

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 605-75, 605-105, 605-112,  
30 605-332, 605-360, 605-415, 605-707, 605-855, and 605-865 as  
31 follows:

32 (20 ILCS 605/605-75)

33 Sec. 605-75. Keep Illinois Beautiful.

34 (a) There is created the Keep Illinois Beautiful Program

1 Advisory Board consisting of 7 members appointed by the  
2 Director of Commerce and Economic Opportunity Community  
3 ~~Affairs~~. Of those 7, 4 shall be appointed from a list of at  
4 least 10 names submitted by the boards of directors from the  
5 various certified community programs. Each certified community  
6 program may submit only one recommendation to be considered by  
7 the Director. The Director of Commerce and Economic Opportunity  
8 ~~Community Affairs~~ or his or her designee shall be a member and  
9 serve as Chairman. The Board shall meet at least annually at  
10 the discretion of the Chairman and at such other times as the  
11 Chairman or any 4 members consider necessary. Four members  
12 shall constitute a quorum.

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

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

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

20 (3) Developing local markets for recycled products.

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

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

25 (6) Beautification projects.

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

32 The Department may encourage local governments and  
33 community organizations to apply for certification of programs  
34 by the Board. However, the Department shall give equal  
35 consideration to newly certified programs and older certified  
36 programs.

1 (d) The Keep Illinois Beautiful Fund is created as a  
2 special fund in the State treasury. Moneys from any public or  
3 private source may be deposited into the Keep Illinois  
4 Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund  
5 shall be appropriated only for the purposes of this Section.  
6 Pursuant to action by the Board, the Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~ may authorize grants  
8 from moneys appropriated from the Keep Illinois Beautiful Fund  
9 for certified community based programs for up to 50% of the  
10 cash needs of the program; provided, that at least 50% of the  
11 needs of the program shall be contributed to the program in  
12 cash, and not in kind, by local sources.

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

17 (e) On the effective date of this amendatory Act of the  
18 91st General Assembly, the Lieutenant Governor shall transfer  
19 to the Department of Commerce and Community Affairs (now  
20 Department of Commerce and Economic Opportunity), and the  
21 Department shall receive, all assets and property possessed by  
22 the Lieutenant Governor under this Section and all liabilities  
23 and obligations for which the Lieutenant Governor was  
24 responsible under this Section. Nothing in this subsection  
25 affects the validity of certifications and grants issued under  
26 this Section before the effective date of this amendatory Act  
27 of the 91st General Assembly.

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

30 (20 ILCS 605/605-105) (was 20 ILCS 605/46.35)

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

33 (a) To assume all rights, powers, duties, and  
34 responsibilities of the former Department of Local Government  
35 Affairs not pertaining to its property taxation related

1 functions. Personnel, books, records, property and funds  
2 pertaining to those non-taxation related functions are  
3 transferred to the Department, but any rights of employees or  
4 the State under the "Personnel Code" or any other contract or  
5 plan shall be unaffected by this transfer.

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

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

21 (20 ILCS 605/605-112) (was 20 ILCS 605/46.34b)

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

32 (Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01; revised  
33 8-23-03.)

34 (20 ILCS 605/605-332)

1           Sec. 605-332. Financial assistance to energy generation  
2 facilities.

3           (a) As used in this Section:

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

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

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

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

30           An eligible business seeking qualification for financial  
31 assistance for a new electric generating facility, for purposes  
32 of this Section only, shall apply to the Department in the  
33 manner specified by the Department. Any projections provided by  
34 an eligible business as part of the application shall be  
35 independently verified in a manner as set forth by the  
36 Department. An application shall include, but not be limited



1 to:

2 (1) the projected or actual completion date of the new  
3 electric generating facility for which financial  
4 assistance is sought;

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

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

20 The Department shall determine the maximum amount of  
21 financial assistance for eligible businesses in accordance  
22 with this paragraph. The Department shall not provide financial  
23 assistance from general obligation bond funds to any eligible  
24 business unless it receives a written certification from the  
25 Director of the Bureau of the Budget (now Governor's Office of  
26 Management and Budget) that 80% of the State occupation and use  
27 tax receipts for a minimum of the preceding 4 calendar quarters  
28 for all eligible businesses or as included in projections on  
29 approved applications by eligible businesses equal or exceed  
30 110% of the maximum annual debt service required with respect  
31 to general obligation bonds issued for that purpose. The  
32 Department may provide financial assistance not to exceed the  
33 amount of State general obligation debt calculated as above,  
34 the amount of actual or projected capital investment in the  
35 energy generation facility, or \$100,000,000, whichever is  
36 less. Financial assistance received pursuant to this Section

1 may be used for capital facilities consisting of buildings,  
2 structures, durable equipment, and land at the new electric  
3 generating facility. Subject to the provisions of the agreement  
4 covering the financial assistance, a portion of the financial  
5 assistance may be required to be repaid to the State if certain  
6 conditions for the governmental purpose of the assistance were  
7 not met.

8 An eligible business shall file a monthly report with the  
9 Illinois Department of Revenue stating the amount of  
10 Illinois-mined coal purchased during the previous month for use  
11 in the new electric generating facility, the purchase price of  
12 that coal, the amount of State occupation and use taxes paid on  
13 that purchase to the seller of the Illinois-mined coal, and  
14 such other information as that Department may reasonably  
15 require. In sales of Illinois-mined coal between related  
16 parties, the purchase price of the coal must have been  
17 determined in an arms-length transaction. The report shall be  
18 filed with the Illinois Department of Revenue on or before the  
19 20th day of each month on a form provided by that Department.  
20 However, no report need be filed by an eligible business in a  
21 month when it made no reportable purchases of coal in the  
22 previous month. The Illinois Department of Revenue shall  
23 provide a summary of such reports to the Governor's Office of  
24 Management and Budget ~~Bureau of the Budget~~.

25 Upon granting financial assistance to an eligible  
26 business, the Department shall certify the name of the eligible  
27 business to the Illinois Department of Revenue. Beginning with  
28 the receipt of the first report of State occupation and use  
29 taxes paid by an eligible business and continuing for a 25-year  
30 period, the Illinois Department of Revenue shall each month pay  
31 into the Energy Infrastructure Fund 80% of the net revenue  
32 realized from the 6.25% general rate on the selling price of  
33 Illinois-mined coal that was sold to an eligible business.

34 (Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; 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:

35 (1) Despite the large number of unemployed job seekers,

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

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

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

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

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

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

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

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

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

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

36 (d) For projects created under paragraph (1) of subsection

1 (c):

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

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

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

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

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

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

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

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

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

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

14 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

15 Sec. 605-707. International Tourism Program.

16 (a) The Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ must establish a program for international  
18 tourism. The Department shall develop and implement the program  
19 on January 1, 2000 by rule. As part of the program, the  
20 Department may work in cooperation with local convention and  
21 tourism bureaus in Illinois in the coordination of  
22 international tourism efforts at the State and local level. The  
23 Department may (i) work in cooperation with local convention  
24 and tourism bureaus for efficient use of their international  
25 tourism marketing resources, (ii) promote Illinois in  
26 international meetings and tourism markets, (iii) work with  
27 convention and tourism bureaus throughout the State to increase  
28 the number of international tourists to Illinois, (iv) provide  
29 training, research, technical support, and grants to certified  
30 convention and tourism bureaus, (v) provide staff,  
31 administration, and related support required to manage the  
32 programs under this Section, and (vi) provide grants for the  
33 development of or the enhancement of international tourism  
34 attractions.

35 (b) The Department shall make grants for expenses related

1 to international tourism and pay for the staffing,  
2 administration, and related support from the International  
3 Tourism Fund, a special fund created in the State Treasury. Of  
4 the amounts deposited into the Fund in fiscal year 2000 after  
5 January 1, 2000, 55% shall be used for grants to convention and  
6 tourism bureaus in Chicago (other than the City of Chicago's  
7 Office of Tourism) and 45% shall be used for development of  
8 international tourism in areas outside of Chicago. Of the  
9 amounts deposited into the Fund in fiscal year 2001 and  
10 thereafter, 55% shall be used for grants to convention and  
11 tourism bureaus in Chicago, and of that amount not less than  
12 27.5% shall be used for grants to convention and tourism  
13 bureaus in Chicago other than the City of Chicago's Office of  
14 Tourism, and 45% shall be used for administrative expenses  
15 authorized under this Section and development of international  
16 tourism in areas outside of Chicago, of which not less than  
17 \$1,000,000 shall be used annually to make grants to convention  
18 and tourism bureaus in cities other than Chicago that  
19 demonstrate their international tourism appeal and request to  
20 develop or expand their international tourism marketing  
21 program, and may also be used to provide grants under item (vi)  
22 of subsection (a) of this Section.

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

1 purposes of promoting conventions and tourism.

2 (Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00;  
3 92-38, eff. 6-28-01; revised 12-6-03.)

4 (20 ILCS 605/605-855) (was 20 ILCS 605/46.32a in part)

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

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

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

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

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

29 (3) Service a distinct and identifiable geographic  
30 region.

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

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

35 (6) Operate in compliance with rules set forth by the



1 Department with the advice of the  
2 Labor-Management-Community Cooperation Committee.

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

6 Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~

8 Illinois Department of Labor

9 Economic development agencies

10 Planning agencies

11 Colleges, universities, and community colleges

12 U.S. Department of Labor

13 Statewide Job Training Partnership Act entities or  
14 entities under any successor federal workforce  
15 training and development legislation.

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

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

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

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

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

35 (v) Encouraging, assisting, and facilitating the  
36 development of work-site and industry

1 labor-management-community committees in the region.

2 Any local labor-management-community committee meeting  
3 these criteria may apply to the Department for annual matching  
4 grants, provided that the local committee contributes at least  
5 25% in matching funds, of which no more than 50% shall be  
6 "in-kind" services. Funds received by a local committee  
7 pursuant to this subsection shall be used for the ordinary  
8 operating expenses of the local committee.

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

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

17 (2) Service a distinct and identifiable geographic  
18 region.

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

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

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

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

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

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

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

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

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

29 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
30 91-476, eff. 8-11-99; 92-16, eff. 6-28-01; revised 12-6-03.)

31 (20 ILCS 605/605-865)

32 Sec. 605-865. Family-friendly workplace initiative. The  
33 Department of Commerce and Economic Opportunity Community  
34 ~~Affairs~~, with the advice of members of the business community,  
35 may establish a family-friendly workplace initiative. The

1 Department may develop a program to annually collect  
2 information regarding the State's private eligible employers  
3 with 50 or fewer employees and private eligible employers with  
4 51 or more employees in the State providing the most  
5 family-friendly benefits to their employees. The same program  
6 may be established for public employers. The criteria for  
7 determining eligible employers includes, but is not limited to,  
8 the following:

9 (1) consideration of the dependent care scholarship or  
10 discounts given by the employer;

11 (2) flexible work hours and schedules;

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

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

14 (5) dependent care referral services; and

15 (6) in-kind contributions to community dependent care  
16 programs.

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

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

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

26 (20 ILCS 608/10)

27 Sec. 10. Executive Office. There is created an Office of  
28 Business Permits and Regulatory Assistance (hereinafter  
29 referred to as "office") within the Department of Commerce and  
30 Community Affairs (now Department of Commerce and Community  
31 Opportunity) which shall consolidate existing programs  
32 throughout State government, provide assistance to businesses  
33 with fewer than 500 employees in meeting State requirements for  
34 doing business and perform other functions specified in this

1 Act. By March 1, 1994, the office shall complete and file with  
2 the Governor and the General Assembly a plan for the  
3 implementation of this Act. Thereafter, the office shall carry  
4 out the provisions of this Act, subject to funding through  
5 appropriation.

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

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

10 (20 ILCS 609/2)

11 Sec. 2. Center for Business Ownership Succession and  
12 Employee Ownership.

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

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

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

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

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

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

33 (4) Network and contract with local economic  
34 development agencies, business organizations, and

1 professional advisors to accomplish the goals of the  
2 Center.

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

5 (c) (Blank).

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

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

9 (20 ILCS 611/10)

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

11 "Corporate headquarters" means the building or buildings  
12 that the principal executive officers of an eligible business  
13 have designated as their principal offices and that has at  
14 least 250 employees who are principally located in that  
15 building or those buildings. The principal executive officers  
16 may include, by way of example and not of limitation, the chief  
17 executive officer, the chief operating officer, and other  
18 senior officer-level employees of the eligible business.  
19 "Corporate headquarters" may also include ancillary  
20 transportation facilities owned or leased by the eligible  
21 business whether or not physically adjacent to the principal  
22 office building or buildings used by the principal executive  
23 officers. The ancillary transportation facilities may include,  
24 but are not limited to, airplane hangars, helipads or  
25 heliports, fixed base operations, maintenance facilities, and  
26 other aviation-related facilities. All employees of the  
27 eligible business may count toward the satisfaction of the  
28 numeric requirement of this definition, including but not  
29 limited to support staff and other personnel who work in or  
30 from the office building or buildings or transportation  
31 facilities.

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

34 "Director" means the Director of Commerce and Economic

1 Opportunity ~~Community Affairs~~.

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

11 "Fund" means the Corporate Headquarters Relocation  
12 Assistance Fund.

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

22 "Relocation costs" means the expenses incurred by an  
23 eligible business for a qualifying project, including, but not  
24 limited to, the following: moving costs and related expenses;  
25 purchase of new or replacement equipment; outside professional  
26 fees and commissions; premiums for property and casualty  
27 insurance coverage; capital investment costs; financing costs;  
28 property assembly and development costs, including, but not  
29 limited to, the purchase, lease, and construction of equipment,  
30 buildings, and land, infrastructure improvements and site  
31 development costs, leasehold improvements costs,  
32 rehabilitation costs, and costs of studies, surveys,  
33 development of plans, and professional services costs such as  
34 architectural, engineering, legal, financial, planning, or  
35 other related services; "relocation costs", however, does not  
36 include moving costs associated with the relocation of the

1 personal residences of the employees of the eligible business  
2 and does not include any costs that do not directly result from  
3 the relocation of the business to a location within Illinois.  
4 In determining whether costs directly result from the  
5 relocation of the business, the Department shall consider  
6 whether the costs would likely have been incurred by the  
7 business if it had not relocated from its original location.

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

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

11 (20 ILCS 615/3) (from Ch. 23, par. 3453)

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

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

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

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

24 (20 ILCS 615/8) (from Ch. 23, par. 3458)

25 Sec. 8. Transfer of powers and duties to the Department of  
26 Labor. On July 1, 1992, all powers and duties of the Department  
27 of Commerce and Community Affairs (now Department of Commerce  
28 and Economic Opportunity) under this Act shall be transferred  
29 to the Department of Labor, and references in other Sections of  
30 this Act to the Department of Commerce and Community Affairs  
31 (now Department of Commerce and Economic Opportunity) shall be  
32 deemed to refer to the Department of Labor. All rules,  
33 standards and procedures adopted by the Department of Commerce



1 and Community Affairs (now Department of Commerce and Economic  
2 Opportunity) shall continue in effect as the rules, standards  
3 and procedures of the Department of Labor, until they are  
4 modified or abolished by that Department.

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

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

8 (20 ILCS 620/3) (from Ch. 67 1/2, par. 1003)

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

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

14 (b) "Economic development plan" means the written plan of a  
15 municipality which sets forth an economic development program  
16 for an economic development project area. Each economic  
17 development plan shall include but not be limited to (1)  
18 estimated economic development project costs, (2) the sources  
19 of funds to pay such costs, (3) the nature and term of any  
20 obligations to be issued by the municipality to pay such costs,  
21 (4) the most recent equalized assessed valuation of the  
22 economic development project area, (5) an estimate of the  
23 equalized assessed valuation of the economic development  
24 project area after completion of an economic development  
25 project, (6) the estimated date of completion of any economic  
26 development project proposed to be undertaken, (7) a general  
27 description of any proposed developer, user, or tenant of any  
28 property to be located or improved within the economic  
29 development project area, (8) a description of the type,  
30 structure and general character of the facilities to be  
31 developed or improved in the economic development project area,  
32 (9) a description of the general land uses to apply in the  
33 economic development project area, (10) a description of the  
34 type, class and number of employees to be employed in the

1 operation of the facilities to be developed or improved in the  
2 economic development project area, and (11) a commitment by the  
3 municipality to fair employment practices and an affirmative  
4 action plan with respect to any economic development program to  
5 be undertaken by the municipality.

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

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

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

33 (1) Costs of studies, surveys, development of plans and  
34 specifications, implementation and administration of an  
35 economic development plan, personnel and professional service  
36 costs for architectural, engineering, legal, marketing,

1 financial, planning, police, fire, public works or other  
2 services, provided that no charges for professional services  
3 may be based on a percentage of incremental tax revenues;

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

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

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

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

34 (6) Financing costs, including but not limited to all  
35 necessary and incidental expenses related to the issuance of  
36 obligations, payment of any interest on any obligations issued

1 hereunder which accrues during the estimated period of  
2 construction of any economic development project for which such  
3 obligations are issued and for not exceeding 36 months  
4 thereafter, and any reasonable reserves related to the issuance  
5 of such obligations;

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

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

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

27 (10) Costs of job training, advanced vocational or career  
28 education, including but not limited to courses in  
29 occupational, semi-technical or technical fields leading  
30 directly to employment, incurred by one or more taxing  
31 districts, provided that such costs are related to the  
32 establishment and maintenance of additional job training,  
33 advanced vocational education or career education programs for  
34 persons employed or to be employed by employers located in an  
35 economic development project area, and further provided that  
36 when such costs are incurred by a taxing district or taxing

1 districts other than the municipality they shall be set forth  
2 in a written agreement by or among the municipality and the  
3 taxing district or taxing districts, which agreement describes  
4 the program to be undertaken, including but not limited to the  
5 number of employees to be trained, a description of the  
6 training and services to be provided, the number and type of  
7 positions available or to be available, itemized costs of the  
8 program and sources of funds to pay the same, and the term of  
9 the agreement. Such costs include, specifically, the payment by  
10 community college districts of costs pursuant to Sections 3-37,  
11 3-38, 3-40 and 3-40.1 of the Public Community College Act and  
12 by school districts of costs pursuant to Sections 10-22.20a and  
13 10-23.3a of The School Code;

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

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

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

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

34 (D) if there are not sufficient funds available in the  
35 special tax allocation fund in any year to make such payment or  
36 reimbursement in full, any amount of such interest cost

1 remaining to be paid or reimbursed by a municipality shall  
2 accrue and be payable when funds are available in the special  
3 tax allocation fund to make such payment; and

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

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

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

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

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

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

27 (20 ILCS 625/2) (from Ch. 127, par. 2602)

28 Sec. 2. (a) The Director of Commerce and Economic  
29 Opportunity ~~the Department of Commerce & Community Affairs~~ is  
30 authorized to administer the federal community services block  
31 program, low-income home energy assistance program,  
32 weatherization assistance program, emergency community  
33 services homeless grant program, and other federal programs  
34 that require or give preference to community action agencies

1 for local administration in accordance with federal laws and  
2 regulations as amended. The Director shall provide financial  
3 assistance to community action agencies from community service  
4 block grant funds and other federal funds requiring or giving  
5 preference to community action agencies for local  
6 administration for the programs described in Section 4.

7 (b) Funds appropriated for use by community action agencies  
8 in community action programs shall be allocated annually to  
9 existing community action agencies or newly formed community  
10 action agencies by the Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~. Allocations will be made  
12 consistent with duly enacted departmental rules.

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

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

16 (20 ILCS 630/2) (from Ch. 48, par. 2402)

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

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

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

22 (c) "Eligible employer" means an eligible nonprofit  
23 agency, or an eligible business.

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

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

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

33 In addition, a farmer who resides in a county qualified  
34 under Federal Disaster Relief and who can demonstrate severe

1 financial need may be considered unemployed under this  
2 subsection.

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

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

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

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

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

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

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

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

26 (20 ILCS 630/3) (from Ch. 48, par. 2403)

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

34 (b) The coordinator shall:

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



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

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

4 (4) Perform general program marketing and monitoring  
5 functions.

6 (c) The coordinator shall administer the program within the  
7 Department of Commerce and Economic Opportunity ~~Community~~  
8 ~~Affairs~~. The Director of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ shall provide administrative support  
10 services to the coordinator for the purposes of the program.

11 (d) The coordinator shall report to the Governor, the  
12 Illinois Job Training Coordinating Council and the General  
13 Assembly on a quarterly basis concerning (1) the number of  
14 persons employed under the program; (2) the number and type of  
15 employers under the program; (3) the amount of money spent in  
16 each service delivery area for wages for each type of  
17 employment and each type of other expenses; (4) the number of  
18 persons who have completed participation in the program and  
19 their current employment, educational or training status; and  
20 (5) any information requested by the General Assembly or  
21 governor or deemed pertinent by the coordinator. Each report  
22 shall include cumulative information, as well as information  
23 for each quarter.

24 (e) Rules. The Director of Commerce and Economic  
25 Opportunity ~~Community Affairs~~, with the advice of the  
26 coordinator, shall adopt rules for the administration and  
27 enforcement of this Act.

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

29 (20 ILCS 630/5) (from Ch. 48, par. 2405)

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

34 (1) applicants living in households with no other income  
35 source; and

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

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

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

12 (20 ILCS 630/7) (from Ch. 48, par. 2407)

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

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

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

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

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

28 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

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

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

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

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

5 (d) "Designated Zone Organization" means an association or  
6 entity: (1) the members of which are substantially all  
7 residents of the Enterprise Zone; (2) the board of directors of  
8 which is elected by the members of the organization; (3) which  
9 satisfies the criteria set forth in Section 501(c) (3) or  
10 501(c) (4) of the Internal Revenue Code; and (4) which exists  
11 primarily for the purpose of performing within such area or  
12 zone for the benefit of the residents and businesses thereof  
13 any of the functions set forth in Section 8 of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

35           Section 130. The Family Farm Assistance Act is amended by

1 changing Section 15 as follows:

2 (20 ILCS 660/15) (from Ch. 5, par. 2715)

3 Sec. 15. Definitions. In this Act:

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

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

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

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

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

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

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

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

26 (20 ILCS 662/10)

27 Sec. 10. Definitions. In this Act:

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

33 "Department" means the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~.

2 "Land development regulation" means any development or  
3 land use ordinance or regulation of a county or municipality  
4 including zoning and subdivision ordinances.

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

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

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

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

14 (20 ILCS 665/3) (from Ch. 127, par. 200-23)

15 Sec. 3. Definitions. The following words and terms,  
16 whenever used or referred to in this Act, shall have the  
17 following meanings, except where the context may otherwise  
18 require:

19 (a) "Department" means the Department of Commerce and  
20 Economic Opportunity ~~Community Affairs~~ of the State of  
21 Illinois.

22 (b) "Local promotion group" means any non-profit  
23 corporation, organization, association, agency or committee  
24 thereof formed for the primary purpose of publicizing,  
25 promoting, advertising or otherwise encouraging the  
26 development of tourism in any municipality, county, or region  
27 of Illinois.

28 (c) "Promotional activities" means preparing, planning and  
29 conducting campaigns of information, advertising and publicity  
30 through such media as newspapers, radio, television,  
31 magazines, trade journals, moving and still photography,  
32 posters, outdoor signboards and personal contact within and  
33 without the State of Illinois; dissemination of information,  
34 advertising, publicity, photographs and other literature and

1 material designed to carry out the purpose of this Act; and  
2 participation in and attendance at meetings and conventions  
3 concerned primarily with tourism, including travel to and from  
4 such meetings.

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

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

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

11 (20 ILCS 665/4b)

12 Sec. 4b. Coordinating Committee. There is created a  
13 Coordinating Committee of State agencies involved with tourism  
14 in the State of Illinois. The Committee shall consist of the  
15 Director of Commerce and Economic Opportunity ~~Community~~  
16 ~~Affairs~~ as chairman, the Lieutenant Governor, the Secretary of  
17 Transportation or his or her designee, and the head executive  
18 officer or his or her designee of the following: the Lincoln  
19 Presidential Library; the Department of Natural Resources; the  
20 Department of Agriculture; the Illinois Arts Council; the  
21 Illinois Community College Board; the Board of Higher  
22 Education; and the Grape and Wine Resources Council. The  
23 Committee shall also include 4 members of the Illinois General  
24 Assembly, one of whom shall be named by the Speaker of the  
25 House of Representatives, one of whom shall be named by the  
26 Minority Leader of the House of Representatives, one of whom  
27 who shall be named by the President of the Senate, and one of  
28 whom shall be named by the Minority Leader of the Senate. The  
29 Committee shall meet at least quarterly and at other times as  
30 called by the chair. The Committee shall coordinate the  
31 promotion and development of tourism activities throughout  
32 State government.

33 (Source: P.A. 91-473, eff. 1-1-00; 92-600, eff. 7-1-02; revised  
34 12-6-03.)

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

3 (20 ILCS 685/1) (from Ch. 127, par. 47.21)

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

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

21 (20 ILCS 685/3) (from Ch. 127, par. 47.23)

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

26 No conveyance of real property or instrument transferring  
27 property by the Department of Commerce and Economic Opportunity  
28 ~~Community Affairs~~ to the United States Atomic Energy  
29 Commission, shall be executed by the Department without the  
30 prior written approval of the Governor.

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

32 Section 150. The Renewable Energy, Energy Efficiency, and  
33 Coal Resources Development Law of 1997 is amended by changing



1 Sections 6-3 and 6-6 as follows:

2 (20 ILCS 687/6-3)

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

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

5 (a) The Department of Commerce and Economic Opportunity  
6 ~~Community Affairs~~, to be called the "Department" hereinafter in  
7 this Law, shall administer the Renewable Energy Resources  
8 Program to provide grants, loans, and other incentives to  
9 foster investment in and the development and use of renewable  
10 energy resources.

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

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

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

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

31 (f) As used in this Law, "renewable energy resources"  
32 includes energy from wind, solar thermal energy, photovoltaic  
33 cells and panels, dedicated crops grown for energy production  
34 and organic waste biomass, hydropower that does not involve new  
35 construction or significant expansion of hydropower dams, and

1 other such alternative sources of environmentally preferable  
2 energy. "Renewable energy resources" does not include,  
3 however, energy from the incineration, burning or heating of  
4 waste wood, tires, garbage, general household, institutional  
5 and commercial waste, industrial lunchroom or office waste,  
6 landscape waste, or construction or demolition debris.

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

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

14 (20 ILCS 687/6-6)

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

16 Sec. 6-6. Energy efficiency program.

17 (a) For the year beginning January 1, 1998, and thereafter  
18 as provided in this Section, each electric utility as defined  
19 in Section 3-105 of the Public Utilities Act and each  
20 alternative retail electric supplier as defined in Section  
21 16-102 of the Public Utilities Act supplying electric power and  
22 energy to retail customers located in the State of Illinois  
23 shall contribute annually a pro rata share of a total amount of  
24 \$3,000,000 based upon the number of kilowatt-hours sold by each  
25 such entity in the 12 months preceding the year of  
26 contribution. On or before May 1 of each year, the Illinois  
27 Commerce Commission shall determine and notify the Department  
28 of Commerce and Economic Opportunity ~~Community Affairs~~ of the  
29 pro rata share owed by each electric utility and each  
30 alternative retail electric supplier based upon information  
31 supplied annually to the Illinois Commerce Commission. On or  
32 before June 1 of each year, the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~ shall send written  
34 notification to each electric utility and each alternative  
35 retail electric supplier of the amount of pro rata share they

1 owe. These contributions shall be remitted to the Department of  
2 Revenue on or before June 30 of each year the contribution is  
3 due on a return prescribed and furnished by the Department of  
4 Revenue showing such information as the Department of Revenue  
5 may reasonably require. The funds received pursuant to this  
6 Section shall be subject to the appropriation of funds by the  
7 General Assembly. The Department of Revenue shall place the  
8 funds remitted under this Section in a trust fund, that is  
9 hereby created in the State Treasury, called the Energy  
10 Efficiency Trust Fund. If an electric utility or alternative  
11 retail electric supplier does not remit its pro rata share to  
12 the Department of Revenue, the Department of Revenue must  
13 inform the Illinois Commerce Commission of such failure. The  
14 Illinois Commerce Commission may then revoke the certification  
15 of that electric utility or alternative retail electric  
16 supplier. The Illinois Commerce Commission may not renew the  
17 certification of any electric utility or alternative retail  
18 electric supplier that is delinquent in paying its pro rata  
19 share.

20 (b) The Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~ shall disburse the moneys in the Energy  
22 Efficiency Trust Fund to benefit residential electric  
23 customers through projects which the Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~ has determined will  
25 promote energy efficiency in the State of Illinois. The  
26 Department of Commerce and Economic Opportunity ~~Community~~  
27 ~~Affairs~~ shall establish a list of projects eligible for grants  
28 from the Energy Efficiency Trust Fund including, but not  
29 limited to, supporting energy efficiency efforts for  
30 low-income households, replacing energy inefficient windows  
31 with more efficient windows, replacing energy inefficient  
32 appliances with more efficient appliances, replacing energy  
33 inefficient lighting with more efficient lighting, insulating  
34 dwellings and buildings, using market incentives to encourage  
35 energy efficiency, and such other projects which will increase  
36 energy efficiency in homes and rental properties.

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

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

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

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

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

20 (20 ILCS 688/10)

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

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

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

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

27 (20 ILCS 689/10)

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

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

31 "Biodiesel blend" means a blend of biodiesel with  
32 petroleum-based diesel fuel in which the resultant product

1 contains no less than 1% and no more than 99% biodiesel.

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

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

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

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

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

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

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

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

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

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

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

34 "Motor vehicles" means motor vehicles as defined in the  
35 Illinois Vehicle Code and watercraft propelled by an internal  
36 combustion engine.

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

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

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

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

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

18 (20 ILCS 690/2) (from Ch. 5, par. 2252)

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

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

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

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

31 (d) That by encouraging the development of diversified  
32 rural business and agricultural production, nonproduction and  
33 processing activities in Illinois, the State creates a  
34 beneficial climate for new and improved job opportunities for

1 its citizens and expands jobs and job training opportunities;

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

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

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

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

35 (i) That there is a need to coordinate the many programs  
36 offered by the State of Illinois Departments of Agriculture,

1 Commerce and Economic Opportunity ~~Community Affairs~~, and  
2 Natural Resources, and the Illinois Finance Authority that are  
3 targeted to agriculture and the rural community with those  
4 offered by the federal government. Therefore it is desirable  
5 that the fullest measure of coordination and integration of the  
6 programs offered by the various state agencies and the federal  
7 government be achieved.

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

9 (20 ILCS 690/3) (from Ch. 5, par. 2253)

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

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

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

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

29 (d) "Rural diversification project" means financing to a  
30 rural business for a specific activity undertaken to promote:  
31 (i) the improvement and expansion of business and industry in  
32 rural areas; (ii) creation of entrepreneurial and  
33 self-employment businesses; (iii) industry or region wide  
34 research directed to profit oriented uses of rural resources,  
35 and (iv) value added agricultural supply, production



1 processing or reprocessing facilities or operations and shall  
2 include but not be limited to agricultural diversification  
3 projects.

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

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

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

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

26 (20 ILCS 692/5)

27 Sec. 5. Definitions. In this Act:

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

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

32 "Small business" means any for profit entity,  
33 independently owned and operated, that grosses less than  
34 \$4,000,000 per year or that has 50 or fewer full-time

1 employees. For the purposes of this Act, a "small business" has  
2 its principal office in Illinois.

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

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

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

8 (20 ILCS 695/20-10)

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

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

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

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

34 (4) The strategy may identify those community economic

1 improvement characteristics that will positively influence  
2 the rate of overall State economic growth.

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

6 (A) The strategy may identify the critical  
7 business development approaches being considered or to  
8 be considered. The approaches may include, but are not  
9 limited to: investment recruitment, such as industry  
10 attraction, expansion and retention; trade development  
11 efforts including international trade, support for  
12 small businesses' efforts to export products and  
13 services, tourism attraction and development including  
14 cultural tourism; technology development efforts  
15 including technology commercialization and  
16 manufacturing modernization; and business development  
17 efforts, including entrepreneurship and  
18 entrepreneurial education, small business management  
19 assistance, and business financing.

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

30 (C) The strategy may identify the critical  
31 community development approaches being considered or  
32 to be considered. The approaches may include, but are  
33 not limited to: community growth management such as  
34 regional planning and smart growth; area  
35 revitalization including brownfields redevelopment and  
36 facility reuse; and family self-sufficiency such as

1 through housing conservation and economic opportunity.

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

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

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

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

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

35 (9) The strategy shall be presented to the Governor,  
36 the President and Minority Leader of the Senate, the

1 Speaker and Minority Leader of the House of  
2 Representatives, the members of the Illinois Economic  
3 Development Board, and the Chair of the Economic and Fiscal  
4 Commission on February 1, 2001 and biennially thereafter,  
5 as warranted by changes in economic conditions or by other  
6 factors, including changes in policy.

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

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

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

13 (20 ILCS 700/1003) (from Ch. 127, par. 3701-3)

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

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

30 "Business expense" includes working capital financing, the  
31 purchase or lease of machinery and equipment, or the lease or  
32 purchase of real property, including construction, renovation,  
33 or leasehold improvements, but does not include refinancing  
34 current debt.

1 "Business project" means any specific economic development  
2 activity of a commercial, industrial, manufacturing,  
3 agricultural, scientific, financial, service or other  
4 not-for-profit nature, which is expected to yield an increase  
5 in jobs or to result in the retention of jobs or an improvement  
6 in production efficiency.

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

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

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

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

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

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

36 "Participating lender or investor" means any trust

1 company, bank, savings bank, credit union, merchant bank,  
2 investment bank, broker, investment trust, pension fund,  
3 building and loan association, savings and loan association,  
4 insurance company, venture capital company or other  
5 institution, community or State development corporation,  
6 development authority authorized to do business by an Act of  
7 this State, or other public or private financing intermediary  
8 approved by the Department whose purposes include financing,  
9 promoting, or encouraging economic development financing.

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

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

23 (20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

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

35 (a) To provide financial assistance as direct or

1 participation grants, loans or qualified security investments  
2 to, or on behalf of, eligible applicants. Loans, grants and  
3 investments shall be made for the purpose of increasing  
4 research and development, commercializing technology, adopting  
5 advanced production and processing techniques, and promoting  
6 job creation and retention within Illinois;

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

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

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

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

36 (f) To establish and regulate the terms and conditions of



1 the Department's agreements and to consent, subject to the  
2 provisions of any agreement with another party, to the  
3 modification or restructuring of any agreement to which the  
4 Department is a party;

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

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

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

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

36 (j) To take whatever actions are necessary or appropriate

1 to protect the State's interest in the event of bankruptcy,  
2 default, foreclosure or noncompliance with the terms and  
3 conditions of financial assistance or participation required  
4 under this Act, including the power to sell, dispose, lease or  
5 rent, upon terms and conditions determined by the Director to  
6 be appropriate, real or personal property which the Department  
7 may receive as a result thereof; and

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

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

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

13 (20 ILCS 701/10)

14 Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

3 (20 ILCS 705/5)

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

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

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

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

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

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

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

32 Of the initial appointments, members shall be randomly  
33 assigned to staggered terms; 3 members shall be appointed for a  
34 term of 3 years, 3 members shall be appointed for a term of 2  
35 years, and 3 members shall be appointed for a term of 1 year.

1 Upon the expiration of each member's term, a successor shall be  
2 appointed for a term of 3 years. In the case of a vacancy in the  
3 office of any member, a successor shall be appointed for the  
4 remainder of the unexpired term by the person designated as  
5 responsible for making the appointment. No member shall serve  
6 more than 3 consecutive terms. Members shall serve without  
7 compensation but shall be reimbursed for expenses incurred in  
8 connection with the performance of their duties as members.

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

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

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

32 Section 195. The Illinois Commission on Volunteerism and  
33 Community Service Act is amended by changing Section 7 as  
34 follows:

1 (20 ILCS 710/7)

2 Sec. 7. On the effective date of this amendatory Act of the  
3 91st General Assembly, the authority, powers, and duties in  
4 this Act of the Department of Commerce and Community Affairs  
5 (now Department of Commerce and Economic Opportunity) are  
6 transferred to the Department of Human Services.

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

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

10 (20 ILCS 715/5)

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

12 "Base years" means the first 2 complete calendar years  
13 following the effective date of a recipient receiving  
14 development assistance.

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

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

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

25 "Development assistance" means (1) tax credits and tax  
26 exemptions (other than given under tax increment financing)  
27 given as an incentive to a recipient business organization  
28 pursuant to an initial certification or an initial designation  
29 made by the Department under the Economic Development for a  
30 Growing Economy Tax Credit Act and the Illinois Enterprise Zone  
31 Act, including the High Impact Business program, (2) grants or  
32 loans given to a recipient as an incentive to a business  
33 organization pursuant to the Large Business Development  
34 Program, the Business Development Public Infrastructure

1 Program, or the Industrial Training Program, (3) the State  
2 Treasurer's Economic Program Loans, (4) the Illinois  
3 Department of Transportation Economic Development Program, and  
4 (5) all successor and subsequent programs and tax credits  
5 designed to promote large business relocations and expansions.  
6 "Development assistance" does not include tax increment  
7 financing, assistance provided under the Illinois Enterprise  
8 Zone Act pursuant to local ordinance, participation loans, or  
9 financial transactions through statutorily authorized  
10 financial intermediaries in support of small business loans and  
11 investments or given in connection with the development of  
12 affordable housing.

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

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

35 "New employee" means either: (1) the definition therefor in  
36 the legislation authorizing the programs described in the

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

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

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

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

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

1 assistance under this Act or in any administrative rule  
2 implementing such legislation that was in place prior to the  
3 effective date of this Act, then "part-time job" means a job in  
4 which the new employee works for the recipient at a rate of  
5 less than 35 hours per week.

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

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

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

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

33 "Temporary job" means either: (1) the definition therefor  
34 in the legislation authorizing the programs described in the  
35 definition of development assistance in the Act or (2) if there  
36 is no such definition, then as defined in administrative rules



1 implementing such legislation, provided the administrative  
2 rules were in place prior to the effective date of this Act. On  
3 and after the effective date of this Act, if there is no  
4 definition of "temporary job" in either the legislation  
5 authorizing a program that constitutes economic development  
6 assistance under this Act or in any administrative rule  
7 implementing such legislation that was in place prior to the  
8 effective date of this Act, then "temporary job" means a job in  
9 which the new employee is hired for a specific duration of time  
10 or season.

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

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

14 Section 205. The Department of Natural Resources Act is  
15 amended by changing Sections 1-5, 80-20, 80-25, 80-30, and  
16 80-35 as follows:

17 (20 ILCS 801/1-5)

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

34 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised

1 12-6-03.)

2 (20 ILCS 801/80-20)

3 Sec. 80-20. Transfer of powers.

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

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

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

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

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

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

33 (e) All of the rights, powers, and duties vested by law in  
34 the Division of Water Resources of the Department of  
35 Transportation or in any office, division, or bureau thereof

1 are transferred to the Department of Natural Resources.

2 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised  
3 12-6-03.)

4 (20 ILCS 801/80-25)

5 Sec. 80-25. Transfer of personnel.

6 (a) Personnel employed by the Department of Conservation to  
7 perform functions that are retained within the Department of  
8 Natural Resources shall continue their service within the  
9 renamed Department.

10 (b) Personnel employed by the Department of Energy and  
11 Natural Resources, the Department of Mines and Minerals, the  
12 Abandoned Mined Lands Reclamation Council, or the Division of  
13 Water Resources of the Department of Transportation to perform  
14 functions that are transferred by this Act to the Department of  
15 Natural Resources are transferred to the Department of Natural  
16 Resources.

17 (c) Personnel employed by the Department of Energy and  
18 Natural Resources to perform functions that are transferred by  
19 this Act to the Department of Commerce and Community Affairs  
20 (now Department of Commerce and Economic Opportunity) are  
21 transferred to the Department of Commerce and Community Affairs  
22 (now Department of Commerce and Economic Opportunity).

23 (d) Personnel employed by the abolished departments to  
24 perform functions that are not clearly classifiable within the  
25 areas referred to in this Section or who are employed to  
26 perform complex functions that are transferred in part to  
27 different departments under this Act shall be assigned and  
28 transferred to appropriate departments by the Director of  
29 Natural Resources, in consultation with the Director of Central  
30 Management Services.

31 (e) The rights of State employees, the State, and its  
32 agencies under the Personnel Code and applicable collective  
33 bargaining agreements and retirement plans are not affected by  
34 this Act.

35 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; revised

1 12-6-03.)

2 (20 ILCS 801/80-30) (from 20 ILCS 801/35)

3 Sec. 80-30. Transfer of property.

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

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

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

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

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

1 (20 ILCS 801/80-35)

2 Sec. 80-35. Savings provisions.

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

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

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

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

32 (e) Whenever reports or notices are now required to be made  
33 or given or documents furnished or served by any person to or  
34 upon the departments or divisions, officers and employees  
35 transferred by this Act, they shall be made, given, furnished,

1 or served in the same manner to or upon the successor  
2 department or agency, officer or employee.

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

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

19 As soon as practicable after the effective date of this  
20 Act, the Department of Natural Resources, the Department of  
21 Commerce and Community Affairs (now Department of Commerce and  
22 Economic Opportunity), and the Historic Preservation Agency  
23 shall each propose and adopt under the Illinois Administrative  
24 Procedure Act any rules that may be necessary to consolidate  
25 and clarify the rules of their predecessor departments relating  
26 to matters transferred to them under this Act.

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

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

32 (20 ILCS 805/805-435) (was 20 ILCS 805/63b2.5)

33 Sec. 805-435. Office of Conservation Resource Marketing.  
34 The Department shall maintain an Office of Conservation

1 Resource Marketing. The Office shall conduct a program for  
2 marketing and promoting the use of conservation resources in  
3 Illinois with emphasis on recreation and tourism facilities.  
4 The Office shall coordinate its tourism promotion efforts with  
5 local community events and shall include a field staff which  
6 shall work with the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ and local officials to  
8 coordinate State and local activities for the purpose of  
9 expanding tourism and local economies. The Office shall  
10 develop, review, and coordinate brochures and information  
11 pamphlets for promoting the use of conservation resources. The  
12 Office shall conduct marketing research to identify  
13 organizations and target populations that can be encouraged to  
14 use Illinois recreation facilities for group events and the  
15 many tourist sites.

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

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

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

24 (20 ILCS 830/2-1) (from Ch. 96 1/2, par. 9702-1)

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

30 Capital Development Board,

31 Department of Agriculture,

32 Department of Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~,

34 Environmental Protection Agency,

1 Department of Transportation, and  
2 Historic Preservation Agency.

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

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

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

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

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

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

19 (e) Preparing reports, including:

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

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

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

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

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

31 (20 ILCS 860/2) (from Ch. 105, par. 532)

32 Sec. 2. The Department of Natural Resources is authorized  
33 to have prepared, with the Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~, and to maintain and keep



1 up-to-date a comprehensive plan for the development of the  
2 outdoor recreation resources of the State.

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

4 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

5 Sec. 2a. The Historic Preservation Agency is authorized to  
6 have prepared with the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ and to maintain, and keep  
8 up-to-date a comprehensive plan for the preservation of the  
9 historically significant properties and interests of the  
10 State.

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

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

14 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

15 Sec. 1. Definitions; transfer of duties.

16 (a) For the purposes of this Act, unless the context  
17 otherwise requires:

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

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

22 (b) As provided in Section 80-20 of the Department of  
23 Natural Resources Act, the Department of Commerce and Community  
24 Affairs (now Department of Commerce and Economic Opportunity)  
25 shall assume the rights, powers, and duties of the former  
26 Department of Energy and Natural Resources under this Act,  
27 except as those rights, powers, and duties are otherwise  
28 allocated or transferred by law.

