the proceeds are received. The
27 Authority may also issue notes or bonds to pay, refund or
28 redeem any of its notes and bonds, including to pay redemption
29 premiums or accrued interest on such bonds or notes being
30 renewed, paid or refunded, and other costs in connection
31 therewith. The Authority may also utilize the proceeds of any
32 such bonds or notes to pay the legal, financial, administrative
33 and other expenses of such authorization, issuance, sale or
34 delivery of bonds or notes or to provide or increase a debt
35 service reserve fund with respect to any or all of its bonds or
36 notes. The Authority may also issue and deliver its bonds or

1 notes in exchange for any public transportation facilities,
2 (including funds and rights relating thereto, as provided in
3 Section 2.05 of this Act) or in exchange for outstanding bonds
4 or notes of the Authority, including any accrued interest or
5 redemption premium thereon, without advertising or submitting
6 such notes or bonds for public bidding.

7 (b) The ordinance providing for the issuance of any such
8 bonds or notes shall fix the date or dates of maturity, the
9 dates on which interest is payable, any sinking fund account or
10 reserve fund account provisions and all other details of such
11 bonds or notes and may provide for such covenants or agreements
12 necessary or desirable with regard to the issue, sale and
13 security of such bonds or notes. The rate or rates of interest
14 on its bonds or notes may be fixed or variable and the
15 Authority shall determine or provide for the determination of
16 the rate or rates of interest of its bonds or notes issued
17 under this Act in an ordinance adopted by the Authority prior
18 to the issuance thereof, none of which rates of interest shall
19 exceed that permitted in the Bond Authorization Act. Interest
20 may be payable at such times as are provided for by the Board.
21 Bonds and notes issued under this Section may be issued as
22 serial or term obligations, shall be of such denomination or
23 denominations and form, including interest coupons to be
24 attached thereto, be executed in such manner, shall be payable
25 at such place or places and bear such date as the Authority
26 shall fix by the ordinance authorizing such bond or note and
27 shall mature at such time or times, within a period not to
28 exceed forty years from the date of issue, and may be
29 redeemable prior to maturity with or without premium, at the
30 option of the Authority, upon such terms and conditions as the
31 Authority shall fix by the ordinance authorizing the issuance
32 of such bonds or notes. No bond anticipation note or any
33 renewal thereof shall mature at any time or times exceeding 5
34 years from the date of the first issuance of such note. The
35 Authority may provide for the registration of bonds or notes in
36 the name of the owner as to the principal alone or as to both

1 principal and interest, upon such terms and conditions as the
2 Authority may determine. The ordinance authorizing bonds or
3 notes may provide for the exchange of such bonds or notes which
4 are fully registered, as to both principal and interest, with
5 bonds or notes which are registerable as to principal only. All
6 bonds or notes issued under this Section by the Authority other
7 than those issued in exchange for property or for bonds or
8 notes of the Authority shall be sold at a price which may be at
9 a premium or discount but such that the interest cost
10 (excluding any redemption premium) to the Authority of the
11 proceeds of an issue of such bonds or notes, computed to stated
12 maturity according to standard tables of bond values, shall not
13 exceed that permitted in the Bond Authorization Act. The
14 Authority shall notify the Governor's Office of Management and
15 Budget Bureau of the Budget and the State Comptroller at least
16 30 days before any bond sale and shall file with the Governor's
17 Office of Management and Budget Bureau of the Budget and the
18 State Comptroller a certified copy of any ordinance authorizing
19 the issuance of bonds at or before the issuance of the bonds.
20 After December 31, 1994, any such bonds or notes shall be sold
21 to the highest and best bidder on sealed bids as the Authority
22 shall deem. As such bonds or notes are to be sold the Authority
23 shall advertise for proposals to purchase the bonds or notes
24 which advertisement shall be published at least once in a daily
25 newspaper of general circulation published in the metropolitan
26 region at least 10 days before the time set for the submission
27 of bids. The Authority shall have the right to reject any or
28 all bids. Notwithstanding any other provisions of this Section,
29 Working Cash Notes or bonds or notes to provide funds for
30 self-insurance or a joint self-insurance pool or entity may be
31 sold either upon competitive bidding or by negotiated sale
32 (without any requirement of publication of intention to
33 negotiate the sale of such Notes), as the Board shall determine
34 by ordinance adopted with the affirmative votes of at least 7
35 Directors. In case any officer whose signature appears on any
36 bonds, notes or coupons authorized pursuant to this Section

1 shall cease to be such officer before delivery of such bonds or
2 notes, such signature shall nevertheless be valid and
3 sufficient for all purposes, the same as if such officer had
4 remained in office until such delivery. Neither the Directors
5 of the Authority nor any person executing any bonds or notes
6 thereof shall be liable personally on any such bonds or notes
7 or coupons by reason of the issuance thereof.

8 (c) All bonds or notes of the Authority issued pursuant to
9 this Section shall be general obligations of the Authority to
10 which shall be pledged the full faith and credit of the
11 Authority, as provided in this Section. Such bonds or notes
12 shall be secured as provided in the authorizing ordinance,
13 which may, notwithstanding any other provision of this Act,
14 include in addition to any other security, a specific pledge or
15 assignment of and lien on or security interest in any or all
16 tax receipts of the Authority and on any or all other revenues
17 or moneys of the Authority from whatever source, which may by
18 law be utilized for debt service purposes and a specific pledge
19 or assignment of and lien on or security interest in any funds
20 or accounts established or provided for by the ordinance of the
21 Authority authorizing the issuance of such bonds or notes. Any
22 such pledge, assignment, lien or security interest for the
23 benefit of holders of bonds or notes of the Authority shall be
24 valid and binding from the time the bonds or notes are issued
25 without any physical delivery or further act and shall be valid
26 and binding as against and prior to the claims of all other
27 parties having claims of any kind against the Authority or any
28 other person irrespective of whether such other parties have
29 notice of such pledge, assignment, lien or security interest.
30 The obligations of the Authority incurred pursuant to this
31 Section shall be superior to and have priority over any other
32 obligations of the Authority.

33 The Authority may provide in the ordinance authorizing the
34 issuance of any bonds or notes issued pursuant to this Section
35 for the creation of, deposits in, and regulation and
36 disposition of sinking fund or reserve accounts relating to

1 such bonds or notes. The ordinance authorizing the issuance of
2 any bonds or notes pursuant to this Section may contain
3 provisions as part of the contract with the holders of the
4 bonds or notes, for the creation of a separate fund to provide
5 for the payment of principal and interest on such bonds or
6 notes and for the deposit in such fund from any or all the tax
7 receipts of the Authority and from any or all such other moneys
8 or revenues of the Authority from whatever source which may by
9 law be utilized for debt service purposes, all as provided in
10 such ordinance, of amounts to meet the debt service
11 requirements on such bonds or notes, including principal and
12 interest, and any sinking fund or reserve fund account
13 requirements as may be provided by such ordinance, and all
14 expenses incident to or in connection with such fund and
15 accounts or the payment of such bonds or notes. Such ordinance
16 may also provide limitations on the issuance of additional
17 bonds or notes of the Authority. No such bonds or notes of the
18 Authority shall constitute a debt of the State of Illinois.
19 Nothing in this Act shall be construed to enable the Authority
20 to impose any ad valorem tax on property.

21 (d) The ordinance of the Authority authorizing the issuance
22 of any bonds or notes may provide additional security for such
23 bonds or notes by providing for appointment of a corporate
24 trustee (which may be any trust company or bank having the
25 powers of a trust company within the state) with respect to
26 such bonds or notes. The ordinance shall prescribe the rights,
27 duties and powers of the trustee to be exercised for the
28 benefit of the Authority and the protection of the holders of
29 such bonds or notes. The ordinance may provide for the trustee
30 to hold in trust, invest and use amounts in funds and accounts
31 created as provided by the ordinance with respect to the bonds
32 or notes. The ordinance may provide for the assignment and
33 direct payment to the trustee of any or all amounts produced
34 from the sources provided in Section 4.03 of this Act and
35 provided in Section 6z-17 of "An Act in relation to State
36 finance", approved June 10, 1919, as amended. Upon receipt of

1 notice of any such assignment, the Department of Revenue and
2 the Comptroller of the State of Illinois shall thereafter,
3 notwithstanding the provisions of Section 4.03 of this Act and
4 Section 6z-17 of "An Act in relation to State finance",
5 approved June 10, 1919, as amended, provide for such assigned
6 amounts to be paid directly to the trustee instead of the
7 Authority, all in accordance with the terms of the ordinance
8 making the assignment. The ordinance shall provide that amounts
9 so paid to the trustee which are not required to be deposited,
10 held or invested in funds and accounts created by the ordinance
11 with respect to bonds or notes or used for paying bonds or
12 notes to be paid by the trustee to the Authority.

13 (e) Any bonds or notes of the Authority issued pursuant to
14 this Section shall constitute a contract between the Authority
15 and the holders from time to time of such bonds or notes. In
16 issuing any bond or note, the Authority may include in the
17 ordinance authorizing such issue a covenant as part of the
18 contract with the holders of the bonds or notes, that as long
19 as such obligations are outstanding, it shall make such
20 deposits, as provided in paragraph (c) of this Section. It may
21 also so covenant that it shall impose and continue to impose
22 taxes, as provided in Section 4.03 of this Act and in addition
23 thereto as subsequently authorized by law, sufficient to make
24 such deposits and pay the principal and interest and to meet
25 other debt service requirements of such bonds or notes as they
26 become due. A certified copy of the ordinance authorizing the
27 issuance of any such obligations shall be filed at or prior to
28 the issuance of such obligations with the Comptroller of the
29 State of Illinois and the Illinois Department of Revenue.

30 (f) The State of Illinois pledges to and agrees with the
31 holders of the bonds and notes of the Authority issued pursuant
32 to this Section that the State will not limit or alter the
33 rights and powers vested in the Authority by this Act so as to
34 impair the terms of any contract made by the Authority with
35 such holders or in any way impair the rights and remedies of
36 such holders until such bonds and notes, together with interest

1 thereon, with interest on any unpaid installments of interest,
2 and all costs and expenses in connection with any action or
3 proceedings by or on behalf of such holders, are fully met and
4 discharged. In addition, the State pledges to and agrees with
5 the holders of the bonds and notes of the Authority issued
6 pursuant to this Section that the State will not limit or alter
7 the basis on which State funds are to be paid to the Authority
8 as provided in this Act, or the use of such funds, so as to
9 impair the terms of any such contract. The Authority is
10 authorized to include these pledges and agreements of the State
11 in any contract with the holders of bonds or notes issued
12 pursuant to this Section.

13 (g) (1) Except as provided in subdivisions (g)(2) and
14 (g)(3) of Section 4.04 of this Act, the Authority shall not
15 at any time issue, sell or deliver any bonds or notes
16 (other than Working Cash Notes) pursuant to this Section
17 4.04 which will cause it to have issued and outstanding at
18 any time in excess of \$800,000,000 of such bonds and notes
19 (other than Working Cash Notes). The Authority shall not at
20 any time issue, sell or deliver any Working Cash Notes
21 pursuant to this Section which will cause it to have issued
22 and outstanding at any time in excess of \$100,000,000 of
23 Working Cash Notes. Bonds or notes which are being paid or
24 retired by such issuance, sale or delivery of bonds or
25 notes, and bonds or notes for which sufficient funds have
26 been deposited with the paying agency of such bonds or
27 notes to provide for payment of principal and interest
28 thereon or to provide for the redemption thereof, all
29 pursuant to the ordinance authorizing the issuance of such
30 bonds or notes, shall not be considered to be outstanding
31 for the purposes of the first two sentences of this
32 subsection.

33 (2) In addition to the authority provided by paragraphs
34 (1) and (3), the Authority is authorized to issue, sell and
35 deliver bonds or notes for Strategic Capital Improvement
36 Projects approved pursuant to Section 4.13 as follows:

1 \$100,000,000 is authorized to be issued on or after
2 January 1, 1990;

3 an additional \$100,000,000 is authorized to be issued
4 on or after January 1, 1991;

5 an additional \$100,000,000 is authorized to be issued
6 on or after January 1, 1992;

7 an additional \$100,000,000 is authorized to be issued
8 on or after January 1, 1993;

9 an additional \$100,000,000 is authorized to be issued
10 on or after January 1, 1994; and

11 the aggregate total authorization of bonds and notes
12 for Strategic Capital Improvement Projects as of January 1,
13 1994, shall be \$500,000,000.

14 The Authority is also authorized to issue, sell, and
15 deliver bonds or notes in such amounts as are necessary to
16 provide for the refunding or advance refunding of bonds or
17 notes issued for Strategic Capital Improvement Projects
18 under this subdivision (g)(2), provided that no such
19 refunding bond or note shall mature later than the final
20 maturity date of the series of bonds or notes being
21 refunded, and provided further that the debt service
22 requirements for such refunding bonds or notes in the
23 current or any future fiscal year shall not exceed the debt
24 service requirements for that year on the refunded bonds or
25 notes.

26 (3) In addition to the authority provided by paragraphs
27 (1) and (2), the Authority is authorized to issue, sell,
28 and deliver bonds or notes for Strategic Capital
29 Improvement Projects approved pursuant to Section 4.13 as
30 follows:

31 \$260,000,000 is authorized to be issued on or after
32 January 1, 2000;

33 an additional \$260,000,000 is authorized to be issued
34 on or after January 1, 2001;

35 an additional \$260,000,000 is authorized to be issued
36 on or after January 1, 2002;

1 an additional \$260,000,000 is authorized to be issued
2 on or after January 1, 2003;

3 an additional \$260,000,000 is authorized to be issued
4 on or after January 1, 2004; and

5 the aggregate total authorization of bonds and notes
6 for Strategic Capital Improvement Projects pursuant to
7 this paragraph (3) as of January 1, 2004 shall be
8 \$1,300,000,000.

9 The Authority is also authorized to issue, sell, and
10 deliver bonds or notes in such amounts as are necessary to
11 provide for the refunding or advance refunding of bonds or
12 notes issued for Strategic Capital Improvement projects
13 under this subdivision (g)(3), provided that no such
14 refunding bond or note shall mature later than the final
15 maturity date of the series of bonds or notes being
16 refunded, and provided further that the debt service
17 requirements for such refunding bonds or notes in the
18 current or any future fiscal year shall not exceed the debt
19 service requirements for that year on the refunded bonds or
20 notes.

21 (h) The Authority, subject to the terms of any agreements
22 with noteholders or bond holders as may then exist, shall have
23 power, out of any funds available therefor, to purchase notes
24 or bonds of the Authority, which shall thereupon be cancelled.

25 (i) In addition to any other authority granted by law, the
26 State Treasurer may, with the approval of the Governor, invest
27 or reinvest, at a price not to exceed par, any State money in
28 the State Treasury which is not needed for current expenditures
29 due or about to become due in Working Cash Notes.

30 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; revised
31 8-23-03.)

32 Section 625. The School Code is amended by changing
33 Sections 2-3.92, 10-20.19c, and 34-18.15 as follows:

34 (105 ILCS 5/2-3.92) (from Ch. 122, par. 2-3.92)

1 Sec. 2-3.92. Recognition of drug-free schools and
2 communities. To create a Drug-Free Illinois, and maintain that
3 high standard, the State shall recognize those outstanding
4 schools, communities and businesses which are free of drugs.
5 The State Board of Education shall initiate and maintain an
6 annual Governor's Recognition Program for those premier
7 organizations meeting and exceeding stated criteria. The State
8 Board of Education, in consultation with the Department of
9 Commerce and Economic Opportunity ~~Community Affairs~~ and the
10 Department of Human Services, shall set criteria for
11 implementation of this program.

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

13 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

14 Sec. 10-20.19c. Recycled paper and paper products.

15 (a) Definitions. As used in this Section, the following
16 terms shall have the meanings indicated, unless the context
17 otherwise requires:

18 "Deinked stock" means paper that has been processed to
19 remove inks, clays, coatings, binders and other contaminants.

20 "High grade printing and writing papers" includes offset
21 printing paper, duplicator paper, writing paper (stationery),
22 tablet paper, office paper, note pads, xerographic paper,
23 envelopes, form bond including computer paper and carbonless
24 forms, book papers, bond papers, ledger paper, book stock and
25 cotton fiber papers.

26 "Paper and paper products" means high grade printing and
27 writing papers, tissue products, newsprint, unbleached
28 packaging and recycled paperboard.

29 "Postconsumer material" means only those products
30 generated by a business or consumer which have served their
31 intended end uses, and which have been separated or diverted
32 from solid waste; wastes generated during the production of an
33 end product are excluded.

34 "Recovered paper material" means paper waste generated
35 after the completion of the papermaking process, such as

1 postconsumer materials, envelope cuttings, bindery trimmings,
2 printing waste, cutting and other converting waste, butt rolls,
3 and mill wrappers, obsolete inventories, and rejected unused
4 stock. "Recovered paper material", however, does not include
5 fibrous waste generated during the manufacturing process such
6 as fibers recovered from waste water or trimmings of paper
7 machine rolls (mill broke), or fibrous byproducts of
8 harvesting, extraction or woodcutting processes, or forest
9 residues such as bark.

10 "Recycled paperboard" includes paperboard products,
11 folding cartons and pad backings.

12 "Tissue products" includes toilet tissue, paper towels,
13 paper napkins, facial tissue, paper doilies, industrial
14 wipers, paper bags and brown papers. These products shall also
15 be unscented and shall not be colored.

16 "Unbleached packaging" includes corrugated and fiber
17 storage boxes.

18 (b) Wherever economically and practically feasible, as
19 determined by the school board, the school board, all public
20 schools and attendance centers within a school district, and
21 their school supply stores shall procure recycled paper and
22 paper products as follows:

23 (1) Beginning July 1, 1992, at least 10% of the total
24 dollar value of paper and paper products purchased by
25 school boards, public schools and attendance centers, and
26 their school supply stores shall be recycled paper and
27 paper products;

28 (2) Beginning July 1, 1995, at least 25% of the total
29 dollar value of paper and paper products purchased by
30 school boards, public schools and attendance centers, and
31 their school supply stores shall be recycled paper and
32 paper products;

33 (3) Beginning July 1, 1999, at least 40% of the total
34 dollar value of paper and paper products purchased by
35 school boards, public schools and attendance centers, and
36 their school supply stores shall be recycled paper and

1 paper products;

2 (4) Beginning July 1, 2001, at least 50% of the total
3 dollar value of paper and paper products purchased by
4 school boards, public schools and attendance centers, and
5 their school supply stores shall be recycled paper and
6 paper products;

7 (5) Beginning upon the effective date of this
8 amendatory Act of 1992, all paper purchased by the board of
9 education, public schools and attendance centers for
10 publication of student newspapers shall be recycled
11 newsprint. The amount purchased shall not be included in
12 calculating the amounts specified in paragraphs (1)
13 through (4).

14 (c) Paper and paper products purchased from private sector
15 vendors pursuant to printing contracts are not considered paper
16 and paper products for the purposes of subsection (b), unless
17 purchased under contract for the printing of student
18 newspapers.

19 (d) (1) Wherever economically and practically feasible,
20 the recycled paper and paper products referred to in
21 subsection (b) shall contain postconsumer or recovered
22 paper materials as specified by paper category in this
23 subsection:

24 (i) Recycled high grade printing and writing paper
25 shall contain at least 50% recovered paper material.
26 Such recovered paper material, until July 1, 1994,
27 shall consist of at least 20% deinked stock or
28 postconsumer material; and beginning July 1, 1994,
29 shall consist of at least 25% deinked stock or
30 postconsumer material; and beginning July 1, 1996,
31 shall consist of at least 30% deinked stock or
32 postconsumer material; and beginning July 1, 1998,
33 shall consist of at least 40% deinked stock or
34 postconsumer material; and beginning July 1, 2000,
35 shall consist of at least 50% deinked stock or
36 postconsumer material.

1 (ii) Recycled tissue products, until July 1, 1994,
2 shall contain at least 25% postconsumer material; and
3 beginning July 1, 1994, shall contain at least 30%
4 postconsumer material; and beginning July 1, 1996,
5 shall contain at least 35% postconsumer material; and
6 beginning July 1, 1998, shall contain at least 40%
7 postconsumer material; and beginning July 1, 2000,
8 shall contain at least 45% postconsumer material.

9 (iii) Recycled newsprint, until July 1, 1994,
10 shall contain at least 40% postconsumer material; and
11 beginning July 1, 1994, shall contain at least 50%
12 postconsumer material; and beginning July 1, 1996,
13 shall contain at least 60% postconsumer material; and
14 beginning July 1, 1998, shall contain at least 70%
15 postconsumer material; and beginning July 1, 2000,
16 shall contain at least 80% postconsumer material.

17 (iv) Recycled unbleached packaging, until July 1,
18 1994, shall contain at least 35% postconsumer
19 material; and beginning July 1, 1994, shall contain at
20 least 40% postconsumer material; and beginning July 1,
21 1996, shall contain at least 45% postconsumer
22 material; and beginning July 1, 1998, shall contain at
23 least 50% postconsumer material; and beginning July 1,
24 2000, shall contain at least 55% postconsumer
25 material.

26 (v) Recycled paperboard, until July 1, 1994, shall
27 contain at least 80% postconsumer material; and
28 beginning July 1, 1994, shall contain at least 85%
29 postconsumer material; and beginning July 1, 1996,
30 shall contain at least 90% postconsumer material; and
31 beginning July 1, 1998, shall contain at least 95%
32 postconsumer material.

33 (2) For the purposes of this Section, "postconsumer
34 material" includes:

35 (i) paper, paperboard, and fibrous waste from
36 retail stores, office buildings, homes and so forth,

1 after the waste has passed through its end usage as a
2 consumer item, including used corrugated boxes, old
3 newspapers, mixed waste paper, tabulating cards, and
4 used cordage; and

5 (ii) all paper, paperboard, and fibrous wastes
6 that are diverted or separated from the municipal waste
7 stream.

8 (3) For the purposes of this Section, "recovered paper
9 material" includes:

10 (i) postconsumer material;

11 (ii) dry paper and paperboard waste generated
12 after completion of the papermaking process (that is,
13 those manufacturing operations up to and including the
14 cutting and trimming of the paper machine reel into
15 smaller rolls or rough sheets), including envelope
16 cuttings, bindery trimmings, and other paper and
17 paperboard waste resulting from printing, cutting,
18 forming and other converting operations, or from bag,
19 box and carton manufacturing, and butt rolls, mill
20 wrappers, and rejected unused stock; and

21 (iii) finished paper and paperboard from obsolete
22 inventories of paper and paperboard manufacturers,
23 merchants, wholesalers, dealers, printers, converters
24 or others.

25 (e) Nothing in this Section shall be deemed to apply to art
26 materials, nor to any newspapers, magazines, text books,
27 library books or other copyrighted publications which are
28 purchased or used by any school board or any public school or
29 attendance center within a school district, or which are sold
30 in any school supply store operated by or within any such
31 school or attendance center, other than newspapers written,
32 edited or produced by students enrolled in the school district,
33 public school or attendance center.

34 (f) The State Board of Education, in coordination with the
35 Departments of Central Management Services and Commerce and
36 Economic Opportunity ~~Community Affairs~~, may adopt such rules

1 and regulations as it deems necessary to assist districts in
2 carrying out the provisions of this Section.

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

4 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

5 Sec. 34-18.15. Recycled paper and paper products.

6 (a) Definitions. As used in this Section, the following
7 terms shall have the meanings indicated, unless the context
8 otherwise requires:

9 "Deinked stock" means paper that has been processed to
10 remove inks, clays, coatings, binders and other contaminants.

11 "High grade printing and writing papers" includes offset
12 printing paper, duplicator paper, writing paper (stationery),
13 tablet paper, office paper, note pads, xerographic paper,
14 envelopes, form bond including computer paper and carbonless
15 forms, book papers, bond papers, ledger paper, book stock and
16 cotton fiber papers.

17 "Paper and paper products" means high grade printing and
18 writing papers, tissue products, newsprint, unbleached
19 packaging and recycled paperboard.

20 "Postconsumer material" means only those products
21 generated by a business or consumer which have served their
22 intended end uses, and which have been separated or diverted
23 from solid waste; wastes generated during the production of an
24 end product are excluded.

25 "Recovered paper material" means paper waste generated
26 after the completion of the papermaking process, such as
27 postconsumer materials, envelope cuttings, bindery trimmings,
28 printing waste, cutting and other converting waste, butt rolls,
29 and mill wrappers, obsolete inventories, and rejected unused
30 stock. "Recovered paper material", however, does not include
31 fibrous waste generated during the manufacturing process as
32 fibers recovered from waste water or trimmings of paper machine
33 rolls (mill broke), or fibrous byproducts of harvesting,
34 extraction or woodcutting processes, or forest residues such as
35 bark.

1 "Recycled paperboard" includes paperboard products,
2 folding cartons and pad backings.

3 "Tissue products" includes toilet tissue, paper towels,
4 paper napkins, facial tissue, paper doilies, industrial
5 wipers, paper bags and brown papers. These products shall also
6 be unscented and shall not be colored.

7 "Unbleached packaging" includes corrugated and fiber
8 storage boxes.

9 (b) Wherever economically and practically feasible, as
10 determined by the board of education, the board of education,
11 all public schools and attendance centers within the school
12 district, and their school supply stores shall procure recycled
13 paper and paper products as follows:

14 (1) Beginning July 1, 1992, at least 10% of the total
15 dollar value of paper and paper products purchased by the
16 board of education, public schools and attendance centers,
17 and their school supply stores shall be recycled paper and
18 paper products;

19 (2) Beginning July 1, 1995, at least 25% of the total
20 dollar value of paper and paper products purchased by the
21 board of education, public schools and attendance centers,
22 and their school supply stores shall be recycled paper and
23 paper products;

24 (3) Beginning July 1, 1999, at least 40% of the total
25 dollar value of paper and paper products purchased by the
26 board of education, public schools and attendance centers,
27 and their school supply stores shall be recycled paper and
28 paper products;

29 (4) Beginning July 1, 2001, at least 50% of the total
30 dollar value of paper and paper products purchased by the
31 board of education, public schools and attendance centers,
32 and their school supply stores shall be recycled paper and
33 paper products;

34 (5) Beginning upon the effective date of this
35 amendatory Act of 1992, all paper purchased by the board of
36 education, public schools and attendance centers for

1 publication of student newspapers shall be recycled
2 newsprint. The amount purchased shall not be included in
3 calculating the amounts specified in paragraphs (1)
4 through (4).

5 (c) Paper and paper products purchased from private sector
6 vendors pursuant to printing contracts are not considered paper
7 and paper products for the purposes of subsection (b), unless
8 purchased under contract for the printing of student
9 newspapers.

10 (d) (1) Wherever economically and practically feasible, the
11 recycled paper and paper products referred to in subsection (b)
12 shall contain postconsumer or recovered paper materials as
13 specified by paper category in this subsection:

14 (i) Recycled high grade printing and writing paper
15 shall contain at least 50% recovered paper material. Such
16 recovered paper material, until July 1, 1994, shall consist
17 of at least 20% deinked stock or postconsumer material; and
18 beginning July 1, 1994, shall consist of at least 25%
19 deinked stock or postconsumer material; and beginning July
20 1, 1996, shall consist of at least 30% deinked stock or
21 postconsumer material; and beginning July 1, 1998, shall
22 consist of at least 40% deinked stock or postconsumer
23 material; and beginning July 1, 2000, shall consist of at
24 least 50% deinked stock or postconsumer material.

25 (ii) Recycled tissue products, until July 1, 1994,
26 shall contain at least 25% postconsumer material; and
27 beginning July 1, 1994, shall contain at least 30%
28 postconsumer material; and beginning July 1, 1996, shall
29 contain at least 35% postconsumer material; and beginning
30 July 1, 1998, shall contain at least 40% postconsumer
31 material; and beginning July 1, 2000, shall contain at
32 least 45% postconsumer material.

33 (iii) Recycled newsprint, until July 1, 1994, shall
34 contain at least 40% postconsumer material; and beginning
35 July 1, 1994, shall contain at least 50% postconsumer
36 material; and beginning July 1, 1996, shall contain at

1 least 60% postconsumer material; and beginning July 1,
2 1998, shall contain at least 70% postconsumer material; and
3 beginning July 1, 2000, shall contain at least 80%
4 postconsumer material.

5 (iv) Recycled unbleached packaging, until July 1,
6 1994, shall contain at least 35% postconsumer material; and
7 beginning July 1, 1994, shall contain at least 40%
8 postconsumer material; and beginning July 1, 1996, shall
9 contain at least 45% postconsumer material; and beginning
10 July 1, 1998, shall contain at least 50% postconsumer
11 material; and beginning July 1, 2000, shall contain at
12 least 55% postconsumer material.

13 (v) Recycled paperboard, until July 1, 1994, shall
14 contain at least 80% postconsumer material; and beginning
15 July 1, 1994, shall contain at least 85% postconsumer
16 material; and beginning July 1, 1996, shall contain at
17 least 90% postconsumer material; and beginning July 1,
18 1998, shall contain at least 95% postconsumer material.

19 (2) For the purposes of this Section, "postconsumer
20 material" includes:

21 (i) paper, paperboard, and fibrous waste from retail
22 stores, office buildings, homes and so forth, after the
23 waste has passed through its end usage as a consumer item,
24 including used corrugated boxes, old newspapers, mixed
25 waste paper, tabulating cards, and used cordage; and

26 (ii) all paper, paperboard, and fibrous wastes that are
27 diverted or separated from the municipal waste stream.

28 (3) For the purpose of this Section, "recovered paper
29 material" includes:

30 (i) postconsumer material;

31 (ii) dry paper and paperboard waste generated after
32 completion of the papermaking process (that is, those
33 manufacturing operations up to and including the cutting
34 and trimming of the paper machine reel into smaller rolls
35 or rough sheets), including envelope cuttings, bindery
36 trimmings, and other paper and paperboard waste resulting

1 from printing, cutting, forming and other converting
2 operations, or from bag, box and carton manufacturing, and
3 butt rolls, mill wrappers, and rejected unused stock; and

4 (iii) finished paper and paperboard from obsolete
5 inventories of paper and paperboard manufacturers,
6 merchants, wholesalers, dealers, printers, converters or
7 others.

8 (e) Nothing in this Section shall be deemed to apply to art
9 materials, nor to any newspapers, magazines, text books,
10 library books or other copyrighted publications which are
11 purchased or used by the board of education or any public
12 school or attendance center within the school district, or
13 which are sold in any school supply store operated by or within
14 any such school or attendance center, other than newspapers
15 written, edited or produced by students enrolled in the school
16 district, public school or attendance center.

17 (f) The State Board of Education, in coordination with the
18 Departments of Central Management Services and Commerce and
19 Economic Opportunity ~~Community Affairs~~, may adopt such rules
20 and regulations as it deems necessary to assist districts in
21 carrying out the provisions of this Section.

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

23 Section 630. The School District Educational Effectiveness
24 and Fiscal Efficiency Act is amended by changing Sections 3 and
25 5 as follows:

26 (105 ILCS 205/3) (from Ch. 122, par. 873)

27 Sec. 3. Awarding of grants.

28 Applications for grants shall be made annually to the
29 Office of the Superintendent of Public Instruction on forms
30 provided by that office. The Superintendent and the Director of
31 the Governor's Office of Management and Budget ~~Bureau of the~~
32 ~~Budget~~ shall select applicants to receive grants and shall,
33 insofar as possible, distribute grants to elementary,
34 secondary and unit districts of diverse size and representative

1 of every region of the State. Preference will be given to
2 districts that have committed or are planning to commit
3 additional local funds toward the development of such a system.

4 In determining the amount of each grant, the Superintendent
5 of Public Instruction and the Director of the Governor's Office
6 of Management and Budget ~~Bureau of the Budget~~ shall give
7 consideration to the size of the district and the extent to
8 which the district has previously instituted procedures
9 similar to those described in this Act.

10 (Source: P.A. 77-2191; revised 8-23-03.)

11 (105 ILCS 205/5) (from Ch. 122, par. 875)

12 Sec. 5. Rules and regulations. The Superintendent of Public
13 Instruction in consultation with the Director of the Governor's
14 Office of Management and Budget ~~Bureau of the Budget~~ shall
15 adopt such rules and regulations necessary to implement this
16 Act.

17 (Source: P.A. 77-2191; revised 8-23-03.)

18 Section 635. The Adult Education Reporting Act is amended
19 by changing Section 1 as follows:

20 (105 ILCS 410/1) (from Ch. 122, par. 1851)

21 Sec. 1. As used in this Act, "agency" means: the
22 Departments of Corrections, Public Aid, Commerce and Economic
23 Opportunity ~~Community Affairs~~, Human Services, and Public
24 Health; the Secretary of State; the Illinois Community College
25 Board; and the Administrative Office of the Illinois Courts. On
26 and after July 1, 2001, "agency" includes the State Board of
27 Education and does not include the Illinois Community College
28 Board.

29 (Source: P.A. 91-830, eff. 7-1-00; revised 12-6-03.)

30 Section 640. The Conservation Education Act is amended by
31 changing Section 3 as follows:

1 (105 ILCS 415/3) (from Ch. 122, par. 698.3)

2 Sec. 3. Advisory Board.

3 (a) An Advisory Board is hereby established consisting of
4 the Director of Agriculture, the Director of Natural Resources,
5 the Director of the Environmental Protection Agency, the State
6 Superintendent of Education, the Director of Commerce and
7 Economic Opportunity ~~Community Affairs~~, the Director of Public
8 Health, the Director of Nuclear Safety, the Director of the
9 University of Illinois Cooperative Extension Service, and 4
10 members to be appointed by the Governor. The appointed members
11 shall consist of: a representative of the colleges and
12 universities of the State of Illinois, a member of a soil
13 conservation district within the State of Illinois, a classroom
14 teacher who has won the Conservation Teacher of the Year Award,
15 and a representative of business and industry. All appointive
16 members shall be appointed for terms of 3 years except when an
17 appointment is made to fill a vacancy, in which case the
18 appointment shall be made by the Governor for the unexpired
19 term of the position vacant. In selecting the appointive
20 members of the Advisory Board, the Governor shall give due
21 consideration to the recommendations of such professional
22 organizations as are concerned with the conservation education
23 program. Members of the Advisory Board shall serve without
24 compensation but shall be reimbursed for actual and necessary
25 expenses incurred in the administration of the Act. Each of the
26 members serving ex officio may designate a person to serve in
27 his or her place.

28 (b) The Advisory Board shall select its own Chairman,
29 establish rules and procedures not inconsistent with this Act
30 and shall keep a record of matters transpiring at all meetings.
31 The Board shall hold regular meetings at least 4 times each
32 year and special meetings shall be held at the call of the
33 Chairman or any 3 members of the Board. All matters coming
34 before the Board shall be decided by a majority vote of those
35 present at any meeting.

36 (c) The Advisory Board from time to time shall make

1 recommendations concerning the conservation education program
2 within the State of Illinois.

3 (Source: P.A. 92-229, eff. 8-2-01; revised 12-6-03.)

4 Section 645. The Vocational Education Act is amended by
5 changing Section 2.1 as follows:

6 (105 ILCS 435/2.1) (from Ch. 122, par. 697.1)

7 Sec. 2.1. Gender Equity Advisory Committee.

8 (a) The Superintendent of the State Board of Education
9 shall appoint a Gender Equity Advisory Committee of at least 9
10 members to advise and consult with the State Board of Education
11 and the gender equity coordinator in all aspects relating to
12 ensuring that all students have equal educational
13 opportunities to pursue high wage, high skill occupations
14 leading to economic self-sufficiency.