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

30 (20 ILCS 1105/8) (from Ch. 96 1/2, par. 7408)

31 Sec. 8. Illinois Coal Development Board.

32 (a) There shall be established as an advisory board to the

1 Department, the Illinois Coal Development Board, hereinafter  
2 in this Section called the Board. The Board shall be composed  
3 of the following voting members: the Director of the  
4 Department, who shall be Chairman thereof; the Deputy Director  
5 of the Bureau of Business Development within the Department of  
6 Commerce and Economic Opportunity ~~Community Affairs~~; the  
7 Director of Natural Resources or that Director's designee; the  
8 Director of the Office of Mines and Minerals within the  
9 Department of Natural Resources; 4 members of the General  
10 Assembly (one each appointed by the President of the Senate,  
11 the Senate Minority Leader, the Speaker of the House, and the  
12 House Minority Leader); and 8 persons appointed by the  
13 Governor, with the advice and consent of the Senate, including  
14 representatives of Illinois industries that are involved in the  
15 extraction, utilization or transportation of Illinois coal,  
16 persons representing financial or banking interests in the  
17 State, and persons experienced in international business and  
18 economic development. These members shall be chosen from  
19 persons of recognized ability and experience in their  
20 designated field. The members appointed by the Governor shall  
21 serve for terms of 4 years, unless otherwise provided in this  
22 subsection. The initial terms of the original appointees shall  
23 expire on July 1, 1985, except that the Governor shall  
24 designate 3 of the original appointees to serve initial terms  
25 that shall expire on July 1, 1983. The initial term of the  
26 member appointed by the Governor to fill the office created  
27 after July 1, 1985 shall expire on July 1, 1989. The initial  
28 terms of the members appointed by the Governor to fill the  
29 offices created by this amendatory Act of 1993 shall expire on  
30 July 1, 1995, and July 1, 1997, as determined by the Governor.  
31 A member appointed by a Legislative Leader shall serve for the  
32 duration of the General Assembly for which he or she is  
33 appointed, so long as the member remains a member of that  
34 General Assembly.

35 The Board shall meet at least annually or at the call of  
36 the Chairman. At any time the majority of the Board may

1 petition the Chairman for a meeting of the Board. Nine members  
2 of the Board shall constitute a quorum. Members of the Board  
3 shall be reimbursed for actual and necessary expenses incurred  
4 while performing their duties as members of the Board from  
5 funds appropriated to the Department for such purpose.

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

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

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

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

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

34 (5) To submit an annual report to the Governor and the  
35 General Assembly outlining the progress and  
36 accomplishments made in the year, providing an accounting

1 of funds received and disbursed, reviewing the status of  
2 research contracts, and furnishing other relevant  
3 information.

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

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

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

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

36 (10) To seek, accept, and expend gifts or grants in any

1 form, from any public agency or from any other source. Such  
2 gifts and grants may be held in trust by the Department and  
3 expended at the direction of the Department and in the  
4 exercise of the Department's powers and performance of the  
5 Department's duties.

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

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

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

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

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

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

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

34 (4) To develop strategies and to propose policies to  
35 promote environmentally responsible uses of Illinois coal  
36 for meeting electric power supply requirements and for

1 other purposes.

2 (5) (Blank).

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

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

8 (20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)

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

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

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

28 (c) In the exercise of other powers granted it under this  
29 Act, to acquire property, real, personal or mixed, including  
30 any rights therein, by exercise of the power of condemnation in  
31 accordance with the procedures provided for the exercise of  
32 eminent domain under Article VII of the Code of Civil  
33 Procedure, as amended, provided, however, the power of  
34 condemnation shall be exercised solely for the purposes of

1 siting and/or rights of way and/or easements appurtenant to  
2 coal utilization and/or coal conversion projects. The  
3 Department shall not exercise its powers of condemnation until  
4 it has used reasonable good faith efforts to acquire such  
5 property before filing a petition for condemnation and may  
6 thereafter use such powers when it determines that such  
7 condemnation of property rights is necessary to avoid  
8 unreasonable delay or economic hardship to the progress of  
9 activities carried out in the exercise of powers granted under  
10 this Act. After June 30, 1985, the Department shall not  
11 exercise its power of condemnation for a project which does not  
12 receive State or U.S. Government funding. Before use of the  
13 power of condemnation for projects not receiving State or U.S.  
14 Government funding, the Department shall hold a public hearing  
15 to receive comments on the exercise of the power of  
16 condemnation. The Department shall use the information  
17 received at hearing in making its final decision on the  
18 exercise of the power of condemnation. The hearing shall be  
19 held in a location reasonably accessible to the public  
20 interested in the decision. The Department shall promulgate  
21 guidelines for the conduct of the hearing.

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

23 (20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

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

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

30 (20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

31 Sec. 6. The Department of Commerce and Economic Opportunity  
32 ~~Community Affairs~~ is authorized to use \$120,000,000 for the  
33 purposes specified in this Act. These funds shall be expended  
34 only for a grant to the owner of a generating station located

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

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

27 (20 ILCS 1110/8) (from Ch. 96 1/2, par. 4108)

28 Sec. 8. Sale of bonds. The bonds shall be issued and sold  
29 from time to time in such amounts as directed by the Governor,  
30 upon 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 in the denomination of \$5,000 or some multiple  
33 thereof, shall be payable within 30 years from their date,  
34 shall bear interest payable annually or semiannually from their  
35 date at the rate of not more than 15% per annum, or such higher



1 maximum rate as may be authorized by "An Act to authorize  
2 public corporations to issue bonds, other evidences of  
3 indebtedness and tax anticipation warrants subject to interest  
4 rate limitations set forth therein", approved May 26, 1970, as  
5 amended, shall be dated, and shall be in such form as the  
6 Director of the Governor's Office of Management and Budget  
7 ~~Bureau of the Budget~~ shall fix and determine in the order  
8 authorizing the issuance and sale of the bonds, which order  
9 shall be approved by the Governor prior to the giving of notice  
10 of the sale of any of the bonds. These bonds shall be payable  
11 as to both principal and interest at such place or places,  
12 within or without the State of Illinois, and may be made  
13 registrable as to either principal or as to both principal and  
14 interest, as shall be fixed and determined by the Director of  
15 the Governor's Office of Management and Budget ~~Bureau of the~~  
16 ~~Budget~~ in the order authorizing the issuance and sale of such  
17 bonds. The bonds may be callable as fixed and determined by the  
18 Director of the Governor's Office of Management and Budget  
19 ~~Bureau of the Budget~~ in the order authorizing the issuance and  
20 sale of the bonds; provided, however, that the State shall not  
21 pay a premium of more than 3% of the principal of any bonds so  
22 called.

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

24 (20 ILCS 1110/10) (from Ch. 96 1/2, par. 4110)

25 Sec. 10. Bond Proceeds.

26 The Bonds shall be sold from time to time by the Director  
27 of the Governor's Office of Management and Budget ~~Bureau of the~~  
28 ~~Budget~~ to the highest and best bidders, for not less than their  
29 par value, upon sealed bids, at not exceeding the maximum  
30 interest rate fixed in the order authorizing the issuance of  
31 the Bonds. The right to reject any and all bids may be  
32 reserved. The Secretary of State shall, from time to time, as  
33 the Bonds are to be sold, advertise in at least two daily  
34 newspapers, one of which is published in the City of  
35 Springfield and one in the City of Chicago, for proposals to

1 purchase the Bonds. Each of such advertisements for proposals  
2 shall be published once at least 10 days prior to the date of  
3 the opening of the bids. The executed Bonds shall, upon payment  
4 therefor, be delivered to the purchaser, and the proceeds of  
5 the Bonds shall be paid into the State Treasury. The proceeds  
6 of the Bonds shall be deposited in a separate fund known as the  
7 "Coal Development Fund", which separate fund is hereby created.  
8 (Source: P.A. 78-1122; revised 8-23-03.)

9 (20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)

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

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

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

21 Sec. 4. Technical Assistance Programs.

22 (a) The Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~ shall provide technical assistance in the  
24 development of thermal efficiency standards and lighting  
25 efficiency standards to units of local government, upon request  
26 by such unit.

27 (b) The Department shall provide technical assistance in  
28 the development of a program for energy efficiency in  
29 procurement to units of local government, upon request by such  
30 unit.

31 (c) The Technical Assistance Programs provided in this  
32 Section shall be supported by funds provided to the State  
33 pursuant to the federal "Energy Policy and Conservation Act of

1 1975" or other federal acts that provide funds for energy  
2 conservation efforts through the use of building codes.

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

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

6 (20 ILCS 1128/5-5)

7 Sec. 5-5. Council. The Illinois Geographic Information  
8 Council, hereinafter called the "Council", is created within  
9 the Department of Natural Resources.

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

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

29 Members appointed by the Governor shall serve at the  
30 pleasure of the Governor.

31 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;  
32 89-445, eff. 2-7-96; revised 12-6-03.)

33 Section 245. The Department of Human Services Act is

1 amended by changing Sections 1-25 and 80-5 as follows:

2 (20 ILCS 1305/1-25)

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

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

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

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

1 (c) To approve a plan under this Section, the Task Force  
2 shall file with the Secretary of State a certified copy of the  
3 plan and a certified copy of a resolution approving the plan,  
4 adopted with the affirmative vote of at least 4 of the voting  
5 members of the Task Force.

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

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

14 (20 ILCS 1305/80-5)

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

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

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

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

35 The following persons (or their designees) shall serve, ex

1 officio, as nonvoting members of the Task Force: the Director  
2 of Public Health, the Director of Public Aid, the Director of  
3 Children and Family Services, the Director of the Governor's  
4 Office of Management and Budget ~~Bureau of the Budget~~, and,  
5 until their offices are abolished, the Director of Mental  
6 Health and Developmental Disabilities, the Director of  
7 Rehabilitation Services, and the Director of Alcoholism and  
8 Substance Abuse. The Governor may appoint up to 3 additional  
9 persons to serve as nonvoting members of the Task Force; such  
10 persons shall be officers or employees of a constitutional  
11 office or of a department or agency of the executive branch.

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

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

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

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

36 (d) The Task Force shall:

1           (1) review and make recommendations on the  
2 organizational structure of the new Department of Human  
3 Services;

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

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

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

15           (5) review and make recommendations on geographic  
16 regionalization;

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

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

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

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

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

36           (f) The Task Force may establish an advisory committee to

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

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

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

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

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

16 (20 ILCS 1510/10)

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

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

20 "Eligible area" means a county, township, municipality, or  
21 ward or precinct of a municipality.

22 "Participant" means an individual who is determined to be  
23 eligible under Section 25.

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

25 (1) will be carried out by a public agency, a private  
26 nonprofit organization, a private contractor, or a  
27 cooperative,

28 (2) (blank),

29 (3) will result in a specific product or  
30 accomplishment, and

31 (4) would not otherwise be conducted with existing  
32 funds.

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



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

2 Section 255. The Department of Revenue Law of the Civil  
3 Administrative Code of Illinois is amended by changing Section  
4 2505-550 as follows:

5 (20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)

6 Sec. 2505-550. Jobs Impact Committee and report. With  
7 respect to the credits provided for by Sections 209 and 210 of  
8 the Illinois Income Tax Act, Section 3-50 of the Use Tax Act,  
9 Section 2 of the Service Use Tax Act, Section 2 of the Service  
10 Occupation Tax Act, and Section 2-45 of the Retailers'  
11 Occupation Tax Act, there is hereby created a Jobs Impact  
12 Committee, which shall consist of the Director or the person or  
13 persons the Director may designate, and the representative or  
14 representatives that shall be designated to serve on the  
15 Committee by the Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~, the Governor's Office of  
17 Management and Budget ~~Bureau of the Budget~~, and the Economic  
18 and Fiscal Commission. The Committee, so assembled, shall  
19 invite and appoint 2 members of the businesses that are  
20 eligible for the credits provided by those Sections. The  
21 Committee shall study the use and effectiveness of these  
22 credits with regard to job creation relative to the revenue  
23 loss to the State from the provision of these credits. The  
24 Director shall, on behalf of the Committee, submit the  
25 Committee's report to the General Assembly on or before June  
26 30, 1998.

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

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

32 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

1           Sec. 2605-45. Division of Administration. The Division of  
2 Administration shall exercise the following functions:

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

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

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

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

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

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

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

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

26        (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised  
27 8-23-03.)

28        (20 ILCS 2605/2605-555)

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

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

32        (b) Through the pilot program, the Department, in  
33 coordination with local law enforcement agencies, State's  
34 Attorneys, and United States Attorneys, shall, to the extent  
35 possible, encourage the prosecution in federal court of all

1 persons who illegally use, attempt to use, or threaten to use  
2 firearms against the person or property of another, of all  
3 persons who use or possess a firearm in connection with a  
4 violation of the Cannabis Control Act or the Illinois  
5 Controlled Substances Act, all persons who have been convicted  
6 of a felony under the laws of this State or any other  
7 jurisdiction who possess any weapon prohibited under Section  
8 24-1 of the Criminal Code of 1961 or any firearm or any firearm  
9 ammunition, and of all persons who use or possess a firearm in  
10 connection with a violation of an order of protection issued  
11 under the Illinois Domestic Violence Act of 1986 or Article  
12 112A of the Code of Criminal Procedure of 1963 or in connection  
13 with the offense of domestic battery. The program shall also  
14 encourage public outreach by law enforcement agencies.

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

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

29 The requirement for reporting to the General Assembly shall  
30 be satisfied by filing copies of the report with the Speaker,  
31 the Minority Leader, and the Clerk of the House of  
32 Representatives, with the President, the Minority Leader, and  
33 the Secretary of the Senate, and with the Legislative Research  
34 Unit, as required by Section 3.1 of the General Assembly  
35 Organization Act, and filing such additional copies with the  
36 State Government Report Distribution Center for the General

1 Assembly as is required under paragraph (t) of Section 7 of the  
2 State Library Act.

3 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;  
4 92-651, eff. 7-11-02; revised 12-6-03.)

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

9 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

10 Sec. 2705-255. Appropriations from Build Illinois Bond  
11 Fund and Build Illinois Purposes Fund. Any expenditure of funds  
12 by the Department for interchanges, for access roads to and  
13 from any State or local highway in Illinois, or for other  
14 transportation capital improvements related to an economic  
15 development project pursuant to appropriations to the  
16 Department from the Build Illinois Bond Fund and the Build  
17 Illinois Purposes Fund shall be used for funding improvements  
18 related to existing or planned scientific, research,  
19 manufacturing, or industrial development or expansion in  
20 Illinois. In addition, the Department may use those funds to  
21 encourage and maximize public and private participation in  
22 those improvements. The Department shall consult with the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~ prior to expending any funds for those purposes  
25 pursuant to appropriations from the Build Illinois Bond Fund  
26 and the Build Illinois Purposes Fund.

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

28 (20 ILCS 2705/2705-285) (was 20 ILCS 2705/49.06b)

29 Sec. 2705-285. Ports and waterways. The Department has the  
30 power to undertake port and waterway development planning and  
31 studies of port and waterway development problems and to  
32 provide technical assistance to port districts and units of  
33 local government in connection with port and waterway

1 development activities. The Department may provide financial  
2 assistance for the ordinary and contingent expenses of port  
3 districts upon the terms and conditions that the Department  
4 finds necessary to aid in the development of those districts.

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

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

9 (20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

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

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

18 (20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

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

27 For each project proposed for funding under this Section  
28 the Department shall, to the extent possible, give preference  
29 to cost effective projects that facilitate continuation of  
30 existing rail freight service. In the exercise of its powers  
31 under this Section, the Department shall coordinate its program  
32 with the industrial retention and attraction programs of the  
33 Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~. No funds provided under this Section shall be expended

1 for the acquisition of a right of way or rolling stock or for  
2 operating subsidiaries. The costs of a project funded under this  
3 Section shall be apportioned in accordance with the agreement  
4 of the parties for the project. Projects are eligible for a  
5 loan or grant under this Section only when the Department  
6 determines that the transportation, economic, and public  
7 benefits associated with a project are greater than the capital  
8 costs of that project incurred by all parties to the agreement  
9 and that the project would not have occurred without its  
10 participation. In addition, a project to be eligible for  
11 assistance under this Section must be included in a State plan  
12 for rail transportation and local rail service prepared by the  
13 Department. The Department may also expend State funds for  
14 professional engineering services to conduct feasibility  
15 studies of projects proposed for funding under this Section, to  
16 estimate the costs and material requirements for those  
17 projects, to provide for the design of those projects,  
18 including plans and specifications, and to conduct  
19 investigations to ensure compliance with the project  
20 agreements.

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

34 In the case of an agreement under which State funds are  
35 loaned under this Section, the agreement shall provide the  
36 terms and conditions of repayment. The agreement shall provide

1 for the security that the Department shall determine to protect  
2 the State's interest. The funds may be loaned with or without  
3 interest. Loaned funds that are repaid to the Department shall  
4 be deposited in a special fund in the State treasury to be  
5 known as the State Rail Freight Loan Repayment Fund. In the  
6 case of repaid funds deposited in the State Rail Freight Loan  
7 Repayment Fund, the Department shall, subject to  
8 appropriation, have the reuse of those funds and the interest  
9 accrued thereon, which shall also be deposited by the State  
10 Treasurer in the Fund, as the State share in other eligible  
11 projects under this Section. However, no expenditures from the  
12 State Rail Freight Loan Repayment Fund for those projects shall  
13 at any time exceed the total sum of funds repaid and deposited  
14 in the State Rail Freight Loan Repayment Fund and interest  
15 earned by investment by the State Treasurer which the State  
16 Treasurer shall have deposited in that Fund.

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

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

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

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

33 Section 270. The Illinois Capital Budget Act is amended by  
34 changing Sections 1, 4, and 6 as follows:

1 (20 ILCS 3010/1) (from Ch. 127, par. 3101)

2 Sec. 1. The Governor's Office of Management and Budget  
3 ~~Bureau of the Budget~~ shall coordinate the preparation of  
4 annually updated 5 year capital improvement programs and yearly  
5 capital budgets based on those programs, in cooperation with  
6 all State agencies requesting a capital appropriation.

7 (Source: P.A. 84-838; revised 8-23-03.)

8 (20 ILCS 3010/4) (from Ch. 127, par. 3104)

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

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

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

23 (d) The capital improvement program shall be submitted to  
24 the General Assembly by the Governor as part of the annual  
25 State budget.

26 (Source: P.A. 84-838; revised 8-23-03.)

27 (20 ILCS 3010/6) (from Ch. 127, par. 3106)

28 Sec. 6. The Governor's Office of Management and Budget  
29 ~~Bureau of the Budget~~ shall prepare and submit an assessment of  
30 the State's capital project needs to the following: the Speaker  
31 and Minority Leader of the House of Representatives, the  
32 President and Minority Leader of the Senate and the Illinois  
33 Economic and Fiscal Commission. The assessment shall be  
34 included in the Governor's annual State budget and shall



1 discuss the State's needs in the next fiscal year and in the  
2 next 5 fiscal years.

3 (Source: P.A. 86-192; revised 8-23-03.)

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

6 (20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)

7 Sec. 10.04. To construct and repair, or contract for and  
8 supervise the construction and repair of, buildings under the  
9 control of or for the use of any State agency, as authorized by  
10 the General Assembly. To the maximum extent feasible, any  
11 construction or repair work shall utilize the best available  
12 technologies for minimizing building energy costs as  
13 determined through consultation with the Department of  
14 Commerce and Economic Opportunity ~~Community Affairs~~.

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

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

1 within the Agency. The budgeting, procurement, and related  
2 functions of the commission and administrative  
3 responsibilities for the staff of the commission shall be  
4 performed under the direction and supervision of the Agency.

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

9 (1) one member appointed by the President of the  
10 Senate;

11 (2) one member appointed by the Senate Minority Leader;

12 (3) one member appointed by the Speaker of the House;

13 (4) one member appointed by the House Minority Leader;

14 (5) 9 members appointed by the Governor as follows:

15 (i) 3 members from the academic community who are  
16 knowledgeable concerning African-American history;

17 (ii) one public member who is actively involved in  
18 civil rights issues; (iii) one public member who is  
19 knowledgeable in the field of historic preservation;

20 (iv) one public member who represents local  
21 communities in which the underground railroad had a  
22 significant presence; and (v) 3 members at large, one  
23 of whom shall be a representative of the DuSable Museum  
24 and one of whom shall be a representative of the  
25 Chicago Historical Society;

26 (6) the Director of Commerce and Economic Opportunity  
27 ~~Community Affairs~~, ex officio, or a designee of the  
28 Director;

29 (7) the State Librarian, ex officio, or a designee of  
30 the State Library; and

31 (8) the Director of the Historic Preservation Agency,  
32 ex officio, or a designee of that Agency.

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

35 (c) Election of chairperson; meetings. At its first  
36 meeting, the commission shall elect from among its members a

1 chairperson and other officers it considers necessary or  
2 appropriate. After its first meeting, the commission shall meet  
3 at least quarterly, or more frequently at the call of the  
4 chairperson or if requested by 7 or more members.

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

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

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

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

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

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

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

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

34 (4) Assist in developing and develop partnerships to  
35 seek public and private funds to carry out activities to  
36 protect, preserve, and promote the legacy of the freedom

1 trail and the underground railroad in the State.

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

7 (i) Report. The commission shall report its activities and  
8 findings to the General Assembly by February 1, 2004.

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

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

12 (20 ILCS 3520/5)

13 Sec. 5. Definitions.

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

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

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

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

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

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

31 Section 290. The Illinois Investment and Development  
32 Authority Act is amended by changing Section 15 as follows:

1 (20 ILCS 3820/15)

2 Sec. 15. Creation of Illinois Investment and Development  
3 Authority; members.

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

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

32 (c) Of the members initially appointed by the Governor  
33 pursuant to this Act, 3 shall serve until the third Monday in  
34 January, 2004, 3 shall serve until the third Monday in January,  
35 2005, and 3 shall serve until the third Monday in January, 2006  
36 and all shall serve until their successors are appointed and

1 qualified. All successors shall hold office for a term of 3  
2 years commencing on the third Monday in January of the year in  
3 which their term commences, except in case of an appointment to  
4 fill a vacancy. Each member appointed under this Section who is  
5 confirmed by the Senate shall hold office during the specified  
6 term and until his or her successor is appointed and qualified.  
7 In case of vacancy in the office when the Senate is not in  
8 session, the Governor may make a temporary appointment until  
9 the next meeting of the Senate, when the Governor shall  
10 nominate such person to fill the office, and any person so  
11 nominated who is confirmed by the Senate, shall hold his or her  
12 office during the remainder of the term and until his or her  
13 successor is appointed and qualified.

14 (d) Members of the Authority shall not be entitled to  
15 compensation for their services as members, but shall be  
16 entitled to reimbursement for all necessary expenses incurred  
17 in connection with the performance of their duties as members.

18 (e) The Governor may remove any public member of the  
19 Authority in case of incompetency, neglect of duty, or  
20 malfeasance in office, after service on the member of a copy of  
21 the written charges against him or her and an opportunity to be  
22 publicly heard in person or by counsel in his or her own  
23 defense upon not less than 10 days notice.

24 (Source: P.A. 92-864, eff. 6-1-03; revised 12-6-03.)

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

27 (20 ILCS 3918/35)

28 Sec. 35. Administration and enforcement of State building  
29 requirements. The Commission shall also suggest a long-term  
30 plan to improve administration and enforcement of State  
31 building requirements statewide. The plan shall include (i)  
32 recommendations for ways the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~ could create a  
34 consolidated clearinghouse on all information concerning

1 existing State building requirements, (ii) recommendations for  
2 a consistent format for State building requirements, (iii)  
3 recommendations for a system or procedure for updating existing  
4 State building requirements that shall include a procedure for  
5 input from the public, (iv) recommendations for a system or  
6 procedure for the review, approval, and appeal of building  
7 plans, and (v) recommendations for a system or procedure to  
8 enforce the State building requirements. The Commission shall  
9 submit its suggestions for creating the consolidated  
10 clearinghouse to the Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~ as soon as practical after the  
12 effective date of this Act.

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

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

17 (20 ILCS 3953/10) (from Ch. 96 1/2, par. 9810)

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

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

31 (20 ILCS 3953/15) (from Ch. 96 1/2, par. 9815)

32 Sec. 15. Creation. There is created within State government  
33 the Interagency Energy Conservation Committee, hereinafter

1 referred to as the Committee. The Committee shall be composed  
2 of the Secretary of Human Services and the Directors of the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~, the Department of Central Management Services, the  
5 Department of Corrections, the Illinois Board of Higher  
6 Education, and the Capital Development Board, or their  
7 designees. The Director of ~~the Department of~~ Commerce and  
8 Economic Opportunity ~~Community Affairs~~ shall serve as  
9 Committee chairman, and the Committee's necessary staff and  
10 resources shall be drawn from the Department of Commerce and  
11 Economic Opportunity ~~Community Affairs~~.

12 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97; revised  
13 12-6-03.)

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

16 (20 ILCS 3965/2) (from Ch. 127, par. 3952)

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

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

28 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

29 Sec. 3. The board shall be composed of citizens from both  
30 the private and public sectors who are actively engaged in  
31 organizations and businesses that support economic expansion,  
32 industry enhancement and job creation. The board shall be  
33 composed of the following persons:



- 1 (a) the Governor or his or her designee;
- 2 (b) four members of the General Assembly, one each  
3 appointed by the President of the Senate, the Speaker of  
4 the House of Representatives, and the minority leaders of  
5 the Senate and House of Representatives;
- 6 (c) 20 members appointed by the Governor including  
7 representatives of small business, minority owned  
8 companies, women owned companies, manufacturing, economic  
9 development professionals, and citizens at large.
- 10 (d) (blank);
- 11 (e) (blank);
- 12 (f) (blank);
- 13 (g) (blank);
- 14 (h) (blank);
- 15 (i) (blank);
- 16 (j) (blank);
- 17 (k) (blank);
- 18 (l) (blank);
- 19 (m) (blank).

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

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

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

35 The board shall include representation from each of the  
36 State's geographic areas.

1           The board shall meet quarterly or at the call of the chair  
2 and shall create subcommittees as needed to deal with specific  
3 issues and concerns. Members shall serve without compensation  
4 but may be reimbursed for expenses.

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

6           (20 ILCS 3965/4.5)

7           Sec. 4.5. Additional duties. In addition to those duties  
8 granted under Section 4, the Illinois Economic Development  
9 Board shall:

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

23           (2) Establish a Business Regulatory Review Committee  
24 to generate private sector analysis, input, and guidance on  
25 methods of regulatory assistance and review. At the  
26 determination of the Board, individual small business  
27 owners and operators; national, State, and regional  
28 organizations representative of small firms; and  
29 representatives of existing State or regional councils of  
30 business may be designated as members of this Business  
31 Regulatory Review Committee.

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

33           Section 310. The Illinois Business Regulatory Review Act is  
34 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

1 is amended by changing Section 15 as follows:

2 (20 ILCS 3967/15)

3 Sec. 15. Illinois River Coordinating Council.

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

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

26 (c) The Council shall meet at least quarterly.

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

31 (e) This Section is subject to the provisions of Section  
32 405-500 of the Department of Central Management Services Law  
33 (20 ILCS 405/405-500).

34 (Source: P.A. 90-120, eff. 7-16-97; 90-609, eff. 6-30-98;  
35 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

1 designee.

2 (17) A representative of a statewide business association.

3 (18) A representative of the Illinois Council on  
4 Developmental Disabilities.

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

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

15 Section 325. The Interagency Coordinating Council Act is  
16 amended by changing Section 2 as follows:

17 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

18 Sec. 2. Interagency Coordinating Council. There is hereby  
19 created an Interagency Coordinating Council which shall be  
20 composed of the Directors, or their designees, of the Illinois  
21 Department of Children and Family Services, Illinois  
22 Department of Commerce and Economic Opportunity ~~Community~~  
23 ~~Affairs~~, Illinois Department of Corrections, Illinois  
24 Department of Employment Security, and Illinois Department of  
25 Public Aid; the Secretary of Human Services or his or her  
26 designee; the Executive Director, or a designee, of the  
27 Illinois Community College Board, the Board of Higher  
28 Education, and the Illinois Planning Council on Developmental  
29 Disabilities; the State Superintendent of Education, or a  
30 designee; and a designee representing the University of  
31 Illinois - Division of Specialized Care for Children. The  
32 Secretary of Human Services (or the member who is the designee  
33 for the Secretary of Human Services) and the State  
34 Superintendent of Education (or the member who is the designee

1 for the State Superintendent of Education) shall be co-chairs  
2 of the Council. The co-chairs shall be responsible for ensuring  
3 that the functions described in Section 3 of this Act are  
4 carried out.

5 (Source: P.A. 92-452, eff. 8-21-01; revised 12-6-03.)

6 Section 330. The Illinois Manufacturing Technology  
7 Alliance Act is amended by changing Sections 4 and 15 as  
8 follows:

9 (20 ILCS 3990/4) (from Ch. 48, par. 2604)

10 Sec. 4. Board of Directors.

11 (a) The Illinois Manufacturing Technology Alliance shall  
12 be governed and operated by a Board of Directors consisting of  
13 11 members: 5 public members who shall be representative of  
14 industries to be served by the Alliance; 2 public members who  
15 shall be researchers in manufacturing technologies; and 4 ex  
16 officio members who shall be the Director of ~~the Department of~~  
17 Commerce and Economic Opportunity ~~Community Affairs~~, the Chief  
18 Executive Officer of the Prairie State 2000 Authority, the  
19 Executive Director of the Board of Higher Education and the  
20 Executive Director of the Illinois Community College Board. An  
21 ex officio member may designate a representative to serve as a  
22 substitute when such member is unable to attend a meeting of  
23 the Board.

24 (b) The Governor, by and with the advice and consent of the  
25 Senate, shall appoint the 5 public members who are  
26 representative of industries to be served by the Alliance and  
27 the 2 public members who are researchers in manufacturing  
28 technologies. To the extent possible, 4 members of the 5 public  
29 members who are representatives of industries to be served by  
30 the Alliance shall be members of trade associations that are  
31 Alliance Partners.

32 A vacancy in the position of Board member shall occur upon  
33 resignation, death, conviction of a felony, or removal from  
34 office of a Director. The Governor may remove any public member

1 from office on a formal finding of incompetence, neglect of  
2 duty or malfeasance in office. Within 30 days after the office  
3 of any appointed member becomes vacant for any reason, the  
4 Governor shall fill the vacancy for the unexpired term in the  
5 same manner as that in which appointments are made. If the  
6 Senate is not in session when the first appointments are made  
7 or when the Governor fills a vacancy, the Governor shall make  
8 temporary appointments until the next meeting of the Senate,  
9 when he shall nominate persons to be confirmed by the Senate.

10 (c) No more than 4 public members shall be of the same  
11 political party.

12 (d) Of those public members initially appointed to the  
13 Board, 4 Directors, no more than 2 of the same political party,  
14 shall be appointed to serve until July 1, 1993, and 3  
15 Directors, not more than 2 of the same political party, shall  
16 be appointed to serve until July 1, 1991. Thereafter, each  
17 public member shall be appointed for a 4 year term, or until  
18 his successor is appointed and qualified. The terms of the  
19 public members initially appointed shall commence upon the  
20 appointment of all 7 public members.

21 (e) No public member may serve as a Director for an  
22 aggregate of more than 10 years.

23 (Source: P.A. 86-1015; revised 12-6-03.)

24 (20 ILCS 3990/15) (from Ch. 48, par. 2615)

25 Sec. 15. Relationship with other Agencies. The Alliance  
26 shall cooperate with the Department of Commerce and Economic  
27 Opportunity ~~Community Affairs~~, the Board of Higher Education,  
28 the Illinois Community College Board, the Prairie State 2000  
29 Authority and any other agency or authority of the State on any  
30 project or program that improves the competitiveness of small  
31 and medium size Illinois manufacturers. The policies and  
32 programs of the Alliance shall be consistent with economic  
33 development policies of this State.

34 (Source: P.A. 86-1015; revised 12-6-03.)



1 Section 335. The Illinois Council on Developmental  
2 Disabilities Law is amended by changing Sections 2004 and  
3 2004.5 as follows:

4 (20 ILCS 4010/2004) (from Ch. 91 1/2, par. 1954)  
5 Sec. 2004. Council membership.

6 (a) The council shall be composed of 38 voting members, 27  
7 of whom shall be appointed by the Governor from residents of  
8 the State so as to ensure that the membership reasonably  
9 represents consumers of services to persons with developmental  
10 disabilities.

11 (b) Eleven voting members shall be the Directors of Public  
12 Aid, Public Health, Aging, Children and Family Services, the  
13 Guardianship and Advocacy Commission, the State protection and  
14 advocacy agency, the State Board of Education, the Division of  
15 Specialized Care for Children of the University of Illinois,  
16 and the State University Affiliated Program, or their  
17 designees, plus the Secretary of Human Services (or his or her  
18 designee) and one additional representative of the Department  
19 of Human Services designated by the Secretary.

20 (c) Nineteen voting members shall be persons with  
21 developmental disabilities, parents or guardians of such  
22 persons, or immediate relatives or guardians of persons with  
23 mentally impairing developmental disabilities. None of these  
24 members shall be employees of a State agency which receives  
25 funds or provides services under the federal Developmental  
26 Disabilities Assistance and Bill of Rights Act Amendments of  
27 1987, managing employees of any other entity which services  
28 funds or provides services under the federal Developmental  
29 Disabilities Assistance and Bill of Rights Act Amendments of  
30 1987, or persons with an ownership or control interest in such  
31 an entity. Of these members:

32 (1) At least 6 shall be persons with developmental  
33 disabilities and at least 6 shall be immediate relatives or  
34 guardians of persons with mentally impairing developmental  
35 disabilities; and

1           (2) One member shall be an immediate relative or  
2           guardian of an institutionalized or previously  
3           institutionalized person with a developmental disability.

4           (d) Eight voting members shall be representatives of local  
5           agencies, nongovernmental agencies and groups concerned with  
6           services to persons with developmental disabilities.

7           (e) The Governor shall consider nominations made by  
8           advocacy and community-based organizations.

9           (f) Of the initial members appointed by the Governor, 8  
10          shall be appointed for terms of one year, 9 shall be appointed  
11          for terms of 2 years, and 9 shall be appointed for terms of 3  
12          years. Thereafter, all members shall be appointed for terms of  
13          3 years. No member shall serve more than 2 successive terms.

14          (g) Individual terms of office shall be chosen by lot at  
15          the initial meeting of the council.

16          (h) Vacancies in the membership shall be filled in the same  
17          manner as initial appointments. Appointments to fill vacancies  
18          occurring before the expiration of a term shall be for the  
19          remainder of the unexpired term.

20          (i) Members shall not receive compensation for their  
21          services, but shall be reimbursed for their actual expenses  
22          plus up to \$50 a day for any loss of wages incurred in the  
23          performance of their duties.

24          (j) Total membership consists of the number of voting  
25          members, as defined in this Section, excluding any vacant  
26          positions. A quorum shall consist of a simple majority of total  
27          membership and shall be sufficient to constitute the  
28          transaction of business of the council unless stipulated  
29          otherwise in the bylaws of the council.

30          (k) The council shall meet at least quarterly.

31          (l) The Director of the Governor's Office of Management and  
32          Budget ~~Bureau of the Budget~~, or his or her designee, shall  
33          serve as a nonvoting member of the council.

34          (Source: P.A. 89-507, eff. 7-1-97; revised 8-23-03.)

35                   (20 ILCS 4010/2004.5)

1           Sec. 2004.5. Council membership. The General Assembly  
2 intends that the reduction in the membership of the Council  
3 shall occur through attrition between the effective date of  
4 this amendatory Act of the 91st General Assembly and January 1,  
5 2001. In the event that the terms of 10 voting members have not  
6 expired by January 1, 2001, members of the Council serving on  
7 that date shall continue to serve until their terms expire.

8           (a) The membership of the Council must reasonably represent  
9 the diversity of this State. Not less than 60% of the Council's  
10 membership must be individuals with developmental  
11 disabilities, parents or guardians of children with  
12 developmental disabilities, or immediate relatives or  
13 guardians of adults with developmental disabilities who cannot  
14 advocate for themselves.

15           The Council must also include representatives of State  
16 agencies that administer moneys under federal laws that relate  
17 to individuals with developmental disabilities; the State  
18 University Center for Excellence in Developmental Disabilities  
19 Education, Research, and Service; the State protection and  
20 advocacy system; and representatives of local and  
21 non-governmental agencies and private non-profit groups  
22 concerned with services for individuals with developmental  
23 disabilities. The members described in this paragraph must have  
24 sufficient authority to engage in policy-making, planning, and  
25 implementation on behalf of the department, agency, or program  
26 that they represent. Those members may not take part in any  
27 discussion of grants or contracts for which their departments,  
28 agencies, or programs are grantees, contractors, or applicants  
29 and must comply with any other relevant conflict of interest  
30 provisions in the Council's policies or bylaws.

31           (b) Seventeen voting members, appointed by the Governor,  
32 must be persons with developmental disabilities, parents or  
33 guardians of persons with developmental disabilities, or  
34 immediate relatives or guardians of persons with  
35 mentally-impairing developmental disabilities. None of these  
36 members may be employees of a State agency that receives funds

1 or provides services under the federal Developmental  
2 Disabilities Assistance and Bill of Rights Act of 1996 (42  
3 U.S.C. 6000 et seq.), as now or hereafter amended, managing  
4 employees of any other entity that receives moneys or provides  
5 services under the federal Developmental Disabilities  
6 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et  
7 seq.), as now or hereafter amended, or persons with an  
8 ownership interest in or a controlling interest in such an  
9 entity. Of the members appointed under this subsection (b):

10 (1) at least 6 must be persons with developmental  
11 disabilities;

12 (2) at least 6 must be parents, immediate relatives, or  
13 guardians of children and adults with developmental  
14 disabilities, including individuals with  
15 mentally-impairing developmental disabilities who cannot  
16 advocate for themselves; and

17 (3) 5 members must be a combination of persons  
18 described in paragraphs (1) and (2); at least one of whom  
19 must be (i) an immediate relative or guardian of an  
20 individual with a developmental disability who resides or  
21 who previously resided in an institution or (ii) an  
22 individual with a developmental disability who resides or  
23 who previously resided in an institution.

24 (c) Two voting members, appointed by the Governor, must be  
25 representatives of local and non-governmental agencies and  
26 private non-profit groups concerned with services for  
27 individuals with developmental disabilities.

28 (d) Nine voting members shall be the Director of Public  
29 Aid, or his or her designee; the Director of Aging, or his or  
30 her designee; the Director of Children and Family Services, or  
31 his or her designee; a representative of the State Board of  
32 Education; a representative of the State protection and  
33 advocacy system; a representative of the State University  
34 Center for Excellence in Developmental Disabilities Education,  
35 Research, and Service; representatives of the Office of  
36 Developmental Disabilities and the Office of Community Health

1 and Prevention of the Department of Human Services (as the  
2 State's lead agency for Title V of the Social Security Act, 42  
3 U.S.C. 701 et seq.) designated by the Secretary of Human  
4 Services; and a representative of the State entity that  
5 administers federal moneys under the federal Rehabilitation  
6 Act.

7 (e) The Director of the Governor's Office of Management and  
8 Budget ~~Bureau of the Budget~~, or his or her designee, shall be a  
9 non-voting member of the Council.

10 (f) The Governor must provide for the timely rotation of  
11 members.

12 Appointments to the Council shall be for terms of 3 years.  
13 Appointments to fill vacancies occurring before the expiration  
14 of a term shall be for the remainder of the term. Members shall  
15 serve until their successors are appointed.

16 The Council, at the discretion of the Governor, may  
17 coordinate and provide recommendations for new members to the  
18 Governor based upon their review of the Council's composition  
19 and on input received from other organizations and individuals  
20 representing persons with developmental disabilities,  
21 including the non-State agency members of the Council. The  
22 Council must, at least once each year, advise the Governor on  
23 the Council's membership requirements and vacancies, including  
24 rotation requirements.

25 No member may serve for more than 2 successive terms.

26 (g) Members may not receive compensation for their  
27 services, but shall be reimbursed for their reasonable expenses  
28 plus up to \$50 per day for any loss of wages incurred in the  
29 performance of their duties.

30 (h) The total membership of the Council consists of the  
31 number of voting members, as defined in this Section, excluding  
32 any vacant positions. A quorum is a simple majority of the  
33 total membership and is sufficient to constitute the  
34 transaction of the business of the Council unless otherwise  
35 stipulated in the bylaws of the Council.

36 (i) The Council must meet at least quarterly.

1 (Source: P.A. 91-798, eff. 7-9-00; revised 8-23-03.)

2 Section 340. The Prairie State 2000 Authority Act is  
3 amended by changing Sections 7 and 12 as follows:

4 (20 ILCS 4020/7) (from Ch. 48, par. 1507)

5 Sec. 7. (a) The Prairie State 2000 Authority shall be  
6 governed and operated by a Board of Directors consisting of the  
7 State Treasurer, the Director of ~~the Department of~~ Commerce and  
8 Economic Opportunity ~~Community Affairs~~ and the Director of ~~the~~  
9 ~~Department of~~ Employment Security, or their respective  
10 designees, as ex officio members, and 4 public members who  
11 shall be appointed by the Governor with the advice and consent  
12 of the Senate and who shall be of high moral character and  
13 expert in educational or vocational training matters, employee  
14 benefits, or finance. Each public member shall be appointed for  
15 an initial term as provided in paragraph (b) of this Section.  
16 Thereafter, each public member shall hold office for a term of  
17 4 years and until his successor has been appointed and assumes  
18 office. The Board shall elect a public member to be Chairman. A  
19 vacancy shall occur upon resignation, death, conviction of a  
20 felony, or removal from office of a Director. The Governor may  
21 remove any public member from office on a formal finding of  
22 incompetence, neglect of duty or malfeasance in office. Within  
23 30 days after the office of any appointed member becomes vacant  
24 for any reason, the Governor shall fill the vacancy for the  
25 unexpired term in the same manner as that in which appointments  
26 are made. If the Senate is not in session when the first  
27 appointments are made or when the Governor fills a vacancy, the  
28 Governor shall make temporary appointments until the next  
29 meeting of the Senate, when he shall nominate persons to be  
30 confirmed by the Senate. No more than 2 public members shall be  
31 members of the same political party. Every public member's term  
32 shall commence on July 1, except for the terms of the public  
33 members initially appointed, whose terms shall commence upon  
34 the appointment of all 4 public members.

1 (b) The initial terms of public members shall be as  
2 follows:

3 (i) Two Directors not members of the same political party  
4 shall be appointed to serve until July 1, 1987;

5 (ii) Two Directors not members of the same political party  
6 shall be appointed to serve until July 1, 1985.

7 No public member may serve as a Director for an aggregate  
8 of more than 8 years. A Director appointed under this paragraph  
9 (b) shall serve until his successor shall have been appointed  
10 and assumes office.

11 (Source: P.A. 84-1090; revised 12-6-03.)

12 (20 ILCS 4020/12) (from Ch. 48, par. 1512)

13 Sec. 12. General Powers and Duties of the Board. Except as  
14 otherwise limited by this Act, the Board shall have all powers  
15 necessary to meet its responsibilities and to carry out its  
16 purposes, including but not limited to the following powers:

17 (a) To sue and be sued.

18 (b) To establish and maintain petty cash funds as provided  
19 in Section 13.3 of "An Act in relation to State finance",  
20 approved June 10, 1919, as amended.

21 (c) To make, amend and repeal bylaws, rules, regulations  
22 and resolutions consistent with this Act.

23 (d) To make and execute all contracts and instruments  
24 necessary or convenient to the exercise of its powers.

25 (e) To exclusively control and manage the Authority and all  
26 monies donated, paid or appropriated for the relief or benefit  
27 of unemployed or inappropriately skilled workers.

28 (f) To order and direct the issuance of benefit vouchers  
29 provided for by this Act, signed by the Chairman and the Chief  
30 Executive Officer, to persons entitled thereto in amounts to  
31 which such persons are entitled under Section 14. The Board may  
32 designate any of its members, or any officer or employee of the  
33 Authority, to affix the signature of the Chairman and another  
34 to affix the signature of the Chief Executive Officer to the  
35 benefit vouchers.

1           (g) Upon determining that appropriate and sufficient  
2 educational or vocational training services are being provided  
3 by a participating educational or vocational training  
4 institution to the bearer of a voucher, to cause prompt payment  
5 of the amount stated on the face of the voucher to such  
6 participating educational or vocational training institution,  
7 on the condition that such amount shall not exceed the benefit  
8 levels to which the bearer is entitled.

9           (h) To undertake such studies with respect to job training  
10 which will assist the Authority in carrying out the purposes of  
11 this Act. The Board shall prepare a report on the feasibility  
12 of individual training accounts.

13           (i) To annually review the Prairie State 2000 Authority  
14 Program and the provisions of this Act and to make  
15 recommendations to the Governor and the General Assembly  
16 regarding changes to this Act or some other Act to make  
17 improvements in the Program.

18           (j) To have an audit of the accounts of the Authority made  
19 annually by persons competent to perform such work and to  
20 provide a copy of such audit to the Auditor General who shall  
21 review such audit and make such other investigations and audits  
22 as he deems necessary, on the condition that the Auditor  
23 General shall each biennium conduct an audit independent of the  
24 audit conducted by the persons retained by the Board. The Board  
25 and the Auditor General shall report the findings revealed by  
26 their audits to the Governor, the President of the Senate, the  
27 Speaker of the House of Representatives and the Minority  
28 Leaders of each house of the General Assembly.

29           (k) To prepare and submit a budget and request for  
30 appropriations for the necessary and contingent operating  
31 expenses of the Authority.

32           (l) To encourage participation in the Program by means of  
33 advertising, incentives, and other marketing devices with  
34 special attention to geographic areas with levels of  
35 unemployment or underemployment which are substantially above  
36 the statewide level of unemployment.



1 (m) To adopt, alter and use a corporate seal.

2 (n) To accept appropriations, grants and funds from the  
3 federal and State governments and any agency thereof and expend  
4 those monies in accordance with, and in furtherance of the  
5 purposes of, this Act.

6 (o) To enter into intergovernmental agreements with other  
7 governmental entities, including the Department of Employment  
8 Security and the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~, in order to implement and  
10 execute the powers and duties set forth in this Section and all  
11 other Sections of this Act.

12 (Source: P.A. 84-1090; revised 12-6-03.)

13 Section 345. The Fiscal Note Act is amended by changing  
14 Section 2 as follows:

15 (25 ILCS 50/2) (from Ch. 63, par. 42.32)

16 Sec. 2. The sponsor of each bill, referred to in Section 1,  
17 shall present a copy of the bill, with his request for a fiscal  
18 note, to the board, commission, department, agency, or other  
19 entity of the State which is to receive or expend the  
20 appropriation proposed or which is responsible for collection  
21 of the revenue proposed to be increased or decreased, or to be  
22 levied or provided for. The sponsor of a bill that amends the  
23 Mental Health and Developmental Disabilities Code or the  
24 Developmental Disability and Mental Disability Services Act  
25 shall present a copy of the bill, with his or her request for a  
26 fiscal note, to the Department of Human Services. The fiscal  
27 note shall be prepared by such board, commission, department,  
28 agency, or other entity and furnished to the sponsor of the  
29 bill within 5 calendar days thereafter; except that whenever,  
30 because of the complexity of the measure, additional time is  
31 required for preparation of the fiscal note, the board,  
32 commission, department, agency, or other entity may so inform  
33 the sponsor of the bill and he may approve an extension of the  
34 time within which the note is to be furnished, not to extend,

1 however, beyond June 15, following the date of the request.  
2 Whenever any measure for which a fiscal note is required  
3 affects more than one State board, commission, department,  
4 agency, or other entity, the board, commission, department,  
5 agency, or other entity most affected by its provisions  
6 according to the sponsor shall be responsible for preparation  
7 of the fiscal note. Whenever any measure for which a fiscal  
8 note is required does not affect a specific board, commission,  
9 department, agency or other such entity, or does not amend the  
10 Mental Health and Developmental Disabilities Code or the  
11 Developmental Disability and Mental Disability Services Act,  
12 the sponsor of the measure shall be responsible for preparation  
13 of the fiscal note.

14 In the case of bills having a potential fiscal impact on  
15 units of local government, the fiscal note shall be prepared by  
16 the Department of Commerce and Economic Opportunity ~~Community~~  
17 ~~Affairs~~. In the case of bills having a potential fiscal impact  
18 on school districts, the fiscal note shall be prepared by the  
19 State Superintendent of Education. In the case of bills having  
20 a potential fiscal impact on community college districts, the  
21 fiscal note shall be prepared by the Illinois Community College  
22 Board.

23 (Source: P.A. 92-567, eff. 1-1-03; revised 12-6-03.)

24 Section 350. The Home Rule Note Act is amended by changing  
25 Sections 10 and 40 as follows:

26 (25 ILCS 75/10) (from Ch. 63, par. 42.91-10)

27 Sec. 10. Preparation of the note. Upon the request of the  
28 sponsor of a bill described in Section 5, the Director of  
29 Commerce and Economic Opportunity ~~Community Affairs~~ or some  
30 person within the Department designated by the Director shall  
31 prepare a written note setting forth the information required  
32 by Section 5. The note shall be designated a home rule note and  
33 shall be furnished to the sponsor within 10 calendar days after  
34 the request, except that whenever, because of the complexity of

1 the bill, additional time is required for the preparation of  
2 the note, the Department may so notify the sponsor and request  
3 an extension of time not to exceed 5 additional days within  
4 which to furnish the note. An extension may not, however, be  
5 beyond June 15 following the date of the request.

6 (Source: P.A. 87-229; revised 12-6-03.)

7 (25 ILCS 75/40) (from Ch. 63, par. 42.91-40)

8 Sec. 40. Confidentiality. The subject matter of bills  
9 submitted to the Director shall be kept in strict confidence by  
10 the Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~, and no information relating to the bill or its home  
12 rule impact shall be divulged by any official or employee of  
13 the Department, except to the bill's sponsor or the sponsor's  
14 designee, before the bill's introduction in the General  
15 Assembly.

16 (Source: P.A. 87-229; revised 12-6-03.)

17 Section 355. The Fiscal Control and Internal Auditing Act  
18 is amended by changing Section 2004 as follows:

19 (30 ILCS 10/2004) (from Ch. 15, par. 2004)

20 Sec. 2004. Consultations by internal auditor. Each chief  
21 internal auditor may consult with the Auditor General, the  
22 Department of Central Management Services, the Economic and  
23 Fiscal Commission, the appropriations committees of the  
24 General Assembly, the Governor's Office of Management and  
25 Budget ~~Bureau of the Budget~~, or the Internal Audit Advisory  
26 Board on matters affecting the duties or responsibilities of  
27 the chief internal auditor under this Act.

28 (Source: P.A. 86-936; revised 8-23-03.)

29 Section 360. The State Finance Act is amended by changing  
30 Sections 6b-3, 6z-39, 6z-54, 8.14, 8.22, 8.23, 9.03, and 9.04  
31 as follows:

1 (30 ILCS 105/6b-3) (from Ch. 127, par. 142b3)

2 Sec. 6b-3. There shall be paid into the State Housing Fund  
3 the moneys recovered from Land Clearance Commissions and  
4 Housing Authorities under the provisions of (1) Section 32 of  
5 the "Housing Authorities Act", approved March 19, 1934, as  
6 amended; (2) Section 9a of "An Act to facilitate the  
7 development and construction of housing, to provide  
8 governmental assistance therefor, and to repeal an Act herein  
9 named," approved July 2, 1947, as amended; and (3) Section 25a  
10 of the "Blighted Areas Redevelopment Act of 1947", approved  
11 July 2, 1947, as amended.

12 The moneys in the State Housing Fund shall be used for  
13 grants in aid of housing, development, redevelopment projects,  
14 and any other programs compatible with the duties and  
15 obligations of the Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~ and local housing authorities or  
17 land clearance commissions and such funds may be allocated to  
18 those authorities and/or programs in accordance with the  
19 judgment of the Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ except that no moneys may be retained in the  
21 fund beyond a period 36 months following their deposit. In any  
22 instance where moneys are accumulated in the State Housing Fund  
23 and not distributed in accordance with determination made by  
24 the Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~ within 36 months then such moneys shall be returned to  
26 the General Revenue Fund.

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

28 (30 ILCS 105/6z-39)

29 Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The  
30 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
31 shall be the State coordinator and representative with the  
32 United States Department of the Treasury for purposes of  
33 implementing the federal Cash Management Improvement Act of  
34 1990.

35 The Governor's Office of Management and Budget ~~Bureau of~~

1 ~~the Budget~~ shall: negotiate Treasury-State agreements; develop  
2 and file annual reports; establish the net State liability;  
3 determine State agency shares of the net State liability;  
4 direct State agencies to pay or transfer moneys into the  
5 Federal Financing Cost Reimbursement Fund; and initiate  
6 payments of the net State liability to the U.S. Treasury out of  
7 the Federal Financing Cost Reimbursement Fund. Agencies shall  
8 make payments or transfers to the Federal Financing Cost  
9 Reimbursement Fund as directed by the Governor's Office of  
10 Management and Budget ~~Bureau of the Budget~~ and shall otherwise  
11 cooperate with the Governor's Office of Management and Budget  
12 ~~Bureau of the Budget~~ to implement the federal Cash Management  
13 Improvement Act of 1990.

14 (Source: P.A. 89-21, eff. 7-1-95; revised 8-23-03.)

15 (30 ILCS 105/6z-54)

16 Sec. 6z-54. The Energy Infrastructure Fund.

17 (a) The Energy Infrastructure Fund is created as a special  
18 fund in the State treasury.

19 (b) Money in the Energy Infrastructure Fund shall, if and  
20 when the State of Illinois issues any bonded indebtedness for  
21 financial assistance to new electric generating facilities, as  
22 provided in Section 605-332 of the Department of Commerce and  
23 Economic Opportunity ~~Community Affairs~~ Law of the Civil  
24 Administrative Code of Illinois, be set aside and used for the  
25 purpose of paying and discharging annually the principal and  
26 interest on that bonded indebtedness then due and payable, and  
27 for no other purpose.

28 In addition to other transfers to the General Obligation  
29 Bond Retirement and Interest Fund made pursuant to Section 15  
30 of the General Obligation Bond Act, upon each delivery of bonds  
31 issued for financial assistance to new electric generating  
32 facilities under Section 605-332 of the Department of Commerce  
33 and Economic Opportunity ~~Community Affairs~~ Law of the Civil  
34 Administrative Code of Illinois, the State Comptroller shall  
35 compute and certify to the State Treasurer the total amount of

1 principal and interest, and premium, if any, on such bonds  
2 during the then current and each succeeding fiscal year. On or  
3 before the last day of each month, the State Treasurer and the  
4 State Comptroller shall transfer from the Energy  
5 Infrastructure Fund to the General Obligation Bond Retirement  
6 and Interest Fund an amount sufficient to pay the aggregate of  
7 the principal of, interest on, and premium, if any, on the  
8 bonds payable on their next payment date, divided by the number  
9 of monthly transfers occurring between the last previous  
10 payment date (or the delivery date if no payment date has yet  
11 occurred) and the next succeeding payment date.

12 (c) To the extent that moneys in the Energy Infrastructure  
13 Fund, in the opinion of the Governor and the Director of the  
14 Governor's Office of Management and Budget ~~Bureau of the~~  
15 ~~Budget~~, are in excess of 125% of the maximum debt service in  
16 any fiscal year, such surplus shall, subject to appropriation,  
17 be used by the Department of Commerce and Economic Opportunity  
18 ~~Community Affairs~~ for financial assistance under other coal  
19 development programs administered by the Department, in  
20 accordance with the rules of the Department or for other State  
21 purposes subject to appropriation.

22 (Source: P.A. 92-12, eff. 7-1-01; 92-651, eff. 7-11-02; revised  
23 8-23-03.)

24 (30 ILCS 105/8.14) (from Ch. 127, par. 144.14)

25 Sec. 8.14. Appropriations from the Public Utility Fund  
26 shall be made only to the Illinois Commerce Commission for  
27 ordinary and contingent expenses of the Commission in the  
28 administration of the Public Utilities Act, in the  
29 administration of the Electric Supplier Act, and in the  
30 administration of the Illinois Gas Pipeline Safety Act; to the  
31 Department of Natural Resources for the purpose of conducting  
32 studies concerning environmental pollution problems caused or  
33 contributed to by public utilities and the means for  
34 eliminating or abating those problems, in accordance with the  
35 functions of the Department as specified in the Environmental

1 Protection Act; and to the Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~ for administration of energy  
3 programs, including those specified in the Comprehensive Solar  
4 Energy Act of 1977 and the Illinois Coal and Energy Development  
5 Bond Act. No money shall be transferred from the Public Utility  
6 Fund to any other fund.

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

8 (30 ILCS 105/8.22) (from Ch. 127, par. 144.22)

9 Sec. 8.22. Appropriations for the ordinary and contingent  
10 expenses of the Department of Commerce and Economic Opportunity  
11 ~~Community Affairs~~ may be made from the Intra-Agency Services  
12 Fund, provided that the State Comptroller and the State  
13 Treasurer shall, within a reasonable time after July 1 of each  
14 year, upon the direction of the Governor, transfer from the  
15 Intra-Agency Services Fund to the General Revenue Fund such  
16 amounts as the Governor has determined to be in excess of the  
17 amount required to meet the obligations of the Intra-Agency  
18 Services Fund.

19 (Source: P.A. 82-790; revised 12-6-03.)

20 (30 ILCS 105/8.23) (from Ch. 127, par. 144.23)

21 Sec. 8.23. Until October 30, 1983, all moneys held in the  
22 following Federal trust funds as of the effective date of this  
23 amendatory Act of 1982, for expenditures by the Department of  
24 Commerce and Community Affairs (now Department of Commerce and  
25 Economic Opportunity) for general administration, shall be  
26 transferred to the Intra-Agency Services Trust Fund by the  
27 State Comptroller and the State Treasurer at the direction of  
28 the Department and with the approval of the Governor:

29 (1) The Urban Planning Assistance Fund.

30 (2) The Economic Opportunity Fund.

31 (3) The Federal Labor Projects Fund.

32 (4) The Federal Industrial Services Fund.

33 (5) The Federal Energy Administration Fund.

34 (6) The Economic Development Services Fund.

- 1 (7) The Human Services Support Fund.  
 2 (8) The Local Government Affairs Federal Trust Fund.  
 3 (9) The Federal Moderate Rehabilitation Housing Fund.  
 4 (Source: P.A. 82-790; revised 12-6-03.)

5 (30 ILCS 105/9.03) (from Ch. 127, par. 145d)

6 Sec. 9.03. The certification on every State payroll voucher  
 7 shall be as follows:

8 "I certify that the employees named, their respective  
 9 indicated positions and service times, and appropriation to be  
 10 charged, as shown on the accompanying payroll sheets are true,  
 11 complete, correct and according to the provisions of law; that  
 12 such employees are involved in decision making or have direct  
 13 line responsibility to a person who has decision making  
 14 authority concerning the objectives, functions, goals and  
 15 policies of the organizational unit for which the appropriation  
 16 was made; that the results of the work performed by these  
 17 employees and that substantially all of their working time is  
 18 directly related to the objectives, functions, goals, and  
 19 policies of the organizational unit for which the appropriation  
 20 is made; that all working time was expended in the service of  
 21 the State; and that the employees named are entitled to payment  
 22 in the amounts indicated. If applicable, the reporting  
 23 requirements of Section 5.1 of the Governor's Office of  
 24 Management and Budget Act ~~'an Act to create the Bureau of the~~  
 25 ~~Budget and to define its powers and duties and to make an~~  
 26 ~~appropriation', approved April 16, 1969, as amended,~~ have been  
 27 met.

28 \_\_\_\_\_  
 29 (Date) (Signature)"

30 For departments under the Civil Administrative Code, the  
 31 foregoing certification shall be executed by the Chief  
 32 Executive Officer of the department from whose appropriation  
 33 the payment will be made or his designee, in addition to any  
 34 other certifications or approvals which may be required by law.

35 The foregoing certification shall not be required for



1 expenditures from amounts appropriated to the Comptroller for  
2 payment of the salaries of State officers.

3 (Source: P.A. 82-790; revised 8-23-03.)

4 (30 ILCS 105/9.04) (from Ch. 127, par. 145e)

5 Sec. 9.04. The certification on behalf of the State agency  
6 on every State voucher for goods and services other than a  
7 payroll or travel voucher shall be as follows:

8 "I certify that the goods or services specified on this  
9 voucher were for the use of this agency and that the  
10 expenditure for such goods or services was authorized and  
11 lawfully incurred; that such goods or services meet all the  
12 required standards set forth in the purchase agreement or  
13 contract to which this voucher relates; and that the amount  
14 shown on this voucher is correct and is approved for payment.  
15 If applicable, the reporting requirements of Section 5.1 of the  
16 Governor's Office of Management and Budget Act ~~'An Act to~~  
17 ~~create the Bureau of the Budget and to define its powers and~~  
18 ~~duties and to make an appropriation', approved April 16, 1969,~~  
19 ~~as amended,~~ have been met.

20 .....  
21 (Date) (Signature)"

22 For departments under the Civil Administrative Code, the  
23 foregoing certification shall be executed by the Chief  
24 Executive Officer of the department from whose appropriation  
25 the payment will be made or his designee, in addition to any  
26 other certifications or approvals which may be required by law.

27 (Source: P.A. 82-790; revised 8-23-03.)

28 Section 365. The Federal Commodity Disbursement Act is  
29 amended by changing Section 1 as follows:

30 (30 ILCS 255/1) (from Ch. 127, par. 176b)

31 Sec. 1. The Governor may receive and disburse funds and  
32 commodities made available by the federal government, or any  
33 agency thereof. In any case where such funds or commodities are

1 made available to the State but no designation has been made by  
2 the federal government, or agency thereof, of the officer,  
3 department or agency of this State who or which shall be the  
4 receiving agency, the Governor may make such designation, and  
5 thereupon such officer, department or agency shall be  
6 authorized to receive and expend such funds and commodities for  
7 the purpose or purposes for which they are made available  
8 providing such officer, department or agency complies with the  
9 applicable requirements of Section 5.1 of the Governor's Office  
10 of Management and Budget Act ~~"An Act to create a Bureau of the~~  
11 ~~Budget and to define its powers and duties and to make an~~  
12 ~~appropriation", approved April 16, 1969, as now or hereafter~~  
13 ~~amended.~~

14 (Source: P.A. 80-1029; revised 8-23-03.)

15 Section 370. The General Obligation Bond Act is amended by  
16 changing Sections 7, 12, 13, 14, and 15 as follows:

17 (30 ILCS 330/7) (from Ch. 127, par. 657)

18 Sec. 7. Coal and Energy Development. The amount of  
19 \$663,200,000 is authorized to be used by the Department of  
20 Commerce and Economic Opportunity (formerly Department of  
21 Commerce and Community Affairs) for coal and energy development  
22 purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois  
23 Coal and Energy Development Bond Act, for the purposes  
24 specified in Section 8.1 of the Energy Conservation and Coal  
25 Development Act, and for the purposes specified in Section  
26 605-332 of the Department of Commerce and Economic Opportunity  
27 Law ~~Community Affairs~~ of the Civil Administrative Code of  
28 Illinois. Of this amount:

29 (a) \$115,000,000 is for the specific purposes of  
30 acquisition, development, construction, reconstruction,  
31 improvement, financing, architectural and technical planning  
32 and installation of capital facilities consisting of  
33 buildings, structures, durable equipment, and land for the  
34 purpose of capital development of coal resources within the

1 State and for the purposes specified in Section 8.1 of the  
2 Energy Conservation and Coal Development Act;

3 (b) \$35,000,000 is for the purposes specified in Section  
4 8.1 of the Energy Conservation and Coal Development Act and  
5 making a grant to the owner of a generating station located in  
6 Illinois and having at least three coal-fired generating units  
7 with accredited summer capability greater than 500 megawatts  
8 each at such generating station as provided in Section 6 of  
9 that Bond Act;

10 (c) \$13,200,000 is for research, development and  
11 demonstration of forms of energy other than that derived from  
12 coal, either on or off State property; and

13 (d) \$500,000,000 is for the purpose of providing financial  
14 assistance to new electric generating facilities as provided in  
15 Section 605-332 of the Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~ Law of the Civil Administrative  
17 Code of Illinois.

18 (Source: P.A. 92-13, eff. 6-22-01; revised 12-1-04.)

19 (30 ILCS 330/12) (from Ch. 127, par. 662)

20 Sec. 12. Allocation of Proceeds from Sale of Bonds.

21 (a) Proceeds from the sale of Bonds, authorized by Section  
22 3 of this Act, shall be deposited in the separate fund known as  
23 the Capital Development Fund.

24 (b) Proceeds from the sale of Bonds, authorized by  
25 paragraph (a) of Section 4 of this Act, shall be deposited in  
26 the separate fund known as the Transportation Bond, Series A  
27 Fund.

28 (c) Proceeds from the sale of Bonds, authorized by  
29 paragraphs (b) and (c) of Section 4 of this Act, shall be  
30 deposited in the separate fund known as the Transportation  
31 Bond, Series B Fund.

32 (d) Proceeds from the sale of Bonds, authorized by Section  
33 5 of this Act, shall be deposited in the separate fund known as  
34 the School Construction Fund.

35 (e) Proceeds from the sale of Bonds, authorized by Section

1 6 of this Act, shall be deposited in the separate fund known as  
2 the Anti-Pollution Fund.

3 (f) Proceeds from the sale of Bonds, authorized by Section  
4 7 of this Act, shall be deposited in the separate fund known as  
5 the Coal Development Fund.

6 (f-2) Proceeds from the sale of Bonds, authorized by  
7 Section 7.2 of this Act, shall be deposited as set forth in  
8 Section 7.2.

9 (f-5) Proceeds from the sale of Bonds, authorized by  
10 Section 7.5 of this Act, shall be deposited as set forth in  
11 Section 7.5.

12 (g) Proceeds from the sale of Bonds, authorized by Section  
13 8 of this Act, shall be deposited in the Capital Development  
14 Fund.

15 (h) Subsequent to the issuance of any Bonds for the  
16 purposes described in Sections 2 through 8 of this Act, the  
17 Governor and the Director of the Governor's Office of  
18 Management and Budget ~~Bureau of the Budget~~ may provide for the  
19 reallocation of unspent proceeds of such Bonds to any other  
20 purposes authorized under said Sections of this Act, subject to  
21 the limitations on aggregate principal amounts contained  
22 therein. Upon any such reallocation, such unspent proceeds  
23 shall be transferred to the appropriate funds as determined by  
24 reference to paragraphs (a) through (g) of this Section.

25 (Source: P.A. 92-596, eff. 6-28-02; 93-2, eff. 4-7-03; revised  
26 8-23-03.)

27 (30 ILCS 330/13) (from Ch. 127, par. 663)

28 Sec. 13. Appropriation of Proceeds from Sale of Bonds.

29 (a) At all times, the proceeds from the sale of Bonds  
30 issued pursuant to this Act are subject to appropriation by the  
31 General Assembly and, except as provided in Section 7.2, may be  
32 obligated or expended only with the written approval of the  
33 Governor, in such amounts, at such times, and for such purposes  
34 as the respective State agencies, as defined in Section 1-7 of  
35 the Illinois State Auditing Act, as amended, deem necessary or

1 desirable for the specific purposes contemplated in Sections 2  
2 through 8 of this Act.

3 (b) Proceeds from the sale of Bonds for the purpose of  
4 development of coal and alternative forms of energy shall be  
5 expended in such amounts and at such times as the Department of  
6 Commerce and Economic Opportunity ~~Community Affairs~~, with the  
7 advice and recommendation of the Illinois Coal Development  
8 Board for coal development projects, may deem necessary and  
9 desirable for the specific purpose contemplated by Section 7 of  
10 this Act. In considering the approval of projects to be funded,  
11 the Department of Commerce and Economic Opportunity ~~Community~~  
12 ~~Affairs~~ shall give special consideration to projects designed  
13 to remove sulfur and other pollutants in the preparation and  
14 utilization of coal, and in the use and operation of electric  
15 utility generating plants and industrial facilities which  
16 utilize Illinois coal as their primary source of fuel.

17 (c) Any monies received by any officer or employee of the  
18 state representing a reimbursement of expenditures previously  
19 paid from general obligation bond proceeds shall be deposited  
20 into the General Obligation Bond Retirement and Interest Fund  
21 authorized in Section 14 of this Act.

22 (Source: P.A. 93-2, eff. 4-7-03; revised 12-1-04.)

23 (30 ILCS 330/14) (from Ch. 127, par. 664)

24 Sec. 14. Repayment.

25 (a) To provide for the manner of repayment of Bonds, the  
26 Governor shall include an appropriation in each annual State  
27 Budget of monies in such amount as shall be necessary and  
28 sufficient, for the period covered by such budget, to pay the  
29 interest, as it shall accrue, on all Bonds issued under this  
30 Act, to pay and discharge the principal of such Bonds as shall,  
31 by their terms, fall due during such period, and to pay a  
32 premium, if any, on Bonds to be redeemed prior to the maturity  
33 date. Amounts included in such appropriations for the payment  
34 of interest on variable rate bonds shall be the maximum amounts  
35 of interest that may be payable for the period covered by the

1 budget, after taking into account any credits permitted in the  
2 related indenture or other instrument against the amount of  
3 such interest required to be appropriated for such period.  
4 Amounts included in such appropriations for the payment of  
5 interest shall include the amounts certified by the Director of  
6 the Governor's Office of Management and Budget ~~Bureau of the~~  
7 ~~Budget~~ under subsection (b) of Section 9 of this Act.

8 (b) A separate fund in the State Treasury called the  
9 "General Obligation Bond Retirement and Interest Fund" is  
10 hereby created.

11 (c) The General Assembly shall annually make  
12 appropriations to pay the principal of, interest on, and  
13 premium, if any, on Bonds sold under this Act from the General  
14 Obligation Bond Retirement and Interest Fund. Amounts included  
15 in such appropriations for the payment of interest on variable  
16 rate bonds shall be the maximum amounts of interest that may be  
17 payable during the fiscal year, after taking into account any  
18 credits permitted in the related indenture or other instrument  
19 against the amount of such interest required to be appropriated  
20 for such period. Amounts included in such appropriations for  
21 the payment of interest shall include the amounts certified by  
22 the Director of the Governor's Office of Management and Budget  
23 ~~Bureau of the Budget~~ under subsection (b) of Section 9 of this  
24 Act.

25 If for any reason there are insufficient funds in either  
26 the General Revenue Fund or the Road Fund to make transfers to  
27 the General Obligation Bond Retirement and Interest Fund as  
28 required by Section 15 of this Act, or if for any reason the  
29 General Assembly fails to make appropriations sufficient to pay  
30 the principal of, interest on, and premium, if any, on the  
31 Bonds, as the same by their terms shall become due, this Act  
32 shall constitute an irrevocable and continuing appropriation  
33 of all amounts necessary for that purpose, and the irrevocable  
34 and continuing authority for and direction to the State  
35 Treasurer and the Comptroller to make the necessary transfers,  
36 as directed by the Governor, out of and disbursements from the

1 revenues and funds of the State.

2 (d) If, because of insufficient funds in either the General  
3 Revenue Fund or the Road Fund, monies have been transferred to  
4 the General Obligation Bond Retirement and Interest Fund, as  
5 required by subsection (c) of this Section, this Act shall  
6 constitute the irrevocable and continuing authority for and  
7 direction to the State Treasurer and Comptroller to reimburse  
8 these funds of the State from the General Revenue Fund or the  
9 Road Fund, as appropriate, by transferring, at such times and  
10 in such amounts, as directed by the Governor, an amount to  
11 these funds equal to that transferred from them.

12 (Source: P.A. 93-9, eff. 6-3-03; revised 8-23-03.)

13 (30 ILCS 330/15) (from Ch. 127, par. 665)

14 Sec. 15. Computation of Principal and Interest; transfers.

15 (a) Upon each delivery of Bonds authorized to be issued  
16 under this Act, the Comptroller shall compute and certify to  
17 the Treasurer the total amount of principal of, interest on,  
18 and premium, if any, on Bonds issued that will be payable in  
19 order to retire such Bonds and the amount of principal of,  
20 interest on and premium, if any, on such Bonds that will be  
21 payable on each payment date according to the tenor of such  
22 Bonds during the then current and each succeeding fiscal year.  
23 With respect to the interest payable on variable rate bonds,  
24 such certifications shall be calculated at the maximum rate of  
25 interest that may be payable during the fiscal year, after  
26 taking into account any credits permitted in the related  
27 indenture or other instrument against the amount of such  
28 interest required to be appropriated for such period pursuant  
29 to subsection (c) of Section 14 of this Act. With respect to  
30 the interest payable, such certifications shall include the  
31 amounts certified by the Director of the Governor's Office of  
32 Management and Budget ~~Bureau of the Budget~~ under subsection (b)  
33 of Section 9 of this Act.

34 On or before the last day of each month the State Treasurer  
35 and Comptroller shall transfer from (1) the Road Fund with

1 respect to Bonds issued under paragraph (a) of Section 4 of  
2 this Act or Bonds issued for the purpose of refunding such  
3 bonds, and from (2) the General Revenue Fund, with respect to  
4 all other Bonds issued under this Act, to the General  
5 Obligation Bond Retirement and Interest Fund an amount  
6 sufficient to pay the aggregate of the principal of, interest  
7 on, and premium, if any, on Bonds payable, by their terms on  
8 the next payment date divided by the number of full calendar  
9 months between the date of such Bonds and the first such  
10 payment date, and thereafter, divided by the number of months  
11 between each succeeding payment date after the first. Such  
12 computations and transfers shall be made for each series of  
13 Bonds issued and delivered. Interest payable on variable rate  
14 bonds shall be calculated at the maximum rate of interest that  
15 may be payable for the relevant period, after taking into  
16 account any credits permitted in the related indenture or other  
17 instrument against the amount of such interest required to be  
18 appropriated for such period pursuant to subsection (c) of  
19 Section 14 of this Act. Computations of interest shall include  
20 the amounts certified by the Director of the Governor's Office  
21 of Management and Budget ~~Bureau of the Budget~~ under subsection  
22 (b) of Section 9 of this Act. Interest for which moneys have  
23 already been deposited into the capitalized interest account  
24 within the General Obligation Bond Retirement and Interest Fund  
25 shall not be included in the calculation of the amounts to be  
26 transferred under this subsection.

27 The transfer of monies herein and above directed is not  
28 required if monies in the General Obligation Bond Retirement  
29 and Interest Fund are more than the amount otherwise to be  
30 transferred as herein above provided, and if the Governor or  
31 his authorized representative notifies the State Treasurer and  
32 Comptroller of such fact in writing.

33 (b) After the effective date of this Act, the balance of,  
34 and monies directed to be included in the Capital Development  
35 Bond Retirement and Interest Fund, Anti-Pollution Bond  
36 Retirement and Interest Fund, Transportation Bond, Series A



1 Retirement and Interest Fund, Transportation Bond, Series B  
2 Retirement and Interest Fund, and Coal Development Bond  
3 Retirement and Interest Fund shall be transferred to and  
4 deposited in the General Obligation Bond Retirement and  
5 Interest Fund. This Fund shall be used to make debt service  
6 payments on the State's general obligation Bonds heretofore  
7 issued which are now outstanding and payable from the Funds  
8 herein listed as well as on Bonds issued under this Act.

9 (c) The unused portion of federal funds received for a  
10 capital facilities project, as authorized by Section 3 of this  
11 Act, for which monies from the Capital Development Fund have  
12 been expended shall be deposited upon completion of the project  
13 in the General Obligation Bond Retirement and Interest Fund.  
14 Any federal funds received as reimbursement for the completed  
15 construction of a capital facilities project, as authorized by  
16 Section 3 of this Act, for which monies from the Capital  
17 Development Fund have been expended shall be deposited in the  
18 General Obligation Bond Retirement and Interest Fund.

19 (Source: P.A. 93-2, eff. 4-7-03; 93-9, eff. 6-3-03; revised  
20 8-23-03.)

21 Section 385. The Metropolitan Civic Center Support Act is  
22 amended by changing Sections 2, 5, and 7 as follows:

23 (30 ILCS 355/2) (from Ch. 85, par. 1392)

24 Sec. 2. When used in this Act:

25 "Authority" means the River Forest Metropolitan  
26 Exposition, Auditorium and Office Building Authority, the  
27 Village Board of Trustees of the Village of Rosemont for the  
28 sole purposes of rehabilitating, developing and making  
29 improvements to the O'Hare Exposition Center, or any  
30 Metropolitan Exposition Auditorium and Office Building  
31 Authority, Metropolitan Exposition and Auditorium Authority or  
32 Civic Center Authority created prior to the effective date of  
33 this amendatory Act of 1983 or hereafter created pursuant to  
34 the statutes of the State of Illinois, except those created

1 pursuant to the Metropolitan Pier and Exposition Authority Act.

2 "Bonds" means any limited obligation revenue bonds issued  
3 by the Department before July 1, 1989 and by the Bureau (now  
4 Office) on or after July 1, 1989 pursuant to Section 7 of this  
5 Act.

6 "Bond Fund" means the Illinois Civic Center Bond Fund, as  
7 provided in this Act.

8 "Bond Retirement Fund" means the Illinois Civic Center Bond  
9 Retirement and Interest Fund, as provided in this Act.

10 "Bond Sale Order" means any order authorizing the issuance  
11 and sale of Bonds, which order shall be approved by the  
12 Director of the Governor's Office of Management and Budget  
13 ~~Bureau of the Budget~~.

14 "Budget Director" means the Director of the Governor's  
15 Office of Management and Budget ~~Bureau of the Budget~~.

16 "Bureau" means the Bureau of the Budget, (now Governor's  
17 Office of Management and Budget).

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

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

22 "Local Bonds" means any bonds subject to State Financial  
23 Support under subparagraph (i) of paragraph (b) of subsection  
24 (3) of Section 4 of this Act.

25 "MEA OB Fund" means the Metropolitan Exposition, Auditorium  
26 and Office Building Fund, as provided in this Act.

27 "Office" means the Governor's Office of Management and  
28 Budget.

29 "State Financial Support" means either the payment of debt  
30 service on bonds issued by an Authority or a unit of local  
31 government or the grant to an Authority of the proceeds of  
32 Bonds issued by the Department before July 1, 1989 and by the  
33 Bureau (now Office) on or after July 1, 1989, all in accordance  
34 with subsection (3) of Section 4 of this Act.

35 (Source: P.A. 86-44; 87-895; revised 8-23-03.)

1 (30 ILCS 355/5) (from Ch. 85, par. 1395)

2 Sec. 5. To the extent that moneys in the MEAOB Fund, in the  
3 opinion of the Governor and the Director of the Governor's  
4 Office of Management and Budget ~~Bureau of the Budget~~, are in  
5 excess of 125% of the maximum debt service in any fiscal year,  
6 the Governor shall notify the Comptroller and the State  
7 Treasurer of that fact, who upon receipt of such notification  
8 shall transfer the excess moneys from the MEAOB Fund to the  
9 General Revenue Fund.

10 (Source: P.A. 84-245; 84-1106; revised 8-23-03.)

11 (30 ILCS 355/7) (from Ch. 85, par. 1397)

12 Sec. 7. The Department before July 1, 1989 and the Bureau  
13 (now Office) on and after July 1, 1989 are authorized to issue  
14 and sell Bonds in the total amount outstanding at any given  
15 time of \$200,000,000, herein called "Bonds". Bonds may be  
16 issued for advance refunding of any or all bonds issued prior  
17 to July 1, 1985 by an Authority or a unit of local government  
18 subject to repayment from State financial support pursuant to  
19 subparagraph (i) of paragraph (b) of subsection (3) of Section  
20 4 of this Act and for the purpose of providing State financial  
21 support to Authorities pursuant to subparagraph (ii) of  
22 paragraph (b) of subsection (3) of Section 4 of this Act.  
23 Notwithstanding the foregoing, Bonds shall be issued in a total  
24 amount outstanding at any given time not to exceed \$10,000,000,  
25 which amount is included within and is not in addition to the  
26 \$200,000,000 bond authorization under this Section, for the  
27 purpose of making construction and improvement grants by the  
28 Secretary of State, as State Librarian, to public libraries and  
29 library systems, and the Secretary of State, as State  
30 Librarian, is authorized to make those grants from moneys  
31 appropriated for those purposes. In addition to the  
32 \$200,000,000 of Bonds authorized above, bonds may be issued by  
33 the Bureau (now Office) on and after July 1, 1989 to refund or  
34 advance refund previously issued Bonds if the Budget Director  
35 determines that the refunding or advance refunding of Bonds

1 results in debt service savings to the State measured on a  
2 present value basis.

3 (Source: P.A. 86-44; 86-1414; revised 8-23-03.)

4 Section 390. The School Construction Bond Act is amended by  
5 changing Sections 4 and 6 as follows:

6 (30 ILCS 390/4) (from Ch. 122, par. 1204)

7 Sec. 4. The Bonds shall be issued and sold from time to  
8 time in such amounts as directed by the Governor, upon  
9 recommendation by the Director of the Governor's Office of  
10 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
11 serial bonds and shall be in such form, in the denomination of  
12 \$5,000 or some multiple thereof, payable within 30 years from  
13 their date, bearing interest payable annually or semi-annually  
14 from their date at the rate of not more than 7% per annum, and  
15 be dated as shall be fixed and determined by the Director of  
16 the Governor's Office of Management and Budget ~~Bureau of the~~  
17 ~~Budget~~ in the order authorizing the issuance and sale of the  
18 Bonds, which order shall be approved by the Governor prior to  
19 the giving of notice of the sale of any of the Bonds. Said  
20 Bonds shall be payable as to both principal and interest at  
21 such place or places, within or without the State of Illinois,  
22 and may be made registrable as to either principal or as to  
23 both principal and interest, as shall be fixed and determined  
24 by the Director of the Governor's Office of Management and  
25 Budget ~~Bureau of the Budget~~ in the order authorizing the  
26 issuance and sale of such Bonds. The Bonds may be callable as  
27 fixed and determined by the Director of the Governor's Office  
28 of Management and Budget ~~Bureau of the Budget~~ in the order  
29 authorizing the issuance and sale of the Bonds; provided  
30 however, that the State shall not pay a premium of more than 3%  
31 of the principal of any Bonds so called.

32 (Source: P.A. 78-220; revised 8-23-03.)

33 (30 ILCS 390/6) (from Ch. 122, par. 1206)

1           Sec. 6. The Bonds shall be sold from time to time by the  
2 Director of the Governor's Office of Management and Budget  
3 ~~Bureau of the Budget~~ to the highest and best bidders, for not  
4 less than their par value, upon sealed bids, at not exceeding  
5 the maximum interest rate fixed in the order authorizing the  
6 issuance of the Bonds, provided, that at no one time shall  
7 Bonds in excess of the amount of \$150,000,000 be offered for  
8 sale. The right to reject any and all bids may be reserved. The  
9 Secretary of State shall, from time to time, as the Bonds are  
10 to be sold, advertise in at least two daily newspapers, one of  
11 which is published in the City of Springfield and one in the  
12 City of Chicago, for proposals to purchase the Bonds. Each of  
13 such advertisements for proposals shall be published once at  
14 least 10 days prior to the date of the opening of the bids. The  
15 executed Bonds shall, upon payment therefore, be delivered to  
16 the purchaser, and the proceeds of the Bonds shall be paid into  
17 the State Treasury. The proceeds of the Bonds shall be  
18 deposited in a separate fund known as the "School Construction  
19 Fund", which separate fund is hereby created.

20           (Source: P.A. 78-220; revised 8-23-03.)

21           Section 393. The Transportation Bond Act is amended by  
22 changing Section 5 as follows:

23           (30 ILCS 415/5) (from Ch. 127, par. 705)

24           Sec. 5. Prior to January 1, 1972, the proceeds from the  
25 sale of the Bonds shall be used by and under the direction of  
26 the Department of Aeronautics, the Department of Commerce and  
27 Community Affairs (now Department of Commerce and Economic  
28 Opportunity) and the Department of Public Works and Buildings,  
29 and thereafter such department or agency as shall be designated  
30 by law, subject to appropriation by the General Assembly, in  
31 such amounts and at such times as the respective department  
32 deems necessary or desirable for the purposes provided by  
33 Section 2 of this Act.

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

1 Section 395. The Capital Development Bond Act of 1972 is  
2 amended by changing Sections 4 and 6 as follows:

3 (30 ILCS 420/4) (from Ch. 127, par. 754)

4 Sec. 4. The Bonds shall be issued and sold from time to  
5 time in such amounts as directed by the Governor, upon  
6 recommendation by the Director of the Governor's Office of  
7 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
8 serial bonds and shall be in such form, in the denomination of  
9 \$5,000 or some multiple thereof, payable within thirty (30)  
10 years from their date, bearing interest payable annually or  
11 semiannually from their date at the rate of not more than seven  
12 per cent (7%) per annum, and be dated as shall be fixed and  
13 determined by the Director of the Governor's Office of  
14 Management and Budget ~~Bureau of the Budget~~ in the order  
15 authorizing the issuance and sale of the Bonds, which order  
16 shall be approved by the Governor prior to the giving of notice  
17 of the sale of any of the Bonds. Said Bonds shall be payable as  
18 to both principal and interest at such place or places, within  
19 or without the State of Illinois, and may be made registrable  
20 as to either principal or as to both principal and interest, as  
21 shall be fixed and determined by the Director of the Governor's  
22 Office of Management and Budget ~~Bureau of the Budget~~ in the  
23 order authorizing the issuance and sale of such Bonds. The  
24 Bonds may be callable as fixed and determined by the Director  
25 of the Governor's Office of Management and Budget ~~Bureau of the~~  
26 ~~Budget~~ in the order authorizing the issuance and sale of the  
27 Bonds; provided however, that the State shall not pay a premium  
28 of more than 3% of the principal of any Bonds so called.

29 (Source: P.A. 77-1916; revised 8-23-03.)

30 (30 ILCS 420/6) (from Ch. 127, par. 756)

31 Sec. 6. The Bonds shall be sold from time to time by the  
32 Director of the Governor's Office of Management and Budget  
33 ~~Bureau of the Budget~~ to the highest and best bidders, for not

1 less than their par value, upon sealed bids, at not exceeding  
2 the maximum interest rate fixed in the order authorizing the  
3 issuance of the Bonds, provided, that at no one time shall  
4 Bonds in excess of the amount of \$150,000,000 be offered for  
5 sale. The right to reject any and all bids may be reserved. The  
6 Secretary of State shall, from time to time, as the Bonds are  
7 to be sold, advertise in at least two daily newspapers, one of  
8 which is published in the City of Springfield and one in the  
9 City of Chicago, for proposals to purchase the Bonds. Each of  
10 such advertisements for proposals shall be published once at  
11 least 10 days prior to the date of the opening of the bids. The  
12 executed Bonds shall, upon payment therefor, be delivered to  
13 the purchaser, and the proceeds of the Bonds shall be paid into  
14 the State Treasury. The proceeds of the Bonds shall be  
15 deposited in a separate fund known as the "Capital Development  
16 Fund", which separate fund is hereby created.

17 (Source: P.A. 77-1916; revised 8-23-03.)