15 (b) Membership shall include without limitation one
16 regional gender equity coordinator, 2 State Board of Education
17 employees, the Department of Labor's Displaced Homemaker
18 Program Manager, and 5 citizen appointees who have expertise in
19 one or more of the following areas: nontraditional training and
20 placement, service delivery to single parents, service
21 delivery to displaced homemakers, service delivery to female
22 teens, business and industry experience, and
23 Education-to-Careers experience. Membership also may include
24 employees from the Department of Commerce and Economic
25 Opportunity ~~Community Affairs~~, the Department of Human
26 Services, and the Illinois Community College Board who have
27 expertise in one or more of the areas listed in this subsection
28 (b) for the citizen appointees. Appointments shall be made
29 taking into consideration expertise of services provided in
30 secondary, postsecondary and community based programs.

31 (c) Members shall initially be appointed to one year terms
32 commencing in January 1, 1990, and thereafter to two year terms
33 commencing on January 1 of each odd numbered year. Vacancies
34 shall be filled as prescribed in subsection (b) for the

1 remainder of the unexpired term.

2 (d) Each newly appointed committee shall elect a Chair and
3 Secretary from its members. Members shall serve without
4 compensation, but shall be reimbursed for expenses incurred in
5 the performance of their duties. The Committee shall meet at
6 least bi-annually and at other times at the call of the Chair
7 or at the request of the gender equity coordinator.

8 (Source: P.A. 91-304, eff. 1-1-00; revised 12-6-03.)

9 Section 650. The Board of Higher Education Act is amended
10 by changing Sections 9.12 and 9.25 as follows:

11 (110 ILCS 205/9.12) (from Ch. 144, par. 189.12)

12 Sec. 9.12. To encourage the coordination of research and
13 service programs in the several State universities to furnish
14 assistance to the communities and citizens of this State in
15 meeting special economic needs arising from the removal or
16 termination of substantial industrial or commercial operations
17 and the waste of human and economic resources which often
18 results from such removal.

19 Such programs may include assistance in identifying
20 opportunities for the replacement of the lost operations, in
21 determining the economic feasibility of the various
22 opportunities available, and in the development of new products
23 or services suitable for production in the particular facility
24 made available by the relocation.

25 The Department of Commerce and Economic Opportunity
26 ~~Community Affairs~~ may assist the universities by providing,
27 with the assistance of the Board, a system for referring
28 particular economic problems to the most appropriate research
29 and service program.

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

31 (110 ILCS 205/9.25)

32 Sec. 9.25. Feasibility study; Parks College. The
33 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~ along with the Board of Higher Education shall conduct
2 an economic and educational feasibility study for the future
3 development of Parks College in Cahokia, Illinois.

4 (Source: P.A. 89-279, eff. 1-1-96; 89-626, eff. 8-9-96; revised
5 12-6-03.)

6 Section 655. The Southern Illinois University Management
7 Act is amended by changing Section 6.6 as follows:

8 (110 ILCS 520/6.6)

9 Sec. 6.6. The Illinois Ethanol Research Advisory Board.

10 (a) There is established the Illinois Ethanol Research
11 Advisory Board (the "Advisory Board").

12 (b) The Advisory Board shall be composed of 13 members
13 including: the President of Southern Illinois University who
14 shall be Chairman; the Director of Commerce and Economic
15 Opportunity ~~Community Affairs~~; the Director of Agriculture;
16 the President of the Illinois Corn Growers Association; the
17 President of the National Corn Growers Association; the
18 President of the Renewable Fuels Association; the Dean of the
19 College of Agricultural, Consumer, and Environmental Science,
20 University of Illinois at Champaign-Urbana; and 6 at-large
21 members appointed by the Governor representing the ethanol
22 industry, growers, suppliers, and universities.

23 (c) The 6 at-large members shall serve a term of 4 years.
24 The Advisory Board shall meet at least annually or at the call
25 of the Chairman. At any time a majority of the Advisory Board
26 may petition the Chairman for a meeting of the Board. Seven
27 members of the Advisory Board shall constitute a quorum.

28 (d) The Advisory Board shall:

29 (1) Review the annual operating plans and budget of the
30 National Corn-to-Ethanol Research Pilot Plant.

31 (2) Advise on research and development priorities and
32 projects to be carried out at the Corn-to-Ethanol Research
33 Pilot Plant.

34 (3) Advise on policies and procedures regarding the

1 management and operation of the ethanol research pilot
2 plant. This may include contracts, project selection, and
3 personnel issues.

4 (4) Develop bylaws.

5 (5) Submit a final report to the Governor and General
6 Assembly outlining the progress and accomplishments made
7 during the year along with a financial report for the year.

8 (e) The Advisory Board established by this Section is a
9 continuation, as changed by the Section, of the Board
10 established under Section 8a of the Energy Conservation and
11 Coal Act and repealed by this amendatory Act of the 92nd
12 General Assembly.

13 (Source: P.A. 92-736, eff. 7-25-02; revised 12-6-03.)

14 Section 660. The Illinois State University Law is amended
15 by changing Section 20-115 as follows:

16 (110 ILCS 675/20-115)

17 Sec. 20-115. Illinois Institute for Entrepreneurship
18 Education.

19 (a) There is created, effective July 1, 1997, within the
20 State at Illinois State University, the Illinois Institute for
21 Entrepreneurship Education, hereinafter referred to as the
22 Institute.

23 (b) The Institute created under this Section shall commence
24 its operations on July 1, 1997 and shall have a board composed
25 of 15 members representative of education, commerce and
26 industry, government, or labor, appointed as follows: 2 members
27 shall be appointees of the Governor, one of whom shall be a
28 minority or female person as defined in Section 2 of the
29 Business Enterprise for Minorities, Females, and Persons with
30 Disabilities Act; one member shall be an appointee of the
31 President of the Senate; one member shall be an appointee of
32 the Minority Leader of the Senate; one member shall be an
33 appointee of the Speaker of the House of Representatives; one
34 member shall be an appointee of the Minority Leader of the

1 House of Representatives; 2 members shall be appointees of
2 Illinois State University; one member shall be an appointee of
3 the Board of Higher Education; one member shall be an appointee
4 of the State Board of Education; one member shall be an
5 appointee of the Department of Commerce and Economic
6 Opportunity ~~Community Affairs~~; one member shall be an appointee
7 of the Illinois chapter of Economics America; and 3 members
8 shall be appointed by majority vote of the other 12 appointed
9 members to represent business owner-entrepreneurs. Each member
10 shall have expertise and experience in the area of
11 entrepreneurship education, including small business and
12 entrepreneurship. The majority of voting members must be from
13 the private sector. The members initially appointed to the
14 board of the Institute created under this Section shall be
15 appointed to take office on July 1, 1997 and shall by lot
16 determine the length of their respective terms as follows: 5
17 members shall be selected by lot to serve terms of one year, 5
18 members shall be selected by lot to serve terms of 2 years, and
19 5 members shall be selected by lot to serve terms of 3 years.
20 Subsequent appointees shall each serve terms of 3 years. The
21 board shall annually select a chairperson from among its
22 members. Each board member shall serve without compensation but
23 shall be reimbursed for expenses incurred in the performance of
24 his or her duties.

25 (c) The purpose of the Institute shall be to foster the
26 growth and development of entrepreneurship education in the
27 State of Illinois. The Institute shall help remedy the
28 deficiencies in the preparation of entrepreneurship education
29 teachers, increase the quality and quantity of
30 entrepreneurship education programs, improve instructional
31 materials, and prepare personnel to serve as leaders and
32 consultants in the field of entrepreneurship education and
33 economic development. The Institute shall promote
34 entrepreneurship as a career option, promote and support the
35 development of innovative entrepreneurship education materials
36 and delivery systems, promote business, industry, and

1 education partnerships, promote collaboration and involvement
2 in entrepreneurship education programs, encourage and support
3 in-service and preservice teacher education programs within
4 various educational systems, and develop and distribute
5 relevant materials. The Institute shall provide a framework
6 under which the public and private sectors may work together
7 toward entrepreneurship education goals. These goals shall be
8 achieved by bringing together programs that have an impact on
9 entrepreneurship education to achieve coordination among
10 agencies and greater efficiency in the expenditure of funds.

11 (d) Beginning July 1, 1997, the Institute shall have the
12 following powers subject to State and Illinois State University
13 Board of Trustees regulations and guidelines:

14 (1) To employ and determine the compensation of an
15 executive director and such staff as it deems necessary;

16 (2) To own property and expend and receive funds and
17 generate funds;

18 (3) To enter into agreements with public and private
19 entities in the furtherance of its purpose; and

20 (4) To request and receive the cooperation and
21 assistance of all State departments and agencies in the
22 furtherance of its purpose.

23 (e) The board of the Institute shall be a policy making
24 body with the responsibility for planning and developing
25 Institute programs. The Institute, through the Board of
26 Trustees of Illinois State University, shall annually report to
27 the Governor and General Assembly by January 31 as to its
28 activities and operations, including its findings and
29 recommendations.

30 (f) Beginning on July 1, 1997, the Institute created under
31 this Section shall be deemed designated by law as the successor
32 to the Illinois Institute for Entrepreneurship Education,
33 previously created and existing under Section 2-11.5 of the
34 Public Community College Act until its abolition on July 1,
35 1997 as provided in that Section. On July 1, 1997, all
36 financial and other records of the Institute so abolished and

1 all of its property, whether real or personal, including but
2 not limited to all inventory and equipment, shall be deemed
3 transferred by operation of law to the Illinois Institute for
4 Entrepreneurship Education created under this Section 20-115.
5 The Illinois Institute for Entrepreneurship Education created
6 under this Section 20-115 shall have, with respect to the
7 predecessor Institute so abolished, all authority, powers, and
8 duties of a successor agency under Section 10-15 of the
9 Successor Agency Act.

10 (Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

11 Section 665. The Baccalaureate Savings Act is amended by
12 changing Sections 4, 5, and 8 as follows:

13 (110 ILCS 920/4) (from Ch. 144, par. 2404)

14 Sec. 4. Issuance and Sale of College Savings Bonds. In
15 order to provide investors with investment alternatives to
16 enhance their financial access to Institutions of Higher
17 Education located in the State of Illinois, and in furtherance
18 of the public policy of this Act, bonds authorized by the
19 provisions of the General Obligation Bond Act, in a total
20 aggregate original principal amount not to exceed
21 \$2,200,000,000 may be issued and sold from time to time, and as
22 often as practicable, as College Savings Bonds in such amounts
23 as directed by the Governor, upon recommendation by the
24 Director of the Governor's Office of Management and Budget
25 ~~Bureau of the Budget~~. Bonds to be issued and sold as College
26 Savings Bonds shall be designated by the Governor and the
27 Director of the Governor's Office of Management and Budget
28 ~~Bureau of the Budget~~ as "General Obligation College Savings
29 Bonds" in the proceedings authorizing the issuance of such
30 Bonds, and shall be subject to all of the terms and provisions
31 of the General Obligation Bond Act, except that College Savings
32 Bonds may bear interest payable at such time or times and may
33 be sold at such prices and in such manner as may be determined
34 by the Governor and the Director of the Governor's Office of

1 Management and Budget ~~Bureau of the Budget~~ and except as
2 otherwise provided in this Act. If College Savings Bonds are
3 sold at public sale, the public sale procedures shall be as set
4 forth in Section 11 of the General Obligation Bond Act. College
5 Savings Bonds may be sold at negotiated sale if the Director of
6 the Governor's Office of Management and Budget ~~Bureau of the~~
7 ~~Budget~~ determines that a negotiated sale will result in either
8 a more efficient and economic sale of such Bonds or greater
9 access to such Bonds by investors who are residents of the
10 State of Illinois. If any College Savings Bonds are sold at a
11 negotiated sale, the underwriter or underwriters to which such
12 Bonds are sold shall (a) be organized, incorporated or have
13 their principal place of business in the State of Illinois, or
14 (b) in the judgment of the Director of the Governor's Office of
15 Management and Budget ~~Bureau of the Budget~~, have sufficient
16 capability to make a broad distribution of such Bonds to
17 investors resident in the State of Illinois. In determining the
18 aggregate principal amount of College Savings Bonds that has
19 been issued pursuant to this Act, the aggregate original
20 principal amount of such Bonds issued and sold shall be taken
21 into account. Any bond issued under this Act shall be payable
22 in one payment on a fixed date, unless the Governor and the
23 Director of the Governor's Office of Management and Budget
24 ~~Bureau of the Budget~~ determine otherwise.

25 (Source: P.A. 90-1, eff. 2-20-97; 91-53, eff. 6-30-99; revised
26 8-23-03.)

27 (110 ILCS 920/5) (from Ch. 144, par. 2405)

28 Sec. 5. Security of College Savings Bonds. Any College
29 Savings Bonds issued under the General Obligation Bond Act in
30 accordance with this Act shall be direct, general obligations
31 of the State of Illinois and subject to repayment as provided
32 in the General Obligation Bond Act; however in the proceedings
33 of the Governor and the Director of the Governor's Office of
34 Management and Budget ~~Bureau of the Budget~~ authorizing the
35 issuance of College Savings Bonds, such officials may covenant

1 on behalf of the State with or for the benefit of the holders
2 of such Bonds as to all matters deemed advisable by such
3 officials, including the terms and conditions for creating and
4 maintaining sinking funds, reserve funds and such other special
5 funds as may be created in such proceedings, separate and apart
6 from all other funds and accounts of the State, and such
7 officials may make such other covenants as may be deemed
8 necessary or desirable to assure the prompt payment of the
9 principal of and interest on such Bonds. The transfers to and
10 appropriations from the General Obligation Bond Retirement and
11 Interest Fund required by the General Obligation Bond Act shall
12 be made at such times and in such amounts as shall be
13 determined by the Governor and the Director of the Governor's
14 Office of Management and Budget ~~Bureau of the Budget~~ and shall
15 be made to and from any fund or funds created pursuant to this
16 Section for the payment of the principal of and interest on any
17 College Savings Bonds.

18 (Source: P.A. 87-144; revised 8-23-03.)

19 (110 ILCS 920/8) (from Ch. 144, par. 2408)

20 Sec. 8. Grant Program. The proceedings of the Governor and
21 the Director of the Governor's Office of Management and Budget
22 ~~Bureau of the Budget~~ authorizing the issuance of College
23 Savings Bonds shall also provide for a grant program of
24 additional financial incentives to be provided to holders of
25 such Bonds to encourage the enrollment of students at
26 Institutions of Higher Education located in the State of
27 Illinois. The Grant Program of financial incentives shall be
28 administered by the State Scholarship Commission pursuant to
29 administrative rules promulgated by the Commission. Such
30 financial incentives shall be in such forms as determined by
31 the Governor and the Director of the Governor's Office of
32 Management and Budget ~~Bureau of the Budget~~ at the time of the
33 authorization of such College Savings Bonds and may include,
34 among others, supplemental payments to the holders of such
35 Bonds at maturity to be applied to tuition costs at

1 institutions of higher education located in the State of
2 Illinois. The Commission may establish, by rule,
3 administrative procedures and eligibility criteria for the
4 Grant Program, provided such rules are consistent with the
5 purposes of this Act. The Commission may require bond holders,
6 institutions of higher education and other necessary parties to
7 assist in the determination of eligibility for financial
8 incentives under the Grant Program. All grants shall be subject
9 to annual appropriation of funds for such purpose by the
10 General Assembly. Such financial incentives shall be provided
11 only if, in the sole judgment of the Director of the Governor's
12 Office of Management and Budget ~~Bureau of the Budget~~, the cost
13 of such incentives shall not cause the cost to the State of the
14 proceeds of the College Savings Bonds being sold to be
15 increased by more than 1/2 of 1%. No such financial incentives
16 shall be paid to assist in the financing of the education of a
17 student (i) in a school or department of divinity for any
18 religious denomination or (ii) pursuing a course of study
19 consisting of training to become a minister, priest, rabbi or
20 other professional person in the field of religion.

21 (Source: P.A. 86-168; revised 8-23-03.)

22 Section 670. The Higher Education Student Assistance Act is
23 amended by changing Section 75 as follows:

24 (110 ILCS 947/75)

25 Sec. 75. College savings programs.

26 (a) Purpose. The General Assembly finds and hereby declares
27 that for the benefit of the people of the State of Illinois,
28 the conduct and increase of their commerce, the protection and
29 enhancement of their welfare, the development of continued
30 prosperity and the improvement of their health and living
31 conditions, it is essential that all citizens with the
32 intellectual ability and motivation be able to obtain a higher
33 education. The General Assembly further finds that rising
34 tuition costs, increasingly restrictive eligibility criteria

1 for existing federal and State student aid programs and other
2 trends in higher education finance have impeded access to a
3 higher education for many middle-income families; and that to
4 remedy these concerns, it is of utmost importance that families
5 be provided with investment alternatives to enhance their
6 financial access to institutions of higher education. It is the
7 intent of this Section to establish College Savings Programs
8 appropriate for families from various income groups, to
9 encourage Illinois families to save and invest in anticipation
10 of their children's education, and to encourage enrollment in
11 institutions of higher education, all in execution of the
12 public policy set forth above and elsewhere in this Act.

13 (b) The Commission is authorized to develop and provide a
14 program of college savings instruments to Illinois citizens.
15 The program shall be structured to encourage parents to plan
16 ahead for the college education of their children and to permit
17 the long-term accumulation of savings which can be used to
18 finance the family's share of the cost of a higher education.
19 Income, up to \$2,000 annually per account, which is derived by
20 individuals from investments made in accordance with College
21 Savings Programs established under this Section shall be free
22 from all taxation by the State and its political subdivisions,
23 except for estate, transfer, and inheritance taxes.

24 (c) The Commission is authorized to contract with private
25 financial institutions and other businesses, individuals, and
26 other appropriate parties to establish and operate the College
27 Savings Programs. The Commission may negotiate contracts with
28 private financial and investment companies, establish College
29 Savings Programs, and monitor the vendors administering the
30 programs in whichever manner the Commission determines is best
31 suited to accomplish the purposes of this Section. The Auditor
32 General shall periodically review the operation of the College
33 Savings Programs and shall advise the Commission and the
34 General Assembly of his findings.

35 (d) In determining the type of instruments to be offered,
36 the Commission shall consult with, and receive the assistance

1 of, the Illinois Board of Higher Education, the Governor's
2 Office of Management and Budget ~~Bureau of the Budget~~, the State
3 Board of Investments, the Governor, and other appropriate State
4 agencies and private parties.

5 (e) The Commission shall market and promote the College
6 Savings Programs to the citizens of Illinois.

7 (f) The Commission shall assist the State Comptroller and
8 State Treasurer in establishing a payroll deduction plan
9 through which State employees may participate in the College
10 Savings Programs. The Department of Labor, Department of
11 Employment Security, Department of Revenue, and other
12 appropriate agencies shall assist the Commission in educating
13 Illinois employers about the College Savings Programs, and
14 shall assist the Commission in securing employers'
15 participation in a payroll deduction plan and other initiatives
16 which maximize participation in the College Savings Programs.

17 (g) The Commission shall examine means by which the State,
18 through a series of matching contributions or other incentives,
19 may most effectively encourage Illinois families to
20 participate in the College Savings Programs. The Commission
21 shall report its conclusions and recommendations to the
22 Governor and General Assembly no later than February 15, 1990.

23 (h) The College Savings Programs established pursuant to
24 this Section shall not be subject to the provisions of the
25 Illinois Administrative Procedure Act. The Commission shall
26 provide that appropriate disclosures are provided to all
27 citizens who participate in the College Savings Programs.

28 (Source: P.A. 87-997; revised 8-23-03.)

29 Section 675. The Illinois Prepaid Tuition Act is amended by
30 changing Section 20 as follows:

31 (110 ILCS 979/20)

32 Sec. 20. Investment Advisory Panel. The Illinois prepaid
33 tuition program shall be administered by the Illinois Student
34 Assistance Commission, with advice and counsel from an

1 investment advisory panel appointed by the Commission. The
2 Illinois prepaid tuition program shall be administratively
3 housed within the Commission, and the investment advisory panel
4 shall have such duties as are specified in this Act.

5 The investment advisory panel shall consist of 7 members
6 who are appointed by the Commission, including one recommended
7 by the State Treasurer, one recommended by the State
8 Comptroller, one recommended by the Director of the Governor's
9 Office of Management and Budget ~~Bureau of the Budget~~, and one
10 recommended by the Executive Director of the Board of Higher
11 Education. Each panel member shall possess knowledge, skill,
12 and experience in at least one of the following areas of
13 expertise: accounting, actuarial practice, risk management, or
14 investment management. Members shall serve 3-year terms except
15 that, in making the initial appointments, the Commission shall
16 appoint 2 members to serve for 2 years, 2 members to serve for
17 3 years, and 3 members to serve for 4 years. Any person
18 appointed to fill a vacancy on the panel shall be appointed in
19 a like manner and shall serve for only the unexpired term.
20 Investment advisory panel members shall be eligible for
21 reappointment and shall serve until a successor is appointed
22 and confirmed. Panel members shall serve without compensation
23 but shall be reimbursed for expenses. Before being installed as
24 a member of the investment advisory panel, each nominee shall
25 file verified written statements of economic interest with the
26 Secretary of State as required by the Illinois Governmental
27 Ethics Act and with the Board of Ethics as required by
28 Executive Order of the Governor.

29 The investment advisory panel shall meet at least twice
30 annually. At least once each year the Commission Chairman shall
31 designate a time and place at which the investment advisory
32 panel shall meet publicly with the Illinois Student Assistance
33 Commission to discuss issues and concerns relating to the
34 Illinois prepaid tuition program.

35 (Source: P.A. 90-546, eff. 12-1-97; 91-669, eff. 1-1-00;
36 revised 8-23-03.)

1 Section 680. The Public Utilities Act is amended by
2 changing Sections 9-222.1, 9-222.1A, 13-301.1, 13-301.2,
3 15-401, and 16-111.1 as follows:

4 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

5 Sec. 9-222.1. A business enterprise which is located within
6 an area designated by a county or municipality as an enterprise
7 zone pursuant to the Illinois Enterprise Zone Act or located in
8 a federally designated Foreign Trade Zone or Sub-Zone shall be
9 exempt from the additional charges added to the business
10 enterprise's utility bills as a pass-on of municipal and State
11 utility taxes under Sections 9-221 and 9-222 of this Act, to
12 the extent such charges are exempted by ordinance adopted in
13 accordance with paragraph (e) of Section 8-11-2 of the Illinois
14 Municipal Code in the case of municipal utility taxes, and to
15 the extent such charges are exempted by the percentage
16 specified by the Department of Commerce and Economic
17 Opportunity ~~Community Affairs~~ in the case of State utility
18 taxes, provided such business enterprise meets the following
19 criteria:

20 (1) it either (i) makes investments which cause the
21 creation of a minimum of 200 full-time equivalent jobs in
22 Illinois; (ii) makes investments of at least \$175,000,000
23 which cause the creation of a minimum of 150 full-time
24 equivalent jobs in Illinois; or (iii) makes investments
25 which cause the retention of a minimum of 1,000 full-time
26 jobs in Illinois; and

27 (2) it is either (i) located in an Enterprise Zone
28 established pursuant to the Illinois Enterprise Zone Act or
29 (ii) it is located in a federally designated Foreign Trade
30 Zone or Sub-Zone and is designated a High Impact Business
31 by the Department of Commerce and Economic Opportunity
32 ~~Community Affairs~~; and

33 (3) it is certified by the Department of Commerce and
34 Economic Opportunity ~~Community Affairs~~ as complying with

1 the requirements specified in clauses (1) and (2) of this
2 Section.

3 The Department of Commerce and Economic Opportunity
4 ~~Community Affairs~~ shall determine the period during which such
5 exemption from the charges imposed under Section 9-222 is in
6 effect which shall not exceed 30 years or the certified term of
7 the enterprise zone, whichever period is shorter.

8 The Department of Commerce and Economic Opportunity
9 ~~Community Affairs~~ shall have the power to promulgate rules and
10 regulations to carry out the provisions of this Section
11 including procedures for complying with the requirements
12 specified in clauses (1) and (2) of this Section and procedures
13 for applying for the exemptions authorized under this Section;
14 to define the amounts and types of eligible investments which
15 business enterprises must make in order to receive State
16 utility tax exemptions pursuant to Sections 9-222 and 9-222.1
17 of this Act; to approve such utility tax exemptions for
18 business enterprises whose investments are not yet placed in
19 service; and to require that business enterprises granted tax
20 exemptions repay the exempted tax should the business
21 enterprise fail to comply with the terms and conditions of the
22 certification. However, no business enterprise shall be
23 required, as a condition for certification under clause (3) of
24 this Section, to attest that its decision to invest under
25 clause (1) of this Section and to locate under clause (2) of
26 this Section is predicated upon the availability of the
27 exemptions authorized by this Section.

28 A business enterprise shall be exempt, in whole or in part,
29 from the pass-on charges of municipal utility taxes imposed
30 under Section 9-221, only if it meets the criteria specified in
31 clauses (1) through (3) of this Section and the municipality
32 has adopted an ordinance authorizing the exemption under
33 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.
34 Upon certification of the business enterprises by the
35 Department of Commerce and Economic Opportunity ~~Community~~
36 ~~Affairs~~, the Department of Commerce and Economic Opportunity

1 ~~Community Affairs~~ shall notify the Department of Revenue of
2 such certification. The Department of Revenue shall notify the
3 public utilities of the exemption status of business
4 enterprises from the pass-on charges of State and municipal
5 utility taxes. Such exemption status shall be effective within
6 3 months after certification of the business enterprise.

7 (Source: P.A. 91-567, eff. 8-14-99; 92-777, eff. 1-1-03;
8 revised 12-6-03.)

9 (220 ILCS 5/9-222.1A)

10 Sec. 9-222.1A. High impact business. Beginning on August 1,
11 1998 and thereafter, a business enterprise that is certified as
12 a High Impact Business by the Department of Commerce and
13 Economic Opportunity (formerly Department of Commerce and
14 Community Affairs) is exempt from the tax imposed by Section
15 2-4 of the Electricity Excise Tax Law, if the High Impact
16 Business is registered to self-assess that tax, and is exempt
17 from any additional charges added to the business enterprise's
18 utility bills as a pass-on of State utility taxes under Section
19 9-222 of this Act, to the extent the tax or charges are
20 exempted by the percentage specified by the Department of
21 Commerce and Economic Opportunity ~~Community Affairs~~ for State
22 utility taxes, provided the business enterprise meets the
23 following criteria:

24 (1) (A) it intends either (i) to make a minimum
25 eligible investment of \$12,000,000 that will be placed
26 in service in qualified property in Illinois and is
27 intended to create at least 500 full-time equivalent
28 jobs at a designated location in Illinois; or (ii) to
29 make a minimum eligible investment of \$30,000,000 that
30 will be placed in service in qualified property in
31 Illinois and is intended to retain at least 1,500
32 full-time equivalent jobs at a designated location in
33 Illinois; or

34 (B) it meets the criteria of subdivision
35 (a) (3) (B), (a) (3) (C), or (a) (3) (D) of Section 5.5 of

1 the Illinois Enterprise Zone Act;

2 (2) it is designated as a High Impact Business by the
3 Department of Commerce and Economic Opportunity ~~Community~~
4 ~~Affairs~~; and

5 (3) it is certified by the Department of Commerce and
6 Economic Opportunity ~~Community Affairs~~ as complying with
7 the requirements specified in clauses (1) and (2) of this
8 Section.

9 The Department of Commerce and Economic Opportunity
10 ~~Community Affairs~~ shall determine the period during which the
11 exemption from the Electricity Excise Tax Law and the charges
12 imposed under Section 9-222 are in effect, which shall not
13 exceed 20 years from the date of initial certification, and
14 shall specify the percentage of the exemption from those taxes
15 or additional charges.

16 The Department of Commerce and Economic Opportunity
17 ~~Community Affairs~~ is authorized to promulgate rules and
18 regulations to carry out the provisions of this Section,
19 including procedures for complying with the requirements
20 specified in clauses (1) and (2) of this Section and procedures
21 for applying for the exemptions authorized under this Section;
22 to define the amounts and types of eligible investments that
23 business enterprises must make in order to receive State
24 utility tax exemptions or exemptions from the additional
25 charges imposed under Section 9-222 and this Section; to
26 approve such utility tax exemptions for business enterprises
27 whose investments are not yet placed in service; and to require
28 that business enterprises granted tax exemptions or exemptions
29 from additional charges under Section 9-222 repay the exempted
30 amount if the business enterprise fails to comply with the
31 terms and conditions of the certification.

32 Upon certification of the business enterprises by the
33 Department of Commerce and Economic Opportunity ~~Community~~
34 ~~Affairs~~, the Department of Commerce and Economic Opportunity
35 ~~Community Affairs~~ shall notify the Department of Revenue of the
36 certification. The Department of Revenue shall notify the

1 public utilities of the exemption status of business
2 enterprises from the tax or pass-on charges of State utility
3 taxes. The exemption status shall take effect within 3 months
4 after certification of the business enterprise.

5 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised
6 12-6-03.)

7 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

8 (Section scheduled to be repealed on July 1, 2007)

9 Sec. 13-301.1. Universal Telephone Service Assistance
10 Program.

11 (a) The Commission shall by rule or regulation establish a
12 Universal Telephone Service Assistance Program for low income
13 residential customers. The program shall provide for a
14 reduction of access line charges, a reduction of connection
15 charges, or any other alternative to increase accessibility to
16 telephone service that the Commission deems advisable subject
17 to the availability of funds for the program as provided in
18 subsection (d). The Commission shall establish eligibility
19 requirements for benefits under the program.

20 (b) The Commission shall adopt rules providing for enhanced
21 enrollment for eligible consumers to receive lifeline service.
22 Enhanced enrollment may include, but is not limited to, joint
23 marketing, joint application, or joint processing with the
24 Low-Income Home Energy Assistance Program, the Medicaid
25 Program, and the Food Stamp Program. The Department of Human
26 Services, the Department of Public Aid, and the Department of
27 Commerce and Economic Opportunity ~~Community Affairs~~, upon
28 request of the Commission, shall assist in the adoption and
29 implementation of those rules. The Commission and the
30 Department of Human Services, the Department of Public Aid, and
31 the Department of Commerce and Economic Opportunity ~~Community~~
32 ~~Affairs~~ may enter into memoranda of understanding establishing
33 the respective duties of the Commission and the Departments in
34 relation to enhanced enrollment.

35 (c) In this Section, "lifeline service" means a retail

1 local service offering described by 47 C.F.R. Section
2 54.401(a), as amended.

3 (d) The Commission shall require by rule or regulation that
4 each telecommunications carrier providing local exchange
5 telecommunications services notify its customers that if the
6 customer wishes to participate in the funding of the Universal
7 Telephone Service Assistance Program he may do so by electing
8 to contribute, on a monthly basis, a fixed amount that will be
9 included in the customer's monthly bill. The customer may cease
10 contributing at any time upon providing notice to the
11 telecommunications carrier providing local exchange
12 telecommunications services. The notice shall state that any
13 contribution made will not reduce the customer's bill for
14 telecommunications services. Failure to remit the amount of
15 increased payment will reduce the contribution accordingly.
16 The Commission shall specify the monthly fixed amount or
17 amounts that customers wishing to contribute to the funding of
18 the Universal Telephone Service Assistance Program may choose
19 from in making their contributions. Every telecommunications
20 carrier providing local exchange telecommunications services
21 shall remit the amounts contributed in accordance with the
22 terms of the Universal Telephone Service Assistance Program.

23 (Source: P.A. 92-22, eff. 6-30-01; revised 9-28-05.)

24 (220 ILCS 5/13-301.2)

25 (Section scheduled to be repealed on July 1, 2007)

26 Sec. 13-301.2. Program to Foster Elimination of the Digital
27 Divide. The Commission shall require by rule that each
28 telecommunications carrier providing local exchange
29 telecommunications service notify its end-user customers that
30 if the customer wishes to participate in the funding of the
31 Program to Foster Elimination of the Digital Divide he or she
32 may do so by electing to contribute, on a monthly basis, a
33 fixed amount that will be included in the customer's monthly
34 bill. The obligations imposed in this Section shall not be
35 imposed upon a telecommunications carrier for any of its

1 end-users subscribing to the services listed below: (1) private
2 line service which is not directly or indirectly used for the
3 origination or termination of switched telecommunications
4 service, (2) cellular radio service, (3) high-speed
5 point-to-point data transmission at or above 9.6 kilobits, (4)
6 the provision of telecommunications service by a company or
7 person otherwise subject to subsection (c) of Section 13-202 to
8 a telecommunications carrier, which is incidental to the
9 provision of service subject to subsection (c) of Section
10 13-202; (5) pay telephone service; or (6) interexchange
11 telecommunications service. The customer may cease
12 contributing at any time upon providing notice to the
13 telecommunications carrier. The notice shall state that any
14 contribution made will not reduce the customer's bill for
15 telecommunications services. Failure to remit the amount of
16 increased payment will reduce the contribution accordingly.
17 The Commission shall specify the monthly fixed amount or
18 amounts that customers wishing to contribute to the funding of
19 the Program to Foster Elimination of the Digital Divide may
20 choose from in making their contributions. A
21 telecommunications carrier subject to this obligation shall
22 remit the amounts contributed by its customers to the
23 Department of Commerce and Economic Opportunity ~~Community~~
24 ~~Affairs~~ for deposit in the Digital Divide Elimination Fund at
25 the intervals specified in the Commission rules.

26 (Source: P.A. 92-22, eff. 6-30-01; 93-358, eff. 1-1-04; revised
27 9-28-05.)

28 (220 ILCS 5/15-401)

29 Sec. 15-401. Licensing.

30 (a) No person shall operate as a common carrier by pipeline
31 unless the person possesses a certificate in good standing
32 authorizing it to operate as a common carrier by pipeline. No
33 person shall begin or continue construction of a pipeline or
34 other facility, other than the repair or replacement of an
35 existing pipeline or facility, for use in operations as a

1 common carrier by pipeline unless the person possesses a
2 certificate in good standing.

3 (b) Requirements for issuance. The Commission, after a
4 hearing, shall grant an application for a certificate
5 authorizing operations as a common carrier by pipeline, in
6 whole or in part, to the extent that it finds that the
7 application was properly filed; a public need for the service
8 exists; the applicant is fit, willing, and able to provide the
9 service in compliance with this Act, Commission regulations,
10 and orders; and the public convenience and necessity requires
11 issuance of the certificate.

12 In its determination of public convenience and necessity
13 for a proposed pipeline or facility designed or intended to
14 transport crude oil and any alternate locations for such
15 proposed pipeline or facility, the Commission shall consider,
16 but not be limited to, the following:

17 (1) any evidence presented by the Illinois
18 Environmental Protection Agency regarding the
19 environmental impact of the proposed pipeline or other
20 facility;

21 (2) any evidence presented by the Illinois Department
22 of Transportation regarding the impact of the proposed
23 pipeline or facility on traffic safety, road construction,
24 or other transportation issues;

25 (3) any evidence presented by the Department of Natural
26 Resources regarding the impact of the proposed pipeline or
27 facility on any conservation areas, forest preserves,
28 wildlife preserves, wetlands, or any other natural
29 resource;

30 (4) any evidence of the effect of the pipeline upon the
31 economy, infrastructure, and public safety presented by
32 local governmental units that will be affected by the
33 proposed pipeline or facility;

34 (5) any evidence of the effect of the pipeline upon
35 property values presented by property owners who will be
36 affected by the proposed pipeline or facility;

1 (6) any evidence presented by the Department of
2 Commerce and Economic Opportunity ~~Community Affairs~~
3 regarding the current and future economic effect of the
4 proposed pipeline or facility including, but not limited
5 to, property values, employment rates, and residential and
6 business development; and

7 (7) any evidence presented by any other State agency
8 that participates in the proceeding.