18 Section 400. The Build Illinois Bond Act is amended by  
19 changing Section 13 as follows:

20 (30 ILCS 425/13) (from Ch. 127, par. 2813)

21 Sec. 13. Computation of Principal and Interest; Transfer  
22 from Build Illinois Bond Account; Payment from Build Illinois  
23 Bond Retirement and Interest Fund. Upon each delivery of Bonds  
24 authorized to be issued under this Act, the trustee under the  
25 Master Indenture shall compute and certify to the Director of  
26 the Governor's Office of Management and Budget ~~Bureau of the~~  
27 ~~Budget~~, the Comptroller and the Treasurer (a) the total amount  
28 of the principal of and the interest and the premium, if any,  
29 on the Bonds then being issued and on Bonds previously issued  
30 and outstanding that will be payable in order to retire such  
31 Bonds at their stated maturities or mandatory sinking fund  
32 payment dates and (b) the amount of principal of and interest  
33 and premium, if any, on such Bonds that will be payable on each  
34 principal, interest and mandatory sinking fund payment date

1 according to the tenor of such Bonds during the then current  
2 and each succeeding fiscal year. Such certifications shall  
3 include with respect to interest payable on Variable Rate Bonds  
4 the maximum amount of interest which may be payable for the  
5 relevant period after taking into account any credits permitted  
6 in the related indenture against the amount of such interest  
7 required to be appropriated for such period pursuant to  
8 subsection (c) of Section 11 of this Act.

9 On or before June 20, 1993 and on or before each June 20  
10 thereafter so long as Bonds remain outstanding, the trustee  
11 under the Master Indenture shall deliver to the Director of the  
12 Governor's Office of Management and Budget (formerly Bureau of  
13 the Budget), the Comptroller and the Treasurer a certificate  
14 setting forth the "Certified Annual Debt Service Requirement"  
15 (hereinafter defined) for the next succeeding fiscal year. If  
16 Bonds are issued subsequent to the delivery of any such  
17 certificate, upon the issuance of such Bonds the trustee under  
18 the Master Indenture shall deliver a supplemental certificate  
19 setting forth the revisions, if any, in the Certified Annual  
20 Debt Service Requirement resulting from the issuance of such  
21 Bonds. The "Certified Annual Debt Service Requirement" for any  
22 fiscal year shall be an amount equal to (a) the aggregate  
23 amount of principal, interest and premium, if any, payable on  
24 outstanding Bonds during such fiscal year plus (b) the amount  
25 required to be deposited into any reserve fund securing such  
26 Bonds or for the purpose of retiring or defeasing such Bonds  
27 plus (c) the amount of any deficiencies in required transfers  
28 of amounts described in clauses (a) and (b) for any prior  
29 fiscal year, minus (d) the amount, if any, of such interest to  
30 be paid from Bond proceeds on deposit under any indenture;  
31 provided, however, that interest payable on Variable Rate Bonds  
32 shall be calculated at the maximum rate of interest which may  
33 be payable during such fiscal year after taking into account  
34 any credits permitted in the related indenture against the  
35 amount of such interest required to be appropriated for such  
36 period pursuant to subsection (c) of Section 11 of this Act.



1           In each month during fiscal years 1986 through 1993, the  
2 State Treasurer and Comptroller shall transfer, on the last day  
3 of such month, from the Build Illinois Bond Account to the  
4 Build Illinois Bond Retirement and Interest Fund and shall make  
5 payment from the Build Illinois Bond Retirement and Interest  
6 Fund to the trustee under the Master Indenture of an amount  
7 equal to 1/12 of 150% of the amount set forth below for each  
8 such fiscal year, plus any cumulative deficiency in such  
9 transfers and payments for prior months; provided that such  
10 transfers shall commence in October, 1985 and such amounts for  
11 fiscal year 1986 shall equal 1/9 of 150% of the amount set  
12 forth below for such fiscal year:

13 Fiscal Year	Amount
14 1986	\$15,000,000
15 1987	\$25,000,000
16 1988	\$40,000,000
17 1989	\$54,000,000
18 1990	\$85,400,000
19 1991	\$133,600,000
20 1992	\$164,400,000
21 1993	\$188,900,000

22 provided that payments of such amounts from the Build Illinois  
23 Bond Retirement and Interest Fund to the trustee under the  
24 Master Indenture shall commence on the last day of the month in  
25 which Bonds are initially issued under this Act; and, further  
26 provided, that the first such payment to said trustee shall  
27 equal the entire amount then on deposit in the Build Illinois  
28 Bond Retirement and Interest Fund; and, further provided, that  
29 the aggregate amount of transfers and payments for any such  
30 fiscal year shall not exceed the amount set forth above for  
31 such fiscal year.

32           In each month in which Bonds are outstanding during fiscal  
33 year 1994 and each fiscal year thereafter, the State Treasurer  
34 and Comptroller shall transfer, on the last day of such month,  
35 from the Build Illinois Bond Account to the Build Illinois Bond  
36 Retirement and Interest Fund and shall make payment from the

1 Build Illinois Bond Retirement and Interest Fund to the trustee  
2 under the Master Indenture of an amount equal to the greater of  
3 (a) 1/12th of 150% of the Certified Annual Debt Service  
4 Requirement or (b) the Tax Act Amount (as defined in Section 3  
5 of the "Retailers' Occupation Tax Act", as amended) deposited  
6 in the Build Illinois Bond Account during such month, plus any  
7 cumulative deficiency in such transfers and payments for prior  
8 months; provided that such transfers and payments for any such  
9 fiscal year shall not exceed the greater of (a) the Certified  
10 Annual Debt Service Requirement or (b) the Tax Act Amount.

11 (Source: P.A. 91-53, eff. 6-30-99; revised 8-23-03.)

12 Section 405. The Retirement Savings Act is amended by  
13 changing Sections 4, 5, and 7 as follows:

14 (30 ILCS 430/4) (from Ch. 127, par. 3754)

15 Sec. 4. In order to provide investors with investment  
16 alternatives suitable for retirement purposes, and in  
17 furtherance of the public policy of this Act, bonds authorized  
18 by the provisions of the General Obligation Bond Act, as now or  
19 hereafter amended, in a total aggregate principal amount not to  
20 exceed \$300,000,000, may be issued and sold from time to time,  
21 and as often as practicable, as Retirement Savings Bonds in  
22 such amounts as directed by the Governor, upon recommendation  
23 by the Director of the Governor's Office of Management and  
24 Budget ~~Bureau of the Budget~~. Bonds to be issued and sold as  
25 Retirement Savings Bonds shall be designated by the Governor  
26 and the Director of the Governor's Office of Management and  
27 Budget ~~Bureau of the Budget~~ as "General Obligation Retirement  
28 Savings Bonds" in the proceedings authorizing the issuance of  
29 such Bonds, and shall be subject to all of the terms and  
30 provisions of the General Obligation Bond Act, as now or  
31 hereafter amended, except that Retirement Savings Bonds may  
32 bear interest payable at such time or times and may be sold at  
33 such prices and in such manner as may be determined by the  
34 Governor and the Director of the Governor's Office of

1 Management and Budget Bureau of the Budget. If Retirement  
2 Savings Bonds are sold at public sale, the public sale  
3 procedures shall be as set forth in Section 11 of the General  
4 Obligation Bond Act, as now or hereafter amended. Retirement  
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 Retirement Savings Bonds are sold at  
11 a negotiated sale, the underwriter or underwriters to which  
12 such Bonds are sold shall (a) have an established retail  
13 presence in the State of Illinois or (b) in the judgment of the  
14 Director of the Governor's Office of Management and Budget  
15 ~~Bureau of the Budget~~, have sufficient capability to make a  
16 broad distribution of such Bonds to investors resident in the  
17 State of Illinois. In determining the aggregate original  
18 principal amount of Retirement Savings Bonds that has been  
19 issued pursuant to this Act, the aggregate original principal  
20 amount of such Bonds issued and sold shall be taken into  
21 account. Any bond issued under this Act may be payable in one  
22 payment on a fixed date, or as determined appropriate by the  
23 Governor and Director of the Governor's Office of Management  
24 and Budget Bureau of the Budget.

25 (Source: P.A. 86-892; revised 8-23-03.)

26 (30 ILCS 430/5) (from Ch. 127, par. 3755)

27 Sec. 5. Security of Retirement Savings Bonds. Any  
28 Retirement Savings Bonds issued under the General Obligation  
29 Bond Act, as now or hereafter amended, in accordance with this  
30 Act shall be direct, general obligations of the State of  
31 Illinois and subject to repayment as provided in the General  
32 Obligation Bond Act, as now or hereafter amended; however in  
33 the proceedings of the Governor and the Director of the  
34 Governor's Office of Management and Budget Bureau of the Budget  
35 authorizing the issuance of Retirement Savings Bonds, such

1 officials may covenant on behalf of the State with or for the  
2 benefit of the holders of such Bonds as to all matters deemed  
3 advisable by such officials, including the terms and conditions  
4 for creating and maintaining sinking funds, reserve funds and  
5 such other special funds as may be created in such proceedings,  
6 separate and apart from all other funds and accounts of the  
7 State, and such officials may make such other covenants as may  
8 be deemed necessary or desirable to assure the prompt payment  
9 of the principal of and interest on such Bonds. The transfers  
10 to and appropriations from the General Obligation Bond  
11 Retirement and Interest Fund required by the General Obligation  
12 Bond Act, as now or hereafter amended, shall be made to and  
13 from any fund or funds created pursuant to this Section for the  
14 payment of the principal of and interest on any Retirement  
15 Savings Bonds.

16 (Source: P.A. 86-892; revised 8-23-03.)

17 (30 ILCS 430/7) (from Ch. 127, par. 3757)

18 Sec. 7. In order to carry out the purposes of this Act, the  
19 Governor and Director of the Governor's Office of Management  
20 and Budget Bureau ~~of the Budget~~ may include within the  
21 proceedings authorizing the issuance of such Bonds, provisions  
22 or features deemed complementary to the purposes herein and to  
23 make such Bonds attractive to investors saving for retirement  
24 purposes. Such features, in the opinion of the Director of the  
25 Governor's Office of Management and Budget Bureau ~~of the~~  
26 ~~Budget~~, shall not adversely impact the State's cost of funds.

27 Since this type of retirement savings bond may not be  
28 appropriate for all persons, any advertisements regarding the  
29 sale of such Bonds, including bond prospectuses shall include  
30 statements to the effect that (a) these bonds may not be  
31 suitable for all investors and, (b) prior to purchase, it is  
32 recommended that all investors consult with a qualified advisor  
33 regarding the suitability of the bonds as investments for  
34 retirement purposes.

35 (Source: P.A. 86-892; revised 8-23-03.)

1 Section 410. The Human Services Provider Bond Reserve  
2 Payment Act is amended by changing Section 25 as follows:

3 (30 ILCS 435/25)

4 Sec. 25. Report. By November 1 of each year, every State  
5 agency shall report to the Governor's Office of Management and  
6 Budget Bureau of the Budget and the Auditor General any direct  
7 payment to a bond paying agent made by the agency under this  
8 Act during the previous fiscal year.

9 (Source: P.A. 88-117; revised 8-23-03.)

10 Section 415. The Business Enterprise for Minorities,  
11 Females, and Persons with Disabilities Act is amended by  
12 changing Section 5 as follows:

13 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

14 (Section scheduled to be repealed on September 6, 2008)

15 Sec. 5. Business Enterprise Council.

16 (1) To help implement, monitor and enforce the goals of  
17 this Act, there is created the Business Enterprise Council for  
18 Minorities, Females, and Persons with Disabilities,  
19 hereinafter referred to as the Council, composed of the  
20 Secretary of Human Services and the Directors of the Department  
21 of Human Rights, the Department of Commerce and Economic  
22 Opportunity Community Affairs, the Department of Central  
23 Management Services, the Department of Transportation and the  
24 Capital Development Board, or their duly appointed  
25 representatives. Ten individuals representing businesses that  
26 are minority or female owned or owned by persons with  
27 disabilities, 2 individuals representing the business  
28 community, and a representative of public universities shall be  
29 appointed by the Governor. These members shall serve 2 year  
30 terms and shall be eligible for reappointment. Any vacancy  
31 occurring on the Council shall also be filled by the Governor.  
32 Any member appointed to fill a vacancy occurring prior to the

1 expiration of the term for which his predecessor was appointed  
2 shall be appointed for the remainder of such term. Members of  
3 the Council shall serve without compensation but shall be  
4 reimbursed for any ordinary and necessary expenses incurred in  
5 the performance of their duties.

6 The Director of the Department of Central Management  
7 Services shall serve as the Council chairperson and shall  
8 select, subject to approval of the council, a Secretary  
9 responsible for the operation of the program who shall serve as  
10 the Division Manager of the Business Enterprise for Minorities,  
11 Females, and Persons with Disabilities Division of the  
12 Department of Central Management Services.

13 The Director of each State agency and the chief executive  
14 officer of each State university shall appoint a liaison to the  
15 Council. The liaison shall be responsible for submitting to the  
16 Council any reports and documents necessary under this Act.

17 (2) The Council's authority and responsibility shall be to:

18 (a) Devise a certification procedure to assure that  
19 businesses taking advantage of this Act are legitimately  
20 classified as businesses owned by minorities, females, or  
21 persons with disabilities.

22 (b) Maintain a list of all businesses legitimately  
23 classified as businesses owned by minorities, females, or  
24 persons with disabilities to provide to State agencies and  
25 State universities.

26 (c) Review rules and regulations for the  
27 implementation of the program for businesses owned by  
28 minorities, females, and persons with disabilities.

29 (d) Review compliance plans submitted by each State  
30 agency and State university pursuant to this Act.

31 (e) Make annual reports as provided in Section 8f to  
32 the Governor and the General Assembly on the status of the  
33 program.

34 (f) Serve as a central clearinghouse for information on  
35 State contracts, including the maintenance of a list of all  
36 pending State contracts upon which businesses owned by

1 minorities, females, and persons with disabilities may  
2 bid. At the Council's discretion, maintenance of the list  
3 may include 24-hour electronic access to the list along  
4 with the bid and application information.

5 (g) Establish a toll free telephone number to  
6 facilitate information requests concerning the  
7 certification process and pending contracts.

8 (3) No premium bond rate of a surety company for a bond  
9 required of a business owned by a minority, female, or person  
10 with a disability bidding for a State contract shall be higher  
11 than the lowest rate charged by that surety company for a  
12 similar bond in the same classification of work that would be  
13 written for a business not owned by a minority, female, or  
14 person with a disability.

15 (4) Any Council member who has direct financial or personal  
16 interest in any measure pending before the Council shall  
17 disclose this fact to the Council and refrain from  
18 participating in the determination upon such measure.

19 (5) The Secretary shall have the following duties and  
20 responsibilities:

21 (a) To be responsible for the day-to-day operation of  
22 the Council.

23 (b) To serve as a coordinator for all of the State's  
24 programs for businesses owned by minorities, females, and  
25 persons with disabilities and as the information and  
26 referral center for all State initiatives for businesses  
27 owned by minorities, females, and persons with  
28 disabilities.

29 (c) To establish an enforcement procedure whereby the  
30 Council may recommend to the appropriate State legal  
31 officer that the State exercise its legal remedies which  
32 shall include (1) termination of the contract involved, (2)  
33 prohibition of participation by the respondent in public  
34 contracts for a period not to exceed one year, (3)  
35 imposition of a penalty not to exceed any profit acquired  
36 as a result of violation, or (4) any combination thereof.

1 Such procedures shall require prior approval by Council.

2 (d) To devise appropriate policies, regulations and  
3 procedures for including participation by businesses owned  
4 by minorities, females, and persons with disabilities as  
5 prime contractors including, but not limited to, (i)  
6 encouraging the inclusions of qualified businesses owned  
7 by minorities, females, and persons with disabilities on  
8 solicitation lists, (ii) investigating the potential of  
9 blanket bonding programs for small construction jobs,  
10 (iii) investigating and making recommendations concerning  
11 the use of the sheltered market process.

12 (e) To devise procedures for the waiver of the  
13 participation goals in appropriate circumstances.

14 (f) To accept donations and, with the approval of the  
15 Council or the Director of Central Management Services,  
16 grants related to the purposes of this Act; to conduct  
17 seminars related to the purpose of this Act and to charge  
18 reasonable registration fees; and to sell directories,  
19 vendor lists and other such information to interested  
20 parties, except that forms necessary to become eligible for  
21 the program shall be provided free of charge to a business  
22 or individual applying for the program.

23 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff.  
24 7-1-97; revised 11-3-04.)

25 Section 420. The Rural Economic Development Act is amended  
26 by changing Sections 2-2, 2-3, and 2-4 as follows:

27 (30 ILCS 710/2-2) (from Ch. 5, par. 2202-2)

28 Sec. 2-2. The Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ shall administer programs  
30 providing financial assistance in the form of interest  
31 subsidies or other forms as allowed by federal law or  
32 regulation, court order, or federal administrative order, to  
33 individuals and small businesses in rural areas served by rural  
34 electric cooperatives for weatherization and energy



1 conservation purposes.

2 For purposes of this Act, weatherization shall include, but  
3 not be limited to, insulation, caulking, or weather stripping,  
4 adding storm doors or storm windows, repairing or replacing  
5 broken windows or doors, cleaning and minor repairs of heating  
6 systems, and installation of set-back thermostats.

7 The Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~ shall administer the interest subsidy  
9 program directed to assist individual consumers. The financial  
10 assistance for individuals shall not exceed \$2,000 and may be  
11 extended to individuals whose household gross income does not  
12 exceed 150 percent of the area median income as defined by the  
13 U.S. Department of Housing and Urban Development.

14 Each Department administering a program under this Section  
15 shall develop the application procedures and terms of the  
16 assistance. Each Department shall make use of existing  
17 administrative procedures where such procedures are  
18 applicable.

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

20 (30 ILCS 710/2-3) (from Ch. 5, par. 2202-3)

21 Sec. 2-3. The Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ shall administer a program  
23 demonstrating various alternative energy or energy  
24 conservation technologies appropriate for the rural areas of  
25 the State. Alternative energy shall include, but not be limited  
26 to, solar heating and cooling systems, photovoltaic systems,  
27 bioconversion, geothermal recycling and reuse of waste heat or  
28 energy, utilization of methane gas derived from industrial and  
29 agricultural by-products and other technologies identified by  
30 the Department.

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

32 (30 ILCS 710/2-4) (from Ch. 5, par. 2202-4)

33 Sec. 2-4. The Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~ shall provide educational

1 materials, information and technical assistance to support  
2 energy conservation education programs designed to assist  
3 Illinois' rural population in dealing with economic problems  
4 due to high energy costs.

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

6 Section 425. The Industrial Development Assistance Law is  
7 amended by changing Sections 2 and 3 as follows:

8 (30 ILCS 720/2) (from Ch. 85, par. 892)

9 Sec. 2. Declaration of policy. The General Assembly finds  
10 and declares as follows:

11 (A) That the health, safety, morals and general welfare of  
12 the people of this State are directly dependent upon the  
13 continual encouragement, development, growth and expansion of  
14 business, industry and commerce within the State.

15 (B) That unemployment, the spread of indigency, the heavy  
16 burden of public assistance and unemployment compensation can  
17 best be avoided by the promotion, attraction, stimulation,  
18 development and expansion of business, industry and commerce in  
19 the State.

20 Therefore, it is declared to be the policy of this State to  
21 promote the health, safety, morals and general welfare of its  
22 inhabitants through its Department of Commerce and Economic  
23 Opportunity ~~Community Affairs~~ by means of grants to be made to  
24 industrial development agencies which are or may be engaged in  
25 planning and promoting programs designed to stimulate the  
26 establishment of new or enlarged industrial, commercial and  
27 manufacturing enterprises within the counties served by such  
28 agencies.

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

30 (30 ILCS 720/3) (from Ch. 85, par. 893)

31 Sec. 3. Definitions. "Department" means the Department of  
32 Commerce and Economic Opportunity ~~Community Affairs~~.

33 "Governing bodies" means, as to any county, municipality or

1 township, the body empowered to enact ordinances or to adopt  
2 resolutions for the governance of such county, municipality or  
3 township.

4 "Industrial development agency" means any nonprofit  
5 corporation, organization, association or agency which shall  
6 be designated by proper resolution of the governing body of any  
7 county, concurred in by resolution of the governing bodies of  
8 municipalities or townships within said county having in the  
9 aggregate over 50% of the population of said county, as  
10 determined by the last preceding decennial United States  
11 Census, as the agency authorized to make application to and  
12 receive grants from the Department of Commerce and Economic  
13 Opportunity ~~Community Affairs~~ for the purposes specified in  
14 this Act. Any two or more counties may, by the procedures  
15 provided in this Act, designate a single industrial development  
16 agency to represent such counties for the purposes of this Act.  
17 (Source: P.A. 81-1509; revised 12-6-03.)

18 Section 430. The Comprehensive Solar Energy Act of 1977 is  
19 amended by changing Section 1.2 as follows:

20 (30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)

21 Sec. 1.2. Definitions. As used in this Act:

22 (a) "Solar Energy" means radiant energy received from the  
23 sun at wave lengths suitable for heat transfer, photosynthetic  
24 use, or photovoltaic use.

25 (b) "Solar collector" means

26 (1) An assembly, structure, or design, including  
27 passive elements, used for gathering, concentrating, or  
28 absorbing direct or indirect solar energy, specially  
29 designed for holding a substantial amount of useful thermal  
30 energy and to transfer that energy to a gas, solid, or  
31 liquid or to use that energy directly; or

32 (2) A mechanism that absorbs solar energy and converts  
33 it into electricity; or

34 (3) A mechanism or process used for gathering solar

1 energy through wind or thermal gradients; or

2 (4) A component used to transfer thermal energy to a  
3 gas, solid, or liquid, or to convert it into electricity.

4 (c) "Solar storage mechanism" means equipment or elements  
5 (such as piping and transfer mechanisms, containers, heat  
6 exchangers, or controls thereof, and gases, solids, liquids, or  
7 combinations thereof) that are utilized for storing solar  
8 energy, gathered by a solar collector, for subsequent use.

9 (d) "Solar energy system" means

10 (1) (a) A complete assembly, structure, or design of a  
11 solar collector, or a solar storage mechanism, which uses  
12 solar energy for generating electricity or for heating or  
13 cooling gases, solids, liquids, or other materials;

14 (b) The design, materials, or elements of a system and  
15 its maintenance, operation, and labor components, and the  
16 necessary components, if any, of supplemental conventional  
17 energy systems designed or constructed to interface with a  
18 solar energy system; and

19 (c) Any legal, financial, or institutional orders,  
20 certificates, or mechanisms, including easements, leases,  
21 and agreements, required to ensure continued access to  
22 solar energy, its source, or its use in a solar energy  
23 system, and including monitoring and educational elements  
24 of a demonstration project.

25 (2) "Solar energy system" does not include

26 (a) Distribution equipment that is equally usable  
27 in a conventional energy system except for such  
28 components of such equipment as are necessary for  
29 meeting the requirements of efficient solar energy  
30 utilization; and

31 (b) Components of a solar energy system that serve  
32 structural, insulating, protective, shading,  
33 aesthetic, or other non-solar energy utilization  
34 purposes, as defined in the regulations of the  
35 Department; and

36 (c) Any facilities of a public utility used to

1 transmit or distribute gas or electricity.

2 (e) "Solar Skyspace" means

3 (1) The maximum three dimensional space extending from  
4 a solar energy collector to all positions of the sun  
5 necessary for efficient use of the collector.

6 (2) Where a solar energy system is used for heating  
7 purposes only, "solar skyspace" means the maximum three  
8 dimensional space extending from a solar energy collector  
9 to all positions of the sun between 9 a.m. and 3 p.m. Local  
10 Apparent Time from September 22 through March 22 of each  
11 year.

12 (3) Where a solar energy system is used for cooling  
13 purposes only, "solar skyspace" means the maximum three  
14 dimensional space extending from a solar energy collector  
15 to all positions of the sun between 8 a.m. and 4 p.m. Local  
16 Apparent Time from March 23 through September 21.

17 (f) "Solar skyspace easement" means

18 (1) a right, whether or not stated in the form of a  
19 restriction, easement, covenant, or condition, in any  
20 deed, will, or other instrument executed by or on behalf of  
21 any owner of land or solar skyspace or in any order of  
22 taking, appropriate to protect the solar skyspace of a  
23 solar collector at a particularly described location to  
24 forbid or limit any or all of the following where  
25 detrimental to access to solar energy.

26 (a) structures on or above ground;

27 (b) vegetation on or above the ground; or

28 (c) other activity;

29 (2) and which shall specifically describe a solar  
30 skyspace in three dimensional terms in which the activity,  
31 structures, or vegetation are forbidden or limited or in  
32 which such an easement shall set performance criteria for  
33 adequate collection of solar energy at a particular  
34 location.

35 (g) "Conventional Energy System" shall mean an energy  
36 system utilizing fossil fuel, nuclear or hydroelectric energy

1 and the components of such system, including transmission  
2 lines, burners, furnaces, tanks, boilers, related controls,  
3 distribution systems, room or area units and other components.

4 (h) "Supplemental Conventional Energy System" shall mean a  
5 conventional energy system utilized for providing energy in  
6 conjunction with a solar energy system that provides not less  
7 than ten percent of the energy for the particular end use.  
8 "Supplemental Conventional Energy System" does not include any  
9 facilities of a public utility used to produce, transmit,  
10 distribute or store gas or electricity.

11 (i) "Joint Solar Energy System" shall mean a solar energy  
12 system that supplies energy for structures or processes on more  
13 than one lot or in more than one condominium unit or leasehold,  
14 but not to the general public and involving at least two owners  
15 or users.

16 (j) "Unit of Local Government" shall mean county,  
17 municipality, township, special districts, including school  
18 districts, and units designated as units of local government by  
19 law, which exercise limited governmental powers.

20 (k) "Department" means the Illinois Department of Commerce  
21 and Economic Opportunity ~~Community Affairs~~ or its successor  
22 agency.

23 (l) "Public Energy Supplier" shall mean

24 (1) A public utility as defined in an Act concerning  
25 Public Utilities, approved June 29, 1921, as amended; or

26 (2) A public utility that is owned or operated by any  
27 political subdivision or municipal corporation of this  
28 State, or owned by such political subdivision or municipal  
29 corporation and operated by any of its lessees or operating  
30 agents; or

31 (3) An electric cooperative as defined in Section 10.19  
32 of An Act concerning Public Utilities, approved June 29,  
33 1921, as amended.

34 (m) "Energy Use Sites" shall mean sites where energy is or  
35 may be used or consumed for generating electricity or for  
36 heating or cooling gases, solids, liquids, or other materials

1 and where solar energy may be used cost effectively, as defined  
2 in the regulations of the Department, consistent with the  
3 purposes of this Act.

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

5 Section 435. The Illinois Coal Technology Development  
6 Assistance Act is amended by changing Section 2 as follows:

7 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

8 Sec. 2. As used in this Act:

9 (a) "coal" or "coal resources" means Illinois coal or coal  
10 products extracted from the ground or reclaimed from the waste  
11 material produced by coal extraction operations;

12 (b) "coal demonstration and commercialization" means  
13 projects for the construction and operation of facilities to  
14 prove the scientific and engineering validity or the commercial  
15 application of a coal extraction, preparation, combustion,  
16 gasification, liquefaction or other synthetic process,  
17 environmental control, or transportation method;

18 (c) "coal research" means scientific investigations  
19 conducted for the purpose of increasing the utilization of coal  
20 resources and includes investigations in the areas of  
21 extraction, preparation, characterization, combustion,  
22 gasification, liquefaction and other synthetic processes,  
23 environmental control, marketing, transportation, procurement  
24 of sites, and environmental impacts;

25 (d) "Fund" means the Coal Technology Development  
26 Assistance Fund;

27 (e) "Board" means the Illinois Coal Development Board or  
28 its successor;

29 (f) "Department" means the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~;

31 (g) "public awareness and education" means programs of  
32 education, curriculum development, public service  
33 announcements, informational advertising and informing the  
34 news media on issues related to the use of Illinois coal, the

1 coal industry and related developments. Public awareness and  
2 education shall be directed toward school age residents of the  
3 State, the citizens of the State and other interested parties.

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

5 Section 440. The Build Illinois Act is amended by changing  
6 Sections 8-2, 9-2, 9-3, 9-4.1, 9-5.1, 9-11, 10-2, and 11-2 as  
7 follows:

8 (30 ILCS 750/8-2) (from Ch. 127, par. 2708-2)

9 Sec. 8-2. Definitions. As used in this Article:

10 (a) "Department" means the Illinois Department of Commerce  
11 and Economic Opportunity ~~Community Affairs~~.

12 (b) "Local government" means any unit of local government  
13 as defined in Article VII, Section 1 of the 1970 Illinois  
14 Constitution.

15 (c) "Business retention, development or expansion project"  
16 means the expansion of an existing, for-profit commercial,  
17 industrial, manufacturing, scientific, agricultural or service  
18 business within Illinois, or the establishment of a new such  
19 business on a site within Illinois, so long as the business to  
20 be established is not relocating from another site within the  
21 State, unless the relocation of such a business will result in  
22 a substantial increase in employment or retention of an  
23 existing such business.

24 (d) "Public infrastructure" means local roads and streets,  
25 access roads, bridges, and sidewalks; waste disposal systems;  
26 water and sewer line extensions and water distribution and  
27 purification facilities, and sewage treatment facilities; rail  
28 or air or water port improvements; gas and electric utility  
29 facilities; transit capital facilities; development and  
30 improvement of publicly owned industrial and commercial sites,  
31 or other public capital improvements which are an essential  
32 precondition to a business retention, development or expansion  
33 project for the purposes of the Business Development Public  
34 Infrastructure Loan and Grant Program. "Public Infrastructure"



1 also means capital acquisitions, construction, and  
2 improvements to other local facilities and sites, and  
3 associated permanent furnishings and equipment that are a  
4 necessary precondition to local health, safety and economic  
5 development for purposes of the Affordable Financing of Public  
6 Infrastructure Loan and Grant Program.

7 (e) "Local public entity" means any entity as defined by  
8 Section 1-206 of the Local Governmental and Governmental  
9 Employees Tort Immunity Act.

10 (f) "Medical facility" and "public health clinic" mean any  
11 entity as defined by subsections (a) and (c), respectively, of  
12 Section 6-101 of the Local Governmental and Governmental  
13 Employees Tort Immunity Act.

14 (Source: P.A. 88-453; revised 12-6-03.)

15 (30 ILCS 750/9-2) (from Ch. 127, par. 2709-2)

16 Sec. 9-2. Definitions. The following terms, whenever used  
17 or referred to in this Article, shall have the following  
18 meanings ascribed to them, except where the context clearly  
19 requires otherwise:

20 (a) "Financial intermediary" means a community development  
21 corporation, a state development credit corporation, a  
22 development authority authorized to do business by an act of  
23 this State, or other public or private financing institution  
24 approved by the Department whose purpose includes financing,  
25 promoting, or encouraging economic development.

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

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

35 (d) "Small business" means any for-profit business in

1 Illinois including, but not limited to, any sole  
2 proprietorship, partnership, corporation, joint venture,  
3 association or cooperative, which has, including its  
4 affiliates, less than 500 full time employees, or is determined  
5 by the Department to be not dominant in its field.

6 Business concerns are affiliates of one another when either  
7 directly or indirectly (i) one concern controls or has the  
8 power to control the other, or (ii) a third party or parties  
9 controls or has the power to control both. Control can be  
10 exercised through common ownership, common management and  
11 contractual relationships.

12 (e) "Qualified security" means any note, stock,  
13 convertible security, treasury stock, bond, debenture,  
14 evidence of indebtedness, limited partnership interest,  
15 certificate of interest or participation in any profit-sharing  
16 agreement, preorganization certificate or subscription,  
17 transferable share, investment contract, certificate of  
18 deposit for a security, certificate of interest or  
19 participation in a patent or application therefor, or in  
20 royalty or other payments under such a patent or application,  
21 or, in general, any interest or instrument commonly known as a  
22 "security" or any certificate for, receipt for, guarantee of,  
23 or option, warrant or right to subscribe to or purchase any of  
24 the foregoing, but not including any instrument which contains  
25 voting rights or can be converted to contain voting rights in  
26 the possession of the Department.

27 (f) "Loan agreement" means an agreement or contract to  
28 provide a loan or accept a mortgage or to purchase qualified  
29 securities or other means whereby financial aid is made  
30 available to a start-up, expanding, or mature, moderate risk  
31 small business.

32 (g) "Loan" means a loan or acceptance of a mortgage or the  
33 purchase of qualified securities or other means whereby  
34 financial aid is made to a start-up, expanding, or mature,  
35 moderate risk small business.

36 (h) "Equity investment agreement" means an agreement or

1 contract to provide a loan or accept a mortgage or to purchase  
2 qualified securities or other means whereby financial aid is  
3 made available to or on behalf of a young, high risk,  
4 technology based small business.

5 (i) "Equity investment" means a loan or acceptance of a  
6 mortgage or the purchase of qualified securities or other means  
7 whereby financial aid is made to or on behalf of a young, high  
8 risk, technology based small business.

9 (j) "Project" means any specific economic development  
10 activity of a commercial, industrial, manufacturing,  
11 agricultural, scientific, service or other business, the  
12 result of which is expected to yield an increase in or  
13 retention of jobs or the modernization or improvement of  
14 competitiveness of firms and may include working capital  
15 financing, the purchase or lease of machinery and equipment, or  
16 the lease or purchase of real property but does not include  
17 refinancing current debt.

18 (k) "Technical assistance agreement" means an agreement or  
19 contract or other means whereby financial aid is made available  
20 to not-for-profit organizations for the purposes outlined in  
21 Section 9-6 of this Article.

22 (l) "Financial intermediary agreement" means an agreement  
23 or contract to provide a loan, investment, or other financial  
24 aid to a financial intermediary for the purposes outlined in  
25 Section 9-4.4 of this Article.

26 (m) "Equity intermediary agreement" means an agreement or  
27 contract to provide a loan, investment, or other financial aid  
28 to a financial intermediary for the purposes outlined in  
29 Section 9-5.3 of this Article.

30 (n) "Other investor" means a venture capital organization  
31 or association; an investment partnership, trust or bank; an  
32 individual, accounting partnership or corporation that invests  
33 funds, or any other entity which provides debt or equity  
34 financing for a business project.

35 (Source: P.A. 88-422; revised 12-6-03.)

1 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

2 Sec. 9-3. Powers and duties. The Department has the power:

3 (a) To make loans or equity investments to small  
4 businesses, and to make loans or grants or investments to or  
5 through financial intermediaries. The loans and investments  
6 shall be made from appropriations from the Build Illinois Bond  
7 Fund, Build Illinois Purposes Fund, Illinois Capital Revolving  
8 Loan Fund or Illinois Equity Revolving Fund for the purpose of  
9 promoting the creation or retention of jobs within small  
10 businesses or to modernize or maintain competitiveness of firms  
11 in Illinois. The grants shall be made from appropriations from  
12 the Build Illinois Bond Fund, Build Illinois Purposes Fund, or  
13 Illinois Capital Revolving Loan Fund for the purpose of  
14 technical assistance.

15 (b) To make loans to or investments in businesses that have  
16 received federal Phase I Small Business Innovation Research  
17 grants as a bridge while awaiting federal Phase II Small  
18 Business Innovation Research grant funds.

19 (c) To enter into interagency agreements, accept funds or  
20 grants, and engage in cooperation with agencies of the federal  
21 government, local units of government, universities, research  
22 foundations, political subdivisions of the State, financial  
23 intermediaries, and regional economic development corporations  
24 or organizations for the purposes of carrying out this Article.

25 (d) To enter into contracts, financial intermediary  
26 agreements, or any other agreements or contracts with financial  
27 intermediaries necessary or desirable to further the purposes  
28 of this Article. Any such agreement or contract may include,  
29 without limitation, terms and provisions including, but not  
30 limited to loan documentation, review and approval procedures,  
31 organization and servicing rights, and default conditions.

32 (e) To fix, determine, charge and collect any premiums,  
33 fees, charges, costs and expenses, including without  
34 limitation, any application fees, commitment fees, program  
35 fees, financing charges, collection fees, training fees, or  
36 publication fees in connection with its activities under this

1 Article and to accept from any source any gifts, donations, or  
2 contributions of money, property, labor, or other things of  
3 value to be held, used, and applied to carry out the purposes  
4 of this Article. All fees, charges, collections, gifts,  
5 donations, or other contributions shall be deposited into the  
6 Illinois Capital Revolving Loan Fund.

7 (f) To establish application, notification, contract, and  
8 other forms, procedures, rules or regulations deemed necessary  
9 and appropriate.

10 (g) To consent, subject to the provisions of any contract  
11 with another person, whenever it deems it necessary or  
12 desirable in the fulfillment of the purposes of this Article,  
13 to the modification or restructuring of any financial  
14 intermediary agreement, loan agreement or any equity  
15 investment agreement to which the Department is a party.

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

25 (i) To deposit any "Qualified Securities" which have been  
26 received by the Department as the result of any financial  
27 intermediary agreement, loan, or equity investment agreement  
28 executed in the carrying out of this Act, with the Office of  
29 the State Treasurer and held by that office until agreement to  
30 transfer such qualified security shall be certified by the  
31 Director of ~~the Department of~~ Commerce and Economic Opportunity  
32 ~~Community Affairs~~.

33 (j) To assist small businesses that seek to apply for  
34 public or private capital in preparing the application and to  
35 supply them with grant information, plans, reports,  
36 assistance, or advice on development finance and to assist

1 financial intermediaries and participating lenders to build  
2 capacity to make debt or equity investments through  
3 conferences, workshops, seminars, publications, or any other  
4 media.

5 (k) To provide for staff, administration, and related  
6 support required to manage the programs authorized under this  
7 Article and pay for staffing and administration from the  
8 Illinois Capital Revolving Loan Fund, as appropriated by the  
9 General Assembly. Administration responsibilities may include,  
10 but are not limited to, research and identification of credit  
11 disadvantaged groups; design of comprehensive statewide  
12 capital access plans and programs addressing capital gap and  
13 capital marketplace structure and information barriers;  
14 direction, management, and control of specific projects; and  
15 communicate and cooperation with public development finance  
16 organizations and private debt and equity sources.

17 (l) To exercise such other powers as are necessary or  
18 incidental to the foregoing.

19 (Source: P.A. 88-422; revised 12-6-03.)

20 (30 ILCS 750/9-4.1) (from Ch. 127, par. 2709-4.1)

21 Sec. 9-4.1. Applications for loans. All applications for  
22 loans to small businesses shall be submitted to the Department  
23 on forms and subject to filing fees prescribed by the  
24 Department. The Department shall conduct such investigation  
25 and obtain such information concerning the application as it  
26 considers necessary and diligent. Complete applications  
27 received by the Department shall be forwarded to a credit  
28 review committee consisting of persons experienced in business  
29 financing, and the Director of the Governor's Office of  
30 Management and Budget ~~Bureau of the Budget~~ or his designee, for  
31 a review and report concerning the advisability of approving  
32 the proposed loan. The review and report shall include facts  
33 about the company's history, job opportunities, stability of  
34 employment, past and present condition and structure, actual  
35 and pro-forma income statements, present and future market

1 prospects and management qualifications, and any other facts  
2 deemed material to the financing request. The report shall  
3 include a reasoned opinion as to whether providing the  
4 financing would tend to fulfill the purposes of the Article.  
5 The report shall be advisory in nature only. The credit review  
6 committee shall be of such composition, act for such time, and  
7 have such powers as shall be specified by the Department.

8 After consideration of such report and after such other  
9 action as is deemed appropriate, the Department shall approve  
10 or deny the application. If the Department approves the  
11 application, its approval shall specify the amount of funds to  
12 be provided by the Department loan agreement provisions. The  
13 business applicant shall be promptly notified of such action by  
14 the Department.

15 (Source: P.A. 88-422; revised 8-23-03.)

16 (30 ILCS 750/9-5.1) (from Ch. 127, par. 2709-5.1)

17 Sec. 9-5.1. Applications for Illinois Equity Investments.

18 (a) All applications for the Illinois Equity Investments to  
19 or on behalf of small businesses shall be submitted to the  
20 Department on forms and subject to filing fees prescribed by  
21 the Department. For business project applications, the  
22 Department shall conduct such investigation and obtain such  
23 information concerning the application as it deems necessary  
24 and diligent. Complete applications received by the Department  
25 shall be forwarded to an outside credit review committee  
26 consisting of persons experienced in new venture equity  
27 financing and the Director of the Governor's Office of  
28 Management and Budget ~~Bureau of the Budget~~, or his or her  
29 designee, for small business for a review and report concerning  
30 the advisability of approving the proposed investment. The  
31 review and report shall include facts about the company's  
32 history, job opportunities, stability of employment, past and  
33 present condition and structure, actual and pro-forma income  
34 statements, present and future market prospects and management  
35 qualifications, and any other facts deemed material to the

1 financing request. The report shall be advisory in nature only  
2 and shall include a reasoned opinion as to whether providing  
3 the financing would tend to fulfill this purpose of the Act.  
4 Except for the Director of the Governor's Office of Management  
5 and Budget ~~Bureau of the Budget~~ or his or her designee, the  
6 Department may utilize the services of existing outside  
7 organizations as the credit review committee.

8 (b) For equity intermediary agreements, applications may  
9 include, but shall not be limited to, history and mission of  
10 the applicant; needs to be served, which shall be consistent  
11 with the purpose of this subsection; products, services, and  
12 results expected from the effort; staffing, management, and  
13 operational procedures; and budget request and capitalization  
14 of the effort. The Department shall review the intermediary  
15 applications to determine the viability of the applicant, the  
16 consistency of the proposed project with the purposes of this  
17 Article, the economic benefits expected to be derived  
18 therefrom, the prospects for continuation of the project after  
19 Departmental assistance has been provided, and other issues  
20 that may be considered necessary.

21 (c) The Department shall, on the basis of the application,  
22 the report of the credit review committee, and any other  
23 appropriate information, prepare a report concerning the  
24 credit-worthiness of the proposed borrower or intermediary,  
25 the financial commitment of the participating lender or other  
26 investor, the manner in which the proposed small business or  
27 intermediary project will advance the economy of the State, and  
28 the soundness of the proposed equity investment or intermediary  
29 agreement.

30 After consideration of such report and after such other  
31 action as it deems appropriate, the Department shall approve or  
32 deny the application. If the Department approves the  
33 application, its approval shall specify the amount of funds to  
34 be provided and the Department equity investment agreement  
35 provisions. The small business or intermediary applicant shall  
36 be promptly notified of such action by the Department.



1 (Source: P.A. 88-422; revised 8-23-03.)

2 (30 ILCS 750/9-11)

3 Sec. 9-11. Port Development Revolving Loan Program.

4 (1) There is created in the State Treasury the Port  
5 Development Revolving Loan Fund, referred to in this Section as  
6 the Fund. Moneys in the Fund may be appropriated for the  
7 purposes of the Port Development Revolving Loan Program created  
8 by this Section to be administered by the Department of  
9 Commerce and Economic Opportunity ~~Community Affairs~~ in order to  
10 facilitate and enhance the utilization of Illinois' navigable  
11 waterways or the development of inland intermodal freight  
12 facilities or both. The Department may adopt rules for the  
13 administration of the Program.

14 The General Assembly may make appropriations for the  
15 purposes of the Program. Repayment of loans made to individual  
16 port districts shall be paid back into the Fund to establish an  
17 ongoing revolving loan fund to facilitate continuing port  
18 development activities in the State.

19 (2) Loan funds from the Program shall be made available to  
20 Illinois port districts on a competitive basis. In order to  
21 obtain assistance under the Program, a port district must  
22 submit a comprehensive application to the Department for  
23 consideration.

24 Projects eligible for funding under the Program must be  
25 intermodal facilities and within the scope of powers and  
26 responsibilities as granted in each port district's enabling  
27 legislation. Loan funds shall not be used for working capital  
28 or administrative purposes by the port district.

29 (3) The maximum amount which may be loaned from the Program  
30 to fund any one project is \$3,000,000. Program funds may be  
31 used for up to 50% of an individual project financing. The  
32 balance of financing for an individual project must be secured  
33 by the respective district.

34 The maximum loan term shall be for 20 years with an  
35 interest rate of 5% per annum. Principal and interest payments

1 shall be made on a semi-annual basis.

2 (4) In order to receive a loan from the Program, a port  
3 district must:

4 (a) demonstrate that the proposed project shall  
5 generate sufficient revenue to support amortization of the  
6 loan and be willing to pledge revenues from the project to  
7 loan repayment or

8 (b) demonstrate that the port district can financially  
9 support debt service payments through general revenue  
10 sources of the port district and pledge the full faith and  
11 credit of the port district to loan repayment.

12 In order to achieve the requirement of paragraph (a) of  
13 this subsection (4), the port district may use guarantees  
14 provided under facility operating agreements or guaranteed  
15 facility use agreements from private concerns to demonstrate  
16 loan repayment ability.

17 Certain infrastructure facilities developed under the  
18 Program may be general use public facilities where there is not  
19 a definitive and guaranteed revenue stream to support the  
20 project, nevertheless the facilities are important to  
21 facilitate overall long term port development objectives. In  
22 such cases, the full faith and credit of the port district may  
23 be used as loan collateral.

24 (5) A loan agreement shall be executed between the port  
25 district and the State stipulating all of the terms and  
26 conditions of the loan. The Department shall release funds on a  
27 reimbursement basis for eligible costs of the project as  
28 incurred. The port district shall certify to the Department  
29 that expenses incurred during construction are in accordance  
30 with plans and specifications as approved by the Department.  
31 Funds may be drawn once per month during construction of the  
32 project.

33 (6) The loan agreement shall contain customary and usual  
34 loan default provisions in the event the port district fails to  
35 make the required payments. The loan agreement shall stipulate  
36 the State's recourse in curing any default.

1           In the event a port district becomes delinquent in payments  
2 to the State, that port district shall not be eligible for any  
3 future loans until the delinquency is remedied.

4           (7) Individual port district project applications shall  
5 include the following:

6           (a) Statement of purpose. A description of the project  
7 shall be submitted along with the project's anticipated  
8 overall effect on meeting port district objectives.

9           (b) Project impact. The anticipated net effects of the  
10 project shall be enumerated. These impacts may include the  
11 economic impact to the State, employment impact,  
12 intermodal freight impacts, and environmental impacts.

13           (c) Cost estimates and preliminary project layout. The  
14 overall project development cost estimate and general site  
15 and or facility drawings.

16           (d) Proposed loan amount. A statement as to the amount  
17 proposed from the Program and the port district's  
18 intentions as to the source of other financing for the  
19 project.

20           (e) Business Proforma. A detailed business proforma  
21 must be supplied which estimates facility/project revenues  
22 as well as operating costs and debt service.

23           (f) Loan collateral and guarantees. The port  
24 district's intentions as to how it intends to collateralize  
25 the loan amount, including third party guarantees,  
26 pledging of project and facility revenue, or pledging  
27 general revenues of the district.

28           (8) The Department shall annually invite Illinois port  
29 districts to submit projects for consideration under the  
30 Program. The Department shall perform a cost/benefit analysis  
31 of each project to determine if a project meets minimum  
32 requirements for eligibility. Those applications which meet  
33 minimum criteria shall then be ranked by the overall net  
34 positive impact on the State.

35           (a) Minimum criteria shall include:

36           (i) positive cost/benefit ratio;

1 (ii) demonstrated economic feasibility of the  
2 project; and

3 (iii) the ability of the port district to repay the  
4 loan.

5 (b) Ranking criteria may include:

6 (i) a cost/benefit ratio of project in relation to  
7 other projects;

8 (ii) product tonnage to be handled;

9 (iii) product value to be handled;

10 (iv) soundness of business proposition;

11 (v) positive intermodal impacts of Illinois  
12 transportation system;

13 (vi) meets overall State transportation  
14 objectives;

15 (vii) economic impact to the State; or

16 (viii) environmental benefits of the project.

17 Projects shall be selected according to their ranking up to  
18 the limit of available funds. Selected projects shall be  
19 invited to submit detailed plans, specifications, operating  
20 agreements, environmental clearances, evidence of property  
21 title, and other documentation as necessitated by the project.  
22 When the Department determines all necessary requirements are  
23 met and the remainder of the project financing is available, a  
24 loan agreement shall be executed and project development may  
25 commence.

26 (Source: P.A. 90-785, eff. 1-1-99; revised 12-6-03.)

27 (30 ILCS 750/10-2) (from Ch. 127, par. 2710-2)

28 Sec. 10-2. Definitions. Unless the context clearly  
29 requires otherwise:

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

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

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

9 (d) "Business" means a for-profit, legal entity in Illinois  
10 including, but not limited to, any sole proprietorship,  
11 partnership, corporation, joint venture, association or  
12 cooperative.

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

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

23 (g) "Fund" means the Large Business Attraction Fund created  
24 in Section 10-4.

25 (Source: P.A. 84-109; revised 12-6-03.)

26 (30 ILCS 750/11-2) (from Ch. 127, par. 2711-2)

27 Sec. 11-2. Definitions. As used in this Article:

28 (a) "Small business incubator" or "Incubator" means a  
29 property described in Sections 11-7 and 11-8.

30 (b) "Community Advisory Board" or "Board" means a board  
31 created pursuant to Section 11-4.

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

34 (d) "Educational institution" means a local school  
35 district, a private junior college or university, or a State

1 supported community college or university within the State.

2 (e) "Local governmental unit" means a county, township,  
3 city, village or incorporated town within this State.

4 (f) "Non-profit organization" means local chambers of  
5 commerce, business and economic development corporations and  
6 associations, and such other similar organizations so  
7 designated by the Department.

8 (g) "Sponsor" means an educational institution, local  
9 governmental unit or non-profit organization which receives  
10 Department funds under this Article.

11 (h) "Costs of establishment" means the actual costs of  
12 acquisition, whether by lease, purchase or other devices, and  
13 of construction and renovation of the incubator.

14 (i) "Costs of administration" means the costs of wages or  
15 salary for the incubator manager and related clerical and  
16 administrative costs.

17 (Source: P.A. 84-109; revised 12-6-03.)

18 Section 445. The Gang Control Grant Act is amended by  
19 changing Sections 1, 2, and 4 as follows:

20 (30 ILCS 755/1) (from Ch. 127, par. 3301)

21 Sec. 1. The purpose of this Act is to provide for grants to  
22 community groups in order to improve the quality of life in low  
23 and moderate income neighborhoods and to authorize the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~ to administer such grants to such community groups.

26 (Source: P.A. 84-1400; revised 12-6-03.)

27 (30 ILCS 755/2) (from Ch. 127, par. 3302)

28 Sec. 2. Definition. As used in this Act, the terms  
29 specified in this Section have the meanings ascribed to them in  
30 this Section.

31 (a) "Community-based organization" means an organization  
32 certified by the Department as an eligible receiver of grants.

33 (b) "Business entity" means a corporation, partnership or

1 sole proprietorship engaged in producing goods or selling  
2 services or goods for a profit.

3 (c) "Department" means Department of Commerce and Economic  
4 Opportunity ~~Community Affairs~~.

5 (d) "Neighborhood" means the area identified by a  
6 community-based organization as its geographically defined  
7 area containing the following characteristics:

8 (1) a sense of belonging or identity that ties the  
9 residents to a given area;

10 (2) social, cultural, political or economic activities  
11 around which residents of the area organize themselves;

12 (3) the existence of cohesive organizations formed by  
13 residents; and

14 (4) a history of acting or being treated as a distinct  
15 cohesive unit.

16 The term neighborhood may include small municipalities of  
17 less than 10,000 population or rural areas which have these  
18 characteristics.

19 (Source: P.A. 84-1400; revised 12-6-03.)

20 (30 ILCS 755/4) (from Ch. 127, par. 3304)

21 Sec. 4. (a) No grants may be authorized unless the project  
22 for which the grant is made has been approved by the  
23 Department.

24 (b) Any community-based organization seeking to have a  
25 project approved for a grant must submit an application to the  
26 Department describing its potential contributors and the  
27 nature and benefit of the project, such as the number of youth  
28 to be served by the project, performance standards or  
29 benchmarks, and monetary benefits of the project such as  
30 additional non-State funds leveraged or new State or local  
31 taxes generated.

32 The application must also address how the following  
33 criteria will be met:

34 (1) The project must contribute to the self help efforts of  
35 the residents of the area involved.

1           (2) The project must involve the residents of the area in  
2 planning and implementing the project.

3           (3) The project must lack sufficient resources.

4           (4) The community-based organization must be fiscally  
5 responsible for the project.

6           (c) The project must provide alternatives to participation  
7 in gangs by juveniles in one of the following ways:

8           (1) by creating permanent jobs;

9           (2) by stimulating neighborhood business activity;

10          (3) by providing job training services;

11          (4) by providing youth recreation and athletic activities;

12 or

13          (5) by strengthening any community-based organizations  
14 whose objectives are similar to those listed in items 1 through  
15 4 above.

16          (d) If the community-based organization demonstrates its  
17 ability to meet the criteria in subsection (b), and will  
18 provide juvenile gang alternatives in 1 of the ways listed in  
19 subsection (c), the Department shall approve the  
20 organization's proposed projects and specify the amount of  
21 grant it is eligible to receive for such project. Comments from  
22 State elected officials representing the districts in which the  
23 project is proposed to be located shall be solicited by the  
24 Department in making the decision.

25          (e) Within 45 days of the receipt of an application, the  
26 Department shall give notice to the applicant as to whether the  
27 application has been approved or disapproved. If the Department  
28 disapproves the application, it shall specify the reasons for  
29 this decision and allow 60 days for the applicant to make  
30 amendments. The Department shall provide assistance upon  
31 request to applicants.

32          (f) On an annual basis, the community-based organization  
33 shall furnish a statement to the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~ on the programmatic and  
35 financial status of any approved project and an audited  
36 financial statement of the project.



1 (Source: P.A. 85-633; revised 12-6-03.)

2 Section 450. The Eliminate the Digital Divide Law is  
3 amended by changing Section 5-5 as follows:

4 (30 ILCS 780/5-5)

5 Sec. 5-5. Definitions; descriptions. As used in this  
6 Article:

7 "Community-based organization" means a private  
8 not-for-profit organization that is located in an Illinois  
9 community and that provides services to citizens within that  
10 community and the surrounding area.

11 "Community technology centers" provide computer access and  
12 educational services using information technology. Community  
13 technology centers are diverse in the populations they serve  
14 and programs they offer, but similar in that they provide  
15 technology access to individuals, communities, and populations  
16 that typically would not otherwise have places to use computer  
17 and telecommunications technologies.

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

20 "National school lunch program" means a program  
21 administered by the U.S. Department of Agriculture and state  
22 agencies that provides free or reduced price lunches to  
23 economically disadvantaged children. A child whose family  
24 income is between 130% and 185% of applicable family size  
25 income levels contained in the nonfarm poverty guidelines  
26 prescribed by the Office of Management and Budget is eligible  
27 for a reduced price lunch. A child whose family income is 130%  
28 or less of applicable family size income levels contained in  
29 the nonfarm income poverty guidelines prescribed by the Office  
30 of Management and Budget is eligible for a free lunch.

31 "Telecommunications services" provided by  
32 telecommunications carriers include all commercially available  
33 telecommunications services in addition to all reasonable  
34 charges that are incurred by taking such services, such as

1 state and federal taxes.

2 "Other special services" provided by telecommunications  
3 carriers include Internet access and installation and  
4 maintenance of internal connections in addition to all  
5 reasonable charges that are incurred by taking such services,  
6 such as state and federal taxes.

7 (Source: P.A. 91-704, eff. 7-1-00; revised 12-6-03.)

8 Section 455. The State Mandates Act is amended by changing  
9 Section 8 as follows:

10 (30 ILCS 805/8) (from Ch. 85, par. 2208)

11 Sec. 8. Exclusions, reimbursement application, review,  
12 appeals, and adjudication.

13 (a) Exclusions: Any of the following circumstances  
14 inherent to, or associated with, a mandate shall exclude the  
15 State from reimbursement liability under this Act. If the  
16 mandate (1) accommodates a request from local governments or  
17 organizations thereof; (2) imposes additional duties of a  
18 nature which can be carried out by existing staff and  
19 procedures at no appreciable net cost increase; (3) creates  
20 additional costs but also provides offsetting savings  
21 resulting in no aggregate increase in net costs; (4) imposes a  
22 cost that is wholly or largely recovered from Federal, State or  
23 other external financial aid; (5) imposes additional annual net  
24 costs of less than \$1,000 for each of the several local  
25 governments affected or less than \$50,000, in the aggregate,  
26 for all local governments affected.

27 The failure of the General Assembly to make necessary  
28 appropriations shall relieve the local government of the  
29 obligation to implement any service mandates, tax exemption  
30 mandates, and personnel mandates, as specified in Section 6,  
31 subsections (b), (c), (d) and (e), unless the exclusion  
32 provided for in this Section are explicitly stated in the Act  
33 establishing the mandate. In the event that funding is not  
34 provided for a State-mandated program by the General Assembly,

1 the local government may implement or continue the program upon  
2 approval of its governing body. If the local government  
3 approves the program and funding is subsequently provided, the  
4 State shall reimburse the local governments only for costs  
5 incurred subsequent to the funding.

6 (b) Reimbursement Estimation and Appropriation Procedure.

7 (1) When a bill is introduced in the General Assembly,  
8 the Legislative Reference Bureau, hereafter referred to as  
9 the Bureau, shall determine whether such bill may require  
10 reimbursement to local governments pursuant to this Act.  
11 The Bureau shall make such determination known in the  
12 Legislative Synopsis and Digest.

13 In making the determination required by this  
14 subsection (b) the Bureau shall disregard any provision in  
15 a bill which would make inoperative the reimbursement  
16 requirements of Section 6 above, including an express  
17 exclusion of the applicability of this Act, and shall make  
18 the determination irrespective of any such provision.

19 (2) Any bill or amended bill which creates or expands a  
20 State mandate shall be subject to the provisions of "An Act  
21 requiring fiscal notes in relation to certain bills",  
22 approved June 4, 1965, as amended. The fiscal notes for  
23 such bills or amended bills shall include estimates of the  
24 costs to local government and the costs of any  
25 reimbursement required under this Act. In the case of bills  
26 having a potential fiscal impact on units of local  
27 government, the fiscal note shall be prepared by the  
28 Department. In the case of bills having a potential fiscal  
29 impact on school districts, the fiscal note shall be  
30 prepared by the State Superintendent of Education. In the  
31 case of bills having a potential fiscal impact on community  
32 college districts, the fiscal note shall be prepared by the  
33 Illinois Community College Board. Such fiscal note shall  
34 accompany the bill that requires State reimbursement and  
35 shall be prepared prior to any final action on such a bill  
36 by the assigned committee. However, if a fiscal note is not

1 filed by the appropriate agency within 30 days of  
2 introduction of a bill, the bill can be heard in committee  
3 and advanced to the order of second reading. The bill shall  
4 then remain on second reading until a fiscal note is filed.  
5 A bill discharged from committee shall also remain on  
6 second reading until a fiscal note is provided by the  
7 appropriate agency.

8 (3) The estimate required by paragraph (2) above, shall  
9 include the amount estimated to be required during the  
10 first fiscal year of a bill's operation in order to  
11 reimburse local governments pursuant to Section 6, for  
12 costs mandated by such bill. In the event that the  
13 effective date of such a bill is not the first day of the  
14 fiscal year the estimate shall also include the amount  
15 estimated to be required for reimbursement for the next  
16 following full fiscal year.

17 (4) For the initial fiscal year, reimbursement funds  
18 shall be provided as follows: (i) any statute mandating  
19 such costs shall have a companion appropriation bill, and  
20 (ii) any executive order mandating such costs shall be  
21 accompanied by a bill to appropriate the funds therefor,  
22 or, alternatively an appropriation for such funds shall be  
23 included in the executive budget for the next following  
24 fiscal year.

25 In subsequent fiscal years appropriations for such  
26 costs shall be included in the Governor's budget or  
27 supplemental appropriation bills.

28 (c) Reimbursement Application and Disbursement Procedure.

29 (1) For the initial fiscal year during which  
30 reimbursement is authorized, each local government, or  
31 more than one local government wishing to join in filing a  
32 single claim, believing itself to be entitled to  
33 reimbursement under this Act shall submit to the  
34 Department, State Superintendent of Education or Illinois  
35 Community College Board within 60 days of the effective  
36 date of the mandate a claim for reimbursement accompanied

1 by its estimate of the increased costs required by the  
2 mandate for the balance of the fiscal year. The Department,  
3 State Superintendent of Education or Illinois Community  
4 College Board shall review such claim and estimate, shall  
5 apportion the claim into 3 equal installments and shall  
6 direct the Comptroller to pay the installments at equal  
7 intervals throughout the remainder of the fiscal year from  
8 the funds appropriated for such purposes, provided that the  
9 Department, State Superintendent of Education or Illinois  
10 Community College Board may (i) audit the records of any  
11 local government to verify the actual amount of the  
12 mandated cost, and (ii) reduce any claim determined to be  
13 excessive or unreasonable.

14 (2) For the subsequent fiscal years, local governments  
15 shall submit claims as specified above on or before October  
16 1 of each year. The Department, State Superintendent of  
17 Education or Illinois Community College Board shall  
18 apportion the claims into 3 equal installments and shall  
19 direct the Comptroller to pay the first installment upon  
20 approval of the claims, with subsequent installments to  
21 follow on January 1 and March 1, such claims to be paid  
22 from funds appropriated therefor, provided that the  
23 Department, State Superintendent of Education or Illinois  
24 Community College Board (i) may audit the records of any  
25 local governments to verify the actual amount of the  
26 mandated cost, (ii) may reduce any claim, determined to be  
27 excessive or unreasonable, and (iii) shall adjust the  
28 payment to correct for any underpayments or overpayments  
29 which occurred in the previous fiscal year.

30 (3) Any funds received by a local government pursuant  
31 to this Act may be used for any public purpose.

32 If the funds appropriated for reimbursement of the  
33 costs of local government resulting from the creation or  
34 expansion of a State mandate are less than the total of the  
35 approved claims, the amount appropriated shall be prorated  
36 among the local governments having approved claims.

1 (d) Appeals and Adjudication.

2 (1) Local governments may appeal determinations made  
3 by State agencies acting pursuant to subsection (c) above.  
4 The appeal must be submitted to the State Mandates Board of  
5 Review created by Section 9.1 of this Act within 60 days  
6 following the date of receipt of the determination being  
7 appealed. The appeal must include evidence as to the extent  
8 to which the mandate has been carried out in an effective  
9 manner and executed without recourse to standards of  
10 staffing or expenditure higher than specified in the  
11 mandatory statute, if such standards are specified in the  
12 statute. The State Mandates Board of Review, after  
13 reviewing the evidence submitted to it, may increase or  
14 reduce the amount of a reimbursement claim. The decision of  
15 the State Mandates Board of Review shall be final subject  
16 to judicial review. However, if sufficient funds have not  
17 been appropriated, the Department shall notify the General  
18 Assembly of such cost, and appropriations for such costs  
19 shall be included in a supplemental appropriation bill.

20 (2) A local government may also appeal directly to the  
21 State Mandates Board of Review in those situations in which  
22 the Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~ does not act upon the local government's  
24 application for reimbursement or request for mandate  
25 determination submitted under this Act. The appeal must  
26 include evidence that the application for reimbursement or  
27 request for mandate determination was properly filed and  
28 should have been reviewed by the Department.

29 An appeal may be made to the Board if the Department  
30 does not respond to a local government's application for  
31 reimbursement or request for mandate determination within  
32 120 days after filing the application or request. In no  
33 case, however, may an appeal be brought more than one year  
34 after the application or request is filed with the  
35 Department.

36 (Source: P.A. 89-304, eff. 8-11-95; 89-626, eff. 8-9-96;

1 revised 12-6-03.)

2 Section 460. The Illinois Income Tax Act is amended by  
3 changing Sections 211 and 213 as follows:

4 (35 ILCS 5/211)

5 Sec. 211. Economic Development for a Growing Economy Tax  
6 Credit. For tax years beginning on or after January 1, 1999, a  
7 Taxpayer who has entered into an Agreement under the Economic  
8 Development for a Growing Economy Tax Credit Act is entitled to  
9 a credit against the taxes imposed under subsections (a) and  
10 (b) of Section 201 of this Act in an amount to be determined in  
11 the Agreement. If the Taxpayer is a partnership or Subchapter S  
12 corporation, the credit shall be allowed to the partners or  
13 shareholders in accordance with the determination of income and  
14 distributive share of income under Sections 702 and 704 and  
15 subchapter S of the Internal Revenue Code. The Department, in  
16 cooperation with the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~, shall prescribe rules to  
18 enforce and administer the provisions of this Section. This  
19 Section is exempt from the provisions of Section 250 of this  
20 Act.

21 The credit shall be subject to the conditions set forth in  
22 the Agreement and the following limitations:

23 (1) The tax credit shall not exceed the Incremental  
24 Income Tax (as defined in Section 5-5 of the Economic  
25 Development for a Growing Economy Tax Credit Act) with  
26 respect to the project.

27 (2) The amount of the credit allowed during the tax  
28 year plus the sum of all amounts allowed in prior years  
29 shall not exceed 100% of the aggregate amount expended by  
30 the Taxpayer during all prior tax years on approved costs  
31 defined by Agreement.

32 (3) The amount of the credit shall be determined on an  
33 annual basis. Except as applied in a carryover year  
34 pursuant to Section 211(4) of this Act, the credit may not

1 be applied against any State income tax liability in more  
2 than 10 taxable years; provided, however, that (i) an  
3 eligible business certified by the Department of Commerce  
4 and Economic Opportunity ~~Community Affairs~~ under the  
5 Corporate Headquarters Relocation Act may not apply the  
6 credit against any of its State income tax liability in  
7 more than 15 taxable years and (ii) credits allowed to that  
8 eligible business are subject to the conditions and  
9 requirements set forth in Sections 5-35 and 5-45 of the  
10 Economic Development for a Growing Economy Tax Credit Act.

11 (4) The credit may not exceed the amount of taxes  
12 imposed pursuant to subsections (a) and (b) of Section 201  
13 of this Act. Any credit that is unused in the year the  
14 credit is computed may be carried forward and applied to  
15 the tax liability of the 5 taxable years following the  
16 excess credit year. The credit shall be applied to the  
17 earliest year for which there is a tax liability. If there  
18 are credits from more than one tax year that are available  
19 to offset a liability, the earlier credit shall be applied  
20 first.

21 (5) No credit shall be allowed with respect to any  
22 Agreement for any taxable year ending after the  
23 Noncompliance Date. Upon receiving notification by the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~ of the noncompliance of a Taxpayer with an  
26 Agreement, the Department shall notify the Taxpayer that no  
27 credit is allowed with respect to that Agreement for any  
28 taxable year ending after the Noncompliance Date, as stated  
29 in such notification. If any credit has been allowed with  
30 respect to an Agreement for a taxable year ending after the  
31 Noncompliance Date for that Agreement, any refund paid to  
32 the Taxpayer for that taxable year shall, to the extent of  
33 that credit allowed, be an erroneous refund within the  
34 meaning of Section 912 of this Act.

35 (6) For purposes of this Section, the terms  
36 "Agreement", "Incremental Income Tax", and "Noncompliance



1 Date" have the same meaning as when used in the Economic  
2 Development for a Growing Economy Tax Credit Act.  
3 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
4 revised 12-6-03.)

5 (35 ILCS 5/213)

6 Sec. 213. Film production services credit. For tax years  
7 beginning on or after January 1, 2004, a taxpayer who has been  
8 awarded a tax credit under the Film Production Services Tax  
9 Credit Act is entitled to a credit against the taxes imposed  
10 under subsections (a) and (b) of Section 201 of this Act in an  
11 amount determined by the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ under the Film Production  
13 Services Tax Credit Act. If the taxpayer is a partnership or  
14 Subchapter S corporation, the credit is allowed to the partners  
15 or shareholders in accordance with the determination of income  
16 and distributive share of income under Sections 702 and 704 and  
17 Subchapter S of the Internal Revenue Code. The Department, in  
18 cooperation with the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~, must prescribe rules to enforce  
20 and administer the provisions of this Section. This Section is  
21 exempt from the provisions of Section 250 of this Act.

22 The credit may not be carried forward or back. In no event  
23 shall a credit under this Section reduce the taxpayer's  
24 liability to less than zero.

25 (Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

26 Section 465. The Economic Development for a Growing Economy  
27 Tax Credit Act is amended by changing Sections 5-5, 5-25, and  
28 5-45 as follows:

29 (35 ILCS 10/5-5)

30 Sec. 5-5. Definitions. As used in this Act:

31 "Agreement" means the Agreement between a Taxpayer and the  
32 Department under the provisions of Section 5-50 of this Act.

33 "Applicant" means a Taxpayer that is operating a business

1 located or that the Taxpayer plans to locate within the State  
2 of Illinois and that is engaged in interstate or intrastate  
3 commerce for the purpose of manufacturing, processing,  
4 assembling, warehousing, or distributing products, conducting  
5 research and development, providing tourism services, or  
6 providing services in interstate commerce, office industries,  
7 or agricultural processing, but excluding retail, retail food,  
8 health, or professional services. "Applicant" does not include  
9 a Taxpayer who closes or substantially reduces an operation at  
10 one location in the State and relocates substantially the same  
11 operation to another location in the State. This does not  
12 prohibit a Taxpayer from expanding its operations at another  
13 location in the State, provided that existing operations of a  
14 similar nature located within the State are not closed or  
15 substantially reduced. This also does not prohibit a Taxpayer  
16 from moving its operations from one location in the State to  
17 another location in the State for the purpose of expanding the  
18 operation provided that the Department determines that  
19 expansion cannot reasonably be accommodated within the  
20 municipality in which the business is located, or in the case  
21 of a business located in an incorporated area of the county,  
22 within the county in which the business is located, after  
23 conferring with the chief elected official of the municipality  
24 or county and taking into consideration any evidence offered by  
25 the municipality or county regarding the ability to accommodate  
26 expansion within the municipality or county.

27 "Committee" means the Illinois Business Investment  
28 Committee created under Section 5-25 of this Act within the  
29 Illinois Economic Development Board.

30 "Credit" means the amount agreed to between the Department  
31 and Applicant under this Act, but not to exceed the Incremental  
32 Income Tax attributable to the Applicant's project.

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

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

1 "Full-time Employee" means an individual who is employed  
2 for consideration for at least 35 hours each week or who  
3 renders any other standard of service generally accepted by  
4 industry custom or practice as full-time employment.

5 "Incremental Income Tax" means the total amount withheld  
6 during the taxable year from the compensation of New Employees  
7 under Article 7 of the Illinois Income Tax Act arising from  
8 employment at a project that is the subject of an Agreement.

9 "New Employee" means:

10 (a) A Full-time Employee first employed by a Taxpayer  
11 in the project that is the subject of an Agreement and who  
12 is hired after the Taxpayer enters into the tax credit  
13 Agreement.

14 (b) The term "New Employee" does not include:

15 (1) an employee of the Taxpayer who performs a job  
16 that was previously performed by another employee, if  
17 that job existed for at least 6 months before hiring  
18 the employee;

19 (2) an employee of the Taxpayer who was previously  
20 employed in Illinois by a Related Member of the  
21 Taxpayer and whose employment was shifted to the  
22 Taxpayer after the Taxpayer entered into the tax credit  
23 Agreement; or

24 (3) a child, grandchild, parent, or spouse, other  
25 than a spouse who is legally separated from the  
26 individual, of any individual who has a direct or an  
27 indirect ownership interest of at least 5% in the  
28 profits, capital, or value of the Taxpayer.

29 (c) Notwithstanding paragraph (1) of subsection (b),  
30 an employee may be considered a New Employee under the  
31 Agreement if the employee performs a job that was  
32 previously performed by an employee who was:

33 (1) treated under the Agreement as a New Employee;

34 and

35 (2) promoted by the Taxpayer to another job.

36 (d) Notwithstanding subsection (a), the Department may

1 award Credit to an Applicant with respect to an employee  
2 hired prior to the date of the Agreement if:

3 (1) the Applicant is in receipt of a letter from  
4 the Department stating an intent to enter into a credit  
5 Agreement;

6 (2) the letter described in paragraph (1) is issued  
7 by the Department not later than 15 days after the  
8 effective date of this Act; and

9 (3) the employee was hired after the date the  
10 letter described in paragraph (1) was issued.

11 "Noncompliance Date" means, in the case of a Taxpayer that  
12 is not complying with the requirements of the Agreement or the  
13 provisions of this Act, the day following the last date upon  
14 which the Taxpayer was in compliance with the requirements of  
15 the Agreement and the provisions of this Act, as determined by  
16 the Director, pursuant to Section 5-65.

17 "Pass Through Entity" means an entity that is exempt from  
18 the tax under subsection (b) or (c) of Section 205 of the  
19 Illinois Income Tax Act.

20 "Related Member" means a person that, with respect to the  
21 Taxpayer during any portion of the taxable year, is any one of  
22 the following:

23 (1) An individual stockholder, if the stockholder and  
24 the members of the stockholder's family (as defined in  
25 Section 318 of the Internal Revenue Code) own directly,  
26 indirectly, beneficially, or constructively, in the  
27 aggregate, at least 50% of the value of the Taxpayer's  
28 outstanding stock.

29 (2) A partnership, estate, or trust and any partner or  
30 beneficiary, if the partnership, estate, or trust, and its  
31 partners or beneficiaries own directly, indirectly,  
32 beneficially, or constructively, in the aggregate, at  
33 least 50% of the profits, capital, stock, or value of the  
34 Taxpayer.

35 (3) A corporation, and any party related to the  
36 corporation in a manner that would require an attribution

1 of stock from the corporation to the party or from the  
2 party to the corporation under the attribution rules of  
3 Section 318 of the Internal Revenue Code, if the Taxpayer  
4 owns directly, indirectly, beneficially, or constructively  
5 at least 50% of the value of the corporation's outstanding  
6 stock.

7 (4) A corporation and any party related to that  
8 corporation in a manner that would require an attribution  
9 of stock from the corporation to the party or from the  
10 party to the corporation under the attribution rules of  
11 Section 318 of the Internal Revenue Code, if the  
12 corporation and all such related parties own in the  
13 aggregate at least 50% of the profits, capital, stock, or  
14 value of the Taxpayer.

15 (5) A person to or from whom there is attribution of  
16 stock ownership in accordance with Section 1563(e) of the  
17 Internal Revenue Code, except, for purposes of determining  
18 whether a person is a Related Member under this paragraph,  
19 20% shall be substituted for 5% wherever 5% appears in  
20 Section 1563(e) of the Internal Revenue Code.

21 "Taxpayer" means an individual, corporation, partnership,  
22 or other entity that has any Illinois Income Tax liability.

23 (Source: P.A. 91-476, eff. 8-11-99; 92-651, eff. 7-11-02;  
24 revised 12-6-03.)

25 (35 ILCS 10/5-25)

26 Sec. 5-25. Review of Application.

27 (a) In addition to those duties granted under the Illinois  
28 Economic Development Board Act, the Illinois Economic  
29 Development Board shall form a Business Investment Committee  
30 for the purpose of making recommendations for applications. At  
31 the request of the Board, the Director of Commerce and Economic  
32 Opportunity ~~Community Affairs~~ or his or her designee, the  
33 Director of the Governor's Office of Management and Budget  
34 ~~Bureau of the Budget~~ or his or her designee, the Director of  
35 Revenue or his or her designee, the Director of Employment

1 Security or his or her designee, and an elected official of the  
2 affected locality, such as the chair of the county board or the  
3 mayor, may serve as members of the Committee to assist with its  
4 analysis and deliberations.

5 (b) At the Department's request, the Committee shall  
6 convene, make inquiries, and conduct studies in the manner and  
7 by the methods as it deems desirable, review information with  
8 respect to Applicants, and make recommendations for projects to  
9 benefit the State. In making its recommendation that an  
10 Applicant's application for Credit should or should not be  
11 accepted, which shall occur within a reasonable time frame as  
12 determined by the nature of the application, the Committee  
13 shall determine that all the following conditions exist:

14 (1) The Applicant's project intends, as required by  
15 subsection (b) of Section 5-20 to make the required  
16 investment in the State and intends to hire the required  
17 number of New Employees in Illinois as a result of that  
18 project.

19 (2) The Applicant's project is economically sound and  
20 will benefit the people of the State of Illinois by  
21 increasing opportunities for employment and strengthen the  
22 economy of Illinois.

23 (3) That, if not for the Credit, the project would not  
24 occur in Illinois, which may be demonstrated by any means  
25 including, but not limited to, evidence the Applicant has  
26 multi-state location options and could reasonably and  
27 efficiently locate outside of the State, or demonstration  
28 that at least one other state is being considered for the  
29 project, or evidence the receipt of the Credit is a major  
30 factor in the Applicant's decision and that without the  
31 Credit, the Applicant likely would not create new jobs in  
32 Illinois, or demonstration that receiving the Credit is  
33 essential to the Applicant's decision to create or retain  
34 new jobs in the State.

35 (4) A cost differential is identified, using best  
36 available data, in the projected costs for the Applicant's

1 project compared to the costs in the competing state,  
2 including the impact of the competing state's incentive  
3 programs. The competing state's incentive programs shall  
4 include state, local, private, and federal funds  
5 available.

6 (5) The political subdivisions affected by the project  
7 have committed local incentives with respect to the  
8 project, considering local ability to assist.

9 (6) Awarding the Credit will result in an overall  
10 positive fiscal impact to the State, as certified by the  
11 Committee using the best available data.

12 (7) The Credit is not prohibited by Section 5-35 of  
13 this Act.

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

15 (35 ILCS 10/5-45)

16 Sec. 5-45. Amount and duration of the credit.

17 (a) The Department shall determine the amount and duration  
18 of the credit awarded under this Act. The duration of the  
19 credit may not exceed 10 taxable years. The credit may be  
20 stated as a percentage of the Incremental Income Tax  
21 attributable to the applicant's project and may include a fixed  
22 dollar limitation.

23 (b) Notwithstanding subsection (a), and except as the  
24 credit may be applied in a carryover year pursuant to Section  
25 211(4) of the Illinois Income Tax Act, the credit may be  
26 applied against the State income tax liability in more than 10  
27 taxable years but not in more than 15 taxable years for an  
28 eligible business that (i) qualifies under this Act and the  
29 Corporate Headquarters Relocation Act and has in fact  
30 undertaken a qualifying project within the time frame specified  
31 by the Department of Commerce and Economic Opportunity  
32 ~~Community Affairs~~ under that Act, and (ii) applies against its  
33 State income tax liability, during the entire 15-year period,  
34 no more than 60% of the maximum credit per year that would  
35 otherwise be available under this Act.

1 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
2 revised 12-6-03.)

3 Section 470. The Film Production Services Tax Credit Act is  
4 amended by changing Section 10 as follows:

5 (35 ILCS 15/10)

6 (Section scheduled to be repealed on January 1, 2006)

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

8 "Accredited production" means a film, video, or television  
9 production that has been certified by the Department in which  
10 the aggregate Illinois labor expenditures included in the cost  
11 of the production, in the period that ends 12 months after the  
12 time principal filming or taping of the production began,  
13 exceed \$100,000 for productions of 30 minutes or longer, or  
14 \$50,000 for productions of less than 30 minutes; but does not  
15 include a production that:

16 (1) is news, current events, or public programming, or  
17 a program that includes weather or market reports;

18 (2) is a talk show;

19 (3) is a production in respect of a game,  
20 questionnaire, or contest;

21 (4) is a sports event or activity;

22 (5) is a gala presentation or awards show;

23 (6) is a finished production that solicits funds;

24 (7) is a production produced by a film production  
25 company if records, as required by 18 U.S.C. 2257, are to  
26 be maintained by that film production company with respect  
27 to any performer portrayed in that single media or  
28 multimedia program; or

29 (8) is a production produced primarily for industrial,  
30 corporate, or institutional purposes.

31 "Accredited production certificate" means a certificate  
32 issued by the Department certifying that the production is an  
33 accredited production that meets the guidelines of this Act.

34 "Applicant" means a taxpayer that is a film production



1 company that is operating or has operated an accredited  
2 production located within the State of Illinois and that (i)  
3 owns the copyright in the accredited production throughout the  
4 Illinois production period or (ii) has contracted directly with  
5 the owner of the copyright in the accredited production or a  
6 person acting on behalf of the owner to provide services for  
7 the production, where the owner of the copyright is not an  
8 eligible production corporation.

9 "Credit" means the amount equal to 25% of the Illinois  
10 labor expenditure approved by the Department. The applicant is  
11 deemed to have paid, on its balance due day for the year, an  
12 amount equal to 25% of its qualified Illinois labor expenditure  
13 for the tax year.

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

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

18 "Illinois labor expenditure" means salary or wages paid to  
19 employees of the applicant for services on the accredited  
20 production;

21 To qualify as an Illinois labor expenditure, the  
22 expenditure must be:

23 (1) Reasonable in the circumstances.

24 (2) Included in the federal income tax basis of the  
25 property.

26 (3) Incurred by the applicant for services on or after  
27 January 1, 2004.

28 (4) Incurred for the production stages of the  
29 accredited production, from the final script stage to the  
30 end of the post-production stage.

31 (5) Limited to the first \$25,000 of wages paid or  
32 incurred to each employee of the production.

33 (6) Exclusive of the salary or wages paid to or  
34 incurred for the 2 highest paid employees of the  
35 production.

36 (7) Directly attributable to the accredited

1 production.

2 (8) Paid in the tax year for which the applicant is  
3 claiming the credit or no later than 60 days after the end  
4 of the tax year.

5 (9) Paid to persons resident in Illinois at the time  
6 the payments were made.

7 (10) Paid for services rendered in Illinois.

8 (Source: P.A. 93-543, eff. 1-1-04; revised 11-3-04.)

9 Section 475. The Use Tax Act is amended by changing Section  
10 9 as follows:

11 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

12 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
13 and trailers that are required to be registered with an agency  
14 of this State, each retailer required or authorized to collect  
15 the tax imposed by this Act shall pay to the Department the  
16 amount of such tax (except as otherwise provided) at the time  
17 when he is required to file his return for the period during  
18 which such tax was collected, less a discount of 2.1% prior to  
19 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
20 per calendar year, whichever is greater, which is allowed to  
21 reimburse the retailer for expenses incurred in collecting the  
22 tax, keeping records, preparing and filing returns, remitting  
23 the tax and supplying data to the Department on request. In the  
24 case of retailers who report and pay the tax on a transaction  
25 by transaction basis, as provided in this Section, such  
26 discount shall be taken with each such tax remittance instead  
27 of when such retailer files his periodic return. A retailer  
28 need not remit that part of any tax collected by him to the  
29 extent that he is required to remit and does remit the tax  
30 imposed by the Retailers' Occupation Tax Act, with respect to  
31 the sale of the same property.

32 Where such tangible personal property is sold under a  
33 conditional sales contract, or under any other form of sale  
34 wherein the payment of the principal sum, or a part thereof, is

1 extended beyond the close of the period for which the return is  
2 filed, the retailer, in collecting the tax (except as to motor  
3 vehicles, watercraft, aircraft, and trailers that are required  
4 to be registered with an agency of this State), may collect for  
5 each tax return period, only the tax applicable to that part of  
6 the selling price actually received during such tax return  
7 period.

8 Except as provided in this Section, on or before the  
9 twentieth day of each calendar month, such retailer shall file  
10 a return for the preceding calendar month. Such return shall be  
11 filed on forms prescribed by the Department and shall furnish  
12 such information as the Department may reasonably require.

13 The Department may require returns to be filed on a  
14 quarterly basis. If so required, a return for each calendar  
15 quarter shall be filed on or before the twentieth day of the  
16 calendar month following the end of such calendar quarter. The  
17 taxpayer shall also file a return with the Department for each  
18 of the first two months of each calendar quarter, on or before  
19 the twentieth day of the following calendar month, stating:

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business from  
22 which he engages in the business of selling tangible  
23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by him  
25 during the preceding calendar month from sales of tangible  
26 personal property by him during such preceding calendar  
27 month, including receipts from charge and time sales, but  
28 less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of this  
30 Act;
- 31 5. The amount of tax due;
- 32 5-5. The signature of the taxpayer; and
- 33 6. Such other reasonable information as the Department  
34 may require.

35 If a taxpayer fails to sign a return within 30 days after  
36 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be  
2 due on the return shall be deemed assessed.

3 Beginning October 1, 1993, a taxpayer who has an average  
4 monthly tax liability of \$150,000 or more shall make all  
5 payments required by rules of the Department by electronic  
6 funds transfer. Beginning October 1, 1994, a taxpayer who has  
7 an average monthly tax liability of \$100,000 or more shall make  
8 all payments required by rules of the Department by electronic  
9 funds transfer. Beginning October 1, 1995, a taxpayer who has  
10 an average monthly tax liability of \$50,000 or more shall make  
11 all payments required by rules of the Department by electronic  
12 funds transfer. Beginning October 1, 2000, a taxpayer who has  
13 an annual tax liability of \$200,000 or more shall make all  
14 payments required by rules of the Department by electronic  
15 funds transfer. The term "annual tax liability" shall be the  
16 sum of the taxpayer's liabilities under this Act, and under all  
17 other State and local occupation and use tax laws administered  
18 by the Department, for the immediately preceding calendar year.  
19 The term "average monthly tax liability" means the sum of the  
20 taxpayer's liabilities under this Act, and under all other  
21 State and local occupation and use tax laws administered by the  
22 Department, for the immediately preceding calendar year  
23 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
24 a tax liability in the amount set forth in subsection (b) of  
25 Section 2505-210 of the Department of Revenue Law shall make  
26 all payments required by rules of the Department by electronic  
27 funds transfer.

28 Before August 1 of each year beginning in 1993, the  
29 Department shall notify all taxpayers required to make payments  
30 by electronic funds transfer. All taxpayers required to make  
31 payments by electronic funds transfer shall make those payments  
32 for a minimum of one year beginning on October 1.

33 Any taxpayer not required to make payments by electronic  
34 funds transfer may make payments by electronic funds transfer  
35 with the permission of the Department.

36 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make  
2 payments by electronic funds transfer shall make those payments  
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to  
5 effectuate a program of electronic funds transfer and the  
6 requirements of this Section.