9 In its written order, the Commission shall address all of
10 the evidence presented, and if the order is contrary to any of
11 the evidence, the Commission shall state the reasons for its
12 determination with regard to that evidence. The provisions of
13 this amendatory Act of 1996 apply to any certificate granted or
14 denied after the effective date of this amendatory Act of 1996.

15 (c) Duties and obligations of common carriers by pipeline.
16 Each common carrier by pipeline shall provide adequate service
17 to the public at reasonable rates and without discrimination.

18 (Source: P.A. 89-42, eff. 1-1-96; 89-573, eff. 7-30-96; revised
19 12-6-03.)

20 (220 ILCS 5/16-111.1)

21 Sec. 16-111.1. Illinois Clean Energy Community Trust.

22 (a) An electric utility which has sold or transferred
23 generating facilities in a transaction to which subsection (k)
24 of Section 16-111 applies is authorized to establish an
25 Illinois clean energy community trust or foundation for the
26 purposes of providing financial support and assistance to
27 entities, public or private, within the State of Illinois
28 including, but not limited to, units of State and local
29 government, educational institutions, corporations, and
30 charitable, educational, environmental and community
31 organizations, for programs and projects that benefit the
32 public by improving energy efficiency, developing renewable
33 energy resources, supporting other energy related projects
34 that improve the State's environmental quality, and supporting
35 projects and programs intended to preserve or enhance the

1 natural habitats and wildlife areas of the State. Provided,
2 however, that the trust or foundation funds shall not be used
3 for the remediation of environmentally impaired property. The
4 trust or foundation may also assist in identifying other energy
5 and environmental grant opportunities.

6 (b) Such trust or foundation shall be governed by a
7 declaration of trust or articles of incorporation and bylaws
8 which shall, at a minimum, provide that:

9 (1) There shall be 6 voting trustees of the trust or
10 foundation, one of whom shall be appointed by the Governor,
11 one of whom shall be appointed by the President of the
12 Illinois Senate, one of whom shall be appointed by the
13 Minority Leader of the Illinois Senate, one of whom shall
14 be appointed by the Speaker of the Illinois House of
15 Representatives, one of whom shall be appointed by the
16 Minority Leader of the Illinois House of Representatives,
17 and one of whom shall be appointed by the electric utility
18 establishing the trust or foundation, provided that the
19 voting trustee appointed by the utility shall be a
20 representative of a recognized environmental action group
21 selected by the utility. The Governor shall designate one
22 of the 6 voting trustees to serve as chairman of the trust
23 or foundation, who shall serve as chairman of the trust or
24 foundation at the pleasure of the Governor. In addition,
25 there shall be 4 non-voting trustees, one of whom shall be
26 appointed by the Director of ~~the Department of~~ Commerce and
27 Economic Opportunity ~~Community Affairs~~, one of whom shall
28 be appointed by the Director of the Illinois Environmental
29 Protection Agency, one of whom shall be appointed by the
30 Director of ~~the Department of~~ Natural Resources, and one of
31 whom shall be appointed by the electric utility
32 establishing the trust or foundation, provided that the
33 non-voting trustee appointed by the utility shall bring
34 financial expertise to the trust or foundation and shall
35 have appropriate credentials therefor.

36 (2) All voting trustees and the non-voting trustee with

1 financial expertise shall be entitled to compensation for
2 their services as trustees, provided, however, that no
3 member of the General Assembly and no employee of the
4 electric utility establishing the trust or foundation
5 serving as a voting trustee shall receive any compensation
6 for his or her services as a trustee, and provided further
7 that the compensation to the chairman of the trust shall
8 not exceed \$25,000 annually and the compensation to any
9 other trustee shall not exceed \$20,000 annually. All
10 trustees shall be entitled to reimbursement for reasonable
11 expenses incurred on behalf of the trust in the performance
12 of their duties as trustees. All such compensation and
13 reimbursements shall be paid out of the trust.

14 (3) Trustees shall be appointed within 30 days after
15 the creation of the trust or foundation and shall serve for
16 a term of 5 years commencing upon the date of their
17 respective appointments, until their respective successors
18 are appointed and qualified.

19 (4) A vacancy in the office of trustee shall be filled
20 by the person holding the office responsible for appointing
21 the trustee whose death or resignation creates the vacancy,
22 and a trustee appointed to fill a vacancy shall serve the
23 remainder of the term of the trustee whose resignation or
24 death created the vacancy.

25 (5) The trust or foundation shall have an indefinite
26 term, and shall terminate at such time as no trust assets
27 remain.

28 (6) The trust or foundation shall be funded in the
29 minimum amount of \$250,000,000, with the allocation and
30 disbursement of funds for the various purposes for which
31 the trust or foundation is established to be determined by
32 the trustees in accordance with the declaration of trust or
33 the articles of incorporation and bylaws; provided,
34 however, that this amount may be reduced by up to
35 \$25,000,000 if, at the time the trust or foundation is
36 funded, a corresponding amount is contributed by the

1 electric utility establishing the trust or foundation to
2 the Board of Trustees of Southern Illinois University for
3 the purpose of funding programs or projects related to
4 clean coal and provided further that \$25,000,000 of the
5 amount contributed to the trust or foundation shall be
6 available to fund programs or projects related to clean
7 coal.

8 (7) The trust or foundation shall be authorized to
9 employ an executive director and other employees, to enter
10 into leases, contracts and other obligations on behalf of
11 the trust or foundation, and to incur expenses that the
12 trustees deem necessary or appropriate for the fulfillment
13 of the purposes for which the trust or foundation is
14 established, provided, however, that salaries and
15 administrative expenses incurred on behalf of the trust or
16 foundation shall not exceed \$500,000 in the first fiscal
17 year after the trust or foundation is established and shall
18 not exceed \$1,000,000 in each subsequent fiscal year.

19 (8) The trustees may create and appoint advisory boards
20 or committees to assist them with the administration of the
21 trust or foundation, and to advise and make recommendations
22 to them regarding the contribution and disbursement of the
23 trust or foundation funds.

24 (c)(1) In addition to the allocation and disbursement of
25 funds for the purposes set forth in subsection (a) of this
26 Section, the trustees of the trust or foundation shall
27 annually contribute funds in amounts set forth in
28 subparagraph (2) of this subsection to the Citizens Utility
29 Board created by the Citizens Utility Board Act; provided,
30 however, that any such funds shall be used solely for the
31 representation of the interests of utility consumers
32 before the Illinois Commerce Commission, the Federal
33 Energy Regulatory Commission, and the Federal
34 Communications Commission and for the provision of
35 consumer education on utility service and prices and on
36 benefits and methods of energy conservation. Provided,

1 however, that no part of such funds shall be used to
2 support (i) any lobbying activity, (ii) activities related
3 to fundraising, (iii) advertising or other marketing
4 efforts regarding a particular utility, or (iv)
5 solicitation of support for, or advocacy of, a particular
6 position regarding any specific utility or a utility's
7 docketed proceeding.

8 (2) In the calendar year in which the trust or
9 foundation is first funded, the trustees shall contribute
10 \$1,000,000 to the Citizens Utility Board within 60 days
11 after such trust or foundation is established; provided,
12 however, that such contribution shall be made after
13 December 31, 1999. In each of the 6 calendar years
14 subsequent to the first contribution, if the trust or
15 foundation is in existence, the trustees shall contribute
16 to the Citizens Utility Board an amount equal to the total
17 expenditures by such organization in the prior calendar
18 year, as set forth in the report filed by the Citizens
19 Utility Board with the chairman of such trust or foundation
20 as required by subparagraph (3) of this subsection. Such
21 subsequent contributions shall be made within 30 days of
22 submission by the Citizens Utility Board of such report to
23 the Chairman of the trust or foundation, but in no event
24 shall any annual contribution by the trustees to the
25 Citizens Utility Board exceed \$1,000,000. Following such
26 7-year period, an Illinois statutory consumer protection
27 agency may petition the trust or foundation for
28 contributions to fund expenditures of the type identified
29 in paragraph (1), but in no event shall annual
30 contributions by the trust or foundation for such
31 expenditures exceed \$1,000,000.

32 (3) The Citizens Utility Board shall file a report with
33 the chairman of such trust or foundation for each year in
34 which it expends any funds received from the trust or
35 foundation setting forth the amount of any expenditures
36 (regardless of the source of funds for such expenditures)

1 for: (i) the representation of the interests of utility
2 consumers before the Illinois Commerce Commission, the
3 Federal Energy Regulatory Commission, and the Federal
4 Communications Commission, and (ii) the provision of
5 consumer education on utility service and prices and on
6 benefits and methods of energy conservation. Such report
7 shall separately state the total amount of expenditures for
8 the purposes or activities identified by items (i) and (ii)
9 of this paragraph, the name and address of the external
10 recipient of any such expenditure, if applicable, and the
11 specific purposes or activities (including internal
12 purposes or activities) for which each expenditure was
13 made. Any report required by this subsection shall be filed
14 with the chairman of such trust or foundation no later than
15 March 31 of the year immediately following the year for
16 which the report is required.

17 (d) In addition to any other allocation and disbursement of
18 funds in this Section, the trustees of the trust or foundation
19 shall contribute an amount up to \$125,000,000 (1) for deposit
20 into the General Obligation Bond Retirement and Interest Fund
21 held in the State treasury to assist in the repayment on
22 general obligation bonds issued under subsection (d) of Section
23 7 of the General Obligation Bond Act, and (2) for deposit into
24 funds administered by agencies with responsibility for
25 environmental activities to assist in payment for
26 environmental programs. The amount required to be contributed
27 shall be provided to the trustees in a certification letter
28 from the Director of the Bureau of the Budget that shall be
29 provided no later than August 1, 2003. The payment from the
30 trustees shall be paid to the State no later than December 31st
31 following the receipt of the letter.

32 (Source: P.A. 93-32, eff. 6-20-03; revised 12-6-03.)

33 Section 685. The Surface Coal Mining Land Conservation and
34 Reclamation Act is amended by changing Section 1.05 as follows:

1 (225 ILCS 720/1.05) (from Ch. 96 1/2, par. 7901.05)

2 Sec. 1.05. Interagency Committee. There is created the
3 Interagency Committee on Surface Mining Control and
4 Reclamation, which shall consist of the Director (or Division
5 Head) of each of the following State agencies: (a) the
6 Department of Agriculture, (b) the Environmental Protection
7 Agency, (c) the Department of Commerce and Economic Opportunity
8 ~~Community Affairs~~, and (d) any other State Agency designated by
9 the Director as having a programmatic role in the review or
10 regulation of mining operations and reclamation whose comments
11 are expected by the Director to be relevant and of material
12 benefit to the process of reviewing permit applications under
13 this Act. The Interagency Committee on Surface Mining Control
14 and Reclamation shall be abolished on June 30, 1997. Beginning
15 July 1, 1997, all programmatic functions formerly performed by
16 the Interagency Committee on Surface Mining Control and
17 Reclamation shall be performed by the Office of Mines and
18 Minerals within the Department of Natural Resources, except as
19 otherwise provided by Section 9.04 of this Act.

20 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97;
21 revised 12-6-03.)

22 Section 695. The Liquor Control Act of 1934 is amended by
23 changing Section 12-1 as follows:

24 (235 ILCS 5/12-1)

25 Sec. 12-1. Grape and Wine Resources Council.

26 (a) There is hereby created the Grape and Wine Resources
27 Council, which shall have the powers and duties specified in
28 this Article and all other powers necessary and proper to
29 execute the provisions of this Article.

30 (b) The Council shall consist of 17 members including:

31 (1) The Director of ~~the Illinois Department of~~
32 Agriculture, ex officio, or the Director's designee.

33 (2) The Dean of the SIU College of Agriculture, or the
34 Dean's designee.

1 (3) The Dean of the University of Illinois College of
2 Agriculture, or the Dean's designee.

3 (4) An expert in enology or food science and nutrition
4 to be named by the Director of ~~the Illinois Department of~~
5 Agriculture from nominations submitted jointly by the
6 Deans of the Colleges of Agriculture at Southern Illinois
7 University and the University of Illinois.

8 (5) An expert in marketing to be named by the Director
9 of ~~the Illinois Department of~~ Agriculture from nominations
10 submitted jointly by the Deans of the Colleges of
11 Agriculture at Southern Illinois University and the
12 University of Illinois.

13 (6) An expert in viticulture to be named by the
14 Director of ~~the Illinois Department of~~ Agriculture from
15 nominations submitted jointly by the Deans of the Colleges
16 of Agriculture at Southern Illinois University and the
17 University of Illinois.

18 (7) A representative from the Illinois Division of
19 Tourism, to be named by the Director of ~~the Illinois~~
20 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~
21 ~~Affairs~~.

22 (8) Six persons to be named by the Director of ~~the~~
23 ~~Illinois Department of~~ Agriculture from nominations from
24 the President of the Illinois Grape Growers and Vintners
25 Association, of whom 3 shall be grape growers and 3 shall
26 be vintners.

27 (9) Four persons, one of whom shall be named by the
28 Speaker of the House of Representatives, one of whom shall
29 be named by the Minority Leader of the House of
30 Representatives, one of whom shall be named by the
31 President of the Senate, and one of whom shall be named by
32 the Minority Leader of the Senate.

33 Members of the Council shall receive no compensation, but shall
34 be reimbursed for necessary expenses incurred in the
35 performance of their duties. The Council's Chair shall be the
36 Dean of the College of Agriculture at the University where the

1 Council is housed.

2 (c) The Council shall be housed at Southern Illinois
3 University at Carbondale, which shall maintain a collaborative
4 relationship with the University of Illinois at Champaign.

5 (Source: P.A. 90-77, eff. 7-8-97; revised 12-6-03.)

6 Section 700. The Illinois Public Aid Code is amended by
7 changing Section 9A-3 as follows:

8 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

9 Sec. 9A-3. Establishment of Program and Level of Services.

10 (a) The Illinois Department shall establish and maintain a
11 program to provide recipients with services consistent with the
12 purposes and provisions of this Article. The program offered in
13 different counties of the State may vary depending on the
14 resources available to the State to provide a program under
15 this Article, and no program may be offered in some counties,
16 depending on the resources available. Services may be provided
17 directly by the Illinois Department or through contract.
18 References to the Illinois Department or staff of the Illinois
19 Department shall include contractors when the Illinois
20 Department has entered into contracts for these purposes. The
21 Illinois Department shall provide each recipient who
22 participates with such services available under the program as
23 are necessary to achieve his employability plan as specified in
24 the plan.

25 (b) The Illinois Department, in operating the program,
26 shall cooperate with public and private education and
27 vocational training or retraining agencies or facilities, the
28 Illinois State Board of Education, the Illinois Community
29 College Board, the Departments of Employment Security and
30 Commerce and Economic Opportunity ~~Community Affairs~~ or other
31 sponsoring organizations funded under the federal Workforce
32 Investment Act and other public or licensed private employment
33 agencies.

34 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03;

1 revised 12-6-03.)

2 Section 705. The Energy Assistance Act is amended by
3 changing Sections 3, 4, 5, 8, and 13 as follows:

4 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

5 Sec. 3. Definitions. As used in this Act, unless the
6 context otherwise requires:

7 (a) the terms defined in Sections 3-101 through 3-121 of
8 The Public Utilities Act have the meanings ascribed to them in
9 that Act;

10 (b) "Department" means the Department of Commerce and
11 Economic Opportunity ~~Community Affairs~~;

12 (c) "energy provider" means any utility, municipal
13 utility, cooperative utility, or any other corporation or
14 individual which provides winter energy services;

15 (d) "winter" means the period from November 1 of any year
16 through April 30 of the following year.

17 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

18 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

19 Sec. 4. Energy Assistance Program.

20 (a) The Department of Commerce and Economic Opportunity
21 ~~Community Affairs~~ is hereby authorized to institute a program
22 to ensure the availability and affordability of heating and
23 electric service to low income citizens. The Department shall
24 implement the program by rule promulgated pursuant to The
25 Illinois Administrative Procedure Act. The program shall be
26 consistent with the purposes and objectives of this Act and
27 with all other specific requirements provided herein. The
28 Department may enter into such contracts and other agreements
29 with local agencies as may be necessary for the purpose of
30 administering the energy assistance program.

31 (b) Nothing in this Act shall be construed as altering or
32 limiting the authority conferred on the Illinois Commerce
33 Commission by the Public Utilities Act to regulate all aspects

1 of the provision of public utility service, including but not
2 limited to the authority to make rules and adjudicate disputes
3 between utilities and customers related to eligibility for
4 utility service, deposits, payment practices, discontinuance
5 of service, and the treatment of arrearages owing for
6 previously rendered utility service.

7 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

8 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

9 Sec. 5. Policy Advisory Council.

10 (a) Within the Department of Commerce and Economic
11 Opportunity ~~Community Affairs~~ is created a Low Income Energy
12 Assistance Policy Advisory Council.

13 (b) The Council shall be chaired by the Director of
14 Commerce and Economic Opportunity ~~Community Affairs~~ or his or
15 her designee. There shall be 20 members of the Low Income
16 Energy Assistance Policy Advisory Council, including the
17 chairperson and the following members:

18 (1) one member designated by the Illinois Commerce
19 Commission;

20 (2) one member designated by the Illinois Department of
21 Natural Resources;

22 (3) one member designated by the Illinois Energy
23 Association to represent electric public utilities serving
24 in excess of 1 million customers in this State;

25 (4) one member agreed upon by gas public utilities that
26 serve more than 500,000 and fewer than 1,500,000 customers
27 in this State;

28 (5) one member agreed upon by gas public utilities that
29 serve 1,500,000 or more customers in this State;

30 (6) one member designated by the Illinois Energy
31 Association to represent combination gas and electric
32 public utilities;

33 (7) one member agreed upon by the Illinois Municipal
34 Electric Agency and the Association of Illinois Electric
35 Cooperatives;

1 (8) one member agreed upon by the Illinois Industrial
2 Energy Consumers;

3 (9) three members designated by the Department to
4 represent low income energy consumers;

5 (10) two members designated by the Illinois Community
6 Action Association to represent local agencies that assist
7 in the administration of this Act;

8 (11) one member designated by the Citizens Utility
9 Board to represent residential energy consumers;

10 (12) one member designated by the Illinois Retail
11 Merchants Association to represent commercial energy
12 customers;

13 (13) one member designated by the Department to
14 represent independent energy providers; and

15 (14) three members designated by the Mayor of the City
16 of Chicago.

17 (c) Designated and appointed members shall serve 2 year
18 terms and until their successors are appointed and qualified.
19 The designating organization shall notify the chairperson of
20 any changes or substitutions of a designee within 10 business
21 days of a change or substitution. Members shall serve without
22 compensation, but may receive reimbursement for actual costs
23 incurred in fulfilling their duties as members of the Council.

24 (d) The Council shall have the following duties:

25 (1) to monitor the administration of this Act to ensure
26 effective, efficient, and coordinated program development
27 and implementation;

28 (2) to assist the Department in developing and
29 administering rules and regulations required to be
30 promulgated pursuant to this Act in a manner consistent
31 with the purpose and objectives of this Act;

32 (3) to facilitate and coordinate the collection and
33 exchange of all program data and other information needed
34 by the Department and others in fulfilling their duties
35 pursuant to this Act;

36 (4) to advise the Department on the proper level of

1 support required for effective administration of the Act;

2 (5) to provide a written opinion concerning any
3 regulation proposed pursuant to this Act, and to review and
4 comment on any energy assistance or related plan required
5 to be prepared by the Department;

6 (6) to advise the Department on the use of funds
7 collected pursuant to Section 11 of this Act, and on any
8 changes to existing low income energy assistance programs
9 to make effective use of such funds, so long as such uses
10 and changes are consistent with the requirements of the
11 Act.

12 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

13 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

14 Sec. 8. Program Reports.

15 (a) The Department of Natural Resources shall prepare and
16 submit to the Governor and the General Assembly reports on
17 September 30 biennially, beginning in 2003, evaluating the
18 effectiveness of the energy assistance and weatherization
19 policies authorized by this Act. The first report shall cover
20 such effects during the first winter during which the program
21 authorized by this Act, is in operation, and successive reports
22 shall cover effects since the issuance of the preceding report.

23 (1) Reports issued pursuant to this Section shall be
24 limited to, information concerning the effects of the
25 policies authorized by this Act on (1) the ability of
26 eligible applicants to obtain and maintain adequate and
27 affordable winter energy services and (2) changes in the
28 costs and prices of winter energy services for people who
29 do not receive energy assistance pursuant to this Act.

30 (2) The Department of Natural Resources shall by
31 September 30, 2002, in consultation with the Policy
32 Advisory Council, determine the kinds of numerical and
33 other information needed to conduct the evaluations
34 required by this Section, and shall advise the Policy
35 Advisory Council of such information needs in a timely

1 manner. The Department of Commerce and Economic
2 Opportunity ~~Community Affairs~~, the Department of Human
3 Services, and the Illinois Commerce Commission shall each
4 provide such information as the Department of Natural
5 Resources may require to ensure that the evaluation
6 reporting requirement established by this Section can be
7 met.

8 (b) On or before December 31, 2002, 2004, 2006, and 2007,
9 the Department shall prepare a report for the General Assembly
10 on the expenditure of funds appropriated for the programs
11 authorized under this Act.

12 (c) On or before December 31 of each year in 2004, 2006,
13 and 2007, the Department shall, in consultation with the
14 Council, prepare and submit evaluation reports to the Governor
15 and the General Assembly outlining the effects of the program
16 designed under this Act on the following as it relates to the
17 propriety of continuing the program:

18 (1) the definition of an eligible low income
19 residential customer;

20 (2) access of low income residential customers to
21 essential energy services;

22 (3) past due amounts owed to utilities by low income
23 persons in Illinois;

24 (4) appropriate measures to encourage energy
25 conservation, efficiency, and responsibility among low
26 income residential customers;

27 (5) the activities of the Department in the development
28 and implementation of energy assistance and related
29 policies and programs, which characterizes progress toward
30 meeting the objectives and requirements of this Act, and
31 which recommends any statutory changes which might be
32 needed to further such progress.

33 (d) The Department shall by September 30, 2002 in
34 consultation with the Council determine the kinds of numerical
35 and other information needed to conduct the evaluations
36 required by this Section.

1 (e) The Illinois Commerce Commission shall require each
2 public utility providing heating or electric service to compile
3 and submit any numerical and other information needed by the
4 Department of Natural Resources to meet its reporting
5 obligations.

6 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

7 (305 ILCS 20/13)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is
10 hereby created as a special fund in the State Treasury. The
11 Supplemental Low-Income Energy Assistance Fund is authorized
12 to receive, by statutory deposit, the moneys collected pursuant
13 to this Section. Subject to appropriation, the Department shall
14 use moneys from the Supplemental Low-Income Energy Assistance
15 Fund for payments to electric or gas public utilities,
16 municipal electric or gas utilities, and electric cooperatives
17 on behalf of their customers who are participants in the
18 program authorized by Section 4 of this Act, for the provision
19 of weatherization services and for administration of the
20 Supplemental Low-Income Energy Assistance Fund. The yearly
21 expenditures for weatherization may not exceed 10% of the
22 amount collected during the year pursuant to this Section. The
23 yearly administrative expenses of the Supplemental Low-Income
24 Energy Assistance Fund may not exceed 10% of the amount
25 collected during that year pursuant to this Section.

26 (b) Notwithstanding the provisions of Section 16-111 of the
27 Public Utilities Act but subject to subsection (k) of this
28 Section, each public utility, electric cooperative, as defined
29 in Section 3.4 of the Electric Supplier Act, and municipal
30 utility, as referenced in Section 3-105 of the Public Utilities
31 Act, that is engaged in the delivery of electricity or the
32 distribution of natural gas within the State of Illinois shall,
33 effective January 1, 1998, assess each of its customer accounts
34 a monthly Energy Assistance Charge for the Supplemental
35 Low-Income Energy Assistance Fund. The delivering public

1 utility, municipal electric or gas utility, or electric or gas
2 cooperative for a self-assessing purchaser remains subject to
3 the collection of the fee imposed by this Section. The monthly
4 charge shall be as follows:

5 (1) \$0.40 per month on each account for residential
6 electric service;

7 (2) \$0.40 per month on each account for residential gas
8 service;

9 (3) \$4 per month on each account for non-residential
10 electric service which had less than 10 megawatts of peak
11 demand during the previous calendar year;

12 (4) \$4 per month on each account for non-residential
13 gas service which had distributed to it less than 4,000,000
14 therms of gas during the previous calendar year;

15 (5) \$300 per month on each account for non-residential
16 electric service which had 10 megawatts or greater of peak
17 demand during the previous calendar year; and

18 (6) \$300 per month on each account for non-residential
19 gas service which had 4,000,000 or more therms of gas
20 distributed to it during the previous calendar year.

21 (c) For purposes of this Section:

22 (1) "residential electric service" means electric
23 utility service for household purposes delivered to a
24 dwelling of 2 or fewer units which is billed under a
25 residential rate, or electric utility service for
26 household purposes delivered to a dwelling unit or units
27 which is billed under a residential rate and is registered
28 by a separate meter for each dwelling unit;

29 (2) "residential gas service" means gas utility
30 service for household purposes distributed to a dwelling of
31 2 or fewer units which is billed under a residential rate,
32 or gas utility service for household purposes distributed
33 to a dwelling unit or units which is billed under a
34 residential rate and is registered by a separate meter for
35 each dwelling unit;

36 (3) "non-residential electric service" means electric

1 utility service which is not residential electric service;
2 and

3 (4) "non-residential gas service" means gas utility
4 service which is not residential gas service.

5 (d) At least 45 days prior to the date on which it must
6 begin assessing Energy Assistance Charges, each public utility
7 engaged in the delivery of electricity or the distribution of
8 natural gas shall file with the Illinois Commerce Commission
9 tariffs incorporating the Energy Assistance Charge in other
10 charges stated in such tariffs.

11 (e) The Energy Assistance Charge assessed by electric and
12 gas public utilities shall be considered a charge for public
13 utility service.

14 (f) By the 20th day of the month following the month in
15 which the charges imposed by the Section were collected, each
16 public utility, municipal utility, and electric cooperative
17 shall remit to the Department of Revenue all moneys received as
18 payment of the Energy Assistance Charge on a return prescribed
19 and furnished by the Department of Revenue showing such
20 information as the Department of Revenue may reasonably
21 require. If a customer makes a partial payment, a public
22 utility, municipal utility, or electric cooperative may elect
23 either: (i) to apply such partial payments first to amounts
24 owed to the utility or cooperative for its services and then to
25 payment for the Energy Assistance Charge or (ii) to apply such
26 partial payments on a pro-rata basis between amounts owed to
27 the utility or cooperative for its services and to payment for
28 the Energy Assistance Charge.

29 (g) The Department of Revenue shall deposit into the
30 Supplemental Low-Income Energy Assistance Fund all moneys
31 remitted to it in accordance with subsection (f) of this
32 Section.

33 (h) (Blank).

34 On or before December 31, 2002, the Department shall
35 prepare a report for the General Assembly on the expenditure of
36 funds appropriated from the Low-Income Energy Assistance Block

1 Grant Fund for the program authorized under Section 4 of this
2 Act.

3 (i) The Department of Revenue may establish such rules as
4 it deems necessary to implement this Section.

5 (j) The Department of Commerce and Economic Opportunity
6 ~~Community Affairs~~ may establish such rules as it deems
7 necessary to implement this Section.

8 (k) The charges imposed by this Section shall only apply to
9 customers of municipal electric or gas utilities and electric
10 or gas cooperatives if the municipal electric or gas utility or
11 electric or gas cooperative makes an affirmative decision to
12 impose the charge. If a municipal electric or gas utility or an
13 electric cooperative makes an affirmative decision to impose
14 the charge provided by this Section, the municipal electric or
15 gas utility or electric cooperative shall inform the Department
16 of Revenue in writing of such decision when it begins to impose
17 the charge. If a municipal electric or gas utility or electric
18 or gas cooperative does not assess this charge, the Department
19 may not use funds from the Supplemental Low-Income Energy
20 Assistance Fund to provide benefits to its customers under the
21 program authorized by Section 4 of this Act.

22 In its use of federal funds under this Act, the Department
23 may not cause a disproportionate share of those federal funds
24 to benefit customers of systems which do not assess the charge
25 provided by this Section.

26 This Section is repealed effective December 31, 2007 unless
27 renewed by action of the General Assembly. The General Assembly
28 shall consider the results of the evaluations described in
29 Section 8 in its deliberations.

30 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

31 Section 710. The Family Resource Development Act is amended
32 by changing Section 5 as follows:

33 (305 ILCS 30/5) (from Ch. 23, par. 6855)

34 Sec. 5. The Department of Human Services, the Illinois

1 Community College Board and the Department of Commerce and
2 Economic Opportunity ~~Community Affairs~~ may develop as a
3 demonstration program a Family Resource Development Center for
4 the benefit and use of an initial 20 low-income families. The
5 Center shall establish an interdisciplinary approach that
6 shall increase the coping skills of low-income families and
7 develop the potential of low-income families through community
8 economic development programs. Funding for the demonstration
9 program shall be from existing moneys in supportive services
10 funds, joint partnership training funds, and other existing
11 moneys that are intended to meet the educational, vocational
12 and training needs of recipients. The demonstration program
13 shall be administered in accordance with existing federal and
14 State statutes and regulations.

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

16 Section 715. The State Housing Act is amended by changing
17 Section 40 as follows:

18 (310 ILCS 5/40) (from Ch. 67 1/2, par. 190)

19 Sec. 40. As used in this Act:

20 "Department" shall mean the Department of Commerce and
21 Economic Opportunity ~~Community Affairs~~.

22 "Illinois Housing Development Authority" shall mean the
23 Illinois Housing Development Authority created by the Illinois
24 Housing Development Act of 1967, as amended.

25 "Community facilities" shall include land, buildings and
26 equipment for recreation, for social assembly, for education or
27 health or welfare activities, for the use primarily of tenants
28 of housing accommodations of a housing corporation.

29 "Cost" of land shall include all of the following items
30 paid by a housing corporation in connection with the
31 acquisition thereof when approved by the Illinois Housing
32 Development Authority; all amounts paid to the vendor on
33 account of the purchase price, whether in cash, securities or
34 property; the unpaid balance of any obligation secured by

1 mortgage remaining upon the premises or created in connection
2 with the acquisition; all accounts paid for surveys,
3 examination and insurance of title; attorneys' fees;
4 brokerage; all awards paid in condemnation and court costs and
5 fees; all documentary and stamp taxes and filing and recording
6 fees and fees of the Illinois Housing Development Authority and
7 other expenses of acquisition approved by the Illinois Housing
8 Development Authority; and shall also include all special
9 assessments for benefit upon the premises approved by the
10 Illinois Housing Development Authority whether levied before
11 or after the acquisition.

12 "Cost" of buildings and improvements, shall include all of
13 the following items when approved by the Illinois Housing
14 Development Authority; all amounts, whether in cash,
15 securities or property, paid for labor and materials for site
16 preparation and construction, for contractors' and architects'
17 and engineers' fees, for fees or permits of any municipality,
18 for workers' compensation, liability, fire and other casualty
19 insurance, for charges of financing and supervision, for
20 property taxes during construction and for interest upon
21 borrowed and invested capital during construction, for fees of
22 the Illinois Housing Development Authority, and other expenses
23 of construction approved by the Illinois Housing Development
24 Authority.

25 "Person" shall be deemed to include firm, association,
26 trust or corporation.

27 "Project" shall mean all lands, buildings and improvements
28 acquired, owned, managed, or operated by a housing corporation
29 designed to provide housing accommodations and community
30 facilities, stores and offices appurtenant or incidental
31 thereto, which are planned as a unit, whether or not acquired
32 or constructed at one time, and which ordinarily are contiguous
33 or adjacent to one another. The buildings need not be
34 contiguous or adjacent to one another, and a project may be
35 entirely composed of either single or multiple dwellings.

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

1 Section 720. The Housing Authorities Act is amended by
2 changing Sections 8.13 and 17 as follows:

3 (310 ILCS 10/8.13) (from Ch. 67 1/2, par. 8.13)

4 Sec. 8.13. In addition to the powers conferred by this Act
5 and other laws, Housing Authorities for municipalities of less
6 than 500,000 population and for counties, the Department of
7 Commerce and Economic Opportunity ~~Community Affairs~~, and the
8 governing bodies of municipal corporations, counties and other
9 public bodies may exercise the powers delegated to them in
10 Sections 8.14 to 8.18, inclusive.

11 The provisions of Sections 8.14 to 8.18, inclusive, shall
12 be deemed to create an additional and alternative method for
13 the conservation of urban residential areas and the prevention
14 of slums in municipalities of less than 500,000 to that which
15 is provided by the "Urban Community Conservation Act," approved
16 July 13, 1935, and shall not be deemed to alter, amend or
17 repeal said Urban Community Conservation Act.

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

19 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

20 Sec. 17. The following terms, wherever used or referred to
21 in this Act shall have the following respective meanings,
22 unless in any case a different meaning clearly appears from the
23 context:

24 (a) "Authority" or "housing authority" shall mean a
25 municipal corporation organized in accordance with the
26 provisions of this Act for the purposes, with the powers and
27 subject to the restrictions herein set forth.

28 (b) "Area" or "area of operation" shall mean: (1) in the
29 case of an authority which is created hereunder for a city,
30 village, or incorporated town, the area within the territorial
31 boundaries of said city, village, or incorporated town, and so
32 long as no county housing authority has jurisdiction therein,
33 the area within three miles from such territorial boundaries,

1 except any part of such area located within the territorial
2 boundaries of any other city, village, or incorporated town;
3 and (2) in the case of a county shall include all of the county
4 except the area of any city, village or incorporated town
5 located therein in which there is an Authority. When an
6 authority is created for a county subsequent to the creation of
7 an authority for a city, village or incorporated town within
8 the same county, the area of operation of the authority for
9 such city, village or incorporated town shall thereafter be
10 limited to the territory of such city, village or incorporated
11 town, but the authority for such city, village or incorporated
12 town may continue to operate any project developed in whole or
13 in part in an area previously a part of its area of operation,
14 or may contract with the county housing authority with respect
15 to the sale, lease, development or administration of such
16 project. When an authority is created for a city, village or
17 incorporated town subsequent to the creation of a county
18 housing authority which previously included such city, village
19 or incorporated town within its area of operation, such county
20 housing authority shall have no power to create any additional
21 project within the city, village or incorporated town, but any
22 existing project in the city, village or incorporated town
23 currently owned and operated by the county housing authority
24 shall remain in the ownership, operation, custody and control
25 of the county housing authority.

26 (c) "Presiding officer" shall mean the presiding officer of
27 the board of a county, or the mayor or president of a city,
28 village or incorporated town, as the case may be, for which an
29 Authority is created hereunder.

30 (d) "Commissioner" shall mean one of the members of an
31 Authority appointed in accordance with the provisions of this
32 Act.

33 (e) "Government" shall include the State and Federal
34 governments and the governments of any subdivisions, agency or
35 instrumentality, corporate or otherwise, of either of them.

36 (f) "Department" shall mean the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~.

2 (g) "Project" shall include all lands, buildings, and
3 improvements, acquired, owned, leased, managed or operated by a
4 housing authority, and all buildings and improvements
5 constructed, reconstructed or repaired by a housing authority,
6 designed to provide housing accommodations and facilities
7 appurtenant thereto (including community facilities and
8 stores) which are planned as a unit, whether or not acquired or
9 constructed at one time even though all or a portion of the
10 buildings are not contiguous or adjacent to one another; and
11 the planning of buildings and improvements, the acquisition of
12 property, the demolition of existing structures, the clearing
13 of land, the construction, reconstruction, and repair of
14 buildings or improvements and all other work in connection
15 therewith. As provided in Sections 8.14 to 8.18, inclusive,
16 "project" also means, for Housing Authorities for
17 municipalities of less than 500,000 population and for
18 counties, the conservation of urban areas in accordance with an
19 approved conservation plan. "Project" shall also include (1)
20 acquisition of (i) a slum or blighted area or a deteriorated or
21 deteriorating area which is predominantly residential in
22 character, or (ii) any other deteriorated or deteriorating area
23 which is to be developed or redeveloped for predominantly
24 residential uses, or (iii) platted urban or suburban land which
25 is predominantly open and which because of obsolete platting,
26 diversity of ownership, deterioration of structures or of site
27 improvements, or otherwise substantially impairs or arrests
28 the sound growth of the community and which is to be developed
29 for predominantly residential uses, or (iv) open unplatted
30 urban or suburban land necessary for sound community growth
31 which is to be developed for predominantly residential uses, or
32 (v) any other area where parcels of land remain undeveloped
33 because of improper platting, delinquent taxes or special
34 assessments, scattered or uncertain ownerships, clouds on
35 title, artificial values due to excessive utility costs, or any
36 other impediments to the use of such area for predominantly

1 residential uses; (2) installation, construction, or
2 reconstruction of streets, utilities, and other site
3 improvements essential to the preparation of sites for uses in
4 accordance with the development or redevelopment plan; and (3)
5 making the land available for development or redevelopment by
6 private enterprise or public agencies (including sale, initial
7 leasing, or retention by the local public agency itself). If in
8 any city, village or incorporated town there exists a land
9 clearance commission created under the "Blighted Areas
10 Redevelopment Act of 1947" having the same area of operation as
11 a housing authority created in and for any such municipality
12 such housing authority shall have no power to acquire land of
13 the character described in subparagraph (iii), (iv) or (v) of
14 paragraph 1 of the definition of "project" for the purpose of
15 development or redevelopment by private enterprise.

16 (h) "Community facilities" shall include lands, buildings,
17 and equipment for recreation or social assembly, for education,
18 health or welfare activities and other necessary utilities
19 primarily for use and benefit of the occupants of housing
20 accommodations to be constructed, reconstructed, repaired or
21 operated hereunder.

22 (i) "Real property" shall include lands, lands under water,
23 structures, and any and all easements, franchises and
24 incorporeal hereditaments and estates, and rights, legal and
25 equitable, including terms for years and liens by way of
26 judgment, mortgage or otherwise.

27 (j) The term "governing body" shall include the city
28 council of any city, the president and board of trustees of any
29 village or incorporated town, the council of any city or
30 village, and the county board of any county.

31 (k) The phrase "individual, association, corporation or
32 organization" shall include any individual, private
33 corporation, insurance company, housing corporation,
34 neighborhood redevelopment corporation, non-profit
35 corporation, incorporated or unincorporated group or
36 association, educational institution, hospital, or charitable

1 organization, and any mutual ownership or cooperative
2 organization.

3 (l) "Conservation area", for the purpose of the exercise of
4 the powers granted in Sections 8.14 to 8.18, inclusive, for
5 housing authorities for municipalities of less than 500,000
6 population and for counties, means an area of not less than 2
7 acres in which the structures in 50% or more of the area are
8 residential having an average age of 35 years or more. Such an
9 area is not yet a slum or blighted area as defined in the
10 Blighted Areas Redevelopment Act of 1947, but such an area by
11 reason of dilapidation, obsolescence, deterioration or illegal
12 use of individual structures, overcrowding of structures and
13 community facilities, conversion of residential units into
14 non-residential use, deleterious land use or layout, decline of
15 physical maintenance, lack of community planning, or any
16 combination of these factors may become a slum and blighted
17 area.

18 (m) "Conservation plan" means the comprehensive program
19 for the physical development and replanning of a "Conservation
20 Area" as defined in paragraph (l) embodying the steps required
21 to prevent such Conservation Area from becoming a slum and
22 blighted area.

23 (n) "Fair use value" means the fair cash market value of
24 real property when employed for the use contemplated by a
25 "Conservation Plan" in municipalities of less than 500,000
26 population and in counties.

27 (o) "Community facilities" means, in relation to a
28 "Conservation Plan", those physical plants which implement,
29 support and facilitate the activities, services and interests
30 of education, recreation, shopping, health, welfare, religion
31 and general culture.

32 (p) "Loan agreement" means any agreement pursuant to which
33 an Authority agrees to loan the proceeds of its revenue bonds
34 issued with respect to a multifamily rental housing project or
35 other funds of the Authority to any person upon terms providing
36 for loan repayment installments at least sufficient to pay when

1 due all principal of, premium, if any, and interest on the
2 revenue bonds of the Authority issued with respect to the
3 multifamily rental housing project, and providing for
4 maintenance, insurance, and other matters as may be deemed
5 desirable by the Authority.

6 (q) "Multifamily rental housing" means any rental project
7 designed for mixed-income or low-income occupancy.

8 (Source: P.A. 92-481, eff. 8-23-01; revised 12-6-03.)

9 Section 725. The Housing Development and Construction Act
10 is amended by changing Sections 2, 3, 3a, 3b, 5, 8, 9a, and 10
11 as follows:

12 (310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

13 Sec. 2. Any housing authority now or hereafter organized
14 under the "Housing Authorities Act," approved March 19, 1934,
15 as amended, and any Land Clearance Commission heretofore
16 organized under the Act herein repealed or hereafter organized
17 under the provisions of the "Blighted Areas Redevelopment Act
18 of 1947," enacted by the 65th General Assembly, may make
19 application to the Department of Commerce and Economic
20 Opportunity ~~Community Affairs~~ for a grant of state funds from
21 the appropriation designated for the making of grants under
22 this Act. No such housing authority or Land Clearance
23 Commission shall apply for a sum larger than the proportion of
24 the population of its area of operation to the population of
25 the State, and where an authority and Land Clearance Commission
26 have been created by the governing body of the same
27 municipality, an amount not in excess of one-half (1/2) of the
28 maximum grant allocable for such municipality on the foregoing
29 basis of proportion of population may be allocated to the
30 housing authority and an amount not in excess of one-half (1/2)
31 of the maximum grant so allocable for such municipality may be
32 allocated to the Land Clearance Commission.

33 The foregoing provisions of this section in respect to
34 maximum allocable grants to housing authorities and land

1 clearance commissions from funds appropriated by the 66th or
2 any succeeding General Assembly, and applications therefor,
3 shall be subject to the provisions of Section 3a of this Act.

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

5 (310 ILCS 20/3) (from Ch. 67 1/2, par. 55)

6 Sec. 3. Every application for a grant shall be accompanied
7 by a statement of the uses to which a grant is to be applied, a
8 description of the housing conditions in the area of operation
9 of the applicant, and a plan for development or redevelopment
10 or other use to be undertaken by the applicant. Subject to the
11 provisions of Section 3a the Department of Commerce and
12 Economic Opportunity ~~Community Affairs~~ shall review all
13 applications for grants and if satisfied that a need therefor
14 exists in relation to the uses to which it is to be applied and
15 upon approval of the plan submitted with the application, the
16 Director of ~~the Department of~~ Commerce and Economic Opportunity
17 ~~Community Affairs~~ shall transmit to the State Comptroller a
18 statement of approval and of the amount of the grant. Upon
19 receipt of such statement by the Comptroller, the approved
20 grant shall be paid to the applicant from any appropriation
21 designated for the making of grants under this Act.

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

23 (310 ILCS 20/3a) (from Ch. 67 1/2, par. 55a)

24 Sec. 3a. Application for grants from funds appropriated by
25 the 66th or any succeeding General Assembly shall be made not
26 later than June 30th of the year following the year in which
27 such appropriation was enacted. Each such application shall be
28 reviewed by the Department of Commerce and Economic Opportunity
29 ~~Community Affairs~~ as provided in Section 3 and if approved
30 shall entitle the applicant to a grant upon the basis of the
31 population formula prescribed in Section 2. No application
32 shall be approved unless the Department of Commerce and
33 Economic Opportunity ~~Community Affairs~~ is satisfied that the
34 amount approved will be properly employed by the applicant in

1 carrying out the plan accompanying the application.

2 If any housing authority or land clearance commission has
3 failed to make application for a grant of funds appropriated by
4 the 66th or any succeeding General Assembly prior to July 1st
5 of the year following the year in which the appropriation was
6 enacted, such portion of the appropriation as remains
7 unallocated shall be available for distribution by the
8 Department of Commerce and Economic Opportunity ~~Community~~
9 ~~Affairs~~ to housing authorities and land clearance commissions
10 which make application and establish a need therefor in
11 relation to a specific project or projects approved by the
12 Department. The determination of the relative needs of
13 applicants shall be made by the Department of Commerce and
14 Economic Opportunity ~~Community Affairs~~; provided, that in no
15 event shall the sum of any initial and supplemental grants to
16 any applicant exceed 50% of the total appropriation made
17 available for distribution to all applicants in the State.

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

19 (310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

20 Sec. 3b. In any municipality or county for which a Land
21 Clearance Commission has been established, and for which no
22 Housing Authority has been established, the Land Clearance
23 Commission, if a recipient of state grants under this Act, may,
24 subject to the approval of the Department of Commerce and
25 Economic Opportunity ~~Community Affairs~~, exercise the powers
26 vested in Housing Authorities under the provisions of this Act
27 and the "Housing Authorities Act," approved March 19, 1934, as
28 amended, and apply state grant funds allocated under this Act
29 to any such purpose. For the purpose of any project so
30 undertaken, the Land Clearance Commission shall be subject to
31 all laws and regulations applicable to Housing Authorities. If
32 a Housing Authority is established for any such municipality or
33 county, the Land Clearance Commission shall thereafter
34 exercise only those powers designated in the "Blighted Areas
35 Redevelopment Act of 1947," approved July 2, 1947, as amended,

1 and, in respect to pending, uncompleted or existing projects
2 undertaken as a Housing Authority, the Land Clearance
3 Commission, subject to the approval of the Department of
4 Commerce and Economic Opportunity ~~Community Affairs~~, may
5 either complete or continue such project, or transfer full and
6 complete power thereover to the Housing Authority.

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

8 (310 ILCS 20/5) (from Ch. 67 1/2, par. 57)

9 Sec. 5. Any grants paid hereunder to a housing authority
10 shall be deposited in a separate fund and, subject to the
11 approval of the Department of Commerce and Economic Opportunity
12 ~~Community Affairs~~, may be used for any or all of the following
13 purposes as the needs of the community may require: the
14 acquisition of land by purchase, gift or condemnation and the
15 improvement thereof, the purchase and installation of
16 temporary housing facilities, the construction of housing
17 units for rent or sale to veterans, the families of deceased
18 servicemen, and for persons and families who by reason of
19 overcrowded housing conditions or displacement by eviction,
20 fires or other calamities, or slum clearance or other private
21 or public project involving relocation, are in urgent need of
22 safe and sanitary housing, the making of grants in connection
23 with the sale or lease of real property as provided in the
24 following paragraph of this section, and for any and all
25 purposes authorized by the "Housing Authorities Act," approved
26 March 19, 1934, as amended, including administrative expenses
27 of the housing authorities in relation to the aforesaid
28 objectives, to the extent and for the purposes authorized and
29 approved by the Department of Commerce and Economic Opportunity
30 ~~Community Affairs~~. Each housing authority is vested with power
31 to exercise the right of eminent domain for the purposes
32 authorized by this Act. Condemnation proceedings instituted by
33 any such authority shall be in all respects in the manner
34 provided for the exercise of the right of eminent domain under
35 Article VII of the Code of Civil Procedure, as amended.

1 In addition to the foregoing, and for the purpose of
2 facilitating the development and construction of housing,
3 housing authorities may, with the approval of the Department of
4 Commerce and Economic Opportunity ~~Community Affairs~~, enter
5 into contracts and agreements for the sale or lease of real
6 property acquired by the Authority through the use of the grant
7 hereunder, and may sell or lease such property to (1) housing
8 corporations operating under "An Act in relation to housing,"
9 approved July 12, 1933, as amended; (2) neighborhood
10 redevelopment corporations operating under the "Neighborhood
11 Redevelopment Corporation Law," approved July 9, 1941; (3)
12 insurance companies operating under Article VIII of the
13 Illinois Insurance Code; (4) non-profit corporations organized
14 for the purpose of constructing, managing and operating housing
15 projects and the improvement of housing conditions, including
16 the sale or rental of housing units to persons in need thereof;
17 or (5) to any other individual, association or corporation,
18 including bona fide housing cooperatives, desiring to engage in
19 a development or redevelopment project. The term "corporation"
20 as used in this section, means a corporation organized under
21 the laws of this or any other state of the United States, or of
22 any country, which may legally make investments in this State
23 of the character herein prescribed, including foreign and alien
24 insurance companies as defined in Section 2 of the "Illinois
25 Insurance Code." No sale or lease shall be made hereunder to
26 any of the aforesaid corporations, associations or individuals
27 unless a plan approved by the Authority has been presented by
28 the purchaser or lessee for the development or redevelopment of
29 such property, together with a bond, with satisfactory
30 sureties, of not less than 10% of the cost of such development
31 or redevelopment, conditioned upon the completion of such
32 development or redevelopment; provided that the requirement of
33 the bond may be waived by the Department of Commerce and
34 Economic Opportunity ~~Community Affairs~~ if it is satisfied of
35 the financial ability of the purchaser or lessee to complete
36 such development or redevelopment in accordance with the

1 presented plan. To further assure that the real property so
2 sold or leased shall be used in accordance with the plan, the
3 Department of Commerce and Economic Opportunity ~~Community~~
4 ~~Affairs~~ may require the purchaser or lessee to execute in
5 writing such undertakings as the Department deems necessary to
6 obligate such purchaser or lessee (1) to use the property for
7 the purposes presented in the plan; (2) to commence and
8 complete the building of the improvements designated in the
9 plan within the periods of time that the Department of Commerce
10 and Economic Opportunity ~~Community Affairs~~ fixes as
11 reasonable, and (3) to comply with such other conditions as are
12 necessary to carry out the purposes of this Act. Any such
13 property may be sold pursuant to this section for any legal
14 consideration in an amount to be approved by the Department of
15 Commerce and Economic Opportunity ~~Community Affairs~~. Subject
16 to the approval of the Department of Commerce and Economic
17 Opportunity ~~Community Affairs~~, a housing authority may pay to
18 any non-profit corporation of the character described in this
19 section from grants made available from state funds, such sum
20 of money which, when added to the value of the land so sold or
21 leased to such non-profit corporation and the value of other
22 assets of such non-profit corporation available for use in the
23 project, will enable such non-profit corporation to obtain
24 Federal Housing Administration insured construction mortgages.
25 Any such authority may also sell, transfer, convey or assign to
26 any such non-profit corporation any personal property,
27 including building materials and supplies, as it deems
28 necessary to facilitate the completion of the development or
29 redevelopment by such non-profit corporation.

30 If the area of operation of a housing authority includes a
31 city, village or incorporated town having a population in
32 excess of 500,000, as determined by the last preceding Federal
33 Census, no real property or interest in real property shall be
34 acquired in such municipality by the housing authority until
35 such time as the housing authority has advised the governing
36 body of such municipality of the description of the real

1 property, or interest therein, proposed to be acquired, and the
2 governing body of the municipality has approved the acquisition
3 thereof by the housing authority.

4 (Source: P.A. 90-418, eff. 8-15-97; revised 12-1-04.)

5 (310 ILCS 20/8) (from Ch. 67 1/2, par. 60)

6 Sec. 8. No housing authority or land clearance commission
7 shall reinvest or use any funds arising from the rental or sale
8 of any property acquired with funds granted pursuant to this
9 Act except with the approval of the Department of Commerce and
10 Economic Opportunity ~~Community Affairs~~.

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

12 (310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

13 Sec. 9a. In the event that any housing authority or land
14 clearance commission has failed or refused to initiate any
15 project or projects for which it has received grants of State
16 funds under the provisions of this Act or "An Act to promote
17 the improvement of housing," approved July 26, 1945, and the
18 Department of Commerce and Economic Opportunity ~~Community~~
19 ~~Affairs~~, upon the basis of an investigation, is convinced that
20 such housing authority or land clearance commission is unable
21 or unwilling to proceed thereon, the Department may direct the
22 housing authority or land clearance commission to transfer to
23 the Department the balance of the State funds then in the
24 possession of such agency, and upon failure to do so within
25 thirty days after such demand, the Department shall institute a
26 civil action for the recovery thereof, which action shall be
27 maintained by the Attorney General of the State of Illinois or
28 the state's attorney of the county in which the housing
29 authority or land clearance commission has its area of
30 operation.

31 Any officer or member of any such housing authority or land
32 clearance commission who refuses to comply with the demand of
33 the Department of Commerce and Economic Opportunity ~~Community~~
34 ~~Affairs~~ for the transfer of State funds as herein provided

1 shall be guilty of a Class A misdemeanor.

2 All State funds recovered by the Department of Commerce and
3 Economic Opportunity ~~Community Affairs~~ pursuant to this
4 section shall forthwith be paid into the State Housing Fund in
5 the State Treasury.

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

7 (310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

8 Sec. 10. "An Act to promote the improvement of housing",
9 approved July 26, 1945, is repealed. The repeal of said Act
10 shall not affect the validity of the organization, acts,
11 contracts, proceedings, conveyances and transactions of
12 housing authorities and land clearance commissions done or
13 performed thereunder prior to the effective date of this Act,
14 and all such acts, contracts, proceedings, conveyances and
15 transactions, done or performed thereunder, and the
16 organization of such authorities and land clearance
17 commissions are ratified, affirmed and declared valid and legal
18 in all respects. Grants paid to such housing authorities and
19 land clearance commissions under the act herein repealed may be
20 used by such authorities and commissions for the purposes for
21 which such grants were made, and all or any portion thereof
22 which remains unexpended and unobligated may, in addition, be
23 used in the manner authorized by Section 22 of the "Blighted
24 Areas Redevelopment Act of 1947", enacted by the 65th General
25 Assembly, or, with the approval of the Department of Commerce
26 and Community Affairs (now Department of Commerce and Economic
27 Opportunity) for any purpose or purposes authorized by this
28 Act.

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

30 Section 730. The Redevelopment Project Rehousing and
31 Capital Improvements Act is amended by changing Section 2 as
32 follows:

33 (310 ILCS 30/2) (from Ch. 67 1/2, par. 93)

1 Sec. 2. Any housing authority may apply to the Department
2 of Commerce and Economic Opportunity ~~Community Affairs~~ for the
3 grant of a sum from the amount to be appropriated for this Act
4 to develop housing projects pursuant to the "Housing
5 Authorities Act", approved March 19, 1934, as amended, to
6 facilitate and aid in the rehousing of persons eligible for
7 tenancy under said Act residing in the site of a redevelopment
8 project who could not otherwise be rehoused in decent, safe and
9 uncongested dwelling accommodations within their financial
10 reach.

11 Upon a showing of need of a grant from the amount
12 appropriated for this Act and that the sum so granted will be
13 satisfactorily employed by the housing authority in the
14 development of housing projects for the purposes authorized by
15 this Act, the Director of ~~the Department of~~ Commerce and
16 Economic Opportunity ~~Community Affairs~~ shall transmit to the
17 State Comptroller a statement of approval and of the amount of
18 the grant, and when the municipality has paid to the housing
19 authority an amount at least equal to the amount of the
20 approved grant, the Comptroller shall pay the amount of the
21 approved grant to the housing authority from the appropriation
22 for grants under this Act. The amount so granted together with
23 the amount contributed by the city, village or incorporated
24 town in which the redevelopment project is situated shall be
25 deposited in a separate fund and shall be applied only to the
26 planning, acquisition, development, and capital improvements
27 of the approved housing project or projects for the purposes
28 authorized by this Act and the Housing Authorities Act. The
29 expenditure of any moneys from such separate fund and the
30 location of the rehousing project or projects shall be subject
31 to the approval of the Department of Commerce and Economic
32 Opportunity ~~Community Affairs~~ and the governing body of the
33 municipality in which the redevelopment project is located.

34 (Source: P.A. 91-632, eff. 8-19-99; revised 12-6-03.)

35 Section 735. The Illinois Affordable Housing Act is amended

1 by changing Sections 6 and 16 as follows:

2 (310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

3 Sec. 6. Advisory Commission.

4 (a) There is hereby created the Illinois Affordable Housing
5 Advisory Commission. The Commission shall consist of 15
6 members. Three of the Commissioners shall be the Directors of
7 the Illinois Housing Development Authority, the Illinois
8 Finance Authority and the Department of Commerce and Economic
9 Opportunity ~~Community Affairs~~ or their representatives. One of
10 the Commissioners shall be the Commissioner of the Chicago
11 Department of Housing or its representative. The remaining 11
12 members shall be appointed by the Governor, with the advice and
13 consent of the Senate, and not more than 4 of these Commission
14 members shall reside in any one county in the State. At least
15 one Commission member shall be an administrator of a public
16 housing authority from other than a municipality having a
17 population in excess of 2,000,000; at least 2 Commission
18 members shall be representatives of special needs populations
19 as described in subsection (e) of Section 8; at least 4
20 Commission members shall be representatives of community-based
21 organizations engaged in the development or operation of
22 housing for low-income and very low-income households; and at
23 least 4 Commission members shall be representatives of advocacy
24 organizations, one of which shall represent a tenants' advocacy
25 organization. The Governor shall consider nominations made by
26 advocacy organizations and community-based organizations.

27 (b) Members appointed to the Commission shall serve a term
28 of 3 years; however, 3 members first appointed under this Act
29 shall serve an initial term of one year, and 4 members first
30 appointed under this Act shall serve a term of 2 years.
31 Individual terms of office shall be chosen by lot at the
32 initial meeting of the Commission. The Governor shall appoint
33 the Chairman of the Commission, and the Commission members
34 shall elect a Vice Chairman.

35 (c) Members of the Commission shall not be entitled to

1 compensation, but shall receive reimbursement for actual and
2 reasonable expenses incurred in the performance of their
3 duties.

4 (d) Eight members of the Commission shall constitute a
5 quorum for the transaction of business.

6 (e) The Commission shall meet at least quarterly and its
7 duties and responsibilities are:

8 (1) the study and review of the availability of
9 affordable housing for low-income and very low-income
10 households in the State of Illinois and the development of
11 a plan which addresses the need for additional affordable
12 housing;

13 (2) encouraging collaboration between federal and
14 State agencies, local government and the private sector in
15 the planning, development and operation of affordable
16 housing for low-income and very low-income households;

17 (3) studying, evaluating and soliciting new and
18 expanded sources of funding for affordable housing;

19 (4) developing, proposing, reviewing, and commenting
20 on priorities, policies and procedures for uses and
21 expenditures of Trust Fund monies, including policies
22 which assure equitable distribution of funds statewide;

23 (5) making recommendations to the Program
24 Administrator concerning proposed expenditures from the
25 Trust Fund;

26 (6) making recommendations to the Program
27 Administrator concerning the developments proposed to be
28 financed with the proceeds of Affordable Housing Program
29 Trust Fund Bonds or Notes;

30 (7) reviewing and commenting on the development of
31 priorities, policies and procedures for the administration
32 of the Program;

33 (8) monitoring and evaluating all allocations of funds
34 under this Program; and

35 (9) making recommendations to the General Assembly for
36 further legislation that may be necessary in the area of

1 affordable housing.

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

3 (310 ILCS 65/16) (from Ch. 67 1/2, par. 1266)

4 Sec. 16. Tax Increment Financing Plan. The Program
5 Administrator shall, in cooperation with the Department of
6 Commerce and Economic Opportunity ~~Community Affairs~~, develop a
7 plan for the use of tax increment financing to increase the
8 availability of affordable housing. The Program Administrator
9 shall recommend ways in which local tax increment financing can
10 be exported from commercial and industrial developments to very
11 low-income, low-income and moderate income housing projects
12 outside the tax increment financing district, subject to
13 limitation on dollar amounts. By March 1, 1990, the Program
14 Administrator shall report to the Governor and the General
15 Assembly the details of the plan and the Program
16 Administrator's recommendations for legislative action.

17 (Source: P.A. 86-925; revised 12-6-03.)

18 Section 740. The Blighted Areas Redevelopment Act of 1947
19 is amended by changing Section 3 as follows:

20 (315 ILCS 5/3) (from Ch. 67 1/2, par. 65)

21 Sec. 3. Definitions. The following terms, wherever used or
22 referred to in this Act shall have the following respective
23 meanings, unless in any case a different meaning clearly
24 appears from the context:

25 (a) "Commission" means a Land Clearance Commission created
26 pursuant to this Act or heretofore created pursuant to "An Act
27 to promote the improvement of housing," approved July 26, 1945.

28 (b) "Commissioner" or "Commissioners" shall mean a
29 Commissioner or Commissioners of a Land Clearance Commission.

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

32 (d) "Authority" or "housing authority" shall mean a housing
33 authority organized in accordance with the provisions of the

1 Housing Authorities Act.

2 (e) "Municipality" shall mean a city, village or
3 incorporated town.

4 (f) "Presiding officer" shall mean the presiding officer of
5 the board of a county, or the mayor or president of a city,
6 village or incorporated town, as the case may be, for which a
7 Land Clearance Commission is created.

8 (g) The term "governing body" shall mean the council or the
9 president and board of trustees of any city, village or
10 incorporated town, as the case may be, and the county board of
11 any county.

12 (h) "Area of operation" shall mean (1) in the case of a
13 Land Clearance Commission created for a municipality, the area
14 within the territorial boundaries of said municipality; and (2)
15 in the case of a county shall include the areas within the
16 territorial boundaries of all municipalities within such
17 county, except the area of any municipality located therein in
18 which there has been created a Land Clearance Commission or a
19 Department of Urban Renewal pursuant to the provisions of the
20 Urban Renewal Consolidation Act of 1961. When a Land Clearance
21 Commission or such a Department of Urban Renewal is created for
22 a municipality subsequent to the creation of a County land
23 clearance commission whose area of operation of the County land
24 clearance commission shall not thereafter include the
25 territory of such municipality, but the County land clearance
26 commission may continue any redevelopment project previously
27 commenced in such municipality.

28 (i) "Real property" shall include lands, lands under water,
29 structures, and any and all easements, franchises and
30 incorporeal hereditaments and estates, and rights, legal and
31 equitable, including terms for years and liens by way of
32 judgment, mortgage or otherwise.

33 (j) "Slum and Blighted Area" means any area of not less in
34 the aggregate than 2 acres located within the territorial
35 limits of a municipality where buildings or improvements, by
36 reason of dilapidation, obsolescence, overcrowding, faulty

1 arrangement or design, lack of ventilation, light and sanitary
2 facilities, excessive land coverage, deleterious land use or
3 layout or any combination of these factors, are detrimental to
4 the public safety, health, morals or welfare.

5 (k) "Slum and Blighted Area Redevelopment Project" means a
6 project involving a slum and blighted area as defined in
7 subsection (j) of this Section including undertakings and
8 activities of the Commission in a Slum and Blighted Area
9 Redevelopment Project for the elimination and for the
10 prevention of the development or spread of slums and blight and
11 may involve slum clearance and redevelopment in a Slum and
12 Blighted Area Redevelopment Project, or any combination or part
13 thereof in accordance with an Urban Renewal Program. Such
14 undertakings and activities may include:

15 1. acquisition of a slum area or a blighted area or
16 portion thereof;

17 2. demolition and removal of buildings and
18 improvements;

19 3. installation, construction or reconstruction of
20 streets, utilities, parks, playgrounds, and other
21 improvements necessary for the carrying out in the Slum and
22 Blighted Area Redevelopment Project the objectives of this
23 Act;

24 4. disposition of any property acquired in the Slum and
25 Blighted Area Redevelopment Project;

26 5. carrying out plans for a program of voluntary repair
27 and rehabilitation of buildings or other improvements in
28 accordance with a redevelopment plan.

29 (l) "Blighted Vacant Area Redevelopment Project" means a
30 project involving (1) predominantly open platted urban or
31 suburban land which because of obsolete platting, diversity of
32 ownership, deterioration of structures or of site
33 improvements, or taxes or special assessment delinquencies
34 exceeding the fair value of the land, substantially impairs or
35 arrests the sound growth of the community and which is to be
36 developed for residential or other use, provided that such a

1 project shall not be developed for other than residential use
2 unless the area, at the time the Commission adopts the
3 resolution approving the plan for the development of the area,
4 is zoned for other than residential use and unless the
5 Commission determines that residential development thereof is
6 not feasible, and such determination is approved by the
7 presiding officer and the governing body of the municipality in
8 which the area is situated and by the Department, or (2) open
9 unplatted urban or suburban land to be developed for
10 predominantly residential uses, or (3) a combination of
11 projects defined in (1) and (2) of this subsection (1).

12 (m) "Redevelopment Project" means a "Slum and Blighted Area
13 Redevelopment Project" or a "Blighted Vacant Area
14 Redevelopment Project", as the case may be, as designated in
15 the determination of the Commission pursuant to Section 13 of
16 this Act, and may include such additional area of not more in
17 the aggregate than 160 acres (exclusive of the site of any
18 abutting Slum and Blighted Area Redevelopment Project or
19 Blighted Vacant Area Redevelopment Project) located within the
20 territorial limits of the municipality, abutting and adjoining
21 in whole or in part a Slum and Blighted Area Redevelopment
22 Project or Blighted Vacant Area Redevelopment Project, which
23 the land clearance commission deems necessary for the
24 protection and completion of such redevelopment project or
25 projects and of the site improvements to be made therein and
26 which has been approved by the Department and the governing
27 body of the municipality in which the area is situated, but the
28 land clearance commission as to such additional area shall have
29 power only to make studies, surveys and plans concerning
30 services to be performed by the municipality or others,
31 including the extension of project streets and utilities, the
32 provision of parks, playgrounds or schools, and the zoning of
33 such peripheral areas.

34 (n) "Match" and any other form of said word when used with
35 reference to the matching of moneys means match on a dollar for
36 dollar basis.

1 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

2 Section 745. The Blighted Vacant Areas Development Act of
3 1949 is amended by changing Section 3 as follows:

4 (315 ILCS 10/3) (from Ch. 67 1/2, par. 91.3)

5 Sec. 3. Definitions. The following terms, wherever used or
6 referred to in this Act, shall have the following respective
7 meanings, unless, in any case, a different meaning clearly
8 appears from the context:

9 (a) "Private interest" and "developer" includes any
10 person, firm, association, trust, or business corporation.

11 (b) "Blighted vacant area" means any undeveloped
12 contiguous urban area of not less than one acre where there
13 exists diversity of ownership of lots and tax and special
14 assessment delinquencies exceeding the fair cash market value
15 of the land within such area.

16 (c) "Department" means the Department of Commerce and
17 Economic Opportunity ~~Community Affairs~~.

18 (d) "Municipality" and "corporate authorities of the
19 municipality" shall have the respective meanings assigned to
20 these terms in Section 1-1-2 of the Illinois Municipal Code.
21 "Corporate authorities of the county" shall refer to the
22 governing body of the county as specified in Section 5-1004 of
23 the Counties Code.

24 (Source: P.A. 86-1475; revised 12-6-03.)

25 Section 750. The Urban Community Conservation Act is
26 amended by changing Section 4 as follows:

27 (315 ILCS 25/4) (from Ch. 67 1/2, par. 91.11)

28 Sec. 4. Excepting any municipality for and in which there
29 exists a Department of Urban Renewal created pursuant to the
30 provisions of the "Urban Renewal Consolidation Act of 1961",
31 enacted by the Seventy-Second General Assembly, any
32 municipality, after 30 days' notice, published in a newspaper

1 of general circulation within the municipality, and public
2 hearing, shall have the power to provide for the creation of a
3 Conservation Board, to operate within the boundaries of such
4 municipality, pursuant to the provisions of this Act. The
5 presiding officer of any municipality in which a Conservation
6 Board is established shall appoint, with the approval of the
7 governing body and of the Department of Commerce and Economic
8 Opportunity ~~Community Affairs~~, five residents of the
9 municipality to act as a Conservation Board, hereinafter
10 referred to as "the Board." Members of the Board shall be
11 citizens of broad civic interest, administrative experience
12 and ability in the fields of finance, real estate, building, or
13 related endeavors, not more than three of whom shall belong to
14 the same political party. One such member shall be designated
15 by the presiding officer as Commissioner and shall serve at the
16 pleasure of the presiding officer. He shall administer the
17 functions assigned by the Board, preside over its meetings, and
18 carry out whatever other functions may be assigned to him by
19 the governing body. The Commissioner shall devote his full-time
20 attention to the duties of his office and shall receive no
21 public funds by way of salary, compensation, or remuneration
22 for services rendered, from any other governmental agency or
23 public body during his tenure in office, other than the salary
24 provided by the governing body, except as herein otherwise
25 specifically provided.

26 Four other members of the Board shall be appointed, to
27 serve one, two, three and four year terms. After the expiration
28 of the initial term of office each subsequent term shall be of
29 four years' duration. A member shall hold office until his
30 successor shall have been appointed and qualified. Members of
31 the Board shall be eligible to succeed themselves. Members of
32 the Board other than the Commissioner shall serve without pay,
33 except as herein otherwise specifically provided and no member
34 of the Board shall acquire any interest, direct or indirect, in
35 any conservation project, or in any property included or
36 planned to be included in any conservation project, nor shall

1 any member have any interest in any contract or proposed
2 contract in connection with any such project. Members may be
3 dismissed by the Presiding Office of the Municipality for good
4 cause shown. Such dismissal may be set aside by a two-thirds
5 vote of the governing body. Notwithstanding anything to the
6 contrary herein contained, the Commissioner, may, during all or
7 any part of his term also serve as Chairman or member of a
8 Redevelopment Commission created pursuant to "The Neighborhood
9 Redevelopment Corporation Law" approved July 9, 1941, as
10 amended, and shall be entitled to receive and retain any salary
11 payable to him as Chairman or member of any such Redevelopment
12 Commission. Three members of the Conservation Board shall
13 constitute a quorum to transact business and no vacancy shall
14 impair the right of the remaining members to exercise all the
15 powers of the Board; and every act, order, rule, regulation or
16 resolution of the Conservation Board approved by a majority of
17 the members thereof at a regular or special meeting shall be
18 deemed to be the act, order, rule, regulation or resolution of
19 the Conservation Board.