7 Before October 1, 2000, if the taxpayer's average monthly  
8 tax liability to the Department under this Act, the Retailers'  
9 Occupation Tax Act, the Service Occupation Tax Act, the Service  
10 Use Tax Act was \$10,000 or more during the preceding 4 complete  
11 calendar quarters, he shall file a return with the Department  
12 each month by the 20th day of the month next following the  
13 month during which such tax liability is incurred and shall  
14 make payments to the Department on or before the 7th, 15th,  
15 22nd and last day of the month during which such liability is  
16 incurred. On and after October 1, 2000, if the taxpayer's  
17 average monthly tax liability to the Department under this Act,  
18 the Retailers' Occupation Tax Act, the Service Occupation Tax  
19 Act, and the Service Use Tax Act was \$20,000 or more during the  
20 preceding 4 complete calendar quarters, he shall file a return  
21 with the Department each month by the 20th day of the month  
22 next following the month during which such tax liability is  
23 incurred and shall make payment to the Department on or before  
24 the 7th, 15th, 22nd and last day of the month during which such  
25 liability is incurred. If the month during which such tax  
26 liability is incurred began prior to January 1, 1985, each  
27 payment shall be in an amount equal to 1/4 of the taxpayer's  
28 actual liability for the month or an amount set by the  
29 Department not to exceed 1/4 of the average monthly liability  
30 of the taxpayer to the Department for the preceding 4 complete  
31 calendar quarters (excluding the month of highest liability and  
32 the month of lowest liability in such 4 quarter period). If the  
33 month during which such tax liability is incurred begins on or  
34 after January 1, 1985, and prior to January 1, 1987, each  
35 payment shall be in an amount equal to 22.5% of the taxpayer's  
36 actual liability for the month or 27.5% of the taxpayer's

1 liability for the same calendar month of the preceding year. If  
2 the month during which such tax liability is incurred begins on  
3 or after January 1, 1987, and prior to January 1, 1988, each  
4 payment shall be in an amount equal to 22.5% of the taxpayer's  
5 actual liability for the month or 26.25% of the taxpayer's  
6 liability for the same calendar month of the preceding year. If  
7 the month during which such tax liability is incurred begins on  
8 or after January 1, 1988, and prior to January 1, 1989, or  
9 begins on or after January 1, 1996, each payment shall be in an  
10 amount equal to 22.5% of the taxpayer's actual liability for  
11 the month or 25% of the taxpayer's liability for the same  
12 calendar month of the preceding year. If the month during which  
13 such tax liability is incurred begins on or after January 1,  
14 1989, and prior to January 1, 1996, each payment shall be in an  
15 amount equal to 22.5% of the taxpayer's actual liability for  
16 the month or 25% of the taxpayer's liability for the same  
17 calendar month of the preceding year or 100% of the taxpayer's  
18 actual liability for the quarter monthly reporting period. The  
19 amount of such quarter monthly payments shall be credited  
20 against the final tax liability of the taxpayer's return for  
21 that month. Before October 1, 2000, once applicable, the  
22 requirement of the making of quarter monthly payments to the  
23 Department shall continue until such taxpayer's average  
24 monthly liability to the Department during the preceding 4  
25 complete calendar quarters (excluding the month of highest  
26 liability and the month of lowest liability) is less than  
27 \$9,000, or until such taxpayer's average monthly liability to  
28 the Department as computed for each calendar quarter of the 4  
29 preceding complete calendar quarter period is less than  
30 \$10,000. However, if a taxpayer can show the Department that a  
31 substantial change in the taxpayer's business has occurred  
32 which causes the taxpayer to anticipate that his average  
33 monthly tax liability for the reasonably foreseeable future  
34 will fall below the \$10,000 threshold stated above, then such  
35 taxpayer may petition the Department for change in such  
36 taxpayer's reporting status. On and after October 1, 2000, once

1 applicable, the requirement of the making of quarter monthly  
2 payments to the Department shall continue until such taxpayer's  
3 average monthly liability to the Department during the  
4 preceding 4 complete calendar quarters (excluding the month of  
5 highest liability and the month of lowest liability) is less  
6 than \$19,000 or until such taxpayer's average monthly liability  
7 to the Department as computed for each calendar quarter of the  
8 4 preceding complete calendar quarter period is less than  
9 \$20,000. However, if a taxpayer can show the Department that a  
10 substantial change in the taxpayer's business has occurred  
11 which causes the taxpayer to anticipate that his average  
12 monthly tax liability for the reasonably foreseeable future  
13 will fall below the \$20,000 threshold stated above, then such  
14 taxpayer may petition the Department for a change in such  
15 taxpayer's reporting status. The Department shall change such  
16 taxpayer's reporting status unless it finds that such change is  
17 seasonal in nature and not likely to be long term. If any such  
18 quarter monthly payment is not paid at the time or in the  
19 amount required by this Section, then the taxpayer shall be  
20 liable for penalties and interest on the difference between the  
21 minimum amount due and the amount of such quarter monthly  
22 payment actually and timely paid, except insofar as the  
23 taxpayer has previously made payments for that month to the  
24 Department in excess of the minimum payments previously due as  
25 provided in this Section. The Department shall make reasonable  
26 rules and regulations to govern the quarter monthly payment  
27 amount and quarter monthly payment dates for taxpayers who file  
28 on other than a calendar monthly basis.

29 If any such payment provided for in this Section exceeds  
30 the taxpayer's liabilities under this Act, the Retailers'  
31 Occupation Tax Act, the Service Occupation Tax Act and the  
32 Service Use Tax Act, as shown by an original monthly return,  
33 the Department shall issue to the taxpayer a credit memorandum  
34 no later than 30 days after the date of payment, which  
35 memorandum may be submitted by the taxpayer to the Department  
36 in payment of tax liability subsequently to be remitted by the

1 taxpayer to the Department or be assigned by the taxpayer to a  
2 similar taxpayer under this Act, the Retailers' Occupation Tax  
3 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
4 in accordance with reasonable rules and regulations to be  
5 prescribed by the Department, except that if such excess  
6 payment is shown on an original monthly return and is made  
7 after December 31, 1986, no credit memorandum shall be issued,  
8 unless requested by the taxpayer. If no such request is made,  
9 the taxpayer may credit such excess payment against tax  
10 liability subsequently to be remitted by the taxpayer to the  
11 Department under this Act, the Retailers' Occupation Tax Act,  
12 the Service Occupation Tax Act or the Service Use Tax Act, in  
13 accordance with reasonable rules and regulations prescribed by  
14 the Department. If the Department subsequently determines that  
15 all or any part of the credit taken was not actually due to the  
16 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
17 be reduced by 2.1% or 1.75% of the difference between the  
18 credit taken and that actually due, and the taxpayer shall be  
19 liable for penalties and interest on such difference.

20 If the retailer is otherwise required to file a monthly  
21 return and if the retailer's average monthly tax liability to  
22 the Department does not exceed \$200, the Department may  
23 authorize his returns to be filed on a quarter annual basis,  
24 with the return for January, February, and March of a given  
25 year being due by April 20 of such year; with the return for  
26 April, May and June of a given year being due by July 20 of such  
27 year; with the return for July, August and September of a given  
28 year being due by October 20 of such year, and with the return  
29 for October, November and December of a given year being due by  
30 January 20 of the following year.

31 If the retailer is otherwise required to file a monthly or  
32 quarterly return and if the retailer's average monthly tax  
33 liability to the Department does not exceed \$50, the Department  
34 may authorize his returns to be filed on an annual basis, with  
35 the return for a given year being due by January 20 of the  
36 following year.



1           Such quarter annual and annual returns, as to form and  
2 substance, shall be subject to the same requirements as monthly  
3 returns.

4           Notwithstanding any other provision in this Act concerning  
5 the time within which a retailer may file his return, in the  
6 case of any retailer who ceases to engage in a kind of business  
7 which makes him responsible for filing returns under this Act,  
8 such retailer shall file a final return under this Act with the  
9 Department not more than one month after discontinuing such  
10 business.

11           In addition, with respect to motor vehicles, watercraft,  
12 aircraft, and trailers that are required to be registered with  
13 an agency of this State, every retailer selling this kind of  
14 tangible personal property shall file, with the Department,  
15 upon a form to be prescribed and supplied by the Department, a  
16 separate return for each such item of tangible personal  
17 property which the retailer sells, except that if, in the same  
18 transaction, (i) a retailer of aircraft, watercraft, motor  
19 vehicles or trailers transfers more than one aircraft,  
20 watercraft, motor vehicle or trailer to another aircraft,  
21 watercraft, motor vehicle or trailer retailer for the purpose  
22 of resale or (ii) a retailer of aircraft, watercraft, motor  
23 vehicles, or trailers transfers more than one aircraft,  
24 watercraft, motor vehicle, or trailer to a purchaser for use as  
25 a qualifying rolling stock as provided in Section 3-55 of this  
26 Act, then that seller may report the transfer of all the  
27 aircraft, watercraft, motor vehicles or trailers involved in  
28 that transaction to the Department on the same uniform  
29 invoice-transaction reporting return form. For purposes of  
30 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
31 watercraft as defined in Section 3-2 of the Boat Registration  
32 and Safety Act, a personal watercraft, or any boat equipped  
33 with an inboard motor.

34           The transaction reporting return in the case of motor  
35 vehicles or trailers that are required to be registered with an  
36 agency of this State, shall be the same document as the Uniform

1 Invoice referred to in Section 5-402 of the Illinois Vehicle  
2 Code and must show the name and address of the seller; the name  
3 and address of the purchaser; the amount of the selling price  
4 including the amount allowed by the retailer for traded-in  
5 property, if any; the amount allowed by the retailer for the  
6 traded-in tangible personal property, if any, to the extent to  
7 which Section 2 of this Act allows an exemption for the value  
8 of traded-in property; the balance payable after deducting such  
9 trade-in allowance from the total selling price; the amount of  
10 tax due from the retailer with respect to such transaction; the  
11 amount of tax collected from the purchaser by the retailer on  
12 such transaction (or satisfactory evidence that such tax is not  
13 due in that particular instance, if that is claimed to be the  
14 fact); the place and date of the sale; a sufficient  
15 identification of the property sold; such other information as  
16 is required in Section 5-402 of the Illinois Vehicle Code, and  
17 such other information as the Department may reasonably  
18 require.

19 The transaction reporting return in the case of watercraft  
20 and aircraft must show the name and address of the seller; the  
21 name and address of the purchaser; the amount of the selling  
22 price including the amount allowed by the retailer for  
23 traded-in property, if any; the amount allowed by the retailer  
24 for the traded-in tangible personal property, if any, to the  
25 extent to which Section 2 of this Act allows an exemption for  
26 the value of traded-in property; the balance payable after  
27 deducting such trade-in allowance from the total selling price;  
28 the amount of tax due from the retailer with respect to such  
29 transaction; the amount of tax collected from the purchaser by  
30 the retailer on such transaction (or satisfactory evidence that  
31 such tax is not due in that particular instance, if that is  
32 claimed to be the fact); the place and date of the sale, a  
33 sufficient identification of the property sold, and such other  
34 information as the Department may reasonably require.

35 Such transaction reporting return shall be filed not later  
36 than 20 days after the date of delivery of the item that is

1 being sold, but may be filed by the retailer at any time sooner  
2 than that if he chooses to do so. The transaction reporting  
3 return and tax remittance or proof of exemption from the tax  
4 that is imposed by this Act may be transmitted to the  
5 Department by way of the State agency with which, or State  
6 officer with whom, the tangible personal property must be  
7 titled or registered (if titling or registration is required)  
8 if the Department and such agency or State officer determine  
9 that this procedure will expedite the processing of  
10 applications for title or registration.

11 With each such transaction reporting return, the retailer  
12 shall remit the proper amount of tax due (or shall submit  
13 satisfactory evidence that the sale is not taxable if that is  
14 the case), to the Department or its agents, whereupon the  
15 Department shall issue, in the purchaser's name, a tax receipt  
16 (or a certificate of exemption if the Department is satisfied  
17 that the particular sale is tax exempt) which such purchaser  
18 may submit to the agency with which, or State officer with  
19 whom, he must title or register the tangible personal property  
20 that is involved (if titling or registration is required) in  
21 support of such purchaser's application for an Illinois  
22 certificate or other evidence of title or registration to such  
23 tangible personal property.

24 No retailer's failure or refusal to remit tax under this  
25 Act precludes a user, who has paid the proper tax to the  
26 retailer, from obtaining his certificate of title or other  
27 evidence of title or registration (if titling or registration  
28 is required) upon satisfying the Department that such user has  
29 paid the proper tax (if tax is due) to the retailer. The  
30 Department shall adopt appropriate rules to carry out the  
31 mandate of this paragraph.

32 If the user who would otherwise pay tax to the retailer  
33 wants the transaction reporting return filed and the payment of  
34 tax or proof of exemption made to the Department before the  
35 retailer is willing to take these actions and such user has not  
36 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department  
2 being satisfied of the truth of such certification) transmit  
3 the information required by the transaction reporting return  
4 and the remittance for tax or proof of exemption directly to  
5 the Department and obtain his tax receipt or exemption  
6 determination, in which event the transaction reporting return  
7 and tax remittance (if a tax payment was required) shall be  
8 credited by the Department to the proper retailer's account  
9 with the Department, but without the 2.1% or 1.75% discount  
10 provided for in this Section being allowed. When the user pays  
11 the tax directly to the Department, he shall pay the tax in the  
12 same amount and in the same form in which it would be remitted  
13 if the tax had been remitted to the Department by the retailer.

14 Where a retailer collects the tax with respect to the  
15 selling price of tangible personal property which he sells and  
16 the purchaser thereafter returns such tangible personal  
17 property and the retailer refunds the selling price thereof to  
18 the purchaser, such retailer shall also refund, to the  
19 purchaser, the tax so collected from the purchaser. When filing  
20 his return for the period in which he refunds such tax to the  
21 purchaser, the retailer may deduct the amount of the tax so  
22 refunded by him to the purchaser from any other use tax which  
23 such retailer may be required to pay or remit to the  
24 Department, as shown by such return, if the amount of the tax  
25 to be deducted was previously remitted to the Department by  
26 such retailer. If the retailer has not previously remitted the  
27 amount of such tax to the Department, he is entitled to no  
28 deduction under this Act upon refunding such tax to the  
29 purchaser.

30 Any retailer filing a return under this Section shall also  
31 include (for the purpose of paying tax thereon) the total tax  
32 covered by such return upon the selling price of tangible  
33 personal property purchased by him at retail from a retailer,  
34 but as to which the tax imposed by this Act was not collected  
35 from the retailer filing such return, and such retailer shall  
36 remit the amount of such tax to the Department when filing such

1 return.

2 If experience indicates such action to be practicable, the  
3 Department may prescribe and furnish a combination or joint  
4 return which will enable retailers, who are required to file  
5 returns hereunder and also under the Retailers' Occupation Tax  
6 Act, to furnish all the return information required by both  
7 Acts on the one form.

8 Where the retailer has more than one business registered  
9 with the Department under separate registration under this Act,  
10 such retailer may not file each return that is due as a single  
11 return covering all such registered businesses, but shall file  
12 separate returns for each such registered business.

13 Beginning January 1, 1990, each month the Department shall  
14 pay into the State and Local Sales Tax Reform Fund, a special  
15 fund in the State Treasury which is hereby created, the net  
16 revenue realized for the preceding month from the 1% tax on  
17 sales of food for human consumption which is to be consumed off  
18 the premises where it is sold (other than alcoholic beverages,  
19 soft drinks and food which has been prepared for immediate  
20 consumption) and prescription and nonprescription medicines,  
21 drugs, medical appliances and insulin, urine testing  
22 materials, syringes and needles used by diabetics.

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the County and Mass Transit District Fund 4% of the  
25 net revenue realized for the preceding month from the 6.25%  
26 general rate on the selling price of tangible personal property  
27 which is purchased outside Illinois at retail from a retailer  
28 and which is titled or registered by an agency of this State's  
29 government.

30 Beginning January 1, 1990, each month the Department shall  
31 pay into the State and Local Sales Tax Reform Fund, a special  
32 fund in the State Treasury, 20% of the net revenue realized for  
33 the preceding month from the 6.25% general rate on the selling  
34 price of tangible personal property, other than tangible  
35 personal property which is purchased outside Illinois at retail  
36 from a retailer and which is titled or registered by an agency

1 of this State's government.

2 Beginning August 1, 2000, each month the Department shall  
3 pay into the State and Local Sales Tax Reform Fund 100% of the  
4 net revenue realized for the preceding month from the 1.25%  
5 rate on the selling price of motor fuel and gasohol.

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the Local Government Tax Fund 16% of the net revenue  
8 realized for the preceding month from the 6.25% general rate on  
9 the selling price of tangible personal property which is  
10 purchased outside Illinois at retail from a retailer and which  
11 is titled or registered by an agency of this State's  
12 government.

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.

		Total
	Fiscal Year	Deposit
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 Of the remainder of the moneys received by the Department  
21 pursuant to this Act, 75% thereof shall be paid into the State  
22 Treasury and 25% shall be reserved in a special account and  
23 used only for the transfer to the Common School Fund as part of  
24 the monthly transfer from the General Revenue Fund in  
25 accordance with Section 8a of the State Finance Act.

26 As soon as possible after the first day of each month, upon  
27 certification of the Department of Revenue, the Comptroller  
28 shall order transferred and the Treasurer shall transfer from  
29 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
30 equal to 1.7% of 80% of the net revenue realized under this Act  
31 for the second preceding month. Beginning April 1, 2000, this  
32 transfer is no longer required and shall not be made.

33 Net revenue realized for a month shall be the revenue  
34 collected by the State pursuant to this Act, less the amount  
35 paid out during that month as refunds to taxpayers for  
36 overpayment of liability.

1 For greater simplicity of administration, manufacturers,  
2 importers and wholesalers whose products are sold at retail in  
3 Illinois by numerous retailers, and who wish to do so, may  
4 assume the responsibility for accounting and paying to the  
5 Department all tax accruing under this Act with respect to such  
6 sales, if the retailers who are affected do not make written  
7 objection to the Department to this arrangement.

8 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,  
9 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;  
10 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;  
11 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;  
12 92-651, eff. 7-11-02; revised 10-15-03.)

13 Section 480. The Service Use Tax Act is amended by changing  
14 Section 9 as follows:

15 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

16 Sec. 9. Each serviceman required or authorized to collect  
17 the tax herein imposed shall pay to the Department the amount  
18 of such tax (except as otherwise provided) at the time when he  
19 is required to file his return for the period during which such  
20 tax was collected, less a discount of 2.1% prior to January 1,  
21 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
22 year, whichever is greater, which is allowed to reimburse the  
23 serviceman for expenses incurred in collecting the tax, keeping  
24 records, preparing and filing returns, remitting the tax and  
25 supplying data to the Department on request. A serviceman need  
26 not remit that part of any tax collected by him to the extent  
27 that he is required to pay and does pay the tax imposed by the  
28 Service Occupation Tax Act with respect to his sale of service  
29 involving the incidental transfer by him of the same property.

30 Except as provided hereinafter in this Section, on or  
31 before the twentieth day of each calendar month, such  
32 serviceman shall file a return for the preceding calendar month  
33 in accordance with reasonable Rules and Regulations to be  
34 promulgated by the Department. Such return shall be filed on a

1 form prescribed by the Department and shall contain such  
2 information as the Department may reasonably require.

3 The Department may require returns to be filed on a  
4 quarterly basis. If so required, a return for each calendar  
5 quarter shall be filed on or before the twentieth day of the  
6 calendar month following the end of such calendar quarter. The  
7 taxpayer shall also file a return with the Department for each  
8 of the first two months of each calendar quarter, on or before  
9 the twentieth day of the following calendar month, stating:

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from  
12 which he engages in business as a serviceman in this State;
- 13 3. The total amount of taxable receipts received by him  
14 during the preceding calendar month, including receipts  
15 from charge and time sales, but less all deductions allowed  
16 by law;
- 17 4. The amount of credit provided in Section 2d of this  
18 Act;
- 19 5. The amount of tax due;
- 20 5-5. The signature of the taxpayer; and
- 21 6. Such other reasonable information as the Department  
22 may require.

23 If a taxpayer fails to sign a return within 30 days after  
24 the proper notice and demand for signature by the Department,  
25 the return shall be considered valid and any amount shown to be  
26 due on the return shall be deemed assessed.

27 Beginning October 1, 1993, a taxpayer who has an average  
28 monthly tax liability of \$150,000 or more shall make all  
29 payments required by rules of the Department by electronic  
30 funds transfer. Beginning October 1, 1994, a taxpayer who has  
31 an average monthly tax liability of \$100,000 or more shall make  
32 all payments required by rules of the Department by electronic  
33 funds transfer. Beginning October 1, 1995, a taxpayer who has  
34 an average monthly tax liability of \$50,000 or more shall make  
35 all payments required by rules of the Department by electronic  
36 funds transfer. Beginning October 1, 2000, a taxpayer who has

1 an annual tax liability of \$200,000 or more shall make all  
2 payments required by rules of the Department by electronic  
3 funds transfer. The term "annual tax liability" shall be the  
4 sum of the taxpayer's liabilities under this Act, and under all  
5 other State and local occupation and use tax laws administered  
6 by the Department, for the immediately preceding calendar year.  
7 The term "average monthly tax liability" means the sum of the  
8 taxpayer's liabilities under this Act, and under all other  
9 State and local occupation and use tax laws administered by the  
10 Department, for the immediately preceding calendar year  
11 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
12 a tax liability in the amount set forth in subsection (b) of  
13 Section 2505-210 of the Department of Revenue Law shall make  
14 all payments required by rules of the Department by electronic  
15 funds transfer.

16 Before August 1 of each year beginning in 1993, the  
17 Department shall notify all taxpayers required to make payments  
18 by electronic funds transfer. All taxpayers required to make  
19 payments by electronic funds transfer shall make those payments  
20 for a minimum of one year beginning on October 1.

21 Any taxpayer not required to make payments by electronic  
22 funds transfer may make payments by electronic funds transfer  
23 with the permission of the Department.

24 All taxpayers required to make payment by electronic funds  
25 transfer and any taxpayers authorized to voluntarily make  
26 payments by electronic funds transfer shall make those payments  
27 in the manner authorized by the Department.

28 The Department shall adopt such rules as are necessary to  
29 effectuate a program of electronic funds transfer and the  
30 requirements of this Section.

31 If the serviceman is otherwise required to file a monthly  
32 return and if the serviceman's average monthly tax liability to  
33 the Department does not exceed \$200, the Department may  
34 authorize his returns to be filed on a quarter annual basis,  
35 with the return for January, February and March of a given year  
36 being due by April 20 of such year; with the return for April,

1 May and June of a given year being due by July 20 of such year;  
2 with the return for July, August and September of a given year  
3 being due by October 20 of such year, and with the return for  
4 October, November and December of a given year being due by  
5 January 20 of the following year.

6 If the serviceman is otherwise required to file a monthly  
7 or quarterly return and if the serviceman's average monthly tax  
8 liability to the Department does not exceed \$50, the Department  
9 may authorize his returns to be filed on an annual basis, with  
10 the return for a given year being due by January 20 of the  
11 following year.

12 Such quarter annual and annual returns, as to form and  
13 substance, shall be subject to the same requirements as monthly  
14 returns.

15 Notwithstanding any other provision in this Act concerning  
16 the time within which a serviceman may file his return, in the  
17 case of any serviceman who ceases to engage in a kind of  
18 business which makes him responsible for filing returns under  
19 this Act, such serviceman shall file a final return under this  
20 Act with the Department not more than 1 month after  
21 discontinuing such business.

22 Where a serviceman collects the tax with respect to the  
23 selling price of property which he sells and the purchaser  
24 thereafter returns such property and the serviceman refunds the  
25 selling price thereof to the purchaser, such serviceman shall  
26 also refund, to the purchaser, the tax so collected from the  
27 purchaser. When filing his return for the period in which he  
28 refunds such tax to the purchaser, the serviceman may deduct  
29 the amount of the tax so refunded by him to the purchaser from  
30 any other Service Use Tax, Service Occupation Tax, retailers'  
31 occupation tax or use tax which such serviceman may be required  
32 to pay or remit to the Department, as shown by such return,  
33 provided that the amount of the tax to be deducted shall  
34 previously have been remitted to the Department by such  
35 serviceman. If the serviceman shall not previously have  
36 remitted the amount of such tax to the Department, he shall be

1 entitled to no deduction hereunder upon refunding such tax to  
2 the purchaser.

3 Any serviceman filing a return hereunder shall also include  
4 the total tax upon the selling price of tangible personal  
5 property purchased for use by him as an incident to a sale of  
6 service, and such serviceman shall remit the amount of such tax  
7 to the Department when filing such return.

8 If experience indicates such action to be practicable, the  
9 Department may prescribe and furnish a combination or joint  
10 return which will enable servicemen, who are required to file  
11 returns hereunder and also under the Service Occupation Tax  
12 Act, to furnish all the return information required by both  
13 Acts on the one form.

14 Where the serviceman has more than one business registered  
15 with the Department under separate registration hereunder,  
16 such serviceman shall not file each return that is due as a  
17 single return covering all such registered businesses, but  
18 shall file separate returns for each such registered business.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the State and Local Tax Reform Fund, a special fund in  
21 the State Treasury, the net revenue realized for the preceding  
22 month from the 1% tax on sales of food for human consumption  
23 which is to be consumed off the premises where it is sold  
24 (other than alcoholic beverages, soft drinks and food which has  
25 been prepared for immediate consumption) and prescription and  
26 nonprescription medicines, drugs, medical appliances and  
27 insulin, urine testing materials, syringes and needles used by  
28 diabetics.

29 Beginning January 1, 1990, each month the Department shall  
30 pay into the State and Local Sales Tax Reform Fund 20% of the  
31 net revenue realized for the preceding month from the 6.25%  
32 general rate on transfers of tangible personal property, other  
33 than tangible personal property which is purchased outside  
34 Illinois at retail from a retailer and which is titled or  
35 registered by an agency of this State's government.

36 Beginning August 1, 2000, each month the Department shall

1 pay into the State and Local Sales Tax Reform Fund 100% of the  
2 net revenue realized for the preceding month from the 1.25%  
3 rate on the selling price of motor fuel and gasohol.

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
6 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
7 and after July 1, 1989, 3.8% thereof shall be paid into the  
8 Build Illinois Fund; provided, however, that if in any fiscal  
9 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
10 may be, of the moneys received by the Department and required  
11 to be paid into the Build Illinois Fund pursuant to Section 3  
12 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
13 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
14 Service Occupation Tax Act, such Acts being hereinafter called  
15 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
16 may be, of moneys being hereinafter called the "Tax Act  
17 Amount", and (2) the amount transferred to the Build Illinois  
18 Fund from the State and Local Sales Tax Reform Fund shall be  
19 less than the Annual Specified Amount (as defined in Section 3  
20 of the Retailers' Occupation Tax Act), an amount equal to the  
21 difference shall be immediately paid into the Build Illinois  
22 Fund from other moneys received by the Department pursuant to  
23 the Tax Acts; and further provided, that if on the last  
24 business day of any month the sum of (1) the Tax Act Amount  
25 required to be deposited into the Build Illinois Bond Account  
26 in the Build Illinois Fund during such month and (2) the amount  
27 transferred during such month to the Build Illinois Fund from  
28 the State and Local Sales Tax Reform Fund shall have been less  
29 than 1/12 of the Annual Specified Amount, an amount equal to  
30 the difference shall be immediately paid into the Build  
31 Illinois Fund from other moneys received by the Department  
32 pursuant to the Tax Acts; and, further provided, that in no  
33 event shall the payments required under the preceding proviso  
34 result in aggregate payments into the Build Illinois Fund  
35 pursuant to this clause (b) for any fiscal year in excess of  
36 the greater of (i) the Tax Act Amount or (ii) the Annual



1 Specified Amount for such fiscal year; and, further provided,  
2 that the amounts payable into the Build Illinois Fund under  
3 this clause (b) shall be payable only until such time as the  
4 aggregate amount on deposit under each trust indenture securing  
5 Bonds issued and outstanding pursuant to the Build Illinois  
6 Bond Act is sufficient, taking into account any future  
7 investment income, to fully provide, in accordance with such  
8 indenture, for the defeasance of or the payment of the  
9 principal of, premium, if any, and interest on the Bonds  
10 secured by such indenture and on any Bonds expected to be  
11 issued thereafter and all fees and costs payable with respect  
12 thereto, all as certified by the Director of the Bureau of the  
13 Budget (now Governor's Office of Management and Budget). If on  
14 the last business day of any month in which Bonds are  
15 outstanding pursuant to the Build Illinois Bond Act, the  
16 aggregate of the moneys deposited in the Build Illinois Bond  
17 Account in the Build Illinois Fund in such month shall be less  
18 than the amount required to be transferred in such month from  
19 the Build Illinois Bond Account to the Build Illinois Bond  
20 Retirement and Interest Fund pursuant to Section 13 of the  
21 Build Illinois Bond Act, an amount equal to such deficiency  
22 shall be immediately paid from other moneys received by the  
23 Department pursuant to the Tax Acts to the Build Illinois Fund;  
24 provided, however, that any amounts paid to the Build Illinois  
25 Fund in any fiscal year pursuant to this sentence shall be  
26 deemed to constitute payments pursuant to clause (b) of the  
27 preceding sentence and shall reduce the amount otherwise  
28 payable for such fiscal year pursuant to clause (b) of the  
29 preceding sentence. The moneys received by the Department  
30 pursuant to this Act and required to be deposited into the  
31 Build Illinois Fund are subject to the pledge, claim and charge  
32 set forth in Section 12 of the Build Illinois Bond Act.

33 Subject to payment of amounts into the Build Illinois Fund  
34 as provided in the preceding paragraph or in any amendment  
35 thereto hereafter enacted, the following specified monthly  
36 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority  
2 provided under Section 8.25f of the State Finance Act, but not  
3 in excess of the sums designated as "Total Deposit", shall be  
4 deposited in the aggregate from collections under Section 9 of  
5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
6 9 of the Service Occupation Tax Act, and Section 3 of the  
7 Retailers' Occupation Tax Act into the McCormick Place  
8 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
9		
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000
26	2009	132,000,000
27	2010	139,000,000
28	2011	146,000,000
29	2012	153,000,000
30	2013	161,000,000
31	2014	170,000,000
32	2015	179,000,000
33	2016	189,000,000
34	2017	199,000,000
35	2018	210,000,000

1	2019	221,000,000
2	2020	233,000,000
3	2021	246,000,000
4	2022	260,000,000
5	2023 and	275,000,000

6           each fiscal year  
7           thereafter that bonds  
8           are outstanding under  
9           Section 13.2 of the  
10          Metropolitan Pier and  
11          Exposition Authority Act,  
12          but not after fiscal year 2042.

13          Beginning July 20, 1993 and in each month of each fiscal  
14          year thereafter, one-eighth of the amount requested in the  
15          certificate of the Chairman of the Metropolitan Pier and  
16          Exposition Authority for that fiscal year, less the amount  
17          deposited into the McCormick Place Expansion Project Fund by  
18          the State Treasurer in the respective month under subsection  
19          (g) of Section 13 of the Metropolitan Pier and Exposition  
20          Authority Act, plus cumulative deficiencies in the deposits  
21          required under this Section for previous months and years,  
22          shall be deposited into the McCormick Place Expansion Project  
23          Fund, until the full amount requested for the fiscal year, but  
24          not in excess of the amount specified above as "Total Deposit",  
25          has been deposited.

26          Subject to payment of amounts into the Build Illinois Fund  
27          and the McCormick Place Expansion Project Fund pursuant to the  
28          preceding paragraphs or in any amendments thereto hereafter  
29          enacted, beginning July 1, 1993, the Department shall each  
30          month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
31          the net revenue realized for the preceding month from the 6.25%  
32          general rate on the selling price of tangible personal  
33          property.

34          Subject to payment of amounts into the Build Illinois Fund  
35          and the McCormick Place Expansion Project Fund pursuant to the  
36          preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning with the receipt of the first report of  
2 taxes paid by an eligible business and continuing for a 25-year  
3 period, the Department shall each month pay into the Energy  
4 Infrastructure Fund 80% of the net revenue realized from the  
5 6.25% general rate on the selling price of Illinois-mined coal  
6 that was sold to an eligible business. For purposes of this  
7 paragraph, the term "eligible business" means a new electric  
8 generating facility certified pursuant to Section 605-332 of  
9 the Department of Commerce and Economic Opportunity Community  
10 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

11 All remaining moneys received by the Department pursuant to  
12 this Act shall be paid into the General Revenue Fund of the  
13 State Treasury.

14 As soon as possible after the first day of each month, upon  
15 certification of the Department of Revenue, the Comptroller  
16 shall order transferred and the Treasurer shall transfer from  
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
18 equal to 1.7% of 80% of the net revenue realized under this Act  
19 for the second preceding month. Beginning April 1, 2000, this  
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue  
22 collected by the State pursuant to this Act, less the amount  
23 paid out during that month as refunds to taxpayers for  
24 overpayment of liability.

25 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
26 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;  
27 revised 10-15-03.)

28 Section 490. The Retailers' Occupation Tax Act is amended  
29 by changing Sections 1d, 1f, 1i, 1j.1, 1k, 1o, and 5l as  
30 follows:

31 (35 ILCS 120/1d) (from Ch. 120, par. 440d)

32 Sec. 1d. Subject to the provisions of Section 1f, all  
33 tangible personal property to be used or consumed within an  
34 enterprise zone established pursuant to the "Illinois

1 Enterprise Zone Act", as amended, or subject to the provisions  
2 of Section 5.5 of the Illinois Enterprise Zone Act, all  
3 tangible personal property to be used or consumed by any High  
4 Impact Business, in the process of the manufacturing or  
5 assembly of tangible personal property for wholesale or retail  
6 sale or lease or in the process of graphic arts production if  
7 used or consumed at a facility which is a Department of  
8 Commerce and Economic Opportunity ~~Community Affairs~~ certified  
9 business and located in a county of more than 4,000 persons and  
10 less than 45,000 persons is exempt from the tax imposed by this  
11 Act. This exemption includes repair and replacement parts for  
12 machinery and equipment used primarily in the process of  
13 manufacturing or assembling tangible personal property or in  
14 the process of graphic arts production if used or consumed at a  
15 facility which is a Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~ certified business and located  
17 in a county of more than 4,000 persons and less than 45,000  
18 persons for wholesale or retail sale, or lease, and equipment,  
19 manufacturing or graphic arts fuels, material and supplies for  
20 the maintenance, repair or operation of such manufacturing or  
21 assembling or graphic arts machinery or equipment.

22 (Source: P.A. 85-1182; 86-1456; revised 12-6-03.)

23 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

24 Sec. 1f. Except for High Impact Businesses, the exemption  
25 stated in Sections 1d and 1e of this Act shall only apply to  
26 business enterprises which:

27 (1) either (i) make investments which cause the  
28 creation of a minimum of 200 full-time equivalent jobs in  
29 Illinois or (ii) make investments which cause the retention  
30 of a minimum of 2000 full-time jobs in Illinois or (iii)  
31 make investments of a minimum of \$40,000,000 and retain at  
32 least 90% of the jobs in place on the date on which the  
33 exemption is granted and for the duration of the exemption;  
34 and

35 (2) are located in an Enterprise Zone established

1           pursuant to the Illinois Enterprise Zone Act; and

2           (3) are certified by the Department of Commerce and  
3           Economic Opportunity ~~Community Affairs~~ as complying with  
4           the requirements specified in clauses (1), (2) and (3).

5           Any business enterprise seeking to avail itself of the  
6           exemptions stated in Sections 1d or 1e, or both, shall make  
7           application to the Department of Commerce and Economic  
8           Opportunity ~~Community Affairs~~ in such form and providing such  
9           information as may be prescribed by the Department of Commerce  
10          and Economic Opportunity ~~Community Affairs~~. However, no  
11          business enterprise shall be required, as a condition for  
12          certification under clause (4) of this Section, to attest that  
13          its decision to invest under clause (1) of this Section and to  
14          locate under clause (2) of this Section is predicated upon the  
15          availability of the exemptions authorized by Sections 1d or 1e.

16          The Department of Commerce and Economic Opportunity  
17          ~~Community Affairs~~ shall determine whether the business  
18          enterprise meets the criteria prescribed in this Section. If  
19          the Department of Commerce and Economic Opportunity ~~Community~~  
20          ~~Affairs~~ determines that such business enterprise meets the  
21          criteria, it shall issue a certificate of eligibility for  
22          exemption to the business enterprise in such form as is  
23          prescribed by the Department of Revenue. The Department of  
24          Commerce and Economic Opportunity ~~Community Affairs~~ shall act  
25          upon such certification requests within 60 days after receipt  
26          of the application, and shall file with the Department of  
27          Revenue a copy of each certificate of eligibility for  
28          exemption.

29          The Department of Commerce and Economic Opportunity  
30          ~~Community Affairs~~ shall have the power to promulgate rules and  
31          regulations to carry out the provisions of this Section  
32          including the power to define the amounts and types of eligible  
33          investments not specified in this Section which business  
34          enterprises must make in order to receive the exemptions stated  
35          in Sections 1d and 1e of this Act; and to require that any  
36          business enterprise that is granted a tax exemption repay the

1 exempted tax if the business enterprise fails to comply with  
2 the terms and conditions of the certification.

3 Such certificate of eligibility for exemption shall be  
4 presented by the business enterprise to its supplier when  
5 making the initial purchase of tangible personal property for  
6 which an exemption is granted by Section 1d or Section 1e, or  
7 both, together with a certification by the business enterprise  
8 that such tangible personal property is exempt from taxation  
9 under Section 1d or Section 1e and by indicating the exempt  
10 status of each subsequent purchase on the face of the purchase  
11 order.

12 The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ shall determine the period during which such  
14 exemption from the taxes imposed under this Act is in effect  
15 which shall not exceed 20 years.

16 (Source: P.A. 86-44; 86-1456; revised 12-6-03.)

17 (35 ILCS 120/1i) (from Ch. 120, par. 440i)

18 Sec. 1i. High Impact Service Facility means a facility used  
19 primarily for the sorting, handling and redistribution of mail,  
20 freight, cargo, or other parcels received from agents or  
21 employees of the handler or shipper for processing at a common  
22 location and redistribution to other employees or agents for  
23 delivery to an ultimate destination on an item-by-item basis,  
24 and which: (1) will make an investment in a business enterprise  
25 project of \$100,000,000 dollars or more; (2) will cause the  
26 creation of at least 750 to 1,000 jobs or more in an enterprise  
27 zone established pursuant to the Illinois Enterprise Zone Act;  
28 and (3) is certified by the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ as contractually obligated to  
30 meet the requirements specified in divisions (1) and (2) of  
31 this paragraph within the time period as specified by the  
32 certification. Any business enterprise project applying for  
33 the exemption stated in this Section shall make application to  
34 the Department of Commerce and Economic Opportunity ~~Community~~  
35 ~~Affairs~~ in such form and providing such information as may be

1 prescribed by the Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~.

3 The Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~ shall determine whether the business  
5 enterprise project meets the criteria prescribed in this  
6 Section. If the Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~ determines that such business enterprise  
8 project meets the criteria, it shall issue a certificate of  
9 eligibility for exemption to the business enterprise in such  
10 form as is prescribed by the Department of Revenue. The  
11 Department of Commerce and Economic Opportunity ~~Community~~  
12 ~~Affairs~~ shall act upon such certification requests within 60  
13 days after receipt of the application, and shall file with the  
14 Department of Revenue a copy of each certificate of eligibility  
15 for exemption.

16 The Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ shall have the power to promulgate rules and  
18 regulations to carry out the provisions of this Section and to  
19 require that any business enterprise that is granted a tax  
20 exemption repay the exempted tax if the business enterprise  
21 fails to comply with the terms and conditions of the  
22 certification.

23 The certificate of eligibility for exemption shall be  
24 presented by the business enterprise to its supplier when  
25 making the initial purchase of machinery and equipment for  
26 which an exemption is granted by Section 1j of this Act,  
27 together with a certification by the business enterprise that  
28 such machinery and equipment is exempt from taxation under  
29 Section 1j of this Act and by indicating the exempt status of  
30 each subsequent purchase on the face of the purchase order.

31 The certification of eligibility for exemption shall be  
32 presented by the business enterprise to its supplier when  
33 making the purchase of jet fuel and petroleum products for  
34 which an exemption is granted by Section 1j.1 of this Act,  
35 together with a certification by the business enterprise that  
36 such jet fuel and petroleum product, are exempt from taxation



1 under Section 1j.1 of this Act, and by indicating the exempt  
2 status of each subsequent purchase on the face of the purchase  
3 order.

4 The Department of Commerce and Economic Opportunity  
5 ~~Community Affairs~~ shall determine the period during which such  
6 exemption from the taxes imposed under this Act will remain in  
7 effect.

8 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

9 (35 ILCS 120/1j.1)

10 Sec. 1j.1. Exemption; jet fuel used in the operation of  
11 high impact service facilities. Subject to the provisions of  
12 Section 1i of this Act, jet fuel and petroleum products sold to  
13 and used in the conduct of its business of sorting, handling  
14 and redistribution of mail, freight, cargo or other parcels in  
15 the operation of a high impact service facility, as defined in  
16 Section 1i of this Act, located within an enterprise zone  
17 established pursuant to the Illinois Enterprise Zone Act shall  
18 be exempt from the tax imposed by this Act, provided that the  
19 business enterprise has waived its right to a tax exemption of  
20 the charges imposed under Section 9-222.1 of the Public  
21 Utilities Act. The Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ shall promulgate rules necessary  
23 to further define jet fuel and petroleum products sold to,  
24 used, and eligible for exemption in a high impact service  
25 facility. The minimum period for which an exemption from taxes  
26 is granted by this Section is 10 years, regardless of the  
27 duration of the enterprise zone in which the project is  
28 located.

29 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

30 (35 ILCS 120/1k) (from Ch. 120, par. 440k)

31 Sec. 1k. Aircraft maintenance facility means a facility  
32 operated by an interstate carrier for hire that is used  
33 primarily for the maintenance, rebuilding or repair of  
34 aircraft, aircraft parts and auxiliary equipment owned or

1 leased by that carrier and used by that carrier as rolling  
2 stock moving in interstate commerce, and which: (1) will make  
3 an investment by the interstate carrier for hire of  
4 \$400,000,000 or more in an enterprise zone; (2) will cause the  
5 creation of at least 5,000 full-time jobs in that enterprise  
6 zone; (3) is located in a county with population not less than  
7 150,000 and not more than 200,000 and that contains 3  
8 enterprise zones as of December 31, 1990; (4) enters into a  
9 legally binding agreement with the Department of Commerce and  
10 Economic Opportunity ~~Community Affairs~~ to comply with clauses  
11 (1) and (2) of this paragraph within a time period specified in  
12 the rules and regulations promulgated pursuant to this Section;  
13 and (5) is certified by the Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~ to be in compliance with clauses  
15 (1), (2), (3) and (4) of this Section. Any aircraft maintenance  
16 facility applying for the exemption stated in this Section  
17 shall make application to the Department of Commerce and  
18 Economic Opportunity ~~Community Affairs~~ in such form and  
19 providing such information as may be prescribed by the  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~.

22 The Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~ shall determine whether the facility meets  
24 the criteria prescribed in this Section. If the Department of  
25 Commerce and Economic Opportunity ~~Community Affairs~~ determines  
26 that the facility meets the criteria, it shall issue a  
27 certificate of eligibility for exemption in the form prescribed  
28 by the Department of Revenue to the business enterprise  
29 operating the facility. The Department of Commerce and Economic  
30 Opportunity ~~Community Affairs~~ shall act upon certification  
31 request within 60 days after receipt of application, and shall  
32 file with the Department of Revenue a copy of each certificate  
33 of eligibility for exemption.

34 The Department of Commerce and Economic Opportunity  
35 ~~Community Affairs~~ shall promulgate rules and regulations to  
36 carry out the provisions of this Section, and to require that

1 any business enterprise that is granted a tax exemption pay the  
2 exempted tax to the Department of Revenue if the business  
3 enterprise fails to comply with the terms and conditions of the  
4 certification, and pay all penalties and interest on that  
5 exempted tax as determined by the Department of Revenue.

6 The certificate of eligibility for exemption shall be  
7 presented by the business enterprise to its supplier when  
8 making the initial purchase of machinery and equipment for  
9 which an exemption is granted by Section 1m or Section 1n of  
10 this Act, or both, together with a certification by the  
11 business enterprise that the machinery and equipment is exempt  
12 from taxation under Section 1m or 1n of this Act. The exempt  
13 status, if any, of each subsequent purchase shall be indicated  
14 on the face of the purchase order.

15 (Source: P.A. 86-1490; revised 12-6-03.)

16 (35 ILCS 120/1o)

17 Sec. 1o. Aircraft support center exemption.

18 (a) For the purposes of this Act, "aircraft support center"  
19 means a support center operated by a carrier for hire that is  
20 used primarily for the maintenance, rebuilding, or repair of  
21 aircraft, aircraft parts, and auxiliary equipment, and which  
22 carrier:

23 (1) will make an investment of \$30,000,000 or more at a  
24 federal Air Force Base located in this State;

25 (2) will cause the creation of at least 750 full-time  
26 jobs at a joint use military and civilian airport at that  
27 federal Air Force Base;

28 (3) enters into a legally binding agreement with the  
29 Department of Commerce and Economic Opportunity ~~Community~~  
30 ~~Affairs~~ to comply with paragraphs (1) and (2) within a time  
31 period specified in the rules and regulations promulgated  
32 by the Department of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ pursuant to this subsection; and

34 (4) is certified by the Department of Commerce and  
35 Economic Opportunity ~~Community Affairs~~ to be in compliance

1 with paragraphs (1), (2), and (3).