20 The Conservation Board shall designate Conservation Areas
21 and

22 (a) Approve all conservation plans developed for
23 Conservation Areas in the manner prescribed herein;

24 (b) Approve each use of eminent domain for the acquisition
25 of real property for the purposes of this Act, provided that
26 every property owner affected by condemnation proceedings
27 shall have the opportunity to be heard by the Board before such
28 proceedings may be approved;

29 (c) Act as the agent of the Municipality in the
30 acquisition, management, and disposition of property acquired
31 pursuant to this Act as hereinafter provided;

32 (d) Act as agent of the governing body, at the discretion
33 of the governing body, in the enforcement and the
34 administration of any ordinances relating to the conservation
35 of urban residential areas and the prevention of slums enacted
36 by the governing body pursuant to the laws of this State;

1 (e) Report annually to the presiding officer of the
2 municipality;

3 (f) Shall, as agent for the Municipality upon approval by
4 the governing body, have power to apply for and accept capital
5 grants and loans from, and contract with, the United States of
6 America, the Housing and Home Finance Agency, or any other
7 Agency or instrumentality of the United States of America, for
8 or in aid of any of the purposes of this Act, and to secure such
9 loans by the issuance of debentures, notes, special
10 certificates, or other evidences of indebtedness, to the United
11 States of America; and

12 (g) Exercise any and all other powers as shall be necessary
13 to effectuate the purposes of this Act.

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

15 Section 755. The Urban Renewal Consolidation Act of 1961 is
16 amended by changing Sections 5, 16, 17, and 31 as follows:

17 (315 ILCS 30/5) (from Ch. 67 1/2, par. 91.105)

18 Sec. 5. As soon as possible after the adoption of the
19 ordinance by the governing body, the presiding officer of such
20 municipality in which a Department of Urban Renewal is
21 established, shall appoint, with the approval of the governing
22 body, five members to act as a Department of Urban Renewal,
23 hereinafter referred to as the "Department". Members of the
24 Department shall be citizens of broad civic interest,
25 administrative experience and ability in the fields of finance,
26 real estate, building or related endeavors, at least three of
27 whom shall be residents and electors of the municipality, and
28 not more than three members shall belong to the same political
29 party.

30 One member shall be designated by the presiding officer as
31 Chairman and shall serve at the pleasure of the presiding
32 officer. He shall administer the functions assigned by the
33 Department, preside over its meetings and carry out whatever
34 other functions may be assigned to him by the Department and by

1 the governing body. The Chairman shall devote his full-time
2 attention to the duties of his office and shall receive no
3 public funds by way of salary, compensation, or remuneration
4 for services rendered, from any other governmental agency or
5 public body during his tenure in office, other than the salary
6 provided by the governing body.

7 Four other members shall be appointed with initial terms of
8 one, two, three and four years. At the expiration of the term
9 of each such member, and of each succeeding member, or in the
10 event of a vacancy, the presiding officer shall appoint a
11 member, subject to the approval of the governing body as
12 aforesaid, to hold office, in the case of a vacancy for the
13 unexpired term, or in the case of expiration for a term of four
14 years, or until his successor shall have been appointed and
15 qualified. Members shall be eligible to succeed themselves.
16 Members other than the Chairman shall serve without
17 compensation in the form of salary, per diem allowances or
18 otherwise, but each such member shall be entitled to
19 reimbursement for any necessary expenditures in connection
20 with the performance of his duties.

21 Any public officer shall be eligible to serve as a member
22 of the Department of Urban Renewal, and the acceptance of
23 appointment as such shall not terminate or impair his other
24 public office, the provision of any statute to the contrary
25 notwithstanding; but no officer or employee of the Department
26 of Commerce and Economic Opportunity ~~Community Affairs~~ shall be
27 eligible to serve as a member, nor shall more than two public
28 officers be members of the Department at one time; provided,
29 however, that any commissioner of a land clearance commission
30 or member of a conservation board shall be eligible to serve as
31 a member, and the acceptance of appointment as such shall not
32 impair his right to serve on such land clearance commission or
33 conservation board pending its dissolution, the provision of
34 any statute to the contrary notwithstanding. Members other than
35 the Chairman may be removed from office by the presiding
36 officer for good cause shown. Such removal may be set aside by

1 a two-thirds vote of the governing body.

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

3 (315 ILCS 30/16) (from Ch. 67 1/2, par. 91.116)

4 Sec. 16. The Department, with the approval of the
5 Department of Commerce and Economic Opportunity ~~Community~~
6 ~~Affairs~~ and the governing body of the municipality in which the
7 redevelopment project is located, may sell and convey not to
8 exceed 15% of all the real property which is to be used for
9 residential purposes in the area or areas of a redevelopment
10 project or projects to a Housing Authority created under an Act
11 entitled "An Act in relation to housing authorities," approved
12 March 19, 1934, as amended, having jurisdiction within the area
13 of the redevelopment project or projects, to provide housing
14 projects pursuant to said last mentioned Act; provided the
15 Department of Commerce and Economic Opportunity ~~Community~~
16 ~~Affairs~~ determines that it is not practicable or feasible to
17 otherwise relocate eligible persons residing in the area of the
18 redevelopment project or projects in decent, safe and
19 uncongested dwelling accommodations within their financial
20 reach, unless such a housing project is undertaken by the
21 Housing Authority, and provided further that first preference
22 for occupancy in any such housing project developed by the
23 Housing Authority on such real property shall be granted to
24 eligible persons from the area included in the redevelopment
25 project or projects that cannot otherwise be relocated in
26 decent, safe and uncongested dwelling accommodations within
27 their financial reach.

28 Any real property sold and conveyed to a Housing Authority
29 pursuant to the provisions of this Section shall be sold at its
30 use value (which may be less than its acquisition cost), which
31 represents the value at which the Department determines such
32 land should be made available in order that it may be
33 redeveloped for the purposes specified in this Section.

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

1 (315 ILCS 30/17) (from Ch. 67 1/2, par. 91.117)

2 Sec. 17. A Department, with the approval of the Department
3 of Commerce and Economic Opportunity ~~Community Affairs~~ and the
4 governing body of the municipality in which the project is
5 located, may sell and convey any part of the real property
6 within the area of a slum and blighted area redevelopment
7 project as defined in Subsection (j) of Section 3 hereof to a
8 Housing Authority created under an Act entitled "An Act in
9 relation to housing authorities," approved March 19, 1934, as
10 amended, having jurisdiction within the area of the
11 redevelopment project or projects. Any real property sold and
12 conveyed to a Housing Authority pursuant to the provisions of
13 this Section shall be for the sole purpose of resale pursuant
14 to the terms and provisions of Section 5 of an Act entitled "An
15 Act to facilitate the development and construction of housing,
16 to provide governmental assistance therefor, and to repeal an
17 Act herein named," approved July 2, 1947, to a nonprofit
18 corporation, or nonprofit corporations, organized for the
19 purpose of constructing, managing and operating housing
20 projects and the improvement of housing conditions, including
21 the sale or rental of housing units to persons in need thereof.
22 No sale shall be consummated pursuant to this Section unless
23 the nonprofit corporation to which the Housing Authority is to
24 resell, obligates itself to use the land for the purposes
25 designated in the approved plan referred to in Section 19
26 hereof and to commence and complete the building of the
27 improvements within the periods of time which the Department
28 fixes as reasonable and unless the Department is satisfied that
29 the nonprofit corporation will have sufficient moneys to
30 complete the redevelopment in accordance with the approved
31 plan.

32 Any real property sold and conveyed to a Housing Authority
33 pursuant to the provisions of this Section shall be sold at its
34 use value (which may be less than its acquisition cost), which
35 represents the value at which the Department determines such
36 land should be made available in order that it may be developed

1 or redeveloped for the purposes specified in the approved plan.
2 (Source: P.A. 81-1509; revised 12-6-03.)

3 (315 ILCS 30/31) (from Ch. 67 1/2, par. 91.131)

4 Sec. 31. When a Department of Urban Renewal has been
5 established hereunder the presiding officer of the
6 municipality shall so notify the Department of Commerce and
7 Economic Opportunity ~~Community Affairs~~ and the land clearance
8 commission in its area of operation by transmitting to the
9 Department of Commerce and Economic Opportunity ~~Community~~
10 ~~Affairs~~ and such land clearance commission a certified copy of
11 the ordinance of the governing body providing for the creation
12 of such Department.

13 From and after the receipt of such notice such land
14 clearance commission shall undertake no new development or
15 redevelopment projects; however, such land clearance
16 commission shall, pending its dissolution as hereinafter
17 provided, have and continue to exercise all powers vested in
18 land clearance commissions by the "Blighted Areas
19 Redevelopment Act of 1947," approved July 2, 1947, as amended,
20 with respect to: (1) projects then in progress pending
21 determination, as hereinafter provided, by the governing body
22 of the municipality as to which, if any, of the redevelopment
23 projects then in progress are to be completed by such land
24 clearance commission, and (2) projects which the governing body
25 of the municipality determines shall be completed by such land
26 clearance commission.

27 Such land clearance commission shall promptly prepare a
28 detailed report covering its operations and activities and the
29 status of all of its pending development or redevelopment
30 projects, together with all other pertinent data and
31 information as may be requested by the Department. The
32 Department shall cause an audit to be made of the financial
33 affairs and obligations of such land clearance commission.
34 Copies of such report and audit shall be furnished the
35 presiding officer of the municipality, the department, the

1 governing body of the municipality, the Department of Commerce
2 and Economic Opportunity ~~Community Affairs~~ and such land
3 clearance commission.

4 Upon receipt of such audit and report the Department of
5 Urban Renewal, with the approval of the governing body of the
6 municipality, shall determine with respect to any
7 redevelopment project then in progress whether such project
8 shall be completed by such land clearance commission or by the
9 Department of Urban Renewal, and shall so notify such land
10 clearance commission and the Department of Commerce and
11 Economic Opportunity ~~Community Affairs~~.

12 Such land clearance commission shall, upon receipt of the
13 determinations of the Department of Urban Renewal with respect
14 to redevelopment projects then in progress, proceed with the
15 orderly dissolution of such land clearance commission. When
16 provision has been made for the refunding or payment of
17 outstanding bonds of such land clearance commission the
18 Commissioners of such land clearance commission shall promptly
19 take appropriate action to convey, transfer, assign, deliver
20 and pay over to the municipality for the purposes under Part I
21 of this Act, all cash, real property, securities, contracts,
22 records, and assets of any kind or nature which will not be
23 needed for the completion by the land clearance commission of
24 any redevelopment project which the department may have
25 determined should be completed by such land clearance
26 commission and which will not be required for the orderly
27 dissolution of such land clearance commission. All assets so
28 conveyed, assigned, transferred and paid over to the
29 municipality shall be subject to the same rights, liabilities
30 and obligations as existed prior to the transfer to the
31 municipality.

32 When all of the cash, real property, securities, contracts,
33 assets, records and functions of a land clearance commission
34 have been so conveyed, transferred, assigned, delivered and
35 paid over to the municipality and provisions have been made for
36 the refunding or payment of outstanding bonds of such land

1 clearance commission, and when such land clearance commission
2 has completed all projects which the Department, as aforesaid,
3 may have determined should be completed by such land clearance
4 commission, it shall so notify the Department of Commerce and
5 Economic Opportunity ~~Community Affairs~~. When the Department of
6 Commerce and Economic Opportunity ~~Community Affairs~~ is
7 satisfied that a proper accounting has been made and that no
8 contingent liabilities exist, the Department of Commerce and
9 Economic Opportunity ~~Community Affairs~~ shall issue a
10 certificate of dissolution which it shall file in the office in
11 which deeds of property in the area of operation are recorded,
12 and upon such filing, such land clearance commission shall be
13 dissolved and cease to exist.

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

15 Section 760. The Partnership for Long-Term Care Act is
16 amended by changing Sections 50 and 60 as follows:

17 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

18 Sec. 50. Task force.

19 (a) An executive and legislative advisory task force shall
20 be created to provide advice and assistance in designing and
21 implementing the Partnership for Long-term Care Program. The
22 task force shall be composed of representatives, designated by
23 the director of each of the following agencies or departments:

24 (1) The Department on Aging.

25 (2) The Department of Public Aid.

26 (3) (Blank).

27 (4) The Department of Insurance.

28 (5) The Department of Commerce and Community Affairs

29 (now Department of Commerce and Economic Opportunity).

30 (6) The Legislative Research Unit.

31 (b) The task force shall consult with persons knowledgeable
32 of and concerned with long-term care, including, but not
33 limited to the following:

34 (1) Consumers.

1 (2) Health care providers.

2 (3) Representatives of long-term care insurance
3 companies and administrators of health care service plans
4 that cover long-term care services.

5 (4) Providers of long-term care.

6 (5) Private employers.

7 (6) Academic specialists in long-term care and aging.

8 (7) Representatives of the public employees' and
9 teachers' retirement systems.

10 (c) The task force shall be established, and its members
11 designated, not later than March 1, 1993. The task force shall
12 make recommendations to the Department on Aging concerning the
13 policy components of the program on or before September 1,
14 1993.

15 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,
16 eff. 7-1-97; revised 12-6-03.)

17 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

18 Sec. 60. Administrative costs.

19 (a) The Department on Aging, in conjunction with the
20 Department of Public Aid, the Department of Insurance, and the
21 Department of Commerce and Economic Opportunity ~~Community~~
22 ~~Affairs~~, shall submit applications for State or federal grants
23 or federal waivers, or funding from nationally distributed
24 private foundation grants, or insurance reimbursements to be
25 used to pay the administrative expenses of implementation of
26 the program. The Department on Aging, in conjunction with those
27 other departments, also shall seek moneys from these same
28 sources for the purpose of implementing the program, including
29 moneys appropriated for that purpose.

30 (b) In implementing this Act, the Department on Aging may
31 negotiate contracts, on a nonbid basis, with long-term care
32 insurers, health care insurers, health care service plans, or
33 both, for the provision of coverage for long-term care services
34 that will meet the certification requirements set forth in
35 Section 30 and the other requirements of this Act.

1 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,
2 eff. 7-1-97; revised 12-6-03.)

3 Section 765. The High Risk Youth Career Development Act is
4 amended by changing Section 1 as follows:

5 (325 ILCS 25/1) (from Ch. 23, par. 6551)

6 Sec. 1. The Department of Human Services (acting as
7 successor to the Illinois Department of Public Aid under the
8 Department of Human Services Act), in cooperation with the
9 Department of Commerce and Economic Opportunity ~~Community~~
10 ~~Affairs~~, the Illinois State Board of Education, the Department
11 of Children and Family Services, the Department of Employment
12 Services and other appropriate State and local agencies, may
13 establish and administer, on an experimental basis and subject
14 to appropriation, community-based programs providing
15 comprehensive, long-term intervention strategies to increase
16 future employability and career development among high risk
17 youth. The Department of Human Services, and the other
18 cooperating agencies, shall establish provisions for community
19 involvement in the design, development, implementation and
20 administration of these programs. The programs may provide the
21 following services: teaching of basic literacy and remedial
22 reading and writing; vocational training programs which are
23 realistic in terms of producing lifelong skills necessary for
24 career development; and supportive services including
25 transportation and child care during the training period and
26 for up to one year after placement in a job. The programs shall
27 be targeted to high risk youth residing in the geographic areas
28 served by the respective programs. "High risk" means that a
29 person is at least 16 years of age but not yet 21 years of age
30 and possesses one or more of the following characteristics:

- 31 (1) Has low income;
32 (2) Is a member of a minority;
33 (3) Is illiterate;
34 (4) Is a school drop out;

- 1 (5) Is homeless;
- 2 (6) Is disabled;
- 3 (7) Is a parent; or
- 4 (8) Is a ward of the State.

5 The Department of Human Services and other cooperating
6 State agencies shall promulgate rules and regulations,
7 pursuant to the Illinois Administrative Procedure Act, for the
8 implementation of this Act, including procedures and standards
9 for determining whether a person possesses any of the
10 characteristics specified in this Section.

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

12 Section 770. The Developmental Disability and Mental
13 Disability Services Act is amended by changing Section 10-5 as
14 follows:

15 (405 ILCS 80/10-5)

16 Sec. 10-5. Task force created. A workforce task force for
17 persons with disabilities is created, consisting of 16 members.
18 The task force shall consist of the following members:

19 (1) Two members of the Senate, appointed one each by
20 the President of the Senate and the Minority Leader of the
21 Senate.

22 (2) Two members of the House of Representatives,
23 appointed one each by the Speaker of the House of
24 Representatives and the Minority Leader of the House of
25 Representatives.

26 (3) Three members appointed by the Secretary of Human
27 Services or his or her designee, one each representing the
28 Office of Developmental Disabilities, the Office of
29 Rehabilitation Services, and the Office of Mental Health
30 within the Department.

31 (4) One member representing the Illinois Council on
32 Developmental Disabilities, selected by the Council.

33 (5) One member appointed by the Director of Aging or
34 his or her designee.

1 (6) One member appointed by the Director of Employment
2 Security or his or her designee.

3 (7) One member appointed by the Director of Commerce
4 and Economic Opportunity ~~Community Affairs~~ or his or her
5 designee.

6 (8) Two members representing private businesses, one
7 of the 2 representing the Business Leaders Network,
8 appointed by the Secretary of Human Services.

9 (9) One member representing the Illinois Network of
10 Centers for Independent Living, selected by the Network.

11 (10) One member representing the Coalition of Citizens
12 with Disabilities in Illinois, selected by the Coalition.

13 (11) One member representing People First of Illinois,
14 selected by that organization.

15 (Source: P.A. 92-303, eff. 8-9-01; revised 12-6-03.)

16 Section 775. The Environmental Protection Act is amended by
17 changing Sections 3.180, 6.1, 21.6, 22.16b, 22.23, 27, 55,
18 55.3, 55.7, 58.14, and 58.15 as follows:

19 (415 ILCS 5/3.180) (was 415 ILCS 5/3.07)

20 Sec. 3.180. Department. "Department", when a particular
21 entity is not specified, means (i) in the case of a function to
22 be performed on or after July 1, 1995 (the effective date of
23 the Department of Natural Resources Act), either the Department
24 of Natural Resources or the Department of Commerce and Economic
25 Opportunity (formerly Department of Commerce and Community
26 Affairs), whichever, in the specific context, is the successor
27 to the Department of Energy and Natural Resources under the
28 Department of Natural Resources Act; or (ii) in the case of a
29 function performed before July 1, 1995, the former Illinois
30 Department of Energy and Natural Resources.

31 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

32 (415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

33 Sec. 6.1. The Department of Commerce and Community Affairs

1 (now Department of Commerce and Economic Opportunity) shall
2 conduct studies of the effects of all State and federal sulfur
3 dioxide regulations and emission standards on the use of
4 Illinois coal and other fuels, and shall report the results of
5 such studies to the Governor and the General Assembly. The
6 reports shall be made by July 1, 1980 and biennially
7 thereafter.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Legislative Research Unit, as
13 required by Section 3.1 of "An Act to revise the law in
14 relation to the General Assembly", approved February 25, 1874,
15 as amended, and filing such additional copies with the State
16 Government Report Distribution Center for the General Assembly
17 as is required under paragraph (t) of Section 7 of the State
18 Library Act.

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

20 (415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)

21 Sec. 21.6. Materials disposal ban.

22 (a) Beginning July 1, 1996, no person may knowingly mix
23 liquid used oil with any municipal waste that is intended for
24 collection and disposal at a landfill.

25 (b) Beginning July 1, 1996, no owner or operator of a
26 sanitary landfill shall accept for final disposal liquid used
27 oil that is discernible in the course of prudent business
28 operation.

29 (c) For purposes of this Section, "liquid used oil" does
30 not include used oil filters, rags, absorbent material used to
31 collect spilled oil or other materials incidentally
32 contaminated with used oil, or empty containers which
33 previously contained virgin oil, re-refined oil, or used oil.

34 (d) The Agency and the Department of Commerce and Economic
35 Opportunity ~~Community Affairs~~ shall investigate the manner in

1 which liquid used oil is currently being utilized and potential
2 prospects for future use.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

4 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

5 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency
6 shall assess and collect a fee from the owner or operator of
7 each new municipal waste incinerator. The fee shall be
8 calculated by applying the rates established from time to time
9 for the disposal of solid waste at sanitary landfills under
10 subdivision (b)(1) of Section 22.15 to the total amount of
11 municipal waste accepted for incineration at the new municipal
12 waste incinerator. The exemptions provided by this Act to the
13 fees imposed under subsection (b) of Section 22.15 shall not
14 apply to the fee imposed by this Section.

15 The owner or operator of any new municipal waste
16 incinerator permitted after January 1, 1990, but before July 1,
17 1990 by the Agency for the development or operation of a new
18 municipal waste incinerator shall be exempt from this fee, but
19 shall include the following conditions:

20 (1) The owner or operator shall provide information
21 programs to those communities serviced by the owner or
22 operator concerning recycling and separation of waste not
23 suitable for incineration.

24 (2) The owner or operator shall provide information
25 programs to those communities serviced by the owner or
26 operator concerning the Agency's household hazardous waste
27 collection program and participation in that program.

28 For the purposes of this Section, "new municipal waste
29 incinerator" means a municipal waste incinerator initially
30 permitted for development or construction on or after January
31 1, 1990.

32 Amounts collected under this subsection shall be deposited
33 into the Municipal Waste Incinerator Tax Fund, which is hereby
34 established as an interest-bearing special fund in the State
35 Treasury. Monies in the Fund may be used, subject to

1 appropriation:

2 (1) by the Department of Commerce and Economic
3 Opportunity ~~Community Affairs~~ to fund its public
4 information programs on recycling in those communities
5 served by new municipal waste incinerators; and

6 (2) by the Agency to fund its household hazardous waste
7 collection activities in those communities served by new
8 municipal waste incinerators.

9 (b) Any permit issued by the Agency for the development or
10 operation of a new municipal waste incinerator shall include
11 the following conditions:

12 (1) The incinerator must be designed to provide
13 continuous monitoring while in operation, with direct
14 transmission of the resultant data to the Agency, until the
15 Agency determines the best available control technology
16 for monitoring the data. The Agency shall establish the
17 test methods, procedures and averaging periods, as
18 certified by the USEPA for solid waste incinerator units,
19 and the form and frequency of reports containing results of
20 the monitoring. Compliance and enforcement shall be based
21 on such reports. Copies of the results of such monitoring
22 shall be maintained on file at the facility concerned for
23 one year, and copies shall be made available for inspection
24 and copying by interested members of the public during
25 business hours.

26 (2) The facility shall comply with the emission limits
27 adopted by the Agency under subsection (c).

28 (3) The operator of the facility shall take reasonable
29 measures to ensure that waste accepted for incineration
30 complies with all legal requirements for incineration. The
31 incinerator operator shall establish contractual
32 requirements or other notification and inspection
33 procedures sufficient to assure compliance with this
34 subsection (b) (3) which may include, but not be limited to,
35 routine inspections of waste, lists of acceptable and
36 unacceptable waste provided to haulers and notification to

1 the Agency when the facility operator rejects and sends
2 loads away. The notification shall contain at least the
3 name of the hauler and the site from where the load was
4 hauled.

5 (4) The operator may not accept for incineration any
6 waste generated or collected in a municipality that has not
7 implemented a recycling plan or is party to an implemented
8 county plan, consistent with State goals and objectives.
9 Such plans shall include provisions for collecting,
10 recycling or diverting from landfills and municipal
11 incinerators landscape waste, household hazardous waste
12 and batteries. Such provisions may be performed at the site
13 of the new municipal incinerator.

14 The Agency, after careful scrutiny of a permit application
15 for the construction, development or operation of a new
16 municipal waste incinerator, shall deny the permit if (i) the
17 Agency finds in the permit application noncompliance with the
18 laws and rules of the State or (ii) the application indicates
19 that the mandated air emissions standards will not be reached
20 within six months of the proposed municipal waste incinerator
21 beginning operation.

22 (c) The Agency shall adopt specific limitations on the
23 emission of mercury, chromium, cadmium and lead, and good
24 combustion practices, including temperature controls from
25 municipal waste incinerators pursuant to Section 9.4 of the
26 Act.

27 (d) The Agency shall establish household hazardous waste
28 collection centers in appropriate places in this State. The
29 Agency may operate and maintain the centers itself or may
30 contract with other parties for that purpose. The Agency shall
31 ensure that the wastes collected are properly disposed of. The
32 collection centers may charge fees for their services, not to
33 exceed the costs incurred. Such collection centers shall not
34 (i) be regulated as hazardous waste facilities under RCRA nor
35 (ii) be subject to local siting approval under Section 39.2 if
36 the local governing authority agrees to waive local siting

1 approval procedures.

2 (Source: P.A. 88-474; 89-101, eff. 7-7-95; 89-445, eff. 2-7-96;
3 revised 12-6-03.)

4 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

5 Sec. 22.23. Batteries.

6 (a) Beginning September 1, 1990, any person selling
7 lead-acid batteries at retail or offering lead-acid batteries
8 for retail sale in this State shall:

9 (1) accept for recycling used lead-acid batteries from
10 customers, at the point of transfer, in a quantity equal to
11 the number of new batteries purchased; and

12 (2) post in a conspicuous place a written notice at
13 least 8.5 by 11 inches in size that includes the universal
14 recycling symbol and the following statements: "DO NOT put
15 motor vehicle batteries in the trash."; "Recycle your used
16 batteries."; and "State law requires us to accept motor
17 vehicle batteries for recycling, in exchange for new
18 batteries purchased."

19 (b) Any person selling lead-acid batteries at retail in
20 this State may either charge a recycling fee on each new
21 lead-acid battery sold for which the customer does not return a
22 used battery to the retailer, or provide a recycling credit to
23 each customer who returns a used battery for recycling at the
24 time of purchasing a new one.

25 (c) Beginning September 1, 1990, no lead-acid battery
26 retailer may dispose of a used lead-acid battery except by
27 delivering it (1) to a battery wholesaler or its agent, (2) to
28 a battery manufacturer, (3) to a collection or recycling
29 facility, or (4) to a secondary lead smelter permitted by
30 either a state or federal environmental agency.

31 (d) Any person selling lead-acid batteries at wholesale or
32 offering lead-acid batteries for sale at wholesale shall accept
33 for recycling used lead-acid batteries from customers, at the
34 point of transfer, in a quantity equal to the number of new
35 batteries purchased. Such used batteries shall be disposed of

1 as provided in subsection (c).

2 (e) A person who accepts used lead-acid batteries for
3 recycling pursuant to subsection (a) or (d) shall not allow
4 such batteries to accumulate for periods of more than 90 days.

5 (f) Beginning September 1, 1990, no person may knowingly
6 cause or allow:

7 (1) the placing of a lead-acid battery into any
8 container intended for collection and disposal at a
9 municipal waste sanitary landfill; or

10 (2) the disposal of any lead-acid battery in any
11 municipal waste sanitary landfill or incinerator.

12 (g) The Department of Commerce and Economic Opportunity
13 ~~Community Affairs~~ shall identify and assist in developing
14 alternative processing and recycling options for used
15 batteries.

16 (h) For the purpose of this Section:

17 "Lead-acid battery" means a battery containing lead and
18 sulfuric acid that has a nominal voltage of at least 6 volts
19 and is intended for use in motor vehicles.

20 "Motor vehicle" includes automobiles, vans, trucks,
21 tractors, motorcycles and motorboats.

22 (i) (Blank.)

23 (j) Knowing violation of this Section shall be a petty
24 offense punishable by a fine of \$100.

25 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

26 (415 ILCS 5/27) (from Ch. 111 1/2, par. 1027)

27 Sec. 27. Rulemaking.

28 (a) The Board may adopt substantive regulations as
29 described in this Act. Any such regulations may make different
30 provisions as required by circumstances for different
31 contaminant sources and for different geographical areas; may
32 apply to sources outside this State causing, contributing to,
33 or threatening environmental damage in Illinois; may make
34 special provision for alert and abatement standards and
35 procedures respecting occurrences or emergencies of pollution

1 or on other short-term conditions constituting an acute danger
2 to health or to the environment; and may include regulations
3 specific to individual persons or sites. In promulgating
4 regulations under this Act, the Board shall take into account
5 the existing physical conditions, the character of the area
6 involved, including the character of surrounding land uses,
7 zoning classifications, the nature of the existing air quality,
8 or receiving body of water, as the case may be, and the
9 technical feasibility and economic reasonableness of measuring
10 or reducing the particular type of pollution. The generality of
11 this grant of authority shall only be limited by the
12 specifications of particular classes of regulations elsewhere
13 in this Act.

14 No charge shall be established or assessed by the Board or
15 Agency against any person for emission of air contaminants from
16 any source, for discharge of water contaminants from any
17 source, or for the sale, offer or use of any article.

18 Any person filing with the Board a written proposal for the
19 adoption, amendment, or repeal of regulations shall provide
20 information supporting the requested change and shall at the
21 same time file a copy of such proposal with the Agency and the
22 Department of Natural Resources. To aid the Board and to assist
23 the public in determining which facilities will be affected,
24 the person filing a proposal shall describe, to the extent
25 reasonably practicable, the universe of affected sources and
26 facilities and the economic impact of the proposed rule.

27 (b) Except as provided below and in Section 28.2, before
28 the adoption of any proposed rules not relating to
29 administrative procedures within the Agency or the Board, or
30 amendment to existing rules not relating to administrative
31 procedures within the Agency or the Board, the Board shall:

32 (1) request that the Department of Commerce and
33 Economic Opportunity ~~Community Affairs~~ conduct a study of
34 the economic impact of the proposed rules. The Department
35 may within 30 to 45 days of such request produce a study of
36 the economic impact of the proposed rules. At a minimum,

1 the economic impact study shall address (A) economic,
2 environmental, and public health benefits that may be
3 achieved through compliance with the proposed rules, (B)
4 the effects of the proposed rules on employment levels,
5 commercial productivity, the economic growth of small
6 businesses with 100 or less employees, and the State's
7 overall economy, and (C) the cost per unit of pollution
8 reduced and the variability in cost based on the size of
9 the facility and the percentage of company revenues
10 expected to be used to implement the proposed rules; and

11 (2) conduct at least one public hearing on the economic
12 impact of those new rules. At least 20 days before the
13 hearing, the Board shall notify the public of the hearing
14 and make the economic impact study, or the Department of
15 Commerce and Economic Opportunity's ~~Community Affairs'~~
16 explanation for not producing an economic impact study,
17 available to the public. Such public hearing may be held
18 simultaneously or as a part of any Board hearing
19 considering such new rules.

20 In adopting any such new rule, the Board shall, in its
21 written opinion, make a determination, based upon the evidence
22 in the public hearing record, including but not limited to the
23 economic impact study, as to whether the proposed rule has any
24 adverse economic impact on the people of the State of Illinois.

25 (c) On proclamation by the Governor, pursuant to Section 8
26 of the Illinois Emergency Services and Disaster Act of 1975,
27 that a disaster emergency exists, or when the Board finds that
28 a severe public health emergency exists, the Board may, in
29 relation to any proposed regulation, order that such regulation
30 shall take effect without delay and the Board shall proceed
31 with the hearings and studies required by this Section while
32 the regulation continues in effect.

33 When the Board finds that a situation exists which
34 reasonably constitutes a threat to the public interest, safety
35 or welfare, the Board may adopt regulations pursuant to and in
36 accordance with Section 5-45 of the Illinois Administrative

1 Procedure Act.

2 (d) To the extent consistent with any deadline for adoption
3 of any regulations mandated by State or federal law, prior to
4 initiating any hearing on a regulatory proposal, the Board may
5 assign a qualified hearing officer who may schedule a
6 prehearing conference between the proponents and any or all of
7 the potentially affected persons. The notice requirements of
8 Section 28 shall not apply to such prehearing conferences. The
9 purposes of such conference shall be to maximize understanding
10 of the intent and application of the proposal, to reach
11 agreement on aspects of the proposal, if possible, and to
12 attempt to identify and limit the issues of disagreement among
13 the participants to promote efficient use of time at hearing.
14 No record need be kept of the prehearing conference, nor shall
15 any participant or the Board be bound by any discussions
16 conducted at the prehearing conference. However, with the
17 consent of all participants in the prehearing conference, a
18 prehearing order delineating issues to be heard, agreed facts,
19 and other matters may be entered by the hearing officer. Such
20 an order will not be binding on nonparticipants in the
21 prehearing conference.

22 (Source: P.A. 90-489, eff. 1-1-98; 91-357, eff. 7-29-99;
23 revised 12-6-03.)

24 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

25 Sec. 55. Prohibited activities.

26 (a) No person shall:

27 (1) Cause or allow the open dumping of any used or
28 waste tire.

29 (2) Cause or allow the open burning of any used or
30 waste tire.

31 (3) Except at a tire storage site which contains more
32 than 50 used tires, cause or allow the storage of any used
33 tire unless the tire is altered, reprocessed, converted,
34 covered, or otherwise prevented from accumulating water.

35 (4) Cause or allow the operation of a tire storage site

1 except in compliance with Board regulations.

2 (5) Abandon, dump or dispose of any used or waste tire
3 on private or public property, except in a sanitary
4 landfill approved by the Agency pursuant to regulations
5 adopted by the Board.

6 (6) Fail to submit required reports, tire removal
7 agreements, or Board regulations.

8 (b) (Blank.)

9 (b-1) Beginning January 1, 1995, no person shall knowingly
10 mix any used or waste tire, either whole or cut, with municipal
11 waste, and no owner or operator of a sanitary landfill shall
12 accept any used or waste tire for final disposal; except that
13 used or waste tires, when separated from other waste, may be
14 accepted if: (1) the sanitary landfill provides and maintains a
15 means for shredding, slitting, or chopping whole tires and so
16 treats whole tires and, if approved by the Agency in a permit
17 issued under this Act, uses the used or waste tires for
18 alternative uses, which may include on-site practices such as
19 lining of roadways with tire scraps, alternative daily cover,
20 or use in a leachate collection system or (2) the sanitary
21 landfill, by its notification to the Illinois Industrial
22 Materials Exchange Service, makes available the used or waste
23 tire to an appropriate facility for reuse, reprocessing, or
24 converting, including use as an alternate energy fuel. If,
25 within 30 days after notification to the Illinois Industrial
26 Materials Exchange Service of the availability of waste tires,
27 no specific request for the used or waste tires is received by
28 the sanitary landfill, and the sanitary landfill determines it
29 has no alternative use for those used or waste tires, the
30 sanitary landfill may dispose of slit, chopped, or shredded
31 used or waste tires in the sanitary landfill. In the event the
32 physical condition of a used or waste tire makes shredding,
33 slitting, chopping, reuse, reprocessing, or other alternative
34 use of the used or waste tire impractical or infeasible, then
35 the sanitary landfill, after authorization by the Agency, may
36 accept the used or waste tire for disposal.

1 Sanitary landfills and facilities for reuse, reprocessing,
2 or converting, including use as alternative fuel, shall (i)
3 notify the Illinois Industrial Materials Exchange Service of
4 the availability of and demand for used or waste tires and (ii)
5 consult with the Department of Commerce and Economic
6 Opportunity ~~Community Affairs~~ regarding the status of
7 marketing of waste tires to facilities for reuse.

8 (c) Any person who sells new or used tires at retail or
9 operates a tire storage site or a tire disposal site which
10 contains more than 50 used or waste tires shall give notice of
11 such activity to the Agency. Any person engaging in such
12 activity for the first time after January 1, 1990, shall give
13 notice to the Agency within 30 days after the date of
14 commencement of the activity. The form of such notice shall be
15 specified by the Agency and shall be limited to information
16 regarding the following:

17 (1) the name and address of the owner and operator;

18 (2) the name, address and location of the operation;

19 (3) the type of operations involving used and waste
20 tires (storage, disposal, conversion or processing); and

21 (4) the number of used and waste tires present at the
22 location.

23 (d) Beginning January 1, 1992, no person shall cause or
24 allow the operation of:

25 (1) a tire storage site which contains more than 50
26 used tires, unless the owner or operator, by January 1,
27 1992 (or the January 1 following commencement of operation,
28 whichever is later) and January 1 of each year thereafter,

29 (i) registers the site with the Agency, (ii) certifies to
30 the Agency that the site complies with any applicable
31 standards adopted by the Board pursuant to Section 55.2,
32 (iii) reports to the Agency the number of tires
33 accumulated, the status of vector controls, and the actions
34 taken to handle and process the tires, and (iv) pays the
35 fee required under subsection (b) of Section 55.6; or

36 (2) a tire disposal site, unless the owner or operator

1 (i) has received approval from the Agency after filing a
2 tire removal agreement pursuant to Section 55.4, or (ii)
3 has entered into a written agreement to participate in a
4 consensual removal action under Section 55.3.

5 The Agency shall provide written forms for the annual
6 registration and certification required under this subsection
7 (d).

8 (e) No person shall cause or allow the storage, disposal,
9 treatment or processing of any used or waste tire in violation
10 of any regulation or standard adopted by the Board.

11 (f) No person shall arrange for the transportation of used
12 or waste tires away from the site of generation with a person
13 known to openly dump such tires.

14 (g) No person shall engage in any operation as a used or
15 waste tire transporter except in compliance with Board
16 regulations.

17 (h) No person shall cause or allow the combustion of any
18 used or waste tire in an enclosed device unless a permit has
19 been issued by the Agency authorizing such combustion pursuant
20 to regulations adopted by the Board for the control of air
21 pollution and consistent with the provisions of Section 9.4 of
22 this Act.

23 (i) No person shall cause or allow the use of pesticides to
24 treat tires except as prescribed by Board regulations.

25 (j) No person shall fail to comply with the terms of a tire
26 removal agreement approved by the Agency pursuant to Section
27 55.4.

28 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 6-20-03; 93-52,
29 eff. 6-30-03; revised 12-6-03.)

30 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

31 Sec. 55.3. (a) Upon finding that an accumulation of used or
32 waste tires creates an immediate danger to health, the Agency
33 may take action pursuant to Section 34 of this Act.

34 (b) Upon making a finding that an accumulation of used or
35 waste tires creates a hazard posing a threat to public health

1 or the environment, the Agency may undertake preventive or
2 corrective action in accordance with this subsection. Such
3 preventive or corrective action may consist of any or all of
4 the following:

5 (1) Treating and handling used or waste tires and other
6 infested materials within the area for control of
7 mosquitoes and other disease vectors.

8 (2) Relocation of ignition sources and any used or
9 waste tires within the area for control and prevention of
10 tire fires.

11 (3) Removal of used and waste tire accumulations from
12 the area.

13 (4) Removal of soil and water contamination related to
14 tire accumulations.

15 (5) Installation of devices to monitor and control
16 groundwater and surface water contamination related to
17 tire accumulations.

18 (6) Such other actions as may be authorized by Board
19 regulations.

20 (c) The Agency may, subject to the availability of
21 appropriated funds, undertake a consensual removal action for
22 the removal of up to 1,000 used or waste tires at no cost to the
23 owner according to the following requirements:

24 (1) Actions under this subsection shall be taken
25 pursuant to a written agreement between the Agency and the
26 owner of the tire accumulation.

27 (2) The written agreement shall at a minimum specify:

28 (i) that the owner relinquishes any claim of an
29 ownership interest in any tires that are removed, or in
30 any proceeds from their sale;

31 (ii) that tires will no longer be allowed to be
32 accumulated at the site;

33 (iii) that the owner will hold harmless the Agency
34 or any employee or contractor utilized by the Agency to
35 effect the removal, for any damage to property incurred
36 during the course of action under this subsection,

1 except for gross negligence or intentional misconduct;
2 and

3 (iv) any conditions upon or assistance required
4 from the owner to assure that the tires are so located
5 or arranged as to facilitate their removal.

6 (3) The Agency may by rule establish conditions and
7 priorities for removal of used and waste tires under this
8 subsection.

9 (4) The Agency shall prescribe the form of written
10 agreements under this subsection.

11 (d) The Agency shall have authority to provide notice to
12 the owner or operator, or both, of a site where used or waste
13 tires are located and to the owner or operator, or both, of the
14 accumulation of tires at the site, whenever the Agency finds
15 that the used or waste tires pose a threat to public health or
16 the environment, or that there is no owner or operator
17 proceeding in accordance with a tire removal agreement approved
18 under Section 55.4.

19 The notice provided by the Agency shall include the
20 identified preventive or corrective action, and shall provide
21 an opportunity for the owner or operator, or both, to perform
22 such action.

23 For sites with more than 250,000 passenger tire
24 equivalents, following the notice provided for by this
25 subsection (d), the Agency may enter into a written
26 reimbursement agreement with the owner or operator of the site.
27 The agreement shall provide a schedule for the owner or
28 operator to reimburse the Agency for costs incurred for
29 preventive or corrective action, which shall not exceed 5 years
30 in length. An owner or operator making payments under a written
31 reimbursement agreement pursuant to this subsection (d) shall
32 not be liable for punitive damages under subsection (h) of this
33 Section.

34 (e) In accordance with constitutional limitations, the
35 Agency shall have authority to enter at all reasonable times
36 upon any private or public property for the purpose of taking

1 whatever preventive or corrective action is necessary and
2 appropriate in accordance with the provisions of this Section,
3 including but not limited to removal, processing or treatment
4 of used or waste tires, whenever the Agency finds that used or
5 waste tires pose a threat to public health or the environment.

6 (f) In undertaking preventive, corrective or consensual
7 removal action under this Section the Agency may consider use
8 of the following: rubber reuse alternatives, shredding or other
9 conversion through use of mobile or fixed facilities, energy
10 recovery through burning or incineration, and landfill
11 disposal. To the extent practicable, the Agency shall consult
12 with the Department of Commerce and Economic Opportunity
13 ~~Community Affairs~~ regarding the availability of alternatives
14 to landfilling used and waste tires, and shall make every
15 reasonable effort to coordinate tire cleanup projects with
16 applicable programs that relate to such alternative practices.

17 (g) Except as otherwise provided in this Section, the owner
18 or operator of any site or accumulation of used or waste tires
19 at which the Agency has undertaken corrective or preventive
20 action under this Section shall be liable for all costs thereof
21 incurred by the State of Illinois, including reasonable costs
22 of collection. Any monies received by the Agency hereunder
23 shall be deposited into the Used Tire Management Fund. The
24 Agency may in its discretion store, dispose of or convey the
25 tires that are removed from an area at which it has undertaken
26 a corrective, preventive or consensual removal action, and may
27 sell or store such tires and other items, including but not
28 limited to rims, that are removed from the area. The net
29 proceeds of any sale shall be credited against the liability
30 incurred by the owner or operator for the costs of any
31 preventive or corrective action.

32 (h) Any person liable to the Agency for costs incurred
33 under subsection (g) of this Section may be liable to the State
34 of Illinois for punitive damages in an amount at least equal
35 to, and not more than 2 times, the costs incurred by the State
36 if such person failed without sufficient cause to take

1 preventive or corrective action pursuant to notice issued under
2 subsection (d) of this Section.

3 (i) There shall be no liability under subsection (g) of
4 this Section for a person otherwise liable who can establish by
5 a preponderance of the evidence that the hazard created by the
6 tires was caused solely by:

7 (1) an act of God;

8 (2) an act of war; or

9 (3) an act or omission of a third party other than an
10 employee or agent, and other than a person whose act or
11 omission occurs in connection with a contractual
12 relationship with the person otherwise liable.

13 For the purposes of this subsection, "contractual
14 relationship" includes, but is not limited to, land contracts,
15 deeds and other instruments transferring title or possession,
16 unless the real property upon which the accumulation is located
17 was acquired by the defendant after the disposal or placement
18 of used or waste tires on, in or at the property and one or more
19 of the following circumstances is also established by a
20 preponderance of the evidence:

21 (A) at the time the defendant acquired the
22 property, the defendant did not know and had no reason
23 to know that any used or waste tires had been disposed
24 of or placed on, in or at the property, and the
25 defendant undertook, at the time of acquisition, all
26 appropriate inquiries into the previous ownership and
27 uses of the property consistent with good commercial or
28 customary practice in an effort to minimize liability;

29 (B) the defendant is a government entity which
30 acquired the property by escheat or through any other
31 involuntary transfer or acquisition, or through the
32 exercise of eminent domain authority by purchase or
33 condemnation; or

34 (C) the defendant acquired the property by
35 inheritance or bequest.

36 (j) Nothing in this Section shall affect or modify the

1 obligations or liability of any person under any other
2 provision of this Act, federal law, or State law, including the
3 common law, for injuries, damages or losses resulting from the
4 circumstances leading to Agency action under this Section.

5 (k) The costs and damages provided for in this Section may
6 be imposed by the Board in an action brought before the Board
7 in accordance with Title VIII of this Act, except that
8 subsection (c) of Section 33 of this Act shall not apply to any
9 such action.

10 (l) The Agency shall, when feasible, consult with the
11 Department of Public Health prior to taking any action to
12 remove or treat an infested tire accumulation for control of
13 mosquitoes or other disease vectors. The Agency may by contract
14 or agreement secure the services of the Department of Public
15 Health, any local public health department, or any other
16 qualified person in treating any such infestation as part of an
17 emergency or preventive action.

18 (m) Neither the State, the Agency, the Board, the Director,
19 nor any State employee shall be liable for any damage or injury
20 arising out of or resulting from any action taken under this
21 Section.

22 (Source: P.A. 92-24, eff. 7-1-01; revised 12-6-03.)

23 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

24 Sec. 55.7. The Department of Commerce and Economic
25 Opportunity ~~Community Affairs~~ may adopt regulations as
26 necessary for the administration of the grant and loan programs
27 funded from the Used Tire Management Fund, including but not
28 limited to procedures and criteria for applying for,
29 evaluating, awarding and terminating grants and loans. The
30 Department of Commerce and Economic Opportunity ~~Community~~
31 ~~Affairs~~ may by rule specify criteria for providing grant
32 assistance rather than loan assistance; such criteria shall
33 promote the expeditious development of alternatives to the
34 disposal of used tires, and the efficient use of monies for
35 assistance. Evaluation criteria may be established by rule,

1 considering such factors as:

2 (1) the likelihood that a proposal will lead to the
3 actual collection and processing of used tires and
4 protection of the environment and public health in
5 furtherance of the purposes of this Act;

6 (2) the feasibility of the proposal;

7 (3) the suitability of the location for the proposed
8 activity;

9 (4) the potential of the proposal for encouraging
10 recycling and reuse of resources; and

11 (5) the potential for development of new technologies
12 consistent with the purposes of this Act.

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

14 (415 ILCS 5/58.14)

15 Sec. 58.14. Environmental Remediation Tax Credit review.

16 (a) Prior to applying for the Environmental Remediation Tax
17 Credit under Section 201 of the Illinois Income Tax Act,
18 Remediation Applicants shall first submit to the Agency an
19 application for review of remediation costs. The application
20 and review process shall be conducted in accordance with the
21 requirements of this Section and the rules adopted under
22 subsection (g). A preliminary review of the estimated
23 remediation costs for development and implementation of the
24 Remedial Action Plan may be obtained in accordance with
25 subsection (d).

26 (b) No application for review shall be submitted until a No
27 Further Remediation Letter has been issued by the Agency and
28 recorded in the chain of title for the site in accordance with
29 Section 58.10. The Agency shall review the application to
30 determine whether the costs submitted are remediation costs,
31 and whether the costs incurred are reasonable. The application
32 shall be on forms prescribed and provided by the Agency. At a
33 minimum, the application shall include the following:

34 (1) information identifying the Remediation Applicant
35 and the site for which the tax credit is being sought and

1 the date of acceptance of the site into the Site
2 Remediation Program;

3 (2) a copy of the No Further Remediation Letter with
4 official verification that the letter has been recorded in
5 the chain of title for the site and a demonstration that
6 the site for which the application is submitted is the same
7 site as the one for which the No Further Remediation Letter
8 is issued;

9 (3) a demonstration that the release of the regulated
10 substances of concern for which the No Further Remediation
11 Letter was issued were not caused or contributed to in any
12 material respect by the Remediation Applicant. After the
13 Pollution Control Board rules are adopted pursuant to the
14 Illinois Administrative Procedure Act for the
15 administration and enforcement of Section 58.9 of the
16 Environmental Protection Act, determinations as to credit
17 availability shall be made consistent with those rules;

18 (4) an itemization and documentation, including
19 receipts, of the remediation costs incurred;

20 (5) a demonstration that the costs incurred are
21 remediation costs as defined in this Act and its rules;

22 (6) a demonstration that the costs submitted for review
23 were incurred by the Remediation Applicant who received the
24 No Further Remediation Letter;

25 (7) an application fee in the amount set forth in
26 subsection (e) for each site for which review of
27 remediation costs is requested and, if applicable,
28 certification from the Department of Commerce and Economic
29 Opportunity ~~Community Affairs~~ that the site is located in
30 an enterprise zone;

31 (8) any other information deemed appropriate by the
32 Agency.

33 (c) Within 60 days after receipt by the Agency of an
34 application meeting the requirements of subsection (b), the
35 Agency shall issue a letter to the applicant approving,
36 disapproving, or modifying the remediation costs submitted in

1 the application. If the remediation costs are approved as
2 submitted, the Agency's letter shall state the amount of the
3 remediation costs to be applied toward the Environmental
4 Remediation Tax Credit. If an application is disapproved or
5 approved with modification of remediation costs, the Agency's
6 letter shall set forth the reasons for the disapproval or
7 modification and state the amount of the remediation costs, if
8 any, to be applied toward the Environmental Remediation Tax
9 Credit.

10 If a preliminary review of a budget plan has been obtained
11 under subsection (d), the Remediation Applicant may submit,
12 with the application and supporting documentation under
13 subsection (b), a copy of the Agency's final determination
14 accompanied by a certification that the actual remediation
15 costs incurred for the development and implementation of the
16 Remedial Action Plan are equal to or less than the costs
17 approved in the Agency's final determination on the budget
18 plan. The certification shall be signed by the Remediation
19 Applicant and notarized. Based on that submission, the Agency
20 shall not be required to conduct further review of the costs
21 incurred for development and implementation of the Remedial
22 Action Plan and may approve costs as submitted.

23 Within 35 days after receipt of an Agency letter
24 disapproving or modifying an application for approval of
25 remediation costs, the Remediation Applicant may appeal the
26 Agency's decision to the Board in the manner provided for the
27 review of permits in Section 40 of this Act.

28 (d) (1) A Remediation Applicant may obtain a preliminary
29 review of estimated remediation costs for the development
30 and implementation of the Remedial Action Plan by
31 submitting a budget plan along with the Remedial Action
32 Plan. The budget plan shall be set forth on forms
33 prescribed and provided by the Agency and shall include but
34 shall not be limited to line item estimates of the costs
35 associated with each line item (such as personnel,
36 equipment, and materials) that the Remediation Applicant

1 anticipates will be incurred for the development and
2 implementation of the Remedial Action Plan. The Agency
3 shall review the budget plan along with the Remedial Action
4 Plan to determine whether the estimated costs submitted are
5 remediation costs and whether the costs estimated for the
6 activities are reasonable.

7 (2) If the Remedial Action Plan is amended by the
8 Remediation Applicant or as a result of Agency action, the
9 corresponding budget plan shall be revised accordingly and
10 resubmitted for Agency review.

11 (3) The budget plan shall be accompanied by the
12 applicable fee as set forth in subsection (e).

13 (4) Submittal of a budget plan shall be deemed an
14 automatic 60-day waiver of the Remedial Action Plan review
15 deadlines set forth in this Section and its rules.

16 (5) Within the applicable period of review, the Agency
17 shall issue a letter to the Remediation Applicant
18 approving, disapproving, or modifying the estimated
19 remediation costs submitted in the budget plan. If a budget
20 plan is disapproved or approved with modification of
21 estimated remediation costs, the Agency's letter shall set
22 forth the reasons for the disapproval or modification.

23 (6) Within 35 days after receipt of an Agency letter
24 disapproving or modifying a budget plan, the Remediation
25 Applicant may appeal the Agency's decision to the Board in
26 the manner provided for the review of permits in Section 40
27 of this Act.

28 (e) The fees for reviews conducted under this Section are
29 in addition to any other fees or payments for Agency services
30 rendered pursuant to the Site Remediation Program and shall be
31 as follows:

32 (1) The fee for an application for review of
33 remediation costs shall be \$1,000 for each site reviewed.

34 (2) The fee for the review of the budget plan submitted
35 under subsection (d) shall be \$500 for each site reviewed.

36 (3) In the case of a Remediation Applicant submitting

1 for review total remediation costs of \$100,000 or less for
2 a site located within an enterprise zone (as set forth in
3 paragraph (i) of subsection (1) of Section 201 of the
4 Illinois Income Tax Act), the fee for an application for
5 review of remediation costs shall be \$250 for each site
6 reviewed. For those sites, there shall be no fee for review
7 of a budget plan under subsection (d).

8 The application fee shall be made payable to the State of
9 Illinois, for deposit into the Hazardous Waste Fund.

10 Pursuant to appropriation, the Agency shall use the fees
11 collected under this subsection for development and
12 administration of the review program.

13 (f) The Agency shall have the authority to enter into any
14 contracts or agreements that may be necessary to carry out its
15 duties and responsibilities under this Section.

16 (g) Within 6 months after July 21, 1997, the Agency shall
17 propose rules prescribing procedures and standards for its
18 administration of this Section. Within 6 months after receipt
19 of the Agency's proposed rules, the Board shall adopt on second
20 notice, pursuant to Sections 27 and 28 of this Act and the
21 Illinois Administrative Procedure Act, rules that are
22 consistent with this Section. Prior to the effective date of
23 rules adopted under this Section, the Agency may conduct
24 reviews of applications under this Section and the Agency is
25 further authorized to distribute guidance documents on costs
26 that are eligible or ineligible as remediation costs.

27 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

28 (415 ILCS 5/58.15)

29 Sec. 58.15. Brownfields Programs.

30 (A) Brownfields Redevelopment Loan Program.

31 (a) The Agency shall establish and administer a revolving
32 loan program to be known as the "Brownfields Redevelopment Loan
33 Program" for the purpose of providing loans to be used for site
34 investigation, site remediation, or both, at brownfields
35 sites. All principal, interest, and penalty payments from loans

1 made under this subsection (A) shall be deposited into the
2 Brownfields Redevelopment Fund and reused in accordance with
3 this Section.

4 (b) General requirements for loans:

5 (1) Loans shall be at or below market interest rates in
6 accordance with a formula set forth in regulations
7 promulgated under subdivision (A)(c) of this subsection
8 (A).

9 (2) Loans shall be awarded subject to availability of
10 funding based on the order of receipt of applications
11 satisfying all requirements as set forth in the regulations
12 promulgated under subdivision (A)(c) of this subsection
13 (A).

14 (3) The maximum loan amount under this subsection (A)
15 for any one project is \$1,000,000.

16 (4) In addition to any requirements or conditions
17 placed on loans by regulation, loan agreements under the
18 Brownfields Redevelopment Loan Program shall include the
19 following requirements:

20 (A) the loan recipient shall secure the loan
21 repayment obligation;

22 (B) completion of the loan repayment shall not
23 exceed 15 years or as otherwise prescribed by Agency
24 rule; and

25 (C) loan agreements shall provide for a confession
26 of judgment by the loan recipient upon default.

27 (5) Loans shall not be used to cover expenses incurred
28 prior to the approval of the loan application.

29 (6) If the loan recipient fails to make timely payments
30 or otherwise fails to meet its obligations as provided in
31 this subsection (A) or implementing regulations, the
32 Agency is authorized to pursue the collection of the
33 amounts past due, the outstanding loan balance, and the
34 costs thereby incurred, either pursuant to the Illinois
35 State Collection Act of 1986 or by any other means provided
36 by law, including the taking of title, by foreclosure or

1 otherwise, to any project or other property pledged,
2 mortgaged, encumbered, or otherwise available as security
3 or collateral.

4 (c) The Agency shall have the authority to enter into any
5 contracts or agreements that may be necessary to carry out its
6 duties or responsibilities under this subsection (A). The
7 Agency shall have the authority to promulgate regulations
8 setting forth procedures and criteria for administering the
9 Brownfields Redevelopment Loan Program. The regulations
10 promulgated by the Agency for loans under this subsection (A)
11 shall include, but need not be limited to, the following
12 elements:

- 13 (1) loan application requirements;
- 14 (2) determination of credit worthiness of the loan
15 applicant;
- 16 (3) types of security required for the loan;
- 17 (4) types of collateral, as necessary, that can be
18 pledged for the loan;
- 19 (5) special loan terms, as necessary, for securing the
20 repayment of the loan;
- 21 (6) maximum loan amounts;
- 22 (7) purposes for which loans are available;
- 23 (8) application periods and content of applications;
- 24 (9) procedures for Agency review of loan applications,
25 loan approvals or denials, and loan acceptance by the loan
26 recipient;
- 27 (10) procedures for establishing interest rates;
- 28 (11) requirements applicable to disbursement of loans
29 to loan recipients;
- 30 (12) requirements for securing loan repayment
31 obligations;
- 32 (13) conditions or circumstances constituting default;
- 33 (14) procedures for repayment of loans and delinquent
34 loans including, but not limited to, the initiation of
35 principal and interest payments following loan acceptance;
- 36 (15) loan recipient responsibilities for work

1 schedules, work plans, reports, and record keeping;

2 (16) evaluation of loan recipient performance,
3 including auditing and access to sites and records;

4 (17) requirements applicable to contracting and
5 subcontracting by the loan recipient, including
6 procurement requirements;

7 (18) penalties for noncompliance with loan
8 requirements and conditions, including stop-work orders,
9 termination, and recovery of loan funds; and

10 (19) indemnification of the State of Illinois and the
11 Agency by the loan recipient.

12 (d) Moneys in the Brownfields Redevelopment Fund may be
13 used as a source of revenue or security for the principal and
14 interest on revenue or general obligation bonds issued by the
15 State or any political subdivision or instrumentality thereof,
16 if the proceeds of those bonds will be deposited into the Fund.

17 (B) Brownfields Site Restoration Program.

18 (a) (1) The Agency, with the assistance of the Department
19 of Commerce and Economic Opportunity ~~Community Affairs~~,
20 must establish and administer a program for the payment of
21 remediation costs to be known as the Brownfields Site
22 Restoration Program. The Agency, through the Program,
23 shall provide Remediation Applicants with financial
24 assistance for the investigation and remediation of
25 abandoned or underutilized properties. The investigation
26 and remediation shall be performed in accordance with this
27 Title XVII of this Act.

28 (2) For each State fiscal year in which funds are made
29 available to the Agency for payment under this subsection

30 (B), the Agency must, subject to the availability of funds,
31 allocate 20% of the funds to be available to Remediation
32 Applicants within counties with populations over
33 2,000,000. The remaining funds must be made available to
34 all other Remediation Applicants in the State.

35 (3) The Agency must not approve payment in excess of

1 \$750,000 to a Remediation Applicant for remediation costs
2 incurred at a remediation site. Eligibility must be
3 determined based on a minimum capital investment in the
4 redevelopment of the site, and payment amounts must not
5 exceed the net economic benefit to the State of the
6 remediation project. In addition to these limitations, the
7 total payment to be made to an applicant must not exceed an
8 amount equal to 20% of the capital investment at the site.

9 (4) Only those remediation projects for which a No
10 Further Remediation Letter is issued by the Agency after
11 December 31, 2001 are eligible to participate in the
12 Brownfields Site Restoration Program. The program does not
13 apply to any sites that have received a No Further
14 Remediation Letter prior to December 31, 2001 or for costs
15 incurred prior to the Department of Commerce and Economic
16 Opportunity (formerly Department of Commerce and Community
17 Affairs) approving a site eligible for the Brownfields Site
18 Restoration Program.

19 (5) Brownfields Site Restoration Program funds shall
20 be subject to availability of funding and distributed based
21 on the order of receipt of applications satisfying all
22 requirements as set forth in this Section.

23 (b) Prior to applying to the Agency for payment, a
24 Remediation Applicant shall first submit to the Agency its
25 proposed remediation costs. The Agency shall make a
26 pre-application assessment, which is not to be binding upon the
27 Department of Commerce and Economic Opportunity ~~Community~~
28 ~~Affairs~~ or upon future review of the project, relating only to
29 whether the Agency has adequate funding to reimburse the
30 applicant for the remediation costs if the applicant is found
31 to be eligible for reimbursement of remediation costs. If the
32 Agency determines that it is likely to have adequate funding to
33 reimburse the applicant for remediation costs, the Remediation
34 Applicant may then submit to the Department of Commerce and
35 Economic Opportunity ~~Community Affairs~~ an application for
36 review of eligibility. The Department must review the

1 eligibility application to determine whether the Remediation
2 Applicant is eligible for the payment. The application must be
3 on forms prescribed and provided by the Department of Commerce
4 and Economic Opportunity ~~Community Affairs~~. At a minimum, the
5 application must include the following:

6 (1) Information identifying the Remediation Applicant
7 and the site for which the payment is being sought and the
8 date of acceptance into the Site Remediation Program.

9 (2) Information demonstrating that the site for which
10 the payment is being sought is abandoned or underutilized
11 property. "Abandoned property" means real property
12 previously used for, or that has the potential to be used
13 for, commercial or industrial purposes that reverted to the
14 ownership of the State, a county or municipal government,
15 or an agency thereof, through donation, purchase, tax
16 delinquency, foreclosure, default, or settlement,
17 including conveyance by deed in lieu of foreclosure; or
18 privately owned property that has been vacant for a period
19 of not less than 3 years from the time an application is
20 made to the Department of Commerce and Economic Opportunity
21 ~~Community Affairs~~. "Underutilized property" means real
22 property of which less than 35% of the commercially usable
23 space of the property and improvements thereon are used for
24 their most commercially profitable and economically
25 productive uses.

26 (3) Information demonstrating that remediation of the
27 site for which the payment is being sought will result in a
28 net economic benefit to the State of Illinois. The "net
29 economic benefit" must be determined based on factors
30 including, but not limited to, the capital investment, the
31 number of jobs created, the number of jobs retained if it
32 is demonstrated the jobs would otherwise be lost, capital
33 improvements, the number of construction-related jobs,
34 increased sales, material purchases, other increases in
35 service and operational expenditures, and other factors
36 established by the Department of Commerce and Economic

1 Opportunity Community Affairs. Priority must be given to
2 sites located in areas with high levels of poverty, where
3 the unemployment rate exceeds the State average, where an
4 enterprise zone exists, or where the area is otherwise
5 economically depressed as determined by the Department of
6 Commerce and Economic Opportunity Community Affairs.

7 (4) An application fee in the amount set forth in
8 subdivision (B)(c) for each site for which review of an
9 application is being sought.

10 (c) The fee for eligibility reviews conducted by the
11 Department of Commerce and Economic Opportunity Community
12 ~~Affairs~~ under this subsection (B) is \$1,000 for each site
13 reviewed. The application fee must be made payable to the
14 Department of Commerce and Economic Opportunity Community
15 ~~Affairs~~ for deposit into the Workforce, Technology, and
16 Economic Development Fund. These application fees shall be used
17 by the Department for administrative expenses incurred under
18 this subsection (B).

19 (d) Within 60 days after receipt by the Department of
20 Commerce and Economic Opportunity Community Affairs of an
21 application meeting the requirements of subdivision (B)(b),
22 the Department of Commerce and Economic Opportunity Community
23 ~~Affairs~~ must issue a letter to the applicant approving the
24 application, approving the application with modifications, or
25 disapproving the application. If the application is approved or
26 approved with modifications, the Department of Commerce and
27 Economic Opportunity's Community Affairs letter must also
28 include its determination of the "net economic benefit" of the
29 remediation project and the maximum amount of the payment to be
30 made available to the applicant for remediation costs. The
31 payment by the Agency under this subsection (B) must not exceed
32 the "net economic benefit" of the remediation project, as
33 determined by the Department of Commerce and Economic
34 Opportunity Community Affairs.

35 (e) An application for a review of remediation costs must
36 not be submitted to the Agency unless the Department of

1 Commerce and Economic Opportunity ~~Community Affairs~~ has
2 determined the Remediation Applicant is eligible under
3 subdivision (B) (d). If the Department of Commerce and Economic
4 Opportunity ~~Community Affairs~~ has determined that a
5 Remediation Applicant is eligible under subdivision (B) (d),
6 the Remediation Applicant may submit an application for payment
7 to the Agency under this subsection (B). Except as provided in
8 subdivision (B) (f), an application for review of remediation
9 costs must not be submitted until a No Further Remediation
10 Letter has been issued by the Agency and recorded in the chain
11 of title for the site in accordance with Section 58.10. The
12 Agency must review the application to determine whether the
13 costs submitted are remediation costs and whether the costs
14 incurred are reasonable. The application must be on forms
15 prescribed and provided by the Agency. At a minimum, the
16 application must include the following:

17 (1) Information identifying the Remediation Applicant
18 and the site for which the payment is being sought and the
19 date of acceptance of the site into the Site Remediation
20 Program.

21 (2) A copy of the No Further Remediation Letter with
22 official verification that the letter has been recorded in
23 the chain of title for the site and a demonstration that
24 the site for which the application is submitted is the same
25 site as the one for which the No Further Remediation Letter
26 is issued.

27 (3) A demonstration that the release of the regulated
28 substances of concern for which the No Further Remediation
29 Letter was issued was not caused or contributed to in any
30 material respect by the Remediation Applicant. The Agency
31 must make determinations as to reimbursement availability
32 consistent with rules adopted by the Pollution Control
33 Board for the administration and enforcement of Section
34 58.9 of this Act.

35 (4) A copy of the Department of Commerce and Economic
36 Opportunity's ~~Community Affairs~~ letter approving

1 eligibility, including the net economic benefit of the
2 remediation project.

3 (5) An itemization and documentation, including
4 receipts, of the remediation costs incurred.

5 (6) A demonstration that the costs incurred are
6 remediation costs as defined in this Act and rules adopted
7 under this Act.

8 (7) A demonstration that the costs submitted for review
9 were incurred by the Remediation Applicant who received the
10 No Further Remediation Letter.

11 (8) An application fee in the amount set forth in
12 subdivision (B)(j) for each site for which review of
13 remediation costs is requested.

14 (9) Any other information deemed appropriate by the
15 Agency.

16 (f) An application for review of remediation costs may be
17 submitted to the Agency prior to the issuance of a No Further
18 Remediation Letter if the Remediation Applicant has a Remedial
19 Action Plan approved by the Agency under the terms of which the
20 Remediation Applicant will remediate groundwater for more than
21 one year. The Agency must review the application to determine
22 whether the costs submitted are remediation costs and whether
23 the costs incurred are reasonable. The application must be on
24 forms prescribed and provided by the Agency. At a minimum, the
25 application must include the following:

26 (1) Information identifying the Remediation Applicant
27 and the site for which the payment is being sought and the
28 date of acceptance of the site into the Site Remediation
29 Program.

30 (2) A copy of the Agency letter approving the Remedial
31 Action Plan.

32 (3) A demonstration that the release of the regulated
33 substances of concern for which the Remedial Action Plan
34 was approved was not caused or contributed to in any
35 material respect by the Remediation Applicant. The Agency
36 must make determinations as to reimbursement availability

1 consistent with rules adopted by the Pollution Control
2 Board for the administration and enforcement of Section
3 58.9 of this Act.

4 (4) A copy of the Department of Commerce and Economic
5 Opportunity's ~~Community Affairs~~ letter approving
6 eligibility, including the net economic benefit of the
7 remediation project.

8 (5) An itemization and documentation, including
9 receipts, of the remediation costs incurred.

10 (6) A demonstration that the costs incurred are
11 remediation costs as defined in this Act and rules adopted
12 under this Act.

13 (7) A demonstration that the costs submitted for review
14 were incurred by the Remediation Applicant who received
15 approval of the Remediation Action Plan.

16 (8) An application fee in the amount set forth in
17 subdivision (B)(j) for each site for which review of
18 remediation costs is requested.

19 (9) Any other information deemed appropriate by the
20 Agency.

21 (g) For a Remediation Applicant seeking a payment under
22 subdivision (B)(f), until the Agency issues a No Further
23 Remediation Letter for the site, no more than 75% of the
24 allowed payment may be claimed by the Remediation Applicant.
25 The remaining 25% may be claimed following the issuance by the
26 Agency of a No Further Remediation Letter for the site. For a
27 Remediation Applicant seeking a payment under subdivision
28 (B)(e), until the Agency issues a No Further Remediation Letter
29 for the site, no payment may be claimed by the Remediation
30 Applicant.

31 (h) (1) Within 60 days after receipt by the Agency of an
32 application meeting the requirements of subdivision (B)(e)
33 or (B)(f), the Agency must issue a letter to the applicant
34 approving, disapproving, or modifying the remediation
35 costs submitted in the application. If an application is
36 disapproved or approved with modification of remediation

1 costs, then the Agency's letter must set forth the reasons
2 for the disapproval or modification.

3 (2) If a preliminary review of a budget plan has been
4 obtained under subdivision (B)(i), the Remediation
5 Applicant may submit, with the application and supporting
6 documentation under subdivision (B)(e) or (B)(f), a copy of
7 the Agency's final determination accompanied by a
8 certification that the actual remediation costs incurred
9 for the development and implementation of the Remedial
10 Action Plan are equal to or less than the costs approved in
11 the Agency's final determination on the budget plan. The
12 certification must be signed by the Remediation Applicant
13 and notarized. Based on that submission, the Agency is not
14 required to conduct further review of the costs incurred
15 for development and implementation of the Remedial Action
16 Plan and may approve costs as submitted.

17 (3) Within 35 days after receipt of an Agency letter
18 disapproving or modifying an application for approval of
19 remediation costs, the Remediation Applicant may appeal
20 the Agency's decision to the Board in the manner provided
21 for the review of permits in Section 40 of this Act.

22 (i) (1) A Remediation Applicant may obtain a preliminary
23 review of estimated remediation costs for the development
24 and implementation of the Remedial Action Plan by
25 submitting a budget plan along with the Remedial Action
26 Plan. The budget plan must be set forth on forms prescribed
27 and provided by the Agency and must include, but is not
28 limited to, line item estimates of the costs associated
29 with each line item (such as personnel, equipment, and
30 materials) that the Remediation Applicant anticipates will
31 be incurred for the development and implementation of the
32 Remedial Action Plan. The Agency must review the budget
33 plan along with the Remedial Action Plan to determine
34 whether the estimated costs submitted are remediation
35 costs and whether the costs estimated for the activities
36 are reasonable.

1 (2) If the Remedial Action Plan is amended by the
2 Remediation Applicant or as a result of Agency action, the
3 corresponding budget plan must be revised accordingly and
4 resubmitted for Agency review.

5 (3) The budget plan must be accompanied by the
6 applicable fee as set forth in subdivision (B)(j).

7 (4) Submittal of a budget plan must be deemed an
8 automatic 60-day waiver of the Remedial Action Plan review
9 deadlines set forth in this subsection (B) and rules
10 adopted under this subsection (B).