2 Any aircraft support center applying for an exemption stated in  
3 this Section shall make application to the Department of  
4 Commerce and Economic Opportunity ~~Community Affairs~~ in such  
5 form and providing such information as may be prescribed by  
6 that Department. The Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ shall determine whether the  
8 aircraft support center meets the criteria prescribed in this  
9 subsection. If the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~ determines that the aircraft  
11 support center meets the criteria, it shall issue a certificate  
12 of eligibility for exemption in the form prescribed by the  
13 Department of Revenue to the carrier operating the aircraft  
14 support center. The Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~ shall act upon certification  
16 request within 60 days after receipt of application and shall  
17 file with the Department of Revenue a copy of each certificate  
18 of eligibility for exemption.

19 The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ shall promulgate rules and regulations to  
21 carry out the provisions of this subsection and to require that  
22 any business operating an aircraft support center that is  
23 granted a tax exemption pay the exempted tax to the Department  
24 of Revenue if the business fails to comply with the terms and  
25 conditions of the certification and pay all penalties and  
26 interest on that exempted tax as determined by the Department  
27 of Revenue.

28 The certificate of eligibility for exemption shall be  
29 presented by the carrier operating an aircraft support center  
30 to its supplier when making the initial purchase of items for  
31 which an exemption is granted by this Section together with a  
32 certification by the business that the items are exempt from  
33 taxation under this Act. The exempt status, if any, of each  
34 subsequent purchase shall be indicated on the face of the  
35 purchase order.

36 (b) Subject to the provisions of this subsection, jet fuel

1 and petroleum products used or consumed by any aircraft support  
2 center directly in the process of maintaining, rebuilding, or  
3 repairing aircraft is exempt from the tax imposed by this Act.  
4 The Department of Revenue shall promulgate any rules necessary  
5 to further define the items eligible for exemption.

6 (c) This Section is exempt from the provisions of Section  
7 2-70.

8 (Source: P.A. 90-792, eff. 1-1-99; revised 12-6-03.)

9 (35 ILCS 120/51) (from Ch. 120, par. 4441)

10 Sec. 5l. Beginning January 1, 1995, each retailer who makes  
11 a sale of building materials that will be incorporated into a  
12 High Impact Business location as designated by the Department  
13 of Commerce and Economic Opportunity ~~Community Affairs~~ under  
14 Section 5.5 of the Illinois Enterprise Zone Act may deduct  
15 receipts from such sales when calculating only the 6.25% State  
16 rate of tax imposed by this Act. Beginning on the effective  
17 date of this amendatory Act of 1995, a retailer may also deduct  
18 receipts from such sales when calculating any applicable local  
19 taxes. However, until the effective date of this amendatory Act  
20 of 1995, a retailer may file claims for credit or refund to  
21 recover the amount of any applicable local tax paid on such  
22 sales. No retailer who is eligible for the deduction or credit  
23 under Section 5k of this Act for making a sale of building  
24 materials to be incorporated into real estate in an enterprise  
25 zone by rehabilitation, remodeling or new construction shall be  
26 eligible for the deduction or credit authorized under this  
27 Section.

28 (Source: P.A. 89-89, eff. 6-30-95; revised 12-6-03.)

29 Section 495. The Gas Use Tax Law is amended by changing  
30 Section 5-10 as follows:

31 (35 ILCS 173/5-10)

32 Sec. 5-10. Imposition of tax. Beginning October 1, 2003, a  
33 tax is imposed upon the privilege of using in this State gas

1 obtained in a purchase of out-of-state gas at the rate of 2.4  
2 cents per therm or 5% of the purchase price for the billing  
3 period, whichever is the lower rate. Such tax rate shall be  
4 referred to as the "self-assessing purchaser tax rate".  
5 Beginning with bills issued by delivering suppliers on and  
6 after October 1, 2003, purchasers may elect an alternative tax  
7 rate of 2.4 cents per therm to be paid under the provisions of  
8 Section 5-15 of this Law to a delivering supplier maintaining a  
9 place of business in this State. Such tax rate shall be  
10 referred to as the "alternate tax rate". The tax imposed under  
11 this Section shall not apply to gas used by business  
12 enterprises certified under Section 9-222.1 of the Public  
13 Utilities Act, as amended, to the extent of such exemption and  
14 during the period of time specified by the Department of  
15 Commerce and Economic Opportunity ~~Community Affairs~~.

16 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

17 Section 500. The Property Tax Code is amended by changing  
18 Sections 10-5, 18-165, 29-10, and 29-15 as follows:

19 (35 ILCS 200/10-5)

20 Sec. 10-5. Solar energy systems; definitions. It is the  
21 policy of this State that the use of solar energy systems  
22 should be encouraged because they conserve nonrenewable  
23 resources, reduce pollution and promote the health and  
24 well-being of the people of this State, and should be valued in  
25 relation to these benefits.

26 (a) "Solar energy" means radiant energy received from the  
27 sun at wave lengths suitable for heat transfer, photosynthetic  
28 use, or photovoltaic use.

29 (b) "Solar collector" means

30 (1) An assembly, structure, or design, including  
31 passive elements, used for gathering, concentrating, or  
32 absorbing direct and indirect solar energy, specially  
33 designed for holding a substantial amount of useful thermal  
34 energy and to transfer that energy to a gas, solid, or

1 liquid or to use that energy directly; or

2 (2) A mechanism that absorbs solar energy and converts  
3 it into electricity; or

4 (3) A mechanism or process used for gathering solar  
5 energy through wind or thermal gradients; or

6 (4) A component used to transfer thermal energy to a  
7 gas, solid, or liquid, or to convert it into electricity.

8 (c) "Solar storage mechanism" means equipment or elements  
9 (such as piping and transfer mechanisms, containers, heat  
10 exchangers, or controls thereof, and gases, solids, liquids, or  
11 combinations thereof) that are utilized for storing solar  
12 energy, gathered by a solar collector, for subsequent use.

13 (d) "Solar energy system" means

14 (1) (A) A complete assembly, structure, or design of  
15 solar collector, or a solar storage mechanism, which uses  
16 solar energy for generating electricity or for heating or  
17 cooling gases, solids, liquids, or other materials;

18 (B) The design, materials, or elements of a system and  
19 its maintenance, operation, and labor components, and the  
20 necessary components, if any, of supplemental conventional  
21 energy systems designed or constructed to interface with a  
22 solar energy system; and

23 (C) Any legal, financial, or institutional orders,  
24 certificates, or mechanisms, including easements, leases,  
25 and agreements, required to ensure continued access to  
26 solar energy, its source, or its use in a solar energy  
27 system, and including monitoring and educational elements  
28 of a demonstration project.

29 (2) "Solar energy system" does not include

30 (A) Distribution equipment that is equally usable  
31 in a conventional energy system except for those  
32 components of the equipment that are necessary for  
33 meeting the requirements of efficient solar energy  
34 utilization; and

35 (B) Components of a solar energy system that serve  
36 structural, insulating, protective, shading,

1 aesthetic, or other non-solar energy utilization  
2 purposes, as defined in the regulations of the  
3 Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~.

5 (3) The solar energy system shall conform to the  
6 standards for those systems established by regulation of  
7 the Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~.

9 (Source: P.A. 88-455; 89-445, eff. 2-7-96; revised 12-6-03.)

10 (35 ILCS 200/18-165)

11 Sec. 18-165. Abatement of taxes.

12 (a) Any taxing district, upon a majority vote of its  
13 governing authority, may, after the determination of the  
14 assessed valuation of its property, order the clerk of that  
15 county to abate any portion of its taxes on the following types  
16 of property:

17 (1) Commercial and industrial.

18 (A) The property of any commercial or industrial  
19 firm, including but not limited to the property of (i)  
20 any firm that is used for collecting, separating,  
21 storing, or processing recyclable materials, locating  
22 within the taxing district during the immediately  
23 preceding year from another state, territory, or  
24 country, or having been newly created within this State  
25 during the immediately preceding year, or expanding an  
26 existing facility, or (ii) any firm that is used for  
27 the generation and transmission of electricity  
28 locating within the taxing district during the  
29 immediately preceding year or expanding its presence  
30 within the taxing district during the immediately  
31 preceding year by construction of a new electric  
32 generating facility that uses natural gas as its fuel,  
33 or any firm that is used for production operations at a  
34 new, expanded, or reopened coal mine within the taxing  
35 district, that has been certified as a High Impact



1 Business by the Illinois Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~. The property  
3 of any firm used for the generation and transmission of  
4 electricity shall include all property of the firm used  
5 for transmission facilities as defined in Section 5.5  
6 of the Illinois Enterprise Zone Act. The abatement  
7 shall not exceed a period of 10 years and the aggregate  
8 amount of abated taxes for all taxing districts  
9 combined shall not exceed \$4,000,000.

10 (A-5) Any property in the taxing district of a new  
11 electric generating facility, as defined in Section  
12 605-332 of the Department of Commerce and Economic  
13 Opportunity ~~Community Affairs~~ Law of the Civil  
14 Administrative Code of Illinois. The abatement shall  
15 not exceed a period of 10 years. The abatement shall be  
16 subject to the following limitations:

17 (i) if the equalized assessed valuation of the  
18 new electric generating facility is equal to or  
19 greater than \$25,000,000 but less than  
20 \$50,000,000, then the abatement may not exceed (i)  
21 over the entire term of the abatement, 5% of the  
22 taxing district's aggregate taxes from the new  
23 electric generating facility and (ii) in any one  
24 year of abatement, 20% of the taxing district's  
25 taxes from the new electric generating facility;

26 (ii) if the equalized assessed valuation of  
27 the new electric generating facility is equal to or  
28 greater than \$50,000,000 but less than  
29 \$75,000,000, then the abatement may not exceed (i)  
30 over the entire term of the abatement, 10% of the  
31 taxing district's aggregate taxes from the new  
32 electric generating facility and (ii) in any one  
33 year of abatement, 35% of the taxing district's  
34 taxes from the new electric generating facility;

35 (iii) if the equalized assessed valuation of  
36 the new electric generating facility is equal to or

1 greater than \$75,000,000 but less than  
2 \$100,000,000, then the abatement may not exceed  
3 (i) over the entire term of the abatement, 20% of  
4 the taxing district's aggregate taxes from the new  
5 electric generating facility and (ii) in any one  
6 year of abatement, 50% of the taxing district's  
7 taxes from the new electric generating facility;

8 (iv) if the equalized assessed valuation of  
9 the new electric generating facility is equal to or  
10 greater than \$100,000,000 but less than  
11 \$125,000,000, then the abatement may not exceed  
12 (i) over the entire term of the abatement, 30% of  
13 the taxing district's aggregate taxes from the new  
14 electric generating facility and (ii) in any one  
15 year of abatement, 60% of the taxing district's  
16 taxes from the new electric generating facility;

17 (v) if the equalized assessed valuation of the  
18 new electric generating facility is equal to or  
19 greater than \$125,000,000 but less than  
20 \$150,000,000, then the abatement may not exceed  
21 (i) over the entire term of the abatement, 40% 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 (vi) if the equalized assessed valuation of  
27 the new electric generating facility is equal to or  
28 greater than \$150,000,000, then the abatement may  
29 not exceed (i) over the entire term of the  
30 abatement, 50% of the taxing district's aggregate  
31 taxes from the new electric generating facility  
32 and (ii) in any one year of abatement, 60% of the  
33 taxing district's taxes from the new electric  
34 generating facility.

35 The abatement is not effective unless the owner of  
36 the new electric generating facility agrees to repay to

1           the taxing district all amounts previously abated,  
2           together with interest computed at the rate and in the  
3           manner provided for delinquent taxes, in the event that  
4           the owner of the new electric generating facility  
5           closes the new electric generating facility before the  
6           expiration of the entire term of the abatement.

7           The authorization of taxing districts to abate  
8           taxes under this subdivision (a) (1) (A-5) expires on  
9           January 1, 2010.

10           (B) The property of any commercial or industrial  
11           development of at least 500 acres having been created  
12           within the taxing district. The abatement shall not  
13           exceed a period of 20 years and the aggregate amount of  
14           abated taxes for all taxing districts combined shall  
15           not exceed \$12,000,000.

16           (C) The property of any commercial or industrial  
17           firm currently located in the taxing district that  
18           expands a facility or its number of employees. The  
19           abatement shall not exceed a period of 10 years and the  
20           aggregate amount of abated taxes for all taxing  
21           districts combined shall not exceed \$4,000,000. The  
22           abatement period may be renewed at the option of the  
23           taxing districts.

24           (2) Horse racing. Any property in the taxing district  
25           which is used for the racing of horses and upon which  
26           capital improvements consisting of expansion, improvement  
27           or replacement of existing facilities have been made since  
28           July 1, 1987. The combined abatements for such property  
29           from all taxing districts in any county shall not exceed  
30           \$5,000,000 annually and shall not exceed a period of 10  
31           years.

32           (3) Auto racing. Any property designed exclusively for  
33           the racing of motor vehicles. Such abatement shall not  
34           exceed a period of 10 years.

35           (4) Academic or research institute. The property of any  
36           academic or research institute in the taxing district that

1 (i) is an exempt organization under paragraph (3) of  
2 Section 501(c) of the Internal Revenue Code, (ii) operates  
3 for the benefit of the public by actually and exclusively  
4 performing scientific research and making the results of  
5 the research available to the interested public on a  
6 non-discriminatory basis, and (iii) employs more than 100  
7 employees. An abatement granted under this paragraph shall  
8 be for at least 15 years and the aggregate amount of abated  
9 taxes for all taxing districts combined shall not exceed  
10 \$5,000,000.

11 (5) Housing for older persons. Any property in the  
12 taxing district that is devoted exclusively to affordable  
13 housing for older households. For purposes of this  
14 paragraph, "older households" means those households (i)  
15 living in housing provided under any State or federal  
16 program that the Department of Human Rights determines is  
17 specifically designed and operated to assist elderly  
18 persons and is solely occupied by persons 55 years of age  
19 or older and (ii) whose annual income does not exceed 80%  
20 of the area gross median income, adjusted for family size,  
21 as such gross income and median income are determined from  
22 time to time by the United States Department of Housing and  
23 Urban Development. The abatement shall not exceed a period  
24 of 15 years, and the aggregate amount of abated taxes for  
25 all taxing districts shall not exceed \$3,000,000.

26 (6) Historical society. For assessment years 1998  
27 through 2008, the property of an historical society  
28 qualifying as an exempt organization under Section  
29 501(c)(3) of the federal Internal Revenue Code.

30 (7) Recreational facilities. Any property in the  
31 taxing district (i) that is used for a municipal airport,  
32 (ii) that is subject to a leasehold assessment under  
33 Section 9-195 of this Code and (iii) which is sublet from a  
34 park district that is leasing the property from a  
35 municipality, but only if the property is used exclusively  
36 for recreational facilities or for parking lots used

1 exclusively for those facilities. The abatement shall not  
2 exceed a period of 10 years.

3 (8) Relocated corporate headquarters. If approval  
4 occurs within 5 years after the effective date of this  
5 amendatory Act of the 92nd General Assembly, any property  
6 or a portion of any property in a taxing district that is  
7 used by an eligible business for a corporate headquarters  
8 as defined in the Corporate Headquarters Relocation Act.  
9 Instead of an abatement under this paragraph (8), a taxing  
10 district may enter into an agreement with an eligible  
11 business to make annual payments to that eligible business  
12 in an amount not to exceed the property taxes paid directly  
13 or indirectly by that eligible business to the taxing  
14 district and any other taxing districts for premises  
15 occupied pursuant to a written lease and may make those  
16 payments without the need for an annual appropriation. No  
17 school district, however, may enter into an agreement with,  
18 or abate taxes for, an eligible business unless the  
19 municipality in which the corporate headquarters is  
20 located agrees to provide funding to the school district in  
21 an amount equal to the amount abated or paid by the school  
22 district as provided in this paragraph (8). Any abatement  
23 ordered or agreement entered into under this paragraph (8)  
24 may be effective for the entire term specified by the  
25 taxing district, except the term of the abatement or annual  
26 payments may not exceed 20 years.

27 (b) Upon a majority vote of its governing authority, any  
28 municipality may, after the determination of the assessed  
29 valuation of its property, order the county clerk to abate any  
30 portion of its taxes on any property that is located within the  
31 corporate limits of the municipality in accordance with Section  
32 8-3-18 of the Illinois Municipal Code.

33 (Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247,  
34 eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03;  
35 revised 12-6-03.)

1 (35 ILCS 200/29-10)

2 Sec. 29-10. State must be party to proceedings. No amount  
3 may be claimed from the State by or on behalf of any unit of  
4 local government for any local improvement made by special  
5 assessment or special tax that benefits, or is alleged to  
6 benefit, abutting property owned by the State unless the State  
7 has been made a party to all proceedings, has been given all  
8 notices, and has been afforded the same opportunities for  
9 hearing and for objecting to the assessment in the same manner  
10 and under the same conditions as provided in the law applicable  
11 to the making of the local improvement by special assessment or  
12 special tax by that unit of local government.

13 For the purposes of this Article, any notices required  
14 under applicable law must be sent by registered or certified  
15 mail to the Director of the Department or the other State  
16 officer having jurisdiction over the State property affected,  
17 to the Director of ~~the Department of~~ Commerce and Economic  
18 Opportunity Community Affairs, and to the Attorney General.

19 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

20 (35 ILCS 200/29-15)

21 Sec. 29-15. Payment of assessment. When the Attorney  
22 General has certified to the Director of Commerce and Economic  
23 Opportunity Community Affairs that the amount, in the nature of  
24 a special assessment by which specified abutting State property  
25 has been benefited by a specified local improvement, has been  
26 determined in compliance with this Article, the Director shall,  
27 to the extent that appropriations are available for that  
28 purpose, voucher the amount of that assessment, or \$25,000,  
29 whichever is less, for payment to the appropriate unit of local  
30 government. When the amount appropriated in any fiscal year for  
31 those purposes is insufficient to pay a special assessment  
32 totalling \$25,000 or less in full, the balance of that special  
33 assessment shall be vouchered for payment from the  
34 appropriation for those purposes for the next succeeding fiscal  
35 year.

1           If the amount of the assessment exceeds \$25,000, the  
2 Director of the Department or the other State officer having  
3 jurisdiction over the property affected shall include in the  
4 Department's budget for the next succeeding fiscal year a  
5 request for the appropriation of the amount by which the  
6 assessment exceeds \$25,000, plus interest, if any, which shall  
7 be vouchered for payment from that appropriation.

8           (Source: P.A. 86-933; 88-455; revised 12-6-03.)

9           Section 505. The Gas Revenue Tax Act is amended by changing  
10 Section 1 as follows:

11           (35 ILCS 615/1) (from Ch. 120, par. 467.16)

12           Sec. 1. For the purposes of this Act: "Gross receipts"  
13 means the consideration received for gas distributed,  
14 supplied, furnished or sold to persons for use or consumption  
15 and not for resale, and for all services (including the  
16 transportation or storage of gas for an end-user) rendered in  
17 connection therewith, and shall include cash, services and  
18 property of every kind or nature, and shall be determined  
19 without any deduction on account of the cost of the service,  
20 product or commodity supplied, the cost of materials used,  
21 labor or service costs, or any other expense whatsoever.  
22 However, "gross receipts" shall not include receipts from:

23           (i) any minimum or other charge for gas or gas service  
24 where the customer has taken no terms of gas;

25           (ii) any charge for a dishonored check;

26           (iii) any finance or credit charge, penalty or charge  
27 for delayed payment, or discount for prompt payment;

28           (iv) any charge for reconnection of service or for  
29 replacement or relocation of facilities;

30           (v) any advance or contribution in aid of construction;

31           (vi) repair, inspection or servicing of equipment  
32 located on customer premises;

33           (vii) leasing or rental of equipment, the leasing or  
34 rental of which is not necessary to distributing,

1       furnishing, supplying, selling, transporting or storing  
2       gas;

3           (viii) any sale to a customer if the taxpayer is  
4       prohibited by federal or State constitution, treaty,  
5       convention, statute or court decision from recovering the  
6       related tax liability from such customer;

7           (ix) any charges added to customers' bills pursuant to  
8       the provisions of Section 9-221 or Section 9-222 of the  
9       Public Utilities Act, as amended, or any charges added to  
10      customers' bills by taxpayers who are not subject to rate  
11      regulation by the Illinois Commerce Commission for the  
12      purpose of recovering any of the tax liabilities or other  
13      amounts specified in such provisions of such Act; and

14           (x) prior to October 1, 2003, any charge for gas or gas  
15      services to a customer who acquired contractual rights for  
16      the direct purchase of gas or gas services originating from  
17      an out-of-state supplier or source on or before March 1,  
18      1995, except for those charges solely related to the local  
19      distribution of gas by a public utility. This exemption  
20      includes any charge for gas or gas service, except for  
21      those charges solely related to the local distribution of  
22      gas by a public utility, to a customer who maintained an  
23      account with a public utility (as defined in Section 3-105  
24      of the Public Utilities Act) for the transportation of  
25      customer-owned gas on or before March 1, 1995. The  
26      provisions of this amendatory Act of 1997 are intended to  
27      clarify, rather than change, existing law as to the meaning  
28      and scope of this exemption. This exemption (x) expires on  
29      September 30, 2003.

30           In case credit is extended, the amount thereof shall be  
31      included only as and when payments are received.

32           "Gross receipts" shall not include consideration received  
33      from business enterprises certified under Section 9-222.1 of  
34      the Public Utilities Act, as amended, to the extent of such  
35      exemption and during the period of time specified by the  
36      Department of Commerce and Economic Opportunity ~~Community~~



1 ~~Affairs.~~

2 "Department" means the Department of Revenue of the State  
3 of Illinois.

4 "Director" means the Director of Revenue for the Department  
5 of Revenue of the State of Illinois.

6 "Taxpayer" means a person engaged in the business of  
7 distributing, supplying, furnishing or selling gas for use or  
8 consumption and not for resale.

9 "Person" means any natural individual, firm, trust,  
10 estate, partnership, association, joint stock company, joint  
11 adventure, corporation, limited liability company, or a  
12 receiver, trustee, guardian or other representative appointed  
13 by order of any court, or any city, town, county or other  
14 political subdivision of this State.

15 "Invested capital" means that amount equal to (i) the  
16 average of the balances at the beginning and end of each  
17 taxable period of the taxpayer's total stockholder's equity and  
18 total long-term debt, less investments in and advances to all  
19 corporations, as set forth on the balance sheets included in  
20 the taxpayer's annual report to the Illinois Commerce  
21 Commission for the taxable period; (ii) multiplied by a  
22 fraction determined under Sections 301 and 304(a) of the  
23 "Illinois Income Tax Act" and reported on the Illinois income  
24 tax return for the taxable period ending in or with the taxable  
25 period in question. However, notwithstanding the income tax  
26 return reporting requirement stated above, beginning July 1,  
27 1979, no taxpayer's denominators used to compute the sales,  
28 property or payroll factors under subsection (a) of Section 304  
29 of the Illinois Income Tax Act shall include payroll, property  
30 or sales of any corporate entity other than the taxpayer for  
31 the purposes of determining an allocation for the invested  
32 capital tax. This amendatory Act of 1982, Public Act 82-1024,  
33 is not intended to and does not make any change in the meaning  
34 of any provision of this Act, it having been the intent of the  
35 General Assembly in initially enacting the definition of  
36 "invested capital" to provide for apportionment of the invested

1 capital of each company, based solely upon the sales, property  
2 and payroll of that company.

3 "Taxable period" means each period which ends after the  
4 effective date of this Act and which is covered by an annual  
5 report filed by the taxpayer with the Illinois Commerce  
6 Commission.

7 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

8 Section 510. The Public Utilities Revenue Act is amended by  
9 changing Section 1 as follows:

10 (35 ILCS 620/1) (from Ch. 120, par. 468)

11 Sec. 1. For the purposes of this Law:

12 "Consumer Price Index" means the Consumer Price Index For  
13 All Urban Consumers for all items published by the United  
14 States Department of Labor; provided that if this index no  
15 longer exists, the Department of Revenue shall prescribe the  
16 use of a comparable, substitute index.

17 "Gross receipts" means the consideration received for  
18 electricity distributed, supplied, furnished or sold to  
19 persons for use or consumption and not for resale, and for all  
20 services (including the transmission of electricity for an  
21 end-user) rendered in connection therewith, and includes cash,  
22 services and property of every kind or nature, and shall be  
23 determined without any deduction on account of the cost of the  
24 service, product or commodity supplied, the cost of materials  
25 used, labor or service costs, or any other expense whatsoever.  
26 However, "gross receipts" shall not include receipts from:

27 (i) any minimum or other charge for electricity or  
28 electric service where the customer has taken no  
29 kilowatt-hours of electricity;

30 (ii) any charge for a dishonored check;

31 (iii) any finance or credit charge, penalty or charge  
32 for delayed payment, or discount for prompt payment;

33 (iv) any charge for reconnection of service or for  
34 replacement or relocation of facilities;

1 (v) any advance or contribution in aid of construction;

2 (vi) repair, inspection or servicing of equipment  
3 located on customer premises;

4 (vii) leasing or rental of equipment, the leasing or  
5 rental of which is not necessary to distributing,  
6 furnishing, supplying, selling or transporting  
7 electricity;

8 (viii) any sale to a customer if the taxpayer is  
9 prohibited by federal or State constitution, treaty,  
10 convention, statute or court decision from recovering the  
11 related tax liability from such customer; and

12 (ix) any charges added to customers' bills pursuant to  
13 the provisions of Section 9-221 or Section 9-222 of the  
14 Public Utilities Act, as amended, or any charges added to  
15 customers' bills by taxpayers who are not subject to rate  
16 regulation by the Illinois Commerce Commission for the  
17 purpose of recovering any of the tax liabilities or other  
18 amount specified in such provisions of such Act. In case  
19 credit is extended, the amount thereof shall be included  
20 only as and when payments are received.

21 "Gross receipts" shall not include consideration received  
22 from business enterprises certified under Section 9-222.1 of  
23 the Public Utilities Act, as amended, to the extent of such  
24 exemption and during the period of time specified by the  
25 Department of Commerce and Economic Opportunity ~~Community~~  
26 ~~Affairs~~.

27 "Department" means the Department of Revenue of the State  
28 of Illinois.

29 "Director" means the Director of Revenue for the Department  
30 of Revenue of the State of Illinois.

31 "Distributing electricity" means delivering electric  
32 energy to an end user over facilities owned, leased, or  
33 controlled by the taxpayer.

34 "Taxpayer" for purposes of the tax on the distribution of  
35 electricity imposed by this Act means an electric cooperative,  
36 an electric utility, or an alternative retail electric supplier

1 (other than a person that is an alternative retail electric  
2 supplier solely pursuant to subsection (e) of Section 16-115 of  
3 the Public Utilities Act), as those terms are defined in the  
4 Public Utilities Act, engaged in the business of distributing  
5 electricity in this State for use or consumption and not for  
6 resale.

7 "Taxpayer" for purposes of the Public Utilities Revenue Tax  
8 means a person engaged in the business of distributing,  
9 supplying, furnishing or selling electricity for use or  
10 consumption and not for resale.

11 "Person" means any natural individual, firm, trust,  
12 estate, partnership, association, joint stock company, joint  
13 adventure, corporation, limited liability company, or a  
14 receiver, trustee, guardian or other representative appointed  
15 by order of any court, or any city, town, county or other  
16 political subdivision of this State.

17 "Invested capital" in the case of an electric cooperative  
18 subject to the tax imposed by Section 2a.1 means an amount  
19 equal to the product determined by multiplying, (i) the average  
20 of the balances at the beginning and end of the taxable period  
21 of the taxpayer's total equity (including memberships,  
22 patronage capital, operating margins, non-operating margins,  
23 other margins and other equities), as set forth on the balance  
24 sheets included in the taxpayer's annual report to the United  
25 States Department of Agriculture Rural Utilities Services  
26 (established pursuant to the federal Rural Electrification Act  
27 of 1936, as amended), by (ii) the fraction determined under  
28 Sections 301 and 304(a) of the Illinois Income Tax Act, as  
29 amended, for the taxable period.

30 "Taxable period" means each calendar year which ends after  
31 the effective date of this Act. In the case of an electric  
32 cooperative subject to the tax imposed by Section 2a.1,  
33 "taxable period" means each calendar year ending after the  
34 effective date of this Act and covered by an annual report  
35 filed by the taxpayer with the United States Department of  
36 Agriculture Rural Utilities Services.

1 (Source: P.A. 90-561, eff. 1-1-98; revised 12-6-03.)

2 Section 515. The Telecommunications Excise Tax Act is  
3 amended by changing Section 2 as follows:

4 (35 ILCS 630/2) (from Ch. 120, par. 2002)

5 Sec. 2. As used in this Article, unless the context clearly  
6 requires otherwise:

7 (a) "Gross charge" means the amount paid for the act or  
8 privilege of originating or receiving telecommunications in  
9 this State and for all services and equipment provided in  
10 connection therewith by a retailer, valued in money whether  
11 paid in money or otherwise, including cash, credits, services  
12 and property of every kind or nature, and shall be determined  
13 without any deduction on account of the cost of such  
14 telecommunications, the cost of materials used, labor or  
15 service costs or any other expense whatsoever. In case credit  
16 is extended, the amount thereof shall be included only as and  
17 when paid. "Gross charges" for private line service shall  
18 include charges imposed at each channel termination point  
19 within this State, charges for the channel mileage between each  
20 channel termination point within this State, and charges for  
21 that portion of the interstate inter-office channel provided  
22 within Illinois. Charges for that portion of the interstate  
23 inter-office channel provided in Illinois shall be determined  
24 by the retailer as follows: (i) for interstate inter-office  
25 channels having 2 channel termination points, only one of which  
26 is in Illinois, 50% of the total charge imposed; or (ii) for  
27 interstate inter-office channels having more than 2 channel  
28 termination points, one or more of which are in Illinois, an  
29 amount equal to the total charge multiplied by a fraction, the  
30 numerator of which is the number of channel termination points  
31 within Illinois and the denominator of which is the total  
32 number of channel termination points. Prior to January 1, 2004,  
33 any method consistent with this paragraph or other method that  
34 reasonably apportions the total charges for interstate

1 inter-office channels among the states in which channel  
2 terminations points are located shall be accepted as a  
3 reasonable method to determine the charges for that portion of  
4 the interstate inter-office channel provided within Illinois  
5 for that period. However, "gross charges" shall not include any  
6 of the following:

7 (1) Any amounts added to a purchaser's bill because of  
8 a charge made pursuant to (i) the tax imposed by this  
9 Article; (ii) charges added to customers' bills pursuant to  
10 the provisions of Sections 9-221 or 9-222 of the Public  
11 Utilities Act, as amended, or any similar charges added to  
12 customers' bills by retailers who are not subject to rate  
13 regulation by the Illinois Commerce Commission for the  
14 purpose of recovering any of the tax liabilities or other  
15 amounts specified in such provisions of such Act; (iii) the  
16 tax imposed by Section 4251 of the Internal Revenue Code;  
17 (iv) 911 surcharges; or (v) the tax imposed by the  
18 Simplified Municipal Telecommunications Tax Act.

19 (2) Charges for a sent collect telecommunication  
20 received outside of the State.

21 (3) Charges for leased time on equipment or charges for  
22 the storage of data or information for subsequent retrieval  
23 or the processing of data or information intended to change  
24 its form or content. Such equipment includes, but is not  
25 limited to, the use of calculators, computers, data  
26 processing equipment, tabulating equipment or accounting  
27 equipment and also includes the usage of computers under a  
28 time-sharing agreement.

29 (4) Charges for customer equipment, including such  
30 equipment that is leased or rented by the customer from any  
31 source, wherein such charges are disaggregated and  
32 separately identified from other charges.

33 (5) Charges to business enterprises certified under  
34 Section 9-222.1 of the Public Utilities Act, as amended, to  
35 the extent of such exemption and during the period of time  
36 specified by the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~.

2 (6) Charges for telecommunications and all services  
3 and equipment provided in connection therewith between a  
4 parent corporation and its wholly owned subsidiaries or  
5 between wholly owned subsidiaries when the tax imposed  
6 under this Article has already been paid to a retailer and  
7 only to the extent that the charges between the parent  
8 corporation and wholly owned subsidiaries or between  
9 wholly owned subsidiaries represent expense allocation  
10 between the corporations and not the generation of profit  
11 for the corporation rendering such service.

12 (7) Bad debts. Bad debt means any portion of a debt  
13 that is related to a sale at retail for which gross charges  
14 are not otherwise deductible or excludable that has become  
15 worthless or uncollectable, as determined under applicable  
16 federal income tax standards. If the portion of the debt  
17 deemed to be bad is subsequently paid, the retailer shall  
18 report and pay the tax on that portion during the reporting  
19 period in which the payment is made.

20 (8) Charges paid by inserting coins in coin-operated  
21 telecommunication devices.

22 (9) Amounts paid by telecommunications retailers under  
23 the Telecommunications Municipal Infrastructure  
24 Maintenance Fee Act.

25 (10) Charges for nontaxable services or  
26 telecommunications if (i) those charges are aggregated  
27 with other charges for telecommunications that are  
28 taxable, (ii) those charges are not separately stated on  
29 the customer bill or invoice, and (iii) the retailer can  
30 reasonably identify the nontaxable charges on the  
31 retailer's books and records kept in the regular course of  
32 business. If the nontaxable charges cannot reasonably be  
33 identified, the gross charge from the sale of both taxable  
34 and nontaxable services or telecommunications billed on a  
35 combined basis shall be attributed to the taxable services  
36 or telecommunications. The burden of proving nontaxable

1 charges shall be on the retailer of the telecommunications.

2 (b) "Amount paid" means the amount charged to the  
3 taxpayer's service address in this State regardless of where  
4 such amount is billed or paid.

5 (c) "Telecommunications", in addition to the meaning  
6 ordinarily and popularly ascribed to it, includes, without  
7 limitation, messages or information transmitted through use of  
8 local, toll and wide area telephone service; private line  
9 services; channel services; telegraph services;  
10 teletypewriter; computer exchange services; cellular mobile  
11 telecommunications service; specialized mobile radio;  
12 stationary two way radio; paging service; or any other form of  
13 mobile and portable one-way or two-way communications; or any  
14 other transmission of messages or information by electronic or  
15 similar means, between or among points by wire, cable,  
16 fiber-optics, laser, microwave, radio, satellite or similar  
17 facilities. As used in this Act, "private line" means a  
18 dedicated non-traffic sensitive service for a single customer,  
19 that entitles the customer to exclusive or priority use of a  
20 communications channel or group of channels, from one or more  
21 specified locations to one or more other specified locations.  
22 The definition of "telecommunications" shall not include value  
23 added services in which computer processing applications are  
24 used to act on the form, content, code and protocol of the  
25 information for purposes other than transmission.  
26 "Telecommunications" shall not include purchases of  
27 telecommunications by a telecommunications service provider  
28 for use as a component part of the service provided by him to  
29 the ultimate retail consumer who originates or terminates the  
30 taxable end-to-end communications. Carrier access charges,  
31 right of access charges, charges for use of inter-company  
32 facilities, and all telecommunications resold in the  
33 subsequent provision of, used as a component of, or integrated  
34 into end-to-end telecommunications service shall be  
35 non-taxable as sales for resale.

36 (d) "Interstate telecommunications" means all



1 telecommunications that either originate or terminate outside  
2 this State.

3 (e) "Intrastate telecommunications" means all  
4 telecommunications that originate and terminate within this  
5 State.

6 (f) "Department" means the Department of Revenue of the  
7 State of Illinois.

8 (g) "Director" means the Director of Revenue for the  
9 Department of Revenue of the State of Illinois.

10 (h) "Taxpayer" means a person who individually or through  
11 his agents, employees or permittees engages in the act or  
12 privilege of originating or receiving telecommunications in  
13 this State and who incurs a tax liability under this Article.

14 (i) "Person" means any natural individual, firm, trust,  
15 estate, partnership, association, joint stock company, joint  
16 venture, corporation, limited liability company, or a  
17 receiver, trustee, guardian or other representative appointed  
18 by order of any court, the Federal and State governments,  
19 including State universities created by statute or any city,  
20 town, county or other political subdivision of this State.

21 (j) "Purchase at retail" means the acquisition,  
22 consumption or use of telecommunication through a sale at  
23 retail.

24 (k) "Sale at retail" means the transmitting, supplying or  
25 furnishing of telecommunications and all services and  
26 equipment provided in connection therewith for a consideration  
27 to persons other than the Federal and State governments, and  
28 State universities created by statute and other than between a  
29 parent corporation and its wholly owned subsidiaries or between  
30 wholly owned subsidiaries for their use or consumption and not  
31 for resale.

32 (l) "Retailer" means and includes every person engaged in  
33 the business of making sales at retail as defined in this  
34 Article. The Department may, in its discretion, upon  
35 application, authorize the collection of the tax hereby imposed  
36 by any retailer not maintaining a place of business within this

1 State, who, to the satisfaction of the Department, furnishes  
2 adequate security to insure collection and payment of the tax.  
3 Such retailer shall be issued, without charge, a permit to  
4 collect such tax. When so authorized, it shall be the duty of  
5 such retailer to collect the tax upon all of the gross charges  
6 for telecommunications in this State in the same manner and  
7 subject to the same requirements as a retailer maintaining a  
8 place of business within this State. The permit may be revoked  
9 by the Department at its discretion.

10 (m) "Retailer maintaining a place of business in this  
11 State", or any like term, means and includes any retailer  
12 having or maintaining within this State, directly or by a  
13 subsidiary, an office, distribution facilities, transmission  
14 facilities, sales office, warehouse or other place of business,  
15 or any agent or other representative operating within this  
16 State under the authority of the retailer or its subsidiary,  
17 irrespective of whether such place of business or agent or  
18 other representative is located here permanently or  
19 temporarily, or whether such retailer or subsidiary is licensed  
20 to do business in this State.

21 (n) "Service address" means the location of  
22 telecommunications equipment from which the telecommunications  
23 services are originated or at which telecommunications  
24 services are received by a taxpayer. In the event this may not  
25 be a defined location, as in the case of mobile phones, paging  
26 systems, maritime systems, service address means the  
27 customer's place of primary use as defined in the Mobile  
28 Telecommunications Sourcing Conformity Act. For air-to-ground  
29 systems and the like, service address shall mean the location  
30 of a taxpayer's primary use of the telecommunications equipment  
31 as defined by telephone number, authorization code, or location  
32 in Illinois where bills are sent.

33 (o) "Prepaid telephone calling arrangements" mean the  
34 right to exclusively purchase telephone or telecommunications  
35 services that must be paid for in advance and enable the  
36 origination of one or more intrastate, interstate, or

1 international telephone calls or other telecommunications  
2 using an access number, an authorization code, or both, whether  
3 manually or electronically dialed, for which payment to a  
4 retailer must be made in advance, provided that, unless  
5 recharged, no further service is provided once that prepaid  
6 amount of service has been consumed. Prepaid telephone calling  
7 arrangements include the recharge of a prepaid calling  
8 arrangement. For purposes of this subsection, "recharge" means  
9 the purchase of additional prepaid telephone or  
10 telecommunications services whether or not the purchaser  
11 acquires a different access number or authorization code.  
12 "Prepaid telephone calling arrangement" does not include an  
13 arrangement whereby a customer purchases a payment card and  
14 pursuant to which the service provider reflects the amount of  
15 such purchase as a credit on an invoice issued to that customer  
16 under an existing subscription plan.

17 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,  
18 eff. 1-1-04; 93-286, 1-1-04; revised 12-6-03.)

19 Section 520. The Telecommunications Infrastructure  
20 Maintenance Fee Act is amended by changing Section 10 as  
21 follows:

22 (35 ILCS 635/10)

23 Sec. 10. Definitions.

24 (a) "Gross charges" means the amount paid to a  
25 telecommunications retailer for the act or privilege of  
26 originating or receiving telecommunications in this State and  
27 for all services rendered in connection therewith, valued in  
28 money whether paid in money or otherwise, including cash,  
29 credits, services, and property of every kind or nature, and  
30 shall be determined without any deduction on account of the  
31 cost of such telecommunications, the cost of the materials  
32 used, labor or service costs, or any other expense whatsoever.  
33 In case credit is extended, the amount thereof shall be  
34 included only as and when paid. "Gross charges" for private

1 line service shall include charges imposed at each channel  
2 termination point within this State, charges for the channel  
3 mileage between each channel termination point within this  
4 State, and charges for that portion of the interstate  
5 inter-office channel provided within Illinois. Charges for  
6 that portion of the interstate inter-office channel provided in  
7 Illinois shall be determined by the retailer as follows: (i)  
8 for interstate inter-office channels having 2 channel  
9 termination points, only one of which is in Illinois, 50% of  
10 the total charge imposed; or (ii) for interstate inter-office  
11 channels having more than 2 channel termination points, one or  
12 more of which are in Illinois, an amount equal to the total  
13 charge multiplied by a fraction, the numerator of which is the  
14 number of channel termination points within Illinois and the  
15 denominator of which is the total number of channel termination  
16 points. Prior to January 1, 2004, any method consistent with  
17 this paragraph or other method that reasonably apportions the  
18 total charges for interstate inter-office channels among the  
19 states in which channel terminations points are located shall  
20 be accepted as a reasonable method to determine the charges for  
21 that portion of the interstate inter-office channel provided  
22 within Illinois for that period. However, "gross charges" shall  
23 not include any of the following:

24 (1) Any amounts added to a purchaser's bill because of  
25 a charge made under: (i) the fee imposed by this Section,  
26 (ii) additional charges added to a purchaser's bill under  
27 Section 9-221 or 9-222 of the Public Utilities Act, (iii)  
28 the tax imposed by the Telecommunications Excise Tax Act,  
29 (iv) 911 surcharges, (v) the tax imposed by Section 4251 of  
30 the Internal Revenue Code, or (vi) the tax imposed by the  
31 Simplified Municipal Telecommunications Tax Act.

32 (2) Charges for a sent collect telecommunication  
33 received outside of this State.

34 (3) Charges for leased time on equipment or charges for  
35 the storage of data or information or subsequent retrieval  
36 or the processing of data or information intended to change

1 its form or content. Such equipment includes, but is not  
2 limited to, the use of calculators, computers, data  
3 processing equipment, tabulating equipment, or accounting  
4 equipment and also includes the usage of computers under a  
5 time-sharing agreement.

6 (4) Charges for customer equipment, including such  
7 equipment that is leased or rented by the customer from any  
8 source, wherein such charges are disaggregated and  
9 separately identified from other charges.

10 (5) Charges to business enterprises certified under  
11 Section 9-222.1 of the Public Utilities Act to the extent  
12 of such exemption and during the period of time specified  
13 by the Department of Commerce and Economic Opportunity  
14 ~~Community Affairs~~.

15 (6) Charges for telecommunications and all services  
16 and equipment provided in connection therewith between a  
17 parent corporation and its wholly owned subsidiaries or  
18 between wholly owned subsidiaries, and only to the extent  
19 that the charges between the parent corporation and wholly  
20 owned subsidiaries or between wholly owned subsidiaries  
21 represent expense allocation between the corporations and  
22 not the generation of profit other than a regulatory  
23 required profit for the corporation rendering such  
24 services.

25 (7) Bad debts ("bad debt" means any portion of a debt  
26 that is related to a sale at retail for which gross charges  
27 are not otherwise deductible or excludable that has become  
28 worthless or uncollectible, as determined under applicable  
29 federal income tax standards; if the portion of the debt  
30 deemed to be bad is subsequently paid, the retailer shall  
31 report and pay the tax on that portion during the reporting  
32 period in which the payment is made).

33 (8) Charges paid by inserting coins in coin-operated  
34 telecommunication devices.