11 (5) Within the applicable period of review, the Agency
12 must issue a letter to the Remediation Applicant approving,
13 disapproving, or modifying the estimated remediation costs
14 submitted in the budget plan. If a budget plan is
15 disapproved or approved with modification of estimated
16 remediation costs, the Agency's letter must set forth the
17 reasons for the disapproval or modification.

18 (6) Within 35 days after receipt of an Agency letter
19 disapproving or modifying a budget plan, the Remediation
20 Applicant may appeal the Agency's decision to the Board in
21 the manner provided for the review of permits in Section 40
22 of this Act.

23 (j) The fees for reviews conducted by the Agency under this
24 subsection (B) are in addition to any other fees or payments
25 for Agency services rendered pursuant to the Site Remediation
26 Program and are as follows:

27 (1) The fee for an application for review of
28 remediation costs is \$1,000 for each site reviewed.

29 (2) The fee for the review of the budget plan submitted
30 under subdivision (B)(i) is \$500 for each site reviewed.

31 The application fee and the fee for the review of the
32 budget plan must be made payable to the State of Illinois, for
33 deposit into the Brownfields Redevelopment Fund.

34 (k) Moneys in the Brownfields Redevelopment Fund may be
35 used for the purposes of this Section, including payment for
36 the costs of administering this subsection (B). Any moneys

1 remaining in the Brownfields Site Restoration Program Fund on
2 the effective date of this amendatory Act of the 92nd General
3 Assembly shall be transferred to the Brownfields Redevelopment
4 Fund. Total payments made to all Remediation Applicants by the
5 Agency for purposes of this subsection (B) must not exceed
6 \$1,000,000 in State fiscal year 2002.

7 (l) The Department and the Agency are authorized to enter
8 into any contracts or agreements that may be necessary to carry
9 out their duties and responsibilities under this subsection
10 (B).

11 (m) Within 6 months after the effective date of this
12 amendatory Act of 2002, the Department of Commerce and
13 Community Affairs (now Department of Commerce and Economic
14 Opportunity) and the Agency must propose rules prescribing
15 procedures and standards for the administration of this
16 subsection (B). Within 9 months after receipt of the proposed
17 rules, the Board shall adopt on second notice, pursuant to
18 Sections 27 and 28 of this Act and the Illinois Administrative
19 Procedures Act, rules that are consistent with this subsection
20 (B). Prior to the effective date of rules adopted under this
21 subsection (B), the Department of Commerce and Community
22 Affairs (now Department of Commerce and Economic Opportunity)
23 and the Agency may conduct reviews of applications under this
24 subsection (B) and the Agency is further authorized to
25 distribute guidance documents on costs that are eligible or
26 ineligible as remediation costs.

27 (Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01; 92-715,
28 eff. 7-23-02; revised 12-6-03.)

29 Section 780. The Solid Waste Planning and Recycling Act is
30 amended by changing Section 3 as follows:

31 (415 ILCS 15/3) (from Ch. 85, par. 5953)

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

34 "Agency" means the Illinois Environmental Protection

1 Agency.

2 "Composting" means the biological process by which
3 microorganisms decompose the organic fraction of waste,
4 producing a humus-like material that may be used as a soil
5 conditioner.

6 "County" means any county of the State and includes the
7 City of Chicago.

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

10 "Municipal waste" means garbage, general household,
11 institutional and commercial waste, industrial lunchroom or
12 office waste, landscape waste, and construction and demolition
13 debris.

14 "Person" means any individual, partnership, cooperative
15 enterprise, unit of local government, institution, corporation
16 or agency, or any other legal entity whatsoever which is
17 recognized by law as the subject of rights and duties.

18 "Recycling, reclamation or reuse" means a method,
19 technique or process designed to remove any contaminant from
20 waste so as to render the waste reusable, or any process by
21 which materials that would otherwise be disposed of or
22 discarded are collected, separated or processed and returned to
23 the economic mainstream in the form of raw materials or
24 products.

25 "Recycling center" means a facility that accepts only
26 segregated, nonhazardous, nonspecial, homogeneous,
27 nonputrescible materials, such as dry paper, glass, cans or
28 plastics, for subsequent use in the secondary materials market.
29 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

30 Section 785. The Illinois Solid Waste Management Act is
31 amended by changing Sections 2.1, 3, 3.1, 5, 6a, and 7 as
32 follows:

33 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

34 Sec. 2.1. Definitions. When used in this Act, unless the

1 context otherwise requires, the following terms have the
2 meanings ascribed to them in this Section:

3 "Department", when a particular entity is not specified,
4 means (i) in the case of a function to be performed on or after
5 July 1, 1995 (the effective date of the Department of Natural
6 Resources Act), the Department of Commerce and Community
7 Affairs (now Department of Commerce and Economic Opportunity),
8 as successor to the former Department of Energy and Natural
9 Resources under the Department of Natural Resources Act; or
10 (ii) in the case of a function required to be performed before
11 July 1, 1995, the former Illinois Department of Energy and
12 Natural Resources.

13 "Deinked stock" means paper that has been processed to
14 remove inks, clays, coatings, binders and other contaminants.

15 "End product" means only those items that are designed to
16 be used until disposal; items designed to be used in production
17 of a subsequent item are excluded.

18 "High grade printing and writing papers" includes offset
19 printing paper, duplicator paper, writing paper (stationery),
20 office paper, note pads, xerographic paper, envelopes, form
21 bond including computer paper and carbonless forms, book
22 papers, bond papers, ledger paper, book stock and cotton fiber
23 papers.

24 "Paper and paper products" means high grade printing and
25 writing papers, tissue products, newsprint, unbleached
26 packaging and recycled paperboard.

27 "Postconsumer material" means only those products
28 generated by a business or consumer which have served their
29 intended end uses, and which have been separated or diverted
30 from solid waste; wastes generated during production of an end
31 product are excluded.

32 "Recovered paper material" means paper waste generated
33 after the completion of the papermaking process, such as
34 postconsumer materials, envelope cuttings, bindery trimmings,
35 printing waste, cutting and other converting waste, butt rolls,
36 and mill wrappers, obsolete inventories, and rejected unused

1 stock. "Recovered paper material", however, does not include
2 fibrous waste generated during the manufacturing process such
3 as fibers recovered from waste water or trimmings of paper
4 machine rolls (mill broke), or fibrous byproducts of
5 harvesting, extraction or woodcutting processes, or forest
6 residues such as bark.

7 "Recycled paperboard" includes recycled paperboard
8 products, folding cartons and pad backing.

9 "Recycling" means the process by which solid waste is
10 collected, separated and processed for reuse as either a raw
11 material or a product which itself is subject to recycling, but
12 does not include the combustion of waste for energy recovery or
13 volume reduction.

14 "Tissue products" includes toilet tissue, paper towels,
15 paper napkins, facial tissue, paper doilies, industrial
16 wipers, paper bags and brown papers.

17 "Unbleached packaging" includes corrugated and fiber
18 boxes.

19 "USEPA Guidelines for federal procurement" means all
20 minimum recycled content standards recommended by the U.S.
21 Environmental Protection Agency.

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

23 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

24 Sec. 3. State agency materials recycling program.

25 (a) All State agencies responsible for the maintenance of
26 public lands in the State shall, to the maximum extent
27 feasible, give due consideration and preference to the use of
28 compost materials in all land maintenance activities which are
29 to be paid with public funds.

30 (b) The Department of Central Management Services, in
31 coordination with the Department of Commerce and Economic
32 Opportunity ~~Community Affairs~~, shall implement waste reduction
33 programs, including source separation and collection, for
34 office wastepaper, corrugated containers, newsprint and mixed
35 paper, in all State buildings as appropriate and feasible. Such

1 waste reduction programs shall be designed to achieve waste
2 reductions of at least 25% of all such waste by December 31,
3 1995, and at least 50% of all such waste by December 31, 2000.
4 Any source separation and collection program shall include, at
5 a minimum, procedures for collecting and storing recyclable
6 materials, bins or containers for storing materials, and
7 contractual or other arrangements with buyers of recyclable
8 materials. If market conditions so warrant, the Department of
9 Central Management Services, in coordination with the
10 Department of Commerce and Economic Opportunity ~~Community~~
11 ~~Affairs~~, may modify programs developed pursuant to this
12 Section.

13 The Department of Commerce and Community Affairs (now
14 Department of Commerce and Economic Opportunity) shall conduct
15 waste categorization studies of all State facilities for
16 calendar years 1991, 1995 and 2000. Such studies shall be
17 designed to assist the Department of Central Management
18 Services to achieve the waste reduction goals established in
19 this subsection.

20 (c) Each State agency shall, upon consultation with the
21 Department of Commerce and Economic Opportunity ~~Community~~
22 ~~Affairs~~, periodically review its procurement procedures and
23 specifications related to the purchase of products or supplies.
24 Such procedures and specifications shall be modified as
25 necessary to require the procuring agency to seek out products
26 and supplies that contain recycled materials, and to ensure
27 that purchased products or supplies are reusable, durable or
28 made from recycled materials whenever economically and
29 practically feasible. In choosing among products or supplies
30 that contain recycled material, consideration shall be given to
31 products and supplies with the highest recycled material
32 content that is consistent with the effective and efficient use
33 of the product or supply.

34 (d) Wherever economically and practically feasible, the
35 Department of Central Management Services shall procure
36 recycled paper and paper products as follows:

1 (1) Beginning July 1, 1989, at least 10% of the total
2 dollar value of paper and paper products purchased by the
3 Department of Central Management Services shall be
4 recycled paper and paper products.

5 (2) Beginning July 1, 1992, at least 25% of the total
6 dollar value of paper and paper products purchased by the
7 Department of Central Management Services shall be
8 recycled paper and paper products.

9 (3) Beginning July 1, 1996, at least 40% of the total
10 dollar value of paper and paper products purchased by the
11 Department of Central Management Services shall be
12 recycled paper and paper products.

13 (4) Beginning July 1, 2000, at least 50% of the total
14 dollar value of paper and paper products purchased by the
15 Department of Central Management Services shall be
16 recycled paper and paper products.

17 (e) Paper and paper products purchased from private vendors
18 pursuant to printing contracts are not considered paper
19 products for the purposes of subsection (d). However, the
20 Department of Central Management Services shall report to the
21 General Assembly on an annual basis the total dollar value of
22 printing contracts awarded to private sector vendors that
23 included the use of recycled paper.

24 (f) (1) Wherever economically and practically feasible, the
25 recycled paper and paper products referred to in subsection
26 (d) shall contain postconsumer or recovered paper
27 materials as specified by paper category in this
28 subsection:

29 (i) Recycled high grade printing and writing paper
30 shall contain at least 50% recovered paper material.
31 Such recovered paper material, until July 1, 1994,
32 shall consist of at least 20% deinked stock or
33 postconsumer material; and beginning July 1, 1994,
34 shall consist of at least 25% deinked stock or
35 postconsumer material; and beginning July 1, 1996,
36 shall consist of at least 30% deinked stock or

1 postconsumer material; and beginning July 1, 1998,
2 shall consist of at least 40% deinked stock or
3 postconsumer material; and beginning July 1, 2000,
4 shall consist of at least 50% deinked stock or
5 postconsumer material.

6 (ii) Recycled tissue products, until July 1, 1994,
7 shall contain at least 25% postconsumer material; and
8 beginning July 1, 1994, shall contain at least 30%
9 postconsumer material; and beginning July 1, 1996,
10 shall contain at least 35% postconsumer material; and
11 beginning July 1, 1998, shall contain at least 40%
12 postconsumer material; and beginning July 1, 2000,
13 shall contain at least 45% postconsumer material.

14 (iii) Recycled newsprint, until July 1, 1994,
15 shall contain at least 40% postconsumer material; and
16 beginning July 1, 1994, shall contain at least 50%
17 postconsumer material; and beginning July 1, 1996,
18 shall contain at least 60% postconsumer material; and
19 beginning July 1, 1998, shall contain at least 70%
20 postconsumer material; and beginning July 1, 2000,
21 shall contain at least 80% postconsumer material.

22 (iv) Recycled unbleached packaging, until July 1,
23 1994, shall contain at least 35% postconsumer
24 material; and beginning July 1, 1994, shall contain at
25 least 40% postconsumer material; and beginning July 1,
26 1996, shall contain at least 45% postconsumer
27 material; and beginning July 1, 1998, shall contain at
28 least 50% postconsumer material; and beginning July 1,
29 2000, shall contain at least 55% postconsumer
30 material.

31 (v) Recycled paperboard, until July 1, 1994, shall
32 contain at least 80% postconsumer material; and
33 beginning July 1, 1994, shall contain at least 85%
34 postconsumer material; and beginning July 1, 1996,
35 shall contain at least 90% postconsumer material; and
36 beginning July 1, 1998, shall contain at least 95%

1 postconsumer material.

2 (2) For the purposes of this Section, "postconsumer
3 material" includes:

4 (i) paper, paperboard, and fibrous wastes from
5 retail stores, office buildings, homes, and so forth,
6 after the waste has passed through its end usage as a
7 consumer item, including used corrugated boxes, old
8 newspapers, mixed waste paper, tabulating cards, and
9 used cordage; and

10 (ii) all paper, paperboard, and fibrous wastes
11 that are diverted or separated from the municipal solid
12 waste stream.

13 (3) For the purposes of this Section, "recovered paper
14 material" includes:

15 (i) postconsumer material;

16 (ii) dry paper and paperboard waste generated
17 after completion of the papermaking process (that is,
18 those manufacturing operations up to and including the
19 cutting and trimming of the paper machine reel into
20 smaller rolls or rough sheets), including envelope
21 cuttings, bindery trimmings, and other paper and
22 paperboard waste resulting from printing, cutting,
23 forming, and other converting operations, or from bag,
24 box and carton manufacturing, and butt rolls, mill
25 wrappers, and rejected unused stock; and

26 (iii) finished paper and paperboard from obsolete
27 inventories of paper and paperboard manufacturers,
28 merchants, wholesalers, dealers, printers, converters,
29 or others.

30 (g) The Department of Central Management Services may adopt
31 regulations to carry out the provisions and purposes of this
32 Section.

33 (h) Every State agency shall, in its procurement documents,
34 specify that, whenever economically and practically feasible,
35 a product to be procured must consist, wholly or in part, of
36 recycled materials, or be recyclable or reusable in whole or in

1 part. When applicable, if state guidelines are not already
2 prescribed, State agencies shall follow USEPA guidelines for
3 federal procurement.

4 (i) All State agencies shall cooperate with the Department
5 of Central Management Services in carrying out this Section.
6 The Department of Central Management Services may enter into
7 cooperative purchasing agreements with other governmental
8 units in order to obtain volume discounts, or for other reasons
9 in accordance with the Governmental Joint Purchasing Act, or in
10 accordance with the Intergovernmental Cooperation Act if
11 governmental units of other states or the federal government
12 are involved.

13 (j) The Department of Central Management Services shall
14 submit an annual report to the General Assembly concerning its
15 implementation of the State's collection and recycled paper
16 procurement programs. This report shall include a description
17 of the actions that the Department of Central Management
18 Services has taken in the previous fiscal year to implement
19 this Section. This report shall be submitted on or before
20 November 1 of each year.

21 (k) The Department of Central Management Services, in
22 cooperation with all other appropriate departments and
23 agencies of the State, shall institute whenever economically
24 and practically feasible the use of re-refined motor oil in all
25 State-owned motor vehicles and the use of remanufactured and
26 retread tires whenever such use is practical, beginning no
27 later than July 1, 1992.

28 (l) (Blank).

29 (m) The Department of Central Management Services, in
30 coordination with the Department of Commerce and Community
31 Affairs (now Department of Commerce and Economic Opportunity),
32 shall implement an aluminum can recycling program in all State
33 buildings within 270 days of the effective date of this
34 amendatory Act of 1997. The program shall provide for (1) the
35 collection and storage of used aluminum cans in bins or other
36 appropriate containers made reasonably available to occupants

1 and visitors of State buildings and (2) the sale of used
2 aluminum cans to buyers of recyclable materials.

3 Proceeds from the sale of used aluminum cans shall be
4 deposited into I-CYCLE accounts maintained in the State Surplus
5 Property Revolving Fund and, subject to appropriation, shall be
6 used by the Department of Central Management Services and any
7 other State agency to offset the costs of implementing the
8 aluminum can recycling program under this Section.

9 All State agencies having an aluminum can recycling program
10 in place shall continue with their current plan. If a State
11 agency has an existing recycling program in place, proceeds
12 from the aluminum can recycling program may be retained and
13 distributed pursuant to that program, otherwise all revenue
14 resulting from these programs shall be forwarded to Central
15 Management Services, I-CYCLE for placement into the
16 appropriate account within the State Surplus Property
17 Revolving Fund, minus any operating costs associated with the
18 program.

19 (Source: P.A. 89-445, eff. 2-7-96; 90-180, eff. 7-23-97;
20 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; revised 12-6-03.)

21 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

22 Sec. 3.1. Institutions of higher learning.

23 (a) For purposes of this Section "State-supported
24 institutions of higher learning" or "institutions" means the
25 University of Illinois, Southern Illinois University, the
26 colleges and universities under the jurisdiction of the Board
27 of Governors of State Colleges and Universities, the colleges
28 and universities under the jurisdiction of the Board of Regents
29 of Regency Universities, and the public community colleges
30 subject to the Public Community College Act.

31 (b) Each State-supported institution of higher learning
32 shall develop a comprehensive waste reduction plan covering a
33 period of 10 years which addresses the management of solid
34 waste generated by academic, administrative, student housing
35 and other institutional functions. The waste reduction plan

1 shall be developed by January 1, 1995. The initial plan
2 required under this Section shall be updated by the institution
3 every 5 years, and any proposed amendments to the plan shall be
4 submitted for review in accordance with subsection (f).

5 (c) Each waste reduction plan shall address, at a minimum,
6 the following topics: existing waste generation by volume,
7 waste composition, existing waste reduction and recycling
8 activities, waste collection and disposal costs, future waste
9 management methods, and specific goals to reduce the amount of
10 waste generated that is subject to landfill disposal.

11 (d) Each waste reduction plan shall provide for recycling
12 of marketable materials currently present in the institution's
13 waste stream, including but not limited to landscape waste,
14 corrugated cardboard, computer paper, and white office paper,
15 and shall provide for the investigation of potential markets
16 for other recyclable materials present in the institution's
17 waste stream. The recycling provisions of the waste reduction
18 plan shall be designed to achieve, by January 1, 2000, at least
19 a 40% reduction (referenced to a base year of 1987) in the
20 amount of solid waste that is generated by the institution and
21 identified in the waste reduction plan as being subject to
22 landfill disposal.

23 (e) Each waste reduction plan shall evaluate the
24 institution's procurement policies and practices to eliminate
25 procedures which discriminate against items with recycled
26 content, and to identify products or items which are procured
27 by the institution on a frequent or repetitive basis for which
28 products with recycled content may be substituted. Each waste
29 reduction plan shall prescribe that it will be the policy of
30 the institution to purchase products with recycled content
31 whenever such products have met specifications and standards of
32 equivalent products which do not contain recycled content.

33 (f) Each waste reduction plan developed in accordance with
34 this Section shall be submitted to the Department of Commerce
35 and Economic Opportunity ~~Community Affairs~~ for review and
36 approval. The Department's review shall be conducted in

1 cooperation with the Board of Higher Education and the Illinois
2 Community College Board.

3 (g) The Department of Commerce and Economic Opportunity
4 ~~Community Affairs~~ shall provide technical assistance,
5 technical materials, workshops and other information necessary
6 to assist in the development and implementation of the waste
7 reduction plans. The Department shall develop guidelines and
8 funding criteria for providing grant assistance to
9 institutions for the implementation of approved waste
10 reduction plans.

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

12 (415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

13 Sec. 5. Informational Clearinghouse. The Department of
14 Commerce and Economic Opportunity ~~Community Affairs~~, in
15 cooperation with the Environmental Protection Agency, shall
16 maintain a central clearinghouse of information regarding the
17 implementation of this Act. In particular, this clearinghouse
18 shall include data regarding solid waste research and planning,
19 solid waste management practices, markets for recyclable
20 materials and intergovernmental cooperation.

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

22 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

23 Sec. 6a. The Department of Commerce and Economic
24 Opportunity ~~Community Affairs~~ shall:

25 (1) Work with nationally based consumer groups and trade
26 associations to develop nationally recognized logos which may
27 be used to indicate whether a container is recyclable, made of
28 recycled materials, or both.

29 (2) Work with nationally based consumer groups and trade
30 associations to develop nationally recognized criteria for
31 determining under what conditions the logos may be used.

32 (3) Develop and conduct a public education and awareness
33 campaign to encourage the public to look for and buy products
34 in containers which are recyclable or made of recycled

1 materials.

2 (4) Develop and prepare educational materials describing
3 the benefits and methods of recycling for distribution to
4 elementary schools in Illinois.

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

6 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

7 Sec. 7. It is the intent of this Act to provide the
8 framework for a comprehensive solid waste management program in
9 Illinois.

10 The Department shall prepare and submit to the Governor and
11 the General Assembly on or before January 1, 1992, a report
12 evaluating the effectiveness of the programs provided under
13 this Act and Section 22.14 of the Environmental Protection Act;
14 assessing the need for a continuation of existing programs,
15 development and implementation of new programs and appropriate
16 funding mechanisms; and recommending legislative and
17 administrative action to fully implement a comprehensive solid
18 waste management program in Illinois.

19 The Department shall investigate the suitability and
20 advisability of providing tax incentives for Illinois
21 businesses to use recycled products and purchase or lease
22 recycling equipment, and shall report to the Governor and the
23 General Assembly by January 1, 1987, on the results of this
24 investigation.

25 By July 1, 1989, the Department shall submit to the
26 Governor and members of the General Assembly a waste reduction
27 report:

28 (a) that describes various mechanisms that could be
29 utilized to stimulate and enhance the reduction of
30 industrial and post-consumer waste in the State, including
31 their advantages and disadvantages. The mechanisms to be
32 analyzed shall include, but not be limited to, incentives
33 for prolonging product life, methods for ensuring product
34 recyclability, taxes for excessive packaging, tax
35 incentives, prohibitions on the use of certain products,

1 and performance standards for products; and

2 (b) that includes specific recommendations to
3 stimulate and enhance waste reduction in the industrial and
4 consumer sector, including, but not limited to,
5 legislation, financial incentives and disincentives, and
6 public education.

7 The Department of Commerce and Economic Opportunity
8 ~~Community Affairs~~, with the cooperation of the State Board of
9 Education, the Illinois Environmental Protection Agency, and
10 others as needed, shall develop, coordinate and conduct an
11 education program for solid waste management and recycling. The
12 program shall include, but not be limited to, education for the
13 general public, businesses, government, educators and
14 students.

15 The education program shall address, at a minimum, the
16 following topics: the solid waste management alternatives of
17 recycling, composting, and source reduction; resource
18 allocation and depletion; solid waste planning; reuse of
19 materials; pollution prevention; and household hazardous
20 waste.

21 The Department of Commerce and Economic Opportunity
22 ~~Community Affairs~~ shall cooperate with municipal and county
23 governments, regional school superintendents, education
24 service centers, local school districts, and planning agencies
25 and committees to coordinate local and regional education
26 programs and workshops and to expedite the exchange of
27 technical information.

28 By March 1, 1989, the Department shall prepare a report on
29 strategies for distributing and marketing landscape waste
30 compost from centralized composting sites operated by units of
31 local government. The report shall, at a minimum, evaluate the
32 effects of product quality, assured supply, cost and public
33 education on the availability of compost, free delivery, and
34 public sales composting program. The evaluation of public sales
35 programs shall focus on direct retail sale of bagged compost at
36 the site or special distribution centers and bulk sale of

1 finished compost to wholesalers for resale.

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

3 Section 790. The Illinois Groundwater Protection Act is
4 amended by changing Section 4 as follows:

5 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

6 Sec. 4. (a) There shall be established within State
7 government an interagency committee which shall be known as the
8 Interagency Coordinating Committee on Groundwater. The
9 Committee shall be composed of the Director, or his designee,
10 of the following agencies:

11 (1) The Illinois Environmental Protection Agency, who
12 shall chair the Committee.

13 (2) The Illinois Department of Natural Resources.

14 (3) The Illinois Department of Public Health.

15 (4) The Office of Mines and Minerals within the
16 Department of Natural Resources.

17 (5) The Office of the State Fire Marshal.

18 (6) The Division of Water Resources of the Department
19 of Natural Resources.

20 (7) The Illinois Department of Agriculture.

21 (8) The Illinois Emergency Management Agency.

22 (9) The Illinois Department of Nuclear Safety.

23 (10) The Illinois Department of Commerce and Economic
24 Opportunity ~~Community Affairs~~.

25 (b) The Committee shall meet not less than twice each
26 calendar year and shall:

27 (1) Review and coordinate the State's policy on
28 groundwater protection.

29 (2) Review and evaluate State laws, regulations and
30 procedures that relate to groundwater protection.

31 (3) Review and evaluate the status of the State's
32 efforts to improve the quality of the groundwater and of
33 the State enforcement efforts for protection of the
34 groundwater and make recommendations on improving the

1 State efforts to protect the groundwater.

2 (4) Recommend procedures for better coordination among
3 State groundwater programs and with local programs related
4 to groundwater protection.

5 (5) Review and recommend procedures to coordinate the
6 State's response to specific incidents of groundwater
7 pollution and coordinate dissemination of information
8 between agencies responsible for the State's response.

9 (6) Make recommendations for and prioritize the
10 State's groundwater research needs.

11 (7) Review, coordinate and evaluate groundwater data
12 collection and analysis.

13 (8) Beginning on January 1, 1990, report biennially to
14 the Governor and the General Assembly on groundwater
15 quality, quantity, and the State's enforcement efforts.

16 (c) The Chairman of the Committee shall propose a
17 groundwater protection regulatory agenda for consideration by
18 the Committee and the Council. The principal purpose of the
19 agenda shall be to systematically consider the groundwater
20 protection aspects of relevant federal and State regulatory
21 programs and to identify any areas where improvements may be
22 warranted. To the extent feasible, the agenda may also serve to
23 facilitate a more uniform and coordinated approach toward
24 protection of groundwaters in Illinois. Upon adoption of the
25 final agenda by the Committee, the Chairman of the Committee
26 shall assign a lead agency and any support agencies to prepare
27 a regulatory assessment report for each item on the agenda.
28 Each regulatory assessment report shall specify the nature of
29 the groundwater protection provisions being implemented and
30 shall evaluate the results achieved therefrom. Special
31 attention shall be given to any preventive measures being
32 utilized for protection of groundwaters. The reports shall be
33 completed in a timely manner. After review and consideration by
34 the Committee, the reports shall become the basis for
35 recommending further legislative or regulatory action.

36 (d) No later than January 1, 1992, the Interagency

1 Coordinating Committee on Groundwater shall provide a
2 comprehensive status report to the Governor and the General
3 Assembly concerning implementation of this Act.

4 (e) The Committee shall consider findings and
5 recommendations that are provided by the Council, and respond
6 in writing regarding such matters. The Chairman of the
7 Committee shall designate a liaison person to serve as a
8 facilitator of communications with the Council.

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

10 Section 795. The Degradable Plastic Act is amended by
11 changing Section 2 as follows:

12 (415 ILCS 80/2) (from Ch. 111 1/2, par. 7902)

13 Sec. 2. Definitions. As used in this Act, the following
14 terms shall have the meanings indicated, unless the context
15 otherwise requires:

16 "Agency" means the Illinois Environmental Protection
17 Agency.

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

20 "Degradable" means capable of disintegrating, by naturally
21 occurring biological or physical processes in the environment
22 within a period of 3 years after disposal, into fragments that
23 are small relative to the original size, or into particles of a
24 molecular weight that is low when compared to the molecular
25 weight of the original material.

26 "Plastic container" means a package, bag, bottle, cup,
27 wrapping, blister-pack or other device that is made of plastic,
28 plastic-coated paper, or other synthetic polymeric material,
29 and is used to contain or protect merchandise ultimately
30 intended for retail sale, or to contain waste for disposal.

31 "Recyclable plastic container" means a container composed
32 entirely (exclusive of any readily detachable lid, closure,
33 handle or label) of one type of plastic for which the
34 Department finds that there exists an effective recycling

1 market in this State.

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

3 Section 800. The Recycled Newsprint Use Act is amended by
4 changing Section 2002.50 as follows:

5 (415 ILCS 110/2002.50) (from Ch. 96 1/2, par. 9752.50)

6 Sec. 2002.50. "Department" means the Department of
7 Commerce and Economic Opportunity ~~Community Affairs~~.

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

9 Section 805. The Alternate Fuels Act is amended by changing
10 Sections 15, 21, 25, 32, and 40 as follows:

11 (415 ILCS 120/15)

12 Sec. 15. Rulemaking. The Agency shall promulgate rules and
13 dedicate sufficient resources to implement the purposes of
14 Section 30 of this Act. Such rules shall be consistent with the
15 provisions of the Clean Air Act Amendments of 1990 and any
16 regulations promulgated pursuant thereto. The Secretary of
17 State may promulgate rules to implement Section 35 of this Act.
18 The Department of Commerce and Economic Opportunity ~~Community~~
19 ~~Affairs~~ may promulgate rules to implement Section 25 of this
20 Act.

21 (Source: P.A. 89-410; 90-726, eff. 8-7-98; revised 12-6-03.)

22 (415 ILCS 120/21)

23 Sec. 21. Alternate Fuel Infrastructure Advisory Board. The
24 Governor shall appoint an Alternate Fuel Infrastructure
25 Advisory Board. The Advisory Board shall be chaired by the
26 Director of ~~the Department of~~ Commerce and Economic Opportunity
27 ~~Community Affairs~~, who may be represented at all meetings by a
28 designee. Other members appointed by the Governor shall consist
29 of one representative from the ethanol industry, one
30 representative from the natural gas industry, one
31 representative from the auto manufacturing industry, one

1 representative from the liquid petroleum gas industry, one
2 representative from the Agency, one representative from the
3 heavy duty engine manufacturing industry, one representative
4 from Illinois private fleet operators, and one representative
5 of local government from the Chicago nonattainment area.

6 The Advisory Board shall (1) prepare and recommend to the
7 Department of Commerce and Economic Opportunity (formerly
8 Department of Commerce and Community Affairs) a program
9 implementing Section 31 of this Act and (2) recommend criteria
10 and procedures to be followed in awarding grants.

11 Members of the Advisory Board shall not be reimbursed their
12 costs and expenses of participation. All decisions of the
13 Advisory Board shall be decided on a one vote per member basis
14 with a majority of the Advisory Board membership to rule.

15 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

16 (415 ILCS 120/25)

17 Sec. 25. Ethanol fuel research program. The Department of
18 Commerce and Economic Opportunity ~~Community Affairs~~ shall
19 administer a research program to reduce the costs of producing
20 ethanol fuels and increase the viability of ethanol fuels, new
21 ethanol engine technologies, and ethanol refueling
22 infrastructure. This research shall be funded from the
23 Alternate Fuels Fund. The research program shall remain in
24 effect, subject to appropriation after calendar year 2004, or
25 until funds are no longer available.

26 (Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03;
27 revised 12-6-03.)

28 (415 ILCS 120/32)

29 Sec. 32. Clean Fuel Education Program. Subject to
30 appropriation, the Department of Commerce and Economic
31 Opportunity ~~Community Affairs~~, in cooperation with the Agency
32 and Chicago Area Clean Cities, shall administer the Clean Fuel
33 Education Program, the purpose of which is to educate fleet
34 administrators and Illinois' citizens about the benefits of

1 using alternate fuels. The program shall include a media
2 campaign.

3 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

4 (415 ILCS 120/40)

5 Sec. 40. Appropriations from the Alternate Fuels Fund.

6 (a) User Fees Funds. The Agency shall estimate the amount
7 of user fees expected to be collected under Section 35 of this
8 Act for each fiscal year. User fee funds shall be deposited
9 into and distributed from the Alternate Fuels Fund in the
10 following manner:

11 (1) In each of fiscal years 1999, 2000, 2001, 2002, and
12 2003, an amount not to exceed \$200,000, and beginning in
13 fiscal year 2004 an annual amount not to exceed \$225,000,
14 may be appropriated to the Agency from the Alternate Fuels
15 Fund to pay its costs of administering the programs
16 authorized by Section 30 of this Act. Up to \$200,000 may be
17 appropriated to the Office of the Secretary of State in
18 each of fiscal years 1999, 2000, 2001, 2002, and 2003 from
19 the Alternate Fuels Fund to pay the Secretary of State's
20 costs of administering the programs authorized under this
21 Act. Beginning in fiscal year 2004 and in each fiscal year
22 thereafter, an amount not to exceed \$225,000 may be
23 appropriated to the Secretary of State from the Alternate
24 Fuels Fund to pay the Secretary of State's costs of
25 administering the programs authorized under this Act.

26 (2) In fiscal years 1999, 2000, 2001, and 2002, after
27 appropriation of the amounts authorized by item (1) of
28 subsection (a) of this Section, the remaining moneys
29 estimated to be collected during each fiscal year shall be
30 appropriated as follows: 80% of the remaining moneys shall
31 be appropriated to fund the programs authorized by Section
32 30, and 20% shall be appropriated to fund the programs
33 authorized by Section 25. In fiscal year 2004 and each
34 fiscal year thereafter, after appropriation of the amounts
35 authorized by item (1) of subsection (a) of this Section,

1 the remaining moneys estimated to be collected during each
2 fiscal year shall be appropriated as follows: 70% of the
3 remaining moneys shall be appropriated to fund the programs
4 authorized by Section 30 and 30% shall be appropriated to
5 fund the programs authorized by Section 31.

6 (3) (Blank).

7 (4) Moneys appropriated to fund the programs
8 authorized in Sections 25 and 30 shall be expended only
9 after they have been collected and deposited into the
10 Alternate Fuels Fund.

11 (b) General Revenue Fund Appropriations. General Revenue
12 Fund amounts appropriated to and deposited into the Alternate
13 Fuels Fund shall be distributed from the Alternate Fuels Fund
14 in the following manner:

15 (1) In each of fiscal years 2003 and 2004, an amount
16 not to exceed \$50,000 may be appropriated to the Department
17 of Commerce and Community Affairs (now Department of
18 Commerce and Economic Opportunity) from the Alternate
19 Fuels Fund to pay its costs of administering the programs
20 authorized by Sections 31 and 32.

21 (2) In each of fiscal years 2003 and 2004, an amount
22 not to exceed \$50,000 may be appropriated to the Department
23 of Commerce and Community Affairs (now Department of
24 Commerce and Economic Opportunity) to fund the programs
25 authorized by Section 32.

26 (3) In each of fiscal years 2003 and 2004, after
27 appropriation of the amounts authorized in items (1) and
28 (2) of subsection (b) of this Section, the remaining moneys
29 received from the General Revenue Fund shall be
30 appropriated as follows: 52.632% of the remaining moneys
31 shall be appropriated to fund the programs authorized by
32 Sections 25 and 30 and 47.368% of the remaining moneys
33 shall be appropriated to fund the programs authorized by
34 Section 31. The moneys appropriated to fund the programs
35 authorized by Sections 25 and 30 shall be used as follows:
36 20% shall be used to fund the programs authorized by

1 Section 25, and 80% shall be used to fund the programs
2 authorized by Section 30.

3 Moneys appropriated to fund the programs authorized in
4 Section 31 shall be expended only after they have been
5 deposited into the Alternate Fuels Fund.

6 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised
7 12-6-03.)

8 Section 810. The Interstate Ozone Transport Oversight Act
9 is amended by changing Section 20 as follows:

10 (415 ILCS 130/20)

11 Sec. 20. Legislative referral and public hearings.

12 (a) Not later than 10 days after the development of any
13 proposed memorandum of understanding by the Ozone Transport
14 Assessment Group potentially requiring the State of Illinois to
15 undertake emission reductions in addition to those specified by
16 the Clean Air Act Amendments of 1990, or subsequent to the
17 issuance of a request made by the United States Environmental
18 Protection Agency on or after June 1, 1997 for submission of a
19 State Implementation Plan for Illinois relating to ozone
20 attainment and before submission of the Plan, the Director
21 shall submit the proposed memorandum of understanding or State
22 Implementation Plan to the House Committee and the Senate
23 Committee for their consideration. At that time, the Director
24 shall also submit information detailing any alternate
25 strategies.

26 (b) To assist the legislative review required by this Act,
27 the Department of Natural Resources and the Department of
28 Commerce and Economic Opportunity ~~Community Affairs~~ shall
29 conduct a joint study of the impacts on the State's economy
30 which may result from implementation of the emission reduction
31 strategies contained within any proposed memorandum of
32 understanding or State Implementation Plan relating to ozone
33 and from implementation of any alternate strategies. The study
34 shall include, but not be limited to, the impacts on economic

1 development, employment, utility costs and rates, personal
2 income, and industrial competitiveness which may result from
3 implementation of the emission reduction strategies contained
4 within any proposed memorandum of agreement or State
5 Implementation Plan relating to ozone and from implementation
6 of any alternate strategies. The study shall be submitted to
7 the House Committee and Senate Committee not less than 10 days
8 prior to any scheduled hearing conducted pursuant to subsection
9 (c) of this Section.

10 (c) Upon receipt of the information required by subsections
11 (a) and (b) of this Section, the House Committee and Senate
12 Committee shall each convene one or more public hearings to
13 receive comments from agencies of government and other
14 interested parties on the memorandum of understanding's or
15 State Implementation Plan's prospective economic and
16 environmental impacts, including its impacts on energy use,
17 economic development, utility costs and rates, and
18 competitiveness. Additionally, comments shall be received on
19 the prospective economic and environmental impacts, including
20 impacts on energy use, economic development, utility costs and
21 rates, and competitiveness, which may result from
22 implementation of any alternate strategies.

23 (Source: P.A. 89-566, eff. 7-26-96; 90-500, eff. 8-19-97;
24 revised 12-6-03.)

25 Section 815. The Illinois Poison Prevention Packaging Act
26 is amended by changing Section 6 as follows:

27 (430 ILCS 40/6) (from Ch. 111 1/2, par. 296)

28 Sec. 6. (a) For the purpose of assisting in carrying out
29 the purposes of this Act, the Director may appoint a technical
30 advisory committee, designating a member thereof to be a
31 chairman, composed of not more than 18 members who are
32 representative of (1) the Department of Public Health, (2) the
33 Department of Commerce and Economic Opportunity ~~Community~~
34 ~~Affairs~~, (3) manufacturers of household substances subject to

1 this Act, (4) scientists with expertise related to this Act and
2 licensed practitioners in the medical field, (5) consumers, and
3 (6) manufacturers of packages and closures for household
4 substances. The Director may consult with the technical
5 advisory committee in making findings and in establishing
6 standards pursuant to this Act.

7 (b) Members of the technical advisory committee who are not
8 regular full-time employees of the State of Illinois shall,
9 while attending meetings of such committee, be entitled to
10 receive compensation at a rate fixed by the Director, but not
11 exceeding \$100 per diem, including travel time, and while so
12 serving away from their homes or regular places of business,
13 they may be allowed travel expenses.

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

15 Section 820. The Agricultural Areas Conservation and
16 Protection Act is amended by changing Section 20.1 as follows:

17 (505 ILCS 5/20.1) (from Ch. 5, par. 1020.1)

18 Sec. 20.1. Report to General Assembly and State Agencies.
19 The Department of Agriculture shall make an annual report to
20 the General Assembly on the location and size of all
21 agricultural areas created or dissolved during the past year
22 and of any other alterations of agricultural areas. For the
23 purpose of planning project alternatives, the Department of
24 Agriculture shall provide a description of all agricultural
25 areas to the following agencies and shall notify the following
26 agencies of the creation, alteration, or dissolution of
27 agricultural areas: the Governor's Office of Management and
28 Budget Bureau ~~of the Budget~~, the Department of Natural
29 Resources, the Illinois Commerce Commission, the Department of
30 Commerce and Economic Opportunity ~~Community Affairs~~, the
31 Environmental Protection Agency, the Capital Development
32 Board, and the Department of Transportation.

33 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

1 Section 825. The County Cooperative Extension Law is
2 amended by changing Section 2b as follows:

3 (505 ILCS 45/2b) (from Ch. 5, par. 242b)

4 Sec. 2b. The Cooperative Extension Service of the
5 University of Illinois shall establish a Rural Transition
6 Program to be operated in cooperation with the Department of
7 Commerce and Economic Opportunity ~~Community Affairs~~ to provide
8 assessments, career counseling, on-the-job training, tuition
9 reimbursements, classroom training, financial management
10 training, work experience opportunities, job search skills,
11 job placement, youth programs, and support service to farmers
12 and their families, agriculture-related employees, other rural
13 residents, and small rural businesses who are being forced out
14 of farming or other primary means of employment or whose
15 standard of living or employment has been reduced because of
16 prevailing economic conditions in the agricultural or rural
17 economy. Eligible farmers and their families shall include
18 those who can demonstrate proof of financial stress, proof of
19 foreclosure, proof of bankruptcy, proof of inability to secure
20 needed capital, proof of voluntary foreclosure or proof of
21 income eligibility for assistance programs administered by the
22 Department of Human Services (acting as successor to the
23 Department of Public Aid under the Department of Human Services
24 Act). Eligible agriculture related employees shall mean tenant
25 farmers or other farm employees and employees of businesses
26 related to agricultural production who are facing
27 displacement, unemployment or underemployment due to a closure
28 or reduction in operation of such business or farm due to poor
29 economic conditions that prevail in the agricultural or rural
30 economy. Other eligible rural residents shall include those
31 residing in rural areas whose employment or standard of living
32 has been reduced due to the poor economic conditions that
33 prevail in the agricultural or rural economy. Eligible small
34 rural businesses shall include those existing or new businesses
35 established and operating in rural areas that lack access to

1 other sources of services provided by this Section. In carrying
2 out the provisions of this Section, the Cooperative Extension
3 Service may enter into agreements with the Department of
4 Commerce and Community Affairs, community colleges, vocational
5 schools, and any other State or local private or public agency
6 or entity deemed necessary.

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

8 Section 830. The Farmland Preservation Act is amended by
9 changing Section 3 as follows:

10 (505 ILCS 75/3) (from Ch. 5, par. 1303)

11 Sec. 3. An Inter-Agency Committee on Farmland Preservation
12 is created. The Directors or Chairpersons of the following
13 agencies, or their representatives, shall serve as members of
14 the Committee:

15 (a) the Capital Development Board;

16 (b) the Department of Natural Resources;

17 (c) the Department of Commerce and Economic Opportunity
18 ~~Community Affairs~~;

19 (d) the Environmental Protection Agency;

20 (e) the Department of Transportation;

21 (f) the Governor's Office of Management and Budget Bureau
22 ~~of the Budget~~;

23 (g) the Illinois Commerce Commission; and

24 (h) the Department of Agriculture.

25 The Director of the Department of Agriculture, or his
26 representative, shall serve as chairman.

27 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

28 Section 835. The Illinois Forestry Development Act is
29 amended by changing Section 6a as follows:

30 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

31 (Section scheduled to be repealed on December 31, 2008)

32 Sec. 6a. Illinois Forestry Development Council.

1 (a) The Illinois Forestry Development Council is hereby
2 re-created by this amendatory Act of the 91st General Assembly.

3 (b) The Council shall consist of 24 members appointed as
4 follows:

5 (1) four members of the General Assembly, one appointed
6 by the President of the Senate, one appointed by the Senate
7 Minority Leader, one appointed by the Speaker of the House
8 of Representatives, and one appointed by the House Minority
9 Leader;

10 (2) one member appointed by the Governor to represent
11 the Governor;

12 (3) the Directors of the Departments of Natural
13 Resources, Agriculture, and Commerce and Economic
14 Opportunity ~~Community Affairs~~, the Executive Director of
15 the Illinois Finance Authority, and the Director of the
16 Office of Rural Affairs, or their designees;

17 (4) the chairman of the Department of Forestry or a
18 forestry academician, appointed by the Dean of Agriculture
19 at Southern Illinois University at Carbondale;

20 (5) the head of the Department of Natural Resources and
21 Environmental Sciences or a forestry academician,
22 appointed by the Dean of Agriculture at the University of
23 Illinois;

24 (6) two members, appointed by the Governor, who shall
25 be private timber growers;

26 (7) one member, appointed by the president of the
27 Illinois Wood Products Association, who shall be involved
28 in primary forestry industry;

29 (8) one member, appointed by the president of the
30 Illinois Wood Products Association, who shall be involved
31 in secondary forestry industry;

32 (9) one member who is actively involved in
33 environmental issues, appointed by the Governor;

34 (10) the president of the Association of Illinois Soil
35 and Water Conservation Districts;

36 (11) two persons who are actively engaged in farming,

1 appointed by the Governor;

2 (12) one member, appointed by the Governor, whose
3 primary area of expertise is urban forestry;

4 (13) one member appointed by the President of the
5 Illinois Arborists Association;

6 (14) the Supervisor of the Shawnee National Forest and
7 the United States Department of Agriculture Natural
8 Resource Conservation Service's State Conservationist, ex
9 officio, or their designees.

10 (c) Members of the Council shall serve without compensation
11 but shall be reimbursed for actual expenses incurred in the
12 performance of their duties which are not otherwise reimbursed.

13 (d) The Council shall select from its membership a
14 chairperson and such other officers as it considers necessary.

15 (e) Other individuals, agencies and organizations may be
16 invited to participate as deemed advisable by the Council.

17 (f) The Council shall study and evaluate the forestry
18 resources and forestry industry of Illinois. The Council shall:

19 (1) determine the magnitude, nature and extent of the
20 State's forestry resources;

21 (2) determine current uses and project future demand
22 for forest products, services and benefits in Illinois;

23 (3) determine and evaluate the ownership
24 characteristics of the State's forests, the motives for
25 forest ownership and the success of incentives necessary to
26 stimulate development of forest resources;

27 (4) determine the economic development and management
28 opportunities that could result from improvements in local
29 and regional forest product marketing and from the
30 establishment of new or additional wood-related businesses
31 in Illinois;

32 (5) confer with and offer assistance to the Illinois
33 Finance Authority relating to its implementation of forest
34 industry assistance programs authorized by the Illinois
35 Finance Authority Act;

36 (6) determine the opportunities for increasing

1 employment and economic growth through development of
2 forest resources;

3 (7) determine the effect of current governmental
4 policies and regulations on the management of woodlands and
5 the location of wood products markets;

6 (8) determine the staffing and funding needs for
7 forestry and other conservation programs to support and
8 enhance forest resources development;

9 (9) determine the needs of forestry education programs
10 in this State;

11 (10) confer with and offer assistance to the Department
12 of Natural Resources relating to the implementation of
13 urban forestry assistance grants pursuant to the Urban and
14 Community Forestry Assistance Act; and

15 (11) determine soil and water conservation benefits
16 and wildlife habitat enhancement opportunities that can be
17 promoted through approved forestry management plans.

18 (g) The Council shall report (i) its findings and
19 recommendations for future State action and (ii) its evaluation
20 of Urban/Community Forestry Assistance Grants to the General
21 Assembly no later than July 1 of each year.

22 (h) This Section 6a is repealed December 31, 2008.

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

24 Section 840. The Illinois Youth and Young Adult Employment
25 Act of 1986 is amended by changing Section 5 as follows:

26 (525 ILCS 50/5) (from Ch. 48, par. 2555)

27 Sec. 5. Cooperation. The Department of Natural Resources
28 shall have the full cooperation of the Department of Commerce
29 and Economic Opportunity ~~Community Affairs~~, the Illinois State
30 Job Coordinating Council created by the Federal Job Training
31 Partnership Act (Public Law 97-300), and the Department of
32 Employment Security to carry out the purposes of this Act.

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

1 Section 845. The Bikeway Act is amended by changing Section
2 4 as follows:

3 (605 ILCS 30/4) (from Ch. 121, par. 604)

4 Sec. 4. In expending funds available for purposes of this
5 Act, the Department shall cooperate with municipalities,
6 townships, counties, road districts, park districts and other
7 appropriate agencies and organizations and, where possible and
8 practicable, shall allocate its expenditures among the several
9 regions of the State, proportionally to the bicycling
10 population.

11 The Secretary of Transportation shall serve as chairman of
12 and shall at least quarterly convene an interagency council on
13 the bikeways program, comprised of the Director of Natural
14 Resources, the Director of Commerce and Economic Opportunity
15 ~~Community Affairs~~, the State Superintendent of Education, a
16 county engineer or county superintendent of highways chosen by
17 the statewide association of county engineers, a
18 representative of the Cook County Forest Preserve District, and
19 the Secretary of Transportation, for the purpose of determining
20 policy and priorities in effectuating the purposes of this Act.
21 (Source: P.A. 89-337, eff. 1-1-96; 89-445, eff. 2-7-96; revised
22 12-6-03.)

23 Section 850. The Illinois Aeronautics Act is amended by
24 changing Section 34b as follows:

25 (620 ILCS 5/34b)

26 Sec. 34b. Airport Land Loan Program.

27 (a) The Department may make loans to public airport owners
28 for the purchase of any real estate interests as may be needed
29 for essential airport purposes, including future needs,
30 subject to the following conditions:

31 (1) loans may be made only to public airport owners
32 that are operating an airport as of January 1, 1999; and

33 (2) loans may not be made for airports that provide

1 scheduled commercial air service in counties of greater
2 than 5,000,000 population.

3 The loans are payable from the Airport Land Loan Revolving
4 Fund, subject to appropriation. All repayments of loans made
5 pursuant to this Section, including interest thereon and
6 penalties, shall be deposited in the Airport Land Loan
7 Revolving Fund. The Treasurer shall deposit all investment
8 earnings arising from balances in the Airport Land Loan
9 Revolving Fund in that Fund.

10 (b) All loans under this Section shall be made by contract
11 between the Department and the public airport owner, which
12 contract shall include the following provisions:

13 (1) The annual rate of interest shall be the lesser of
14 (A) 2 percent below the Prime Rate charged by banks, as
15 published by the Federal Reserve Board, in effect at the
16 time the Department approves the loan, or (B) a rate
17 determined by the Department, after consultation with the
18 Governor's Office of Management and Budget ~~Bureau of the~~
19 ~~Budget~~, that will not adversely affect the tax-exempt
20 status of interest on the bonds of the State issued in
21 whole or in part to make deposits into the Airport Land
22 Loan Revolving Fund, nor diminish the benefit to the State
23 of the tax-exempt status of the interest on such bonds.

24 (2) The term of any loan shall not exceed five years,
25 but it may be for less by mutual agreement.

26 (3) Loan payments shall be scheduled in equal amounts
27 for the periods determined under paragraph (4) of this
28 Section. The loan payments shall be calculated so that the
29 loan is completely repaid, with interest, on outstanding
30 balances, by the end of the term determined under paragraph
31 (2) of this Section. There shall be no penalty for early
32 payment ahead of the payment schedule.

33 (4) The period of loan payments shall be annual, unless
34 by mutual agreement a period of less than one year is
35 chosen.

36 (5) The loan shall be secured with the land purchased,

1 in whole or in part, with the loan and considered as
2 collateral. The public airport owner shall assign a first
3 priority interest in the property to the State.

4 (6) If the loan payment is not made within 15 days
5 after the scheduled date determined under paragraph (3) of
6 this Section, a penalty of 10% of the payment shall be
7 assessed. If 30 days after the scheduled payment date no
8 payment has been received, the loan shall be considered in
9 default.

10 (7) As soon as a loan is considered in default, the
11 Department shall notify the public airport owner and
12 attempt to enter into a renegotiation of the loan payment
13 amounts and schedule determined under paragraph (3) of this
14 Section. In no case shall the term of the loan be extended
15 beyond the initial term determined under paragraph (2) of
16 this Section; nor shall the interest rate be lowered nor
17 any interest be forgiven. If a renegotiation of loan
18 payment amounts and schedule is obtained to the
19 Department's satisfaction within 30 days of notification
20 of default, then the new payment schedule shall replace the
21 one determined by paragraph (3) of this Section and shall
22 be used to measure compliance with the loan for purposes of
23 default. If after 30 days of notification of default the
24 Department has not obtained a renegotiation to its
25 satisfaction, the Department shall declare the loan
26 balance due and payable immediately. If the public airport
27 owner cannot immediately pay the balance of the loan, the
28 Department shall proceed to foreclose.

29 (c) The Department may promulgate any rules that it finds
30 appropriate to implement this Airport Land Loan Program.

31 (d) The Airport Land Loan Revolving Fund is created in the
32 State Treasury.

33 (Source: P.A. 91-543, eff. 8-14-99; 91-712, eff. 7-1-00;
34 revised 8-23-03.)

35 Section 860. The Code of Civil Procedure is amended by

1 changing Section 7-103.3 as follows:

2 (735 ILCS 5/7-103.3)

3 Sec. 7-103.3. Quick-take; coal development purposes.
4 Quick-take proceedings under Section 7-103 may be used by the
5 Department of Commerce and Economic Opportunity ~~Community~~
6 ~~Affairs~~ for the purpose specified in the Illinois Coal
7 Development Bond Act.

8 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

9 Section 865. The Illinois Human Rights Act is amended by
10 changing Section 2-105 as follows:

11 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

12 Sec. 2-105. Equal Employment Opportunities; Affirmative
13 Action.

14 (A) Public Contracts. Every party to a public contract and
15 every eligible bidder shall:

16 (1) Refrain from unlawful discrimination and
17 discrimination based on citizenship status in employment
18 and undertake affirmative action to assure equality of
19 employment opportunity and eliminate the effects of past
20 discrimination;

21 (2) Comply with the procedures and requirements of the
22 Department's regulations concerning equal employment
23 opportunities and affirmative action;

24 (3) Provide such information, with respect to its
25 employees and applicants for employment, and assistance as
26 the Department may reasonably request;

27 (4) Have written sexual harassment policies that shall
28 include, at a minimum, the following information: (i) the
29 illegality of sexual harassment; (ii) the definition of
30 sexual harassment under State law; (iii) a description of
31 sexual harassment, utilizing examples; (iv) the vendor's
32 internal complaint process including penalties; (v) the
33 legal recourse, investigative and complaint process

1 available through the Department and the Commission; (vi)
2 directions on how to contact the Department and Commission;
3 and (vii) protection against retaliation as provided by
4 Section 6-101 of this Act. A copy of the policies shall be
5 provided to the Department upon request.

6 (B) State Agencies. Every State executive department,
7 State agency, board, commission, and instrumentality shall:

8 (1) Comply with the procedures and requirements of the
9 Department's regulations concerning equal employment
10 opportunities and affirmative action;

11 (2) Provide such information and assistance as the
12 Department may request.

13 (3) Establish, maintain, and carry out a continuing
14 affirmative action plan consistent with this Act and the
15 regulations of the Department designed to promote equal
16 opportunity for all State residents in every aspect of
17 agency personnel policy and practice. For purposes of these
18 affirmative action plans, the race and national origin
19 categories to be included in the plans are: African
20 American, Hispanic or Latino, Native American, Asian, and
21 any other category as required by Department rule. This
22 plan shall include a current detailed status report:

23 (a) indicating, by each position in State service,
24 the number, percentage, and average salary of
25 individuals employed by race, national origin, sex and
26 disability, and any other category that the Department
27 may require by rule;

28 (b) identifying all positions in which the
29 percentage of the people employed by race, national
30 origin, sex and disability, and any other category that
31 the Department may require by rule, is less than
32 four-fifths of the percentage of each of those
33 components in the State work force;

34 (c) specifying the goals and methods for
35 increasing the percentage by race, national origin,
36 sex and disability, and any other category that the

1 Department may require by rule, in State positions;

2 (d) indicating progress and problems toward
3 meeting equal employment opportunity goals, including,
4 if applicable, but not limited to, Department of
5 Central Management Services recruitment efforts,
6 publicity, promotions, and use of options designating
7 positions by linguistic abilities;

8 (e) establishing a numerical hiring goal for the
9 employment of qualified persons with disabilities in
10 the agency as a whole, to be based on the proportion of
11 people with work disabilities in the Illinois labor
12 force as reflected in the most recent decennial Census.

13 (4) If the agency has 1000 or more employees, appoint a
14 full-time Equal Employment Opportunity officer, subject to
15 the Department's approval, whose duties shall include:

16 (a) Advising the head of the particular State
17 agency with respect to the preparation of equal
18 employment opportunity programs, procedures,
19 regulations, reports, and the agency's affirmative
20 action plan.

21 (b) Evaluating in writing each fiscal year the
22 sufficiency of the total agency program for equal
23 employment opportunity and reporting thereon to the
24 head of the agency with recommendations as to any
25 improvement or correction in recruiting, hiring or
26 promotion needed, including remedial or disciplinary
27 action with respect to managerial or supervisory
28 employees who have failed to cooperate fully or who are
29 in violation of the program.

30 (c) Making changes in recruitment, training and
31 promotion programs and in hiring and promotion
32 procedures designed to eliminate discriminatory
33 practices when authorized.

34 (d) Evaluating tests, employment policies,
35 practices and qualifications and reporting to the head
36 of the agency and to the Department any policies,

1 practices and qualifications that have unequal impact
2 by race, national origin as required by Department
3 rule, sex or disability or any other category that the
4 Department may require by rule, and to assist in the
5 recruitment of people in underrepresented
6 classifications. This function shall be performed in
7 cooperation with the State Department of Central
8 Management Services.

9 (e) Making any aggrieved employee or applicant for
10 employment aware of his or her remedies under this Act.

11 In any meeting, investigation, negotiation,
12 conference, or other proceeding between a State
13 employee and an Equal Employment Opportunity officer,
14 a State employee (1) who is not covered by a collective
15 bargaining agreement and (2) who is the complaining
16 party or the subject of such proceeding may be
17 accompanied, advised and represented by (1) an
18 attorney licensed to practice law in the State of
19 Illinois or (2) a representative of an employee
20 organization whose membership is composed of employees
21 of the State and of which the employee is a member. A
22 representative of an employee, other than an attorney,
23 may observe but may not actively participate, or advise
24 the State employee during the course of such meeting,
25 investigation, negotiation, conference or other
26 proceeding. Nothing in this Section shall be construed
27 to permit any person who is not licensed to practice
28 law in Illinois to deliver any legal services or
29 otherwise engage in any activities that would
30 constitute the unauthorized practice of law. Any
31 representative of an employee who is present with the
32 consent of the employee, shall not, during or after
33 termination of the relationship permitted by this
34 Section with the State employee, use or reveal any
35 information obtained during the course of the meeting,
36 investigation, negotiation, conference or other

1 proceeding without the consent of the complaining
2 party and any State employee who is the subject of the
3 proceeding and pursuant to rules and regulations
4 governing confidentiality of such information as
5 promulgated by the appropriate State agency.
6 Intentional or reckless disclosure of information in
7 violation of these confidentiality requirements shall
8 constitute a Class B misdemeanor.

9 (5) Establish, maintain and carry out a continuing
10 sexual harassment program that shall include the
11 following:

12 (a) Develop a written sexual harassment policy
13 that includes at a minimum the following information:
14 (i) the illegality of sexual harassment; (ii) the
15 definition of sexual harassment under State law; (iii)
16 a description of sexual harassment, utilizing
17 examples; (iv) the agency's internal complaint process
18 including penalties; (v) the legal recourse,
19 investigative and complaint process available through
20 the Department and the Commission; (vi) directions on
21 how to contact the Department and Commission; and (vii)
22 protection against retaliation as provided by Section
23 6-101 of this Act. The policy shall be reviewed
24 annually.

25 (b) Post in a prominent and accessible location and
26 distribute in a manner to assure notice to all agency
27 employees without exception the agency's sexual
28 harassment policy. Such documents may meet, but shall
29 not exceed, the 6th grade literacy level. Distribution
30 shall be effectuated within 90 days of the effective
31 date of this amendatory Act of 1992 and shall occur
32 annually thereafter.

33 (c) Provide training on sexual harassment
34 prevention and the agency's sexual harassment policy
35 as a component of all ongoing or new employee training
36 programs.

1 (6) Notify the Department 30 days before effecting any
2 layoff. Once notice is given, the following shall occur:

3 (a) No layoff may be effective earlier than 10
4 working days after notice to the Department, unless an
5 emergency layoff situation exists.

6 (b) The State executive department, State agency,
7 board, commission, or instrumentality in which the
8 layoffs are to occur must notify each employee targeted
9 for layoff, the employee's union representative (if
10 applicable), and the State Dislocated Worker Unit at
11 the Department of Commerce and Economic Opportunity
12 ~~Community Affairs~~.

13 (c) The State executive department, State agency,
14 board, commission, or instrumentality in which the
15 layoffs are to occur must conform to applicable
16 collective bargaining agreements.

17 (d) The State executive department, State agency,
18 board, commission, or instrumentality in which the
19 layoffs are to occur should notify each employee
20 targeted for layoff that transitional assistance may
21 be available to him or her under the Economic
22 Dislocation and Worker Adjustment Assistance Act
23 administered by the Department of Commerce and
24 Economic Opportunity ~~Community Affairs~~. Failure to
25 give such notice shall not invalidate the layoff or
26 postpone its effective date.

27 As used in this subsection (B), "disability" shall be
28 defined in rules promulgated under the Illinois Administrative
29 Procedure Act.

30 (C) Civil Rights Violations. It is a civil rights violation
31 for any public contractor or eligible bidder to:

32 (1) fail to comply with the public contractor's or
33 eligible bidder's duty to refrain from unlawful
34 discrimination and discrimination based on citizenship
35 status in employment under subsection (A)(1) of this
36 Section; or

1 (2) fail to comply with the public contractor's or
2 eligible bidder's duties of affirmative action under
3 subsection (A) of this Section, provided however, that the
4 Department has notified the public contractor or eligible
5 bidder in writing by certified mail that the public
6 contractor or eligible bidder may not be in compliance with
7 affirmative action requirements of subsection (A). A
8 minimum of 60 days to comply with the requirements shall be
9 afforded to the public contractor or eligible bidder before
10 the Department may issue formal notice of non-compliance.

11 (Source: P.A. 91-178, eff. 1-1-00; revised 12-6-03.)

12 Section 870. The Hot Water Heater Efficiency Act is amended
13 by changing Section 1 as follows:

14 (815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

15 Sec. 1. (a) No new storage hot water heater which is not
16 certified as meeting the energy efficiency standards of the
17 American Society of Heating, Refrigerating and Air
18 Conditioning Engineers, Inc., as set forth as the current
19 ASHRAE 90 Standard, shall be purchased for resale or
20 installation in the State after June 1, 1986; provided,
21 however, that nothing contained herein shall prevent sales from
22 being made in the State for use outside the State and provided
23 that the inventory of storage hot water heaters existing on
24 April 1, 1986 may be sold after June 1, 1986. Upon the
25 effective date of this Act, no retail seller or distributor
26 shall increase its inventory of storage hot water heaters which
27 are not certified as being in compliance with the current
28 ASHRAE 90 Standard, and all storage hot water heaters sold
29 after June 1, 1986 shall be certified and labeled by the
30 manufacturer as being in compliance with the current ASHRAE 90
31 Standard.

32 (b) The Department of Commerce and Economic Opportunity
33 ~~Community Affairs~~ shall provide technical assistance and
34 information to retail sellers and distributors of storage hot

1 water heaters doing business in Illinois to facilitate
2 compliance with the provisions of this Act.

3 (c) This Act does not apply to storage hot water heaters
4 with a capacity of 20 or fewer gallons designed expressly for
5 use in recreational vehicles.

6 (d) Any violation of subsection (a) shall be a petty
7 offense; provided a fine of not less than \$50 nor more than
8 \$500 shall be imposed, and all fines shall be imposed
9 consecutively. Each storage hot water heater sold in violation
10 of this Act shall constitute a separate offense.

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

12 Section 875. The Waste Oil Recovery Act is amended by
13 changing Sections 2.8 and 6 as follows:

14 (815 ILCS 440/2.8) (from Ch. 96 1/2, par. 7702.8)

15 Sec. 2.8. "Department" means the Department of Commerce and
16 Economic Opportunity ~~Community Affairs~~.

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

18 (815 ILCS 440/6) (from Ch. 96 1/2, par. 7706)

19 Sec. 6. Any establishment engaged in retail sales of
20 automotive lubricating oils is urged to post a sign clearly
21 visible to the public in every area where automotive
22 lubricating oils are sold, indicating the closest used oil
23 storage facility. The sign shall be a minimum size of 8 1/2
24 inches by 11 inches and shall be available from the Department
25 of Commerce and Economic Opportunity ~~Community Affairs~~ upon
26 request by a retail seller of 500 or more gallons per year of
27 automotive lubricating oil.

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

29 Section 880. The Unemployment Insurance Act is amended by
30 changing Section 2103 as follows:

31 (820 ILCS 405/2103) (from Ch. 48, par. 663)

1 Sec. 2103. Unemployment compensation administration and
2 other workforce development costs. All moneys received by the
3 State or by the Director from any source for the financing of
4 the cost of administration of this Act, including all federal
5 moneys allotted or apportioned to the State or to the Director
6 for that purpose, including moneys received directly or
7 indirectly from the federal government under the Job Training
8 Partnership Act, and including moneys received from the
9 Railroad Retirement Board as compensation for services or
10 facilities supplied to said Board, or any moneys made available
11 by this State or its political subdivisions and matched by
12 moneys granted to this State pursuant to the provisions of the
13 Wagner-Peyser Act, shall be received and held by the State
14 Treasurer as ex-officio custodian thereof, separate and apart
15 from all other State moneys, in the Title III Social Security
16 and Employment Fund, and such funds shall be distributed or
17 expended upon the direction of the Director and, except money
18 received pursuant to the last paragraph of Section 2100B, shall
19 be distributed or expended solely for the purposes and in the
20 amounts found necessary by the Secretary of Labor of the United
21 States of America, or other appropriate federal agency, for the
22 proper and efficient administration of this Act.
23 Notwithstanding any provision of this Section, all money
24 requisitioned and deposited with the State Treasurer pursuant
25 to the last paragraph of Section 2100B shall remain part of the
26 unemployment trust fund and shall be used only in accordance
27 with the conditions specified in the last paragraph of Section
28 2100B.

29 If any moneys received from the Secretary of Labor, or
30 other appropriate federal agency, under Title III of the Social
31 Security Act, or any moneys granted to this State pursuant to
32 the provisions of the Wagner-Peyser Act, or any moneys made
33 available by this State or its political subdivisions and
34 matched by moneys granted to this State pursuant to the
35 provisions of the Wagner-Peyser Act, are found by the Secretary
36 of Labor, or other appropriate Federal agency, because of any

1 action or contingency, to have been lost or expended for
2 purposes other than, or in amounts in excess of, those found
3 necessary, by the Secretary of Labor, or other appropriate
4 Federal agency, for the proper administration of this Act, it
5 is the policy of this State that such moneys shall be replaced
6 by moneys appropriated for such purpose from the general funds
7 of this State for expenditure as provided in the first
8 paragraph of this Section. The Director shall report to the
9 Governor's Office of Management and Budget ~~Bureau of the~~
10 ~~Budget~~, in the same manner as is provided generally for the
11 submission by State Departments of financial requirements for
12 the ensuing fiscal year, and the Governor shall include in his
13 budget report to the next regular session of the General
14 Assembly, the amount required for such replacement.

15 Moneys in the Title III Social Security and Employment Fund
16 shall not be commingled with other State funds, but they shall
17 be deposited as required by law and maintained in a separate
18 account on the books of a savings and loan association or bank.

19 The State Treasurer shall be liable on his general official
20 bond for the faithful performance of his duties as custodian of
21 all moneys in the Title III Social Security and Employment
22 Fund. Such liability on his official bond shall exist in
23 addition to the liability upon any separate bond given by him.
24 All sums recovered for losses sustained by the fund herein
25 described shall be deposited therein.

26 Upon the effective date of this amendatory Act of 1987
27 (January 1, 1988), the Comptroller shall transfer all
28 unobligated funds from the Job Training Fund into the Title III
29 Social Security and Employment Fund.

30 On September 1, 2000, or as soon thereafter as may be
31 reasonably practicable, the State Comptroller shall transfer
32 all unobligated moneys from the Job Training Partnership Fund
33 into the Title III Social Security and Employment Fund. The
34 moneys transferred pursuant to this amendatory Act may be used
35 or expended for purposes consistent with the conditions under
36 which those moneys were received by the State.

1 Beginning on the effective date of this amendatory Act of
2 the 91st General Assembly, all moneys that would otherwise be
3 deposited into the Job Training Partnership Fund shall instead
4 be deposited into the Title III Social Security and Employment
5 Fund, to be used for purposes consistent with the conditions
6 under which those moneys are received by the State, except that
7 any moneys that may be necessary to pay liabilities outstanding
8 as of June 30, 2000 shall be deposited into the Job Training
9 Partnership Fund.

10 (Source: P.A. 91-704, eff. 7-1-00; revised 8-23-03.)

11 Section 995. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 996. No revival or extension. This Act does not
19 revive or extend any Section or Act otherwise repealed.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.

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Statutes amended in order of appearance

5 ILCS 80/5 from Ch. 127, par. 1905
5 ILCS 80/6 from Ch. 127, par. 1906
5 ILCS 100/5-30 from Ch. 127, par. 1005-30
5 ILCS 375/11 from Ch. 127, par. 531
5 ILCS 410/15
15 ILCS 20/50-15 was 15 ILCS 20/38.2
15 ILCS 322/20
15 ILCS 405/9.02 from Ch. 15, par. 209.02
15 ILCS 405/19 from Ch. 15, par. 219
15 ILCS 405/21 from Ch. 15, par. 221
15 ILCS 405/22.2 from Ch. 15, par. 222.2
15 ILCS 425/2 from Ch. 15, par. 602
20 ILCS 5/5-330 was 20 ILCS 5/9.18
20 ILCS 5/5-530 was 20 ILCS 5/6.01a
20 ILCS 10/3 from Ch. 127, par. 953
20 ILCS 105/8.01 from Ch. 23, par. 6108.01
20 ILCS 205/205-40 was 20 ILCS 205/40.31
20 ILCS 230/10
20 ILCS 405/405-130 was 20 ILCS 405/67.28
20 ILCS 405/405-295 was 20 ILCS 405/67.30
20 ILCS 405/405-300 was 20 ILCS 405/67.02
20 ILCS 405/405-500
20 ILCS 415/8a from Ch. 127, par. 63b108a
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20 ILCS 605/605-105 was 20 ILCS 605/46.35
20 ILCS 605/605-112 was 20 ILCS 605/46.34b
20 ILCS 605/605-360 was 20 ILCS 605/46.19a in part
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20 ILCS 605/605-855 was 20 ILCS 605/46.32a in part
20 ILCS 605/605-865
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20 ILCS 609/2
20 ILCS 611/10

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