35 (9) Charges for nontaxable services or  
36 telecommunications if (i) those charges are aggregated

1 with other charges for telecommunications that are  
2 taxable, (ii) those charges are not separately stated on  
3 the customer bill or invoice, and (iii) the retailer can  
4 reasonably identify the nontaxable charges on the  
5 retailer's books and records kept in the regular course of  
6 business. If the nontaxable charges cannot reasonably be  
7 identified, the gross charge from the sale of both taxable  
8 and nontaxable services or telecommunications billed on a  
9 combined basis shall be attributed to the taxable services  
10 or telecommunications. The burden of proving nontaxable  
11 charges shall be on the retailer of the telecommunications.

12 (a-5) "Department" means the Illinois Department of  
13 Revenue.

14 (b) "Telecommunications" includes, but is not limited to,  
15 messages or information transmitted through use of local, toll,  
16 and wide area telephone service, channel services, telegraph  
17 services, teletypewriter service, computer exchange services,  
18 private line services, specialized mobile radio services, or  
19 any other transmission of messages or information by electronic  
20 or similar means, between or among points by wire, cable, fiber  
21 optics, laser, microwave, radio, satellite, or similar  
22 facilities. Unless the context clearly requires otherwise,  
23 "telecommunications" shall also include wireless  
24 telecommunications as hereinafter defined.

25 "Telecommunications" shall not include value added services in  
26 which computer processing applications are used to act on the  
27 form, content, code, and protocol of the information for  
28 purposes other than transmission. "Telecommunications" shall  
29 not include purchase of telecommunications by a  
30 telecommunications service provider for use as a component part  
31 of the service provided by him or her to the ultimate retail  
32 consumer who originates or terminates the end-to-end  
33 communications. Retailer access charges, right of access  
34 charges, charges for use of intercompany facilities, and all  
35 telecommunications resold in the subsequent provision and used  
36 as a component of, or integrated into, end-to-end

1 telecommunications service shall not be included in gross  
2 charges as sales for resale. "Telecommunications" shall not  
3 include the provision of cable services through a cable system  
4 as defined in the Cable Communications Act of 1984 (47 U.S.C.  
5 Sections 521 and following) as now or hereafter amended or  
6 through an open video system as defined in the Rules of the  
7 Federal Communications Commission (47 C.D.F. 76.1550 and  
8 following) as now or hereafter amended. Beginning January 1,  
9 2001, prepaid telephone calling arrangements shall not be  
10 considered "telecommunications" subject to the tax imposed  
11 under this Act. For purposes of this Section, "prepaid  
12 telephone calling arrangements" means that term as defined in  
13 Section 2-27 of the Retailers' Occupation Tax Act.

14 (c) "Wireless telecommunications" includes cellular mobile  
15 telephone services, personal wireless services as defined in  
16 Section 704(C) of the Telecommunications Act of 1996 (Public  
17 Law No. 104-104) as now or hereafter amended, including all  
18 commercial mobile radio services, and paging services.

19 (d) "Telecommunications retailer" or "retailer" or  
20 "carrier" means and includes every person engaged in the  
21 business of making sales of telecommunications at retail as  
22 defined in this Section. The Department may, in its discretion,  
23 upon applications, authorize the collection of the fee hereby  
24 imposed by any retailer not maintaining a place of business  
25 within this State, who, to the satisfaction of the Department,  
26 furnishes adequate security to insure collection and payment of  
27 the fee. When so authorized, it shall be the duty of such  
28 retailer to pay the fee upon all of the gross charges for  
29 telecommunications in the same manner and subject to the same  
30 requirements as a retailer maintaining a place of business  
31 within this State.

32 (e) "Retailer maintaining a place of business in this  
33 State", or any like term, means and includes any retailer  
34 having or maintaining within this State, directly or by a  
35 subsidiary, an office, distribution facilities, transmission  
36 facilities, sales office, warehouse, or other place of

1 business, or any agent or other representative operating within  
2 this State under the authority of the retailer or its  
3 subsidiary, irrespective of whether such place of business or  
4 agent or other representative is located here permanently or  
5 temporarily, or whether such retailer or subsidiary is licensed  
6 to do business in this State.

7 (f) "Sale of telecommunications at retail" means the  
8 transmitting, supplying, or furnishing of telecommunications  
9 and all services rendered in connection therewith for a  
10 consideration, other than between a parent corporation and its  
11 wholly owned subsidiaries or between wholly owned  
12 subsidiaries, when the gross charge made by one such  
13 corporation to another such corporation is not greater than the  
14 gross charge paid to the retailer for their use or consumption  
15 and not for sale.

16 (g) "Service address" means the location of  
17 telecommunications equipment from which telecommunications  
18 services are originated or at which telecommunications  
19 services are received. If this is not a defined location, as in  
20 the case of wireless telecommunications, paging systems,  
21 maritime systems, service address means the customer's place of  
22 primary use as defined in the Mobile Telecommunications  
23 Sourcing Conformity Act. For air-to-ground systems, and the  
24 like, "service address" shall mean the location of the  
25 customer's primary use of the telecommunications equipment as  
26 defined by the location in Illinois where bills are sent.

27 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,  
28 eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

29 Section 525. The Simplified Municipal Telecommunications  
30 Tax Act is amended by changing Section 5-7 as follows:

31 (35 ILCS 636/5-7)

32 Sec. 5-7. Definitions. For purposes of the taxes authorized  
33 by this Act:

34 "Amount paid" means the amount charged to the taxpayer's



1 service address in such municipality regardless of where such  
2 amount is billed or paid.

3 "Department" means the Illinois Department of Revenue.

4 "Gross charge" means the amount paid for the act or  
5 privilege of originating or receiving telecommunications in  
6 such municipality and for all services and equipment provided  
7 in connection therewith by a retailer, valued in money whether  
8 paid in money or otherwise, including cash, credits, services  
9 and property of every kind or nature, and shall be determined  
10 without any deduction on account of the cost of such  
11 telecommunications, the cost of the materials used, labor or  
12 service costs or any other expense whatsoever. In case credit  
13 is extended, the amount thereof shall be included only as and  
14 when paid. "Gross charges" for private line service shall  
15 include charges imposed at each channel termination point  
16 within a municipality that has imposed a tax under this Section  
17 and charges for the portion of the inter-office channels  
18 provided within that municipality. Charges for that portion of  
19 the inter-office channel connecting 2 or more channel  
20 termination points, one or more of which is located within the  
21 jurisdictional boundary of such municipality, shall be  
22 determined by the retailer by multiplying an amount equal to  
23 the total charge for the inter-office channel by a fraction,  
24 the numerator of which is the number of channel termination  
25 points that are located within the jurisdictional boundary of  
26 the municipality and the denominator of which is the total  
27 number of channel termination points connected by the  
28 inter-office channel. Prior to January 1, 2004, any method  
29 consistent with this paragraph or other method that reasonably  
30 apportions the total charges for inter-office channels among  
31 the municipalities in which channel termination points are  
32 located shall be accepted as a reasonable method to determine  
33 the taxable portion of an inter-office channel provided within  
34 a municipality for that period. However, "gross charge" shall  
35 not include any of the following:

36 (1) Any amounts added to a purchaser's bill because of

1 a charge made pursuant to: (i) the tax imposed by this Act,  
2 (ii) the tax imposed by the Telecommunications Excise Tax  
3 Act, (iii) the tax imposed by Section 4251 of the Internal  
4 Revenue Code, (iv) 911 surcharges, or (v) charges added to  
5 customers' bills pursuant to the provisions of Section  
6 9-221 or 9-222 of the Public Utilities Act, as amended, or  
7 any similar charges added to customers' bills by retailers  
8 who are not subject to rate regulation by the Illinois  
9 Commerce Commission for the purpose of recovering any of  
10 the tax liabilities or other amounts specified in those  
11 provisions of the Public Utilities Act.

12 (2) Charges for a sent collect telecommunication  
13 received outside of such municipality.

14 (3) Charges for leased time on equipment or charges for  
15 the storage of data or information for subsequent retrieval  
16 or the processing of data or information intended to change  
17 its form or content. Such equipment includes, but is not  
18 limited to, the use of calculators, computers, data  
19 processing equipment, tabulating equipment or accounting  
20 equipment and also includes the usage of computers under a  
21 time-sharing agreement.

22 (4) Charges for customer equipment, including such  
23 equipment that is leased or rented by the customer from any  
24 source, wherein such charges are disaggregated and  
25 separately identified from other charges.

26 (5) Charges to business enterprises certified as  
27 exempt under Section 9-222.1 of the Public Utilities Act to  
28 the extent of such exemption and during the period of time  
29 specified by the Department of Commerce and Economic  
30 Opportunity ~~Community Affairs~~.

31 (6) Charges for telecommunications and all services  
32 and equipment provided in connection therewith between a  
33 parent corporation and its wholly owned subsidiaries or  
34 between wholly owned subsidiaries when the tax imposed  
35 under this Act has already been paid to a retailer and only  
36 to the extent that the charges between the parent

1 corporation and wholly owned subsidiaries or between  
2 wholly owned subsidiaries represent expense allocation  
3 between the corporations and not the generation of profit  
4 for the corporation rendering such service.

5 (7) Bad debts ("bad debt" means any portion of a debt  
6 that is related to a sale at retail for which gross charges  
7 are not otherwise deductible or excludable that has become  
8 worthless or uncollectible, as determined under applicable  
9 federal income tax standards; if the portion of the debt  
10 deemed to be bad is subsequently paid, the retailer shall  
11 report and pay the tax on that portion during the reporting  
12 period in which the payment is made).

13 (8) Charges paid by inserting coins in coin-operated  
14 telecommunication devices.

15 (9) Amounts paid by telecommunications retailers under  
16 the Telecommunications Infrastructure Maintenance Fee Act.

17 (10) Charges for nontaxable services or  
18 telecommunications if (i) those charges are aggregated  
19 with other charges for telecommunications that are  
20 taxable, (ii) those charges are not separately stated on  
21 the customer bill or invoice, and (iii) the retailer can  
22 reasonably identify the nontaxable charges on the  
23 retailer's books and records kept in the regular course of  
24 business. If the nontaxable charges cannot reasonably be  
25 identified, the gross charge from the sale of both taxable  
26 and nontaxable services or telecommunications billed on a  
27 combined basis shall be attributed to the taxable services  
28 or telecommunications. The burden of proving nontaxable  
29 charges shall be on the retailer of the telecommunications.

30 "Interstate telecommunications" means all  
31 telecommunications that either originate or terminate outside  
32 this State.

33 "Intrastate telecommunications" means all  
34 telecommunications that originate and terminate within this  
35 State.

36 "Person" means any natural individual, firm, trust,

1 estate, partnership, association, joint stock company, joint  
2 venture, corporation, limited liability company, or a  
3 receiver, trustee, guardian, or other representative appointed  
4 by order of any court, the Federal and State governments,  
5 including State universities created by statute, or any city,  
6 town, county, or other political subdivision of this State.

7 "Purchase at retail" means the acquisition, consumption or  
8 use of telecommunications through a sale at retail.

9 "Retailer" means and includes every person engaged in the  
10 business of making sales at retail as defined in this Section.  
11 The Department may, in its discretion, upon application,  
12 authorize the collection of the tax hereby imposed by any  
13 retailer not maintaining a place of business within this State,  
14 who, to the satisfaction of the Department, furnishes adequate  
15 security to insure collection and payment of the tax. Such  
16 retailer shall be issued, without charge, a permit to collect  
17 such tax. When so authorized, it shall be the duty of such  
18 retailer to collect the tax upon all of the gross charges for  
19 telecommunications in this State in the same manner and subject  
20 to the same requirements as a retailer maintaining a place of  
21 business within this State. The permit may be revoked by the  
22 Department at its discretion.

23 "Retailer maintaining a place of business in this State",  
24 or any like term, means and includes any retailer having or  
25 maintaining within this State, directly or by a subsidiary, an  
26 office, distribution facilities, transmission facilities,  
27 sales office, warehouse or other place of business, or any  
28 agent or other representative operating within this State under  
29 the authority of the retailer or its subsidiary, irrespective  
30 of whether such place of business or agent or other  
31 representative is located here permanently or temporarily, or  
32 whether such retailer or subsidiary is licensed to do business  
33 in this State.

34 "Sale at retail" means the transmitting, supplying or  
35 furnishing of telecommunications and all services and  
36 equipment provided in connection therewith for a

1 consideration, to persons other than the Federal and State  
2 governments, and State universities created by statute and  
3 other than between a parent corporation and its wholly owned  
4 subsidiaries or between wholly owned subsidiaries for their use  
5 or consumption and not for resale.

6 "Service address" means the location of telecommunications  
7 equipment from which telecommunications services are  
8 originated or at which telecommunications services are  
9 received by a taxpayer. In the event this may not be a defined  
10 location, as in the case of mobile phones, paging systems, and  
11 maritime systems, service address means the customer's place of  
12 primary use as defined in the Mobile Telecommunications  
13 Sourcing Conformity Act. For air-to-ground systems and the  
14 like, "service address" shall mean the location of a taxpayer's  
15 primary use of the telecommunications equipment as defined by  
16 telephone number, authorization code, or location in Illinois  
17 where bills are sent.

18 "Taxpayer" means a person who individually or through his  
19 or her agents, employees, or permittees engages in the act or  
20 privilege of originating or receiving telecommunications in a  
21 municipality and who incurs a tax liability as authorized by  
22 this Act.

23 "Telecommunications", in addition to the meaning  
24 ordinarily and popularly ascribed to it, includes, without  
25 limitation, messages or information transmitted through use of  
26 local, toll, and wide area telephone service, private line  
27 services, channel services, telegraph services,  
28 teletypewriter, computer exchange services, cellular mobile  
29 telecommunications service, specialized mobile radio,  
30 stationary two-way radio, paging service, or any other form of  
31 mobile and portable one-way or two-way communications, or any  
32 other transmission of messages or information by electronic or  
33 similar means, between or among points by wire, cable, fiber  
34 optics, laser, microwave, radio, satellite, or similar  
35 facilities. As used in this Act, "private line" means a  
36 dedicated non-traffic sensitive service for a single customer,

1 that entitles the customer to exclusive or priority use of a  
2 communications channel or group of channels, from one or more  
3 specified locations to one or more other specified locations.  
4 The definition of "telecommunications" shall not include value  
5 added services in which computer processing applications are  
6 used to act on the form, content, code, and protocol of the  
7 information for purposes other than transmission.  
8 "Telecommunications" shall not include purchases of  
9 telecommunications by a telecommunications service provider  
10 for use as a component part of the service provided by such  
11 provider to the ultimate retail consumer who originates or  
12 terminates the taxable end-to-end communications. Carrier  
13 access charges, right of access charges, charges for use of  
14 inter-company facilities, and all telecommunications resold in  
15 the subsequent provision of, used as a component of, or  
16 integrated into, end-to-end telecommunications service shall  
17 be non-taxable as sales for resale. Prepaid telephone calling  
18 arrangements shall not be considered "telecommunications"  
19 subject to the tax imposed under this Act. For purposes of this  
20 Section, "prepaid telephone calling arrangements" means that  
21 term as defined in Section 2-27 of the Retailers' Occupation  
22 Tax Act.

23 (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286,  
24 eff. 1-1-04; revised 12-6-03.)

25 Section 530. The Electricity Excise Tax Law is amended by  
26 changing Sections 2-3 and 2-4 as follows:

27 (35 ILCS 640/2-3)

28 Sec. 2-3. Definitions. As used in this Law, unless the  
29 context clearly requires otherwise:

30 (a) "Department" means the Department of Revenue of the  
31 State of Illinois.

32 (b) "Director" means the Director of the Department of  
33 Revenue of the State of Illinois.

34 (c) "Person" means any natural individual, firm, trust,

1 estate, partnership, association, joint stock company, joint  
2 venture, corporation, limited liability company, or a  
3 receiver, trustee, guardian, or other representative appointed  
4 by order of any court, or any city, town, village, county, or  
5 other political subdivision of this State.

6 (d) "Purchase price" means the consideration paid for the  
7 distribution, supply, furnishing, sale, transmission or  
8 delivery of electricity to a person for non-residential use or  
9 consumption (and for both residential and non-residential use  
10 or consumption in the case of electricity purchased from a  
11 municipal system or electric cooperative described in  
12 subsection (b) of Section 2-4) and not for resale, and for all  
13 services directly related to the production, transmission or  
14 distribution of electricity distributed, supplied, furnished,  
15 sold, transmitted or delivered for non-residential use or  
16 consumption, and includes transition charges imposed in  
17 accordance with Article XVI of the Public Utilities Act and  
18 instrument funding charges imposed in accordance with Article  
19 XVIII of the Public Utilities Act, as well as cash, services  
20 and property of every kind or nature, and shall be determined  
21 without any deduction on account of the cost of the service,  
22 product or commodity supplied, the cost of materials used,  
23 labor or service costs, or any other expense whatsoever.  
24 However, "purchase price" shall not include consideration paid  
25 for:

26 (i) any charge for a dishonored check;

27 (ii) any finance or credit charge, penalty or charge  
28 for delayed payment, or discount for prompt payment;

29 (iii) any charge for reconnection of service or for  
30 replacement or relocation of facilities;

31 (iv) any advance or contribution in aid of  
32 construction;

33 (v) repair, inspection or servicing of equipment  
34 located on customer premises;

35 (vi) leasing or rental of equipment, the leasing or  
36 rental of which is not necessary to furnishing, supplying

1 or selling electricity;

2 (vii) any purchase by a purchaser if the supplier is  
3 prohibited by federal or State constitution, treaty,  
4 convention, statute or court decision from recovering the  
5 related tax liability from such purchaser; and

6 (viii) any amounts added to purchasers' bills because  
7 of charges made pursuant to the tax imposed by this Law.

8 In case credit is extended, the amount thereof shall be  
9 included only as and when payments are made.

10 "Purchase price" shall not include consideration received  
11 from business enterprises certified under Section 9-222.1 or  
12 9-222.1A of the Public Utilities Act, as amended, to the extent  
13 of such exemption and during the period of time specified by  
14 the Department of Commerce and Economic Opportunity ~~Community~~  
15 ~~Affairs~~.

16 (e) "Purchaser" means any person who acquires electricity  
17 for use or consumption and not for resale, for a valuable  
18 consideration.

19 (f) "Non-residential electric use" means any use or  
20 consumption of electricity which is not residential electric  
21 use.

22 (g) "Residential electric use" means electricity used or  
23 consumed at a dwelling of 2 or fewer units, or electricity for  
24 household purposes used or consumed at a building with multiple  
25 dwelling units where the electricity is registered by a  
26 separate meter for each dwelling unit.

27 (h) "Self-assessing purchaser" means a purchaser for  
28 non-residential electric use who elects to register with and to  
29 pay tax directly to the Department in accordance with Sections  
30 2-10 and 2-11 of this Law.

31 (i) "Delivering supplier" means any person engaged in the  
32 business of delivering electricity to persons for use or  
33 consumption and not for resale, but not an entity engaged in  
34 the practice of resale and redistribution of electricity within  
35 a building prior to January 2, 1957, and who, in any case where  
36 more than one person participates in the delivery of



1 electricity to a specific purchaser, is the last of the  
2 suppliers engaged in delivering the electricity prior to its  
3 receipt by the purchaser.

4 (j) "Delivering supplier maintaining a place of business in  
5 this State", or any like term, means any delivering supplier  
6 having or maintaining within this State, directly or by a  
7 subsidiary, an office, generation facility, transmission  
8 facility, distribution facility, sales office or other place of  
9 business, or any employee, agent or other representative  
10 operating within this State under the authority of such  
11 delivering supplier or such delivering supplier's subsidiary,  
12 irrespective of whether such place of business or agent or  
13 other representative is located in this State permanently or  
14 temporarily, or whether such delivering supplier or such  
15 delivering supplier's subsidiary is licensed to do business in  
16 this State.

17 (k) "Use" means the exercise by any person of any right or  
18 power over electricity incident to the ownership of that  
19 electricity, except that it does not include the generation,  
20 production, transmission, distribution, delivery or sale of  
21 electricity in the regular course of business or the use of  
22 electricity for such purposes.

23 (Source: P.A. 91-914, eff. 7-7-00; 92-310, eff. 8-9-01; revised  
24 12-6-03.)

25 (35 ILCS 640/2-4)

26 Sec. 2-4. Tax imposed.

27 (a) Except as provided in subsection (b), a tax is imposed  
28 on the privilege of using in this State electricity purchased  
29 for use or consumption and not for resale, other than by  
30 municipal corporations owning and operating a local  
31 transportation system for public service, at the following  
32 rates per kilowatt-hour delivered to the purchaser:

33 (i) For the first 2000 kilowatt-hours used or consumed  
34 in a month: 0.330 cents per kilowatt-hour;

35 (ii) For the next 48,000 kilowatt-hours used or

- 1 consumed in a month: 0.319 cents per kilowatt-hour;
- 2 (iii) For the next 50,000 kilowatt-hours used or  
3 consumed in a month: 0.303 cents per kilowatt-hour;
- 4 (iv) For the next 400,000 kilowatt-hours used or  
5 consumed in a month: 0.297 cents per kilowatt-hour;
- 6 (v) For the next 500,000 kilowatt-hours used or  
7 consumed in a month: 0.286 cents per kilowatt-hour;
- 8 (vi) For the next 2,000,000 kilowatt-hours used or  
9 consumed in a month: 0.270 cents per kilowatt-hour;
- 10 (vii) For the next 2,000,000 kilowatt-hours used or  
11 consumed in a month: 0.254 cents per kilowatt-hour;
- 12 (viii) For the next 5,000,000 kilowatt-hours used or  
13 consumed in a month: 0.233 cents per kilowatt-hour;
- 14 (ix) For the next 10,000,000 kilowatt-hours used or  
15 consumed in a month: 0.207 cents per kilowatt-hour;
- 16 (x) For all electricity in excess of 20,000,000  
17 kilowatt-hours used or consumed in a month: 0.202 cents per  
18 kilowatt-hour.

19 Provided, that in lieu of the foregoing rates, the tax is  
20 imposed on a self-assessing purchaser at the rate of 5.1% of  
21 the self-assessing purchaser's purchase price for all  
22 electricity distributed, supplied, furnished, sold,  
23 transmitted and delivered to the self-assessing purchaser in a  
24 month.

25 (b) A tax is imposed on the privilege of using in this  
26 State electricity purchased from a municipal system or electric  
27 cooperative, as defined in Article XVII of the Public Utilities  
28 Act, which has not made an election as permitted by either  
29 Section 17-200 or Section 17-300 of such Act, at the lesser of  
30 0.32 cents per kilowatt hour of all electricity distributed,  
31 supplied, furnished, sold, transmitted, and delivered by such  
32 municipal system or electric cooperative to the purchaser or 5%  
33 of each such purchaser's purchase price for all electricity  
34 distributed, supplied, furnished, sold, transmitted, and  
35 delivered by such municipal system or electric cooperative to  
36 the purchaser, whichever is the lower rate as applied to each

1 purchaser in each billing period.

2 (c) The tax imposed by this Section 2-4 is not imposed with  
3 respect to any use of electricity by business enterprises  
4 certified under Section 9-222.1 or 9-222.1A of the Public  
5 Utilities Act, as amended, to the extent of such exemption and  
6 during the time specified by the Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~; or with respect to any  
8 transaction in interstate commerce, or otherwise, to the extent  
9 to which such transaction may not, under the Constitution and  
10 statutes of the United States, be made the subject of taxation  
11 by this State.

12 (Source: P.A. 90-561, eff. 8-1-98; 91-914, eff. 7-7-00; revised  
13 12-6-03.)

14 Section 535. The Illinois Pension Code is amended by  
15 changing Sections 1-103.3, 14-108.4, and 14-134 as follows:

16 (40 ILCS 5/1-103.3)

17 Sec. 1-103.3. Application of 1994 amendment; funding  
18 standard.

19 (a) The provisions of this amendatory Act of 1994 that  
20 change the method of calculating, certifying, and paying the  
21 required State contributions to the retirement systems  
22 established under Articles 2, 14, 15, 16, and 18 shall first  
23 apply to the State contributions required for State fiscal year  
24 1996.

25 (b) The General Assembly declares that a funding ratio (the  
26 ratio of a retirement system's total assets to its total  
27 actuarial liabilities) of 90% is an appropriate goal for  
28 State-funded retirement systems in Illinois, and it finds that  
29 a funding ratio of 90% is now the generally-recognized norm  
30 throughout the nation for public employee retirement systems  
31 that are considered to be financially secure and funded in an  
32 appropriate and responsible manner.

33 (c) Every 5 years, beginning in 1999, the Illinois Economic  
34 and Fiscal Commission, in consultation with the affected

1 retirement systems and the Governor's Office of Management and  
2 Budget (formerly Bureau of the Budget), shall consider and  
3 determine whether the 90% funding ratio adopted in subsection  
4 (b) continues to represent an appropriate goal for State-funded  
5 retirement systems in Illinois, and it shall report its  
6 findings and recommendations on this subject to the Governor  
7 and the General Assembly.

8 (Source: P.A. 88-593, eff. 8-22-94; revised 8-23-03.)

9 (40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)

10 Sec. 14-108.4. State police early retirement incentives.

11 (a) To be eligible for the benefits provided in this  
12 Section, a person must:

13 (1) be a member of this System who, on any day during  
14 October, 1992, is in active payroll status in a position of  
15 employment with the Department of State Police for which  
16 eligible creditable service is being earned under Section  
17 14-110;

18 (2) have not previously retired under this Article;

19 (3) file a written application requesting the benefits  
20 provided in this Section with the Director of State Police  
21 and the Board on or before January 20, 1993;

22 (4) establish eligibility to receive a retirement  
23 annuity under Section 14-110 by January 31, 1993 (for which  
24 purpose any age enhancement or creditable service received  
25 under this Section may be used) and elect to receive the  
26 retirement annuity beginning not earlier than January 1,  
27 1993 and not later than February 1, 1993, except that with  
28 the written permission of the Director of State Police, the  
29 effective date of the retirement annuity may be postponed  
30 to no later than July 1, 1993.

31 (b) An eligible person may establish up to 5 years of  
32 creditable service under this Article, in increments of one  
33 month, by making the contributions specified in subsection (c).  
34 In addition, for each month of creditable service established  
35 under this Section, a person's age at retirement shall be

1 deemed to be one month older than it actually is.

2 The creditable service established under this Section  
3 shall be deemed eligible creditable service as defined in  
4 Section 14-110, and may be used for all purposes under this  
5 Article and the Retirement Systems Reciprocal Act, except for  
6 the computation of final average compensation under Section  
7 14-103.12, or the determination of compensation under this or  
8 any other Article of this Code.

9 The age enhancement established under this Section may be  
10 used for all purposes under this Article (including calculation  
11 of a proportionate annuity payable by this System under the  
12 Retirement Systems Reciprocal Act), except for purposes of the  
13 level income option in Section 14-112, the reversionary annuity  
14 under Section 14-113, and the required distributions under  
15 Section 14-121.1. However, age enhancement established under  
16 this Section shall not be used in determining benefits payable  
17 under other Articles of this Code under the Retirement Systems  
18 Reciprocal Act.

19 (c) For all creditable service established under this  
20 Section, a person must pay to the System an employee  
21 contribution to be determined by the System, based on the  
22 member's final rate of compensation and one-half of the total  
23 retirement contribution rate in effect for the member under  
24 subdivision (a) (3) of Section 14-133 on the date of withdrawal.

25 If the member receives a lump sum payment for accumulated  
26 vacation, sick leave and personal leave upon withdrawal from  
27 service, and the net amount of that lump sum payment is at  
28 least as great as the amount of the contribution required under  
29 this Section, the entire contribution (or so much of it as does  
30 not exceed the contribution limitations of Section 415 of the  
31 Internal Revenue Code of 1986) must be paid by the employee  
32 before the retirement annuity may become payable. If there is  
33 no such lump sum payment, or if it is less than the  
34 contribution required under this Section, the member may either  
35 pay the entire contribution before the retirement annuity  
36 becomes payable, or may instead make an initial payment before

1 the retirement annuity becomes payable, equal to the net amount  
2 of the lump sum payment for accumulated vacation, sick leave  
3 and personal leave (or so much of it as does not exceed the  
4 contribution limitations of Section 415 of the Internal Revenue  
5 Code of 1986), and have the remaining amount due deducted from  
6 the retirement annuity in 24 equal monthly installments  
7 beginning in the month in which the retirement annuity takes  
8 effect.

9 However, if the net amount of the lump sum payment for  
10 accumulated vacation, sick leave and personal leave equals or  
11 exceeds the contribution required under this Section, but the  
12 required contribution exceeds an applicable contribution  
13 limitation contained in Section 415 of the Internal Revenue  
14 Code of 1986, then the amount of the contribution in excess of  
15 the Section 415 limitation shall instead be paid by the  
16 annuitant in January of 1994. If this additional amount is not  
17 paid as required, the retirement annuity shall be suspended  
18 until the required contribution is received.

19 (d) Notwithstanding Section 14-111, an annuitant who has  
20 received any age enhancement or creditable service under this  
21 Section and who reenters service under this Article other than  
22 as a temporary employee shall thereby forfeit such age  
23 enhancement and creditable service, and become entitled to a  
24 refund of the contributions made pursuant to this Section.

25 (e) The Board shall determine the unfunded accrued  
26 liability created by the granting of early retirement benefits  
27 to State policemen under this Section, and shall certify the  
28 amount of that liability to the Department of State Police, the  
29 State Comptroller, the State Treasurer, and the Bureau of the  
30 Budget (now Governor's Office of Management and Budget) by June  
31 1, 1993, or as soon thereafter as is practical. In addition to  
32 any other payments to the System required under this Code, the  
33 Department of State Police shall pay to the System the amount  
34 of that unfunded accrued liability, out of funds appropriated  
35 to the Department for that purpose, over a period of 7 years at  
36 the rate of 14.3% of the certified amount per year, plus

1 interest on the unpaid balance at the actuarial rate as  
2 calculated and certified annually by the Board. Beginning in  
3 State fiscal year 1996, the liability created under this  
4 subsection (e) shall be included in the calculation of the  
5 required State contribution under Section 14-131 and no  
6 additional payments need be made under this subsection.

7 (Source: P.A. 87-1265; 88-593, eff. 8-22-94; revised 8-23-03.)

8 (40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)

9 Sec. 14-134. Board created. The retirement system created  
10 by this Article shall be a trust, separate and distinct from  
11 all other entities. The responsibility for the operation of the  
12 system and for making effective this Article is vested in a  
13 board of trustees.

14 The board shall consist of 7 trustees, as follows:

15 (a) the Director of the Governor's Office of Management and  
16 Budget ~~Bureau of the Budget~~; (b) the Comptroller; (c) one  
17 trustee, not a State employee, who shall be Chairman, to be  
18 appointed by the Governor for a 5 year term; (d) two members of  
19 the system, one of whom shall be an annuitant age 60 or over,  
20 having at least 8 years of creditable service, to be appointed  
21 by the Governor for terms of 5 years; (e) one member of the  
22 system having at least 8 years of creditable service, to be  
23 elected from the contributing membership of the system by the  
24 contributing members as provided in Section 14-134.1; (f) one  
25 annuitant of the system who has been an annuitant for at least  
26 one full year, to be elected from and by the annuitants of the  
27 system, as provided in Section 14-134.1. The Director of the  
28 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
29 and the Comptroller shall be ex-officio members and shall serve  
30 as trustees during their respective terms of office, except  
31 that each of them may designate another officer or employee  
32 from the same agency to serve in his or her place. However, no  
33 ex-officio member may designate a different proxy within one  
34 year after designating a proxy unless the person last so  
35 designated has become ineligible to serve in that capacity.

1 Except for the elected trustees, any vacancy in the office of  
2 trustee shall be filled in the same manner as the office was  
3 filled previously.

4 A trustee shall serve until a successor qualifies, except  
5 that a trustee who is a member of the system shall be  
6 disqualified as a trustee immediately upon terminating service  
7 with the State.

8 Each trustee is entitled to one vote on the board, and 4  
9 trustees shall constitute a quorum for the transaction of  
10 business. The affirmative votes of a majority of the trustees  
11 present, but at least 3 trustees, shall be necessary for action  
12 by the board at any meeting. The board's action of July 22,  
13 1986, by which it amended the bylaws of the system to increase  
14 the number of affirmative votes required for board action from  
15 3 to 4 (in response to Public Act 84-1028, which increased the  
16 number of trustees from 5 to 7), and the board's rejection,  
17 between that date and the effective date of this amendatory Act  
18 of 1993, of proposed actions not receiving at least 4  
19 affirmative votes, are hereby validated.

20 The trustees shall serve without compensation, but shall be  
21 reimbursed from the funds of the system for all necessary  
22 expenses incurred through service on the board.

23 Each trustee shall take an oath of office that he or she  
24 will diligently and honestly administer the affairs of the  
25 system, and will not knowingly violate or willfully permit the  
26 violation of any of the provisions of law applicable to the  
27 system. The oath shall be subscribed to by the trustee making  
28 it, certified by the officer before whom it is taken, and filed  
29 with the Secretary of State. A trustee shall qualify for  
30 membership on the board when the oath has been approved by the  
31 board.

32 (Source: P.A. 87-1265; revised 8-23-03.)

33 Section 540. The Regional Planning Commission Act is  
34 amended by changing Section 1 as follows:



1 (50 ILCS 15/1) (from Ch. 85, par. 1021)

2 Sec. 1. Governing bodies of counties, cities, or other  
3 local governmental units, when authorized by the Department of  
4 Commerce and Economic Opportunity ~~Community Affairs~~, may  
5 cooperate with the governing bodies of the counties and cities  
6 or other governing bodies of any adjoining state or states in  
7 the creation of a joint planning commission where such  
8 cooperation has been authorized by law by the adjoining state  
9 or states. Such a joint planning commission may be designated  
10 to be a regional or metropolitan planning commission and shall  
11 have powers, duties and functions as authorized by "An Act to  
12 provide for regional planning and for the creation,  
13 organization and powers of regional planning commissions",  
14 approved June 25, 1929, as heretofore or hereafter amended,  
15 and, as agreed among the governing bodies. Such a planning  
16 commission shall be a legal entity for all purposes.

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

18 Section 545. The Local Government Financial Planning and  
19 Supervision Act is amended by changing Sections 5 and 12 as  
20 follows:

21 (50 ILCS 320/5) (from Ch. 85, par. 7205)

22 Sec. 5. Establishment of commission.

23 (a) This subsection (a) applies through December 31, 1992.

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 who are subject to the stay provisions of  
32 Section 7 of this Act. The determination shall be entered  
33 not less than 60 days after the filing of the petition. A  
34 determination of fiscal emergency by the Governor shall be

1 a final administrative decision subject to the provisions  
2 of the Administrative Review Law. The court on such review  
3 may grant exceptions to the stay provisions of Section 7 of  
4 this Act as adequate protection of creditors' interests or  
5 equity may require. The commission shall convene within 30  
6 days of the entry by the Governor of his or her  
7 determination of the fiscal emergency.

8 (3) (A) The Commission shall consist of 7 Directors.

9 (B) One Director shall be appointed by the chief  
10 executive officer of the unit of local government.

11 (C) One Director shall be appointed by the majority  
12 vote of the governing body of the unit of local  
13 government.

14 (D) Five Directors shall be appointed by the  
15 Governor, with the advice and consent of the Senate.  
16 The Governor shall select one of the Directors to serve  
17 as Chairperson during the term of his or her  
18 appointment. Of the initial Directors so appointed, 3  
19 shall be appointed to serve for terms expiring 3 years  
20 from the date of their appointment, and 2 shall be  
21 appointed to serve for terms expiring 2 years from the  
22 date of their appointment. Thereafter, each Director  
23 appointed by the Governor shall be appointed to hold  
24 office for a term of 3 years and until his or her  
25 successor has been appointed as provided in Section  
26 8-12-7 of the Illinois Municipal Code. Directors shall  
27 be eligible for reappointment. Any vacancy which shall  
28 arise shall be filled by appointment by the Governor,  
29 with the advice and consent of the Senate, for the  
30 unexpired term and until a successor Director has been  
31 appointed as provided in Section 8-12-7 of the Illinois  
32 Municipal Code. A vacancy shall occur upon  
33 resignation, death, conviction of a felony, or removal  
34 from office of a Director. A Director may be removed  
35 for incompetency, malfeasance, or neglect of duty at  
36 the instance of the Governor. If the Senate is not in

1 session or is in recess when appointments subject to  
2 its confirmation are made, the Governor shall make  
3 temporary appointments which shall be subject to  
4 subsequent Senate approval.

5 (b) This subsection (b) applies on and after January 1,  
6 1993.

7 (1) Upon receipt of a petition for establishment of a  
8 financial planning and supervision commission, the  
9 Governor may direct the establishment of such a commission  
10 if the Governor determines that a fiscal emergency exists.

11 (2) Prior to making such determination, the Governor  
12 shall give reasonable notice and opportunity for a hearing  
13 to all creditors of the petitioning unit of local  
14 government. The determination shall be entered not less  
15 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 commission shall consist of 11 members:

25 (A) Eight members as follows: the Governor, the  
26 State Comptroller, the Director of Revenue, the  
27 Director of the Governor's Office of Management and  
28 Budget Bureau of the Budget, the State Treasurer, the  
29 Executive Director of the Illinois Finance Authority,  
30 the Director of the Department of Commerce and Economic  
31 Opportunity Community Affairs and the presiding  
32 officer of the governing body of the unit of local  
33 government, or their respective designees. A designee,  
34 when present, shall be counted in determining whether a  
35 quorum is present at any meeting of the commission and  
36 may vote and participate in all proceedings and actions

1 of the commission. The designations shall be in  
2 writing, executed by the member making the  
3 designation, and filed with the secretary of the  
4 commission. The designations may be changed from time  
5 to time in like manner, but due regard shall be given  
6 to the need for continuity. The Governor shall appoint  
7 a chairman of the commission from among the 8 members  
8 described in this subparagraph (A).

9 (B) Three members nominated and appointed as  
10 follows: the governing body and chief governing  
11 officer of the unit of local government shall submit in  
12 writing to the chairman of the commission the  
13 nomination of 5 persons agreed to by them and meeting  
14 the qualifications set forth in this Act. Nominations  
15 shall accompany the petition for establishment of the  
16 financial planning and supervision commission. If the  
17 chairman is not satisfied that at least 3 of the  
18 nominees are well qualified, he shall notify the  
19 governing body of the unit of local government to  
20 submit in writing, within 5 days, additional nominees,  
21 not exceeding 3. The chairman shall appoint 3 members  
22 from all the nominees so submitted or a lesser number  
23 that he considers well qualified. Each of the 3  
24 appointed members shall serve for a term of one year,  
25 subject to removal by the chairman for misfeasance,  
26 nonfeasance or malfeasance in office. Upon the  
27 expiration of the term of an appointed member, or in  
28 the event of the death, resignation, incapacity or  
29 removal, or other ineligibility to serve of an  
30 appointed member, the chairman shall appoint a  
31 successor pursuant to the process of original  
32 appointment.

33 Each of the 3 appointed members shall be an  
34 individual:

35 (i) Who has knowledge and experience in  
36 financial matters, financial management, or

1 business organization or operations, including  
2 experience in the private sector in management of  
3 business or financial enterprise, or in management  
4 consulting, public accounting, or other  
5 professional activity; and

6 (ii) Who has not at any time during the 2 years  
7 preceding the date of appointment held any elected  
8 public office.

9 The governing body and chief governing officer of the  
10 unit of local government, to the extent possible, shall  
11 nominate members whose residency, office, or principal  
12 place of professional or business activity is situated  
13 within the unit of local government.

14 An appointed member of the commission shall not  
15 become a candidate for elected public office while  
16 serving as a member of the commission.

17 (4) Immediately after his appointment of the initial 3  
18 appointed members of the commission, the chairman shall  
19 call the first meeting of the commission and shall cause  
20 written notice of the time, date and place of the first  
21 meeting to be given to each member of the commission at  
22 least 48 hours in advance of the meeting.

23 (5) The commission members shall select one of their  
24 number to serve as treasurer of the commission.

25 (Source: P.A. 93-205, eff. 1-1-04; revised 8-23-03.)

26 (50 ILCS 320/12) (from Ch. 85, par. 7212)

27 Sec. 12. Expenses incurred by commission. Any expense or  
28 obligation incurred by the financial planning and supervision  
29 commission under this Act shall be payable solely from  
30 appropriations made for that purpose by the General Assembly.

31 The commission is authorized to maintain monies  
32 appropriated for its use in a local account for such purposes  
33 to be held outside the State Treasury. Disbursements from this  
34 account shall require the approval and signatures of the  
35 chairman of the commission and the treasurer of the commission.

1 The commission shall be authorized to request the State  
2 Comptroller and State Treasurer to issue State warrants against  
3 appropriations made for its use, in anticipation of commission  
4 expenses, for deposit into the local account.

5 The compensation and expenses of a financial advisor  
6 retained by the commission shall be paid from monies  
7 appropriated to the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~ for that purpose. Those  
9 appropriations shall only be committed, obligated, and  
10 expended by the Department of Commerce and Economic Opportunity  
11 ~~Community Affairs~~ as the result of an order signed by the  
12 chairman of the commission identifying the selected "financial  
13 advisor" pursuant to subsection (c) of Section 6 of this Act  
14 and stating the maximum compensation awarded to the financial  
15 advisor under the contract. A copy of the order shall be filed  
16 with the State Comptroller prior to any disbursement of funds.  
17 (Source: P.A. 86-1211; revised 12-6-03.)

18 Section 550. The Illinois Municipal Budget Law is amended  
19 by changing Section 2 as follows:

20 (50 ILCS 330/2) (from Ch. 85, par. 802)

21 Sec. 2. The following terms, unless the context otherwise  
22 indicates, have the following meaning:

23 (1) "Municipality" means and includes all municipal  
24 corporations and political subdivisions of this State, or any  
25 such unit or body hereafter created by authority of law, except  
26 the following: (a) The State of Illinois; (b) counties; (c)  
27 cities, villages and incorporated towns; (d) sanitary  
28 districts created under "An Act to create sanitary districts  
29 and to remove obstructions in the Des Plaines and Illinois  
30 Rivers", approved May 29, 1889, as amended; (e) forest preserve  
31 districts having a population of 500,000 or more, created under  
32 "An Act to provide for the creation and management of forest  
33 preserve districts and repealing certain Acts therein named",  
34 approved June 27, 1913, as amended; (f) school districts; (g)

1 the Chicago Park District created under "An Act in relation to  
2 the creation, maintenance, operation and improvement of the  
3 Chicago Park District", approved, June 10, 1933, as amended;  
4 (h) park districts created under "The Park District Code",  
5 approved July 8, 1947, as amended; (i) the Regional  
6 Transportation Authority created under the "Regional  
7 Transportation Authority Act", enacted by the 78th General  
8 Assembly; and (j) the Illinois Sports Facilities Authority.

9 (2) "Governing body" means the corporate authorities,  
10 body, or other officer of the municipality authorized by law to  
11 raise revenue, appropriate funds, or levy taxes for the  
12 operation and maintenance thereof.

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

15 (Source: P.A. 85-1034; revised 12-6-03.)

16 Section 555. The Emergency Telephone System Act is amended  
17 by changing Section 13 as follows:

18 (50 ILCS 750/13) (from Ch. 134, par. 43)

19 Sec. 13. On or before February 16, 1979, and again on or  
20 before February 16, 1981, the Commission shall report to the  
21 General Assembly the progress in the implementation of systems  
22 required by this Act. Such reports shall contain his  
23 recommendations for additional legislation.

24 In December of 1979 and in December of 1980 the Commission,  
25 with the advice and assistance of the Attorney General, shall  
26 submit recommendations to the Bureau of the Budget (now  
27 Governor's Office of Management and Budget) and to the Governor  
28 specifying amounts necessary to further implement the  
29 organization of telephone systems specified in this Act during  
30 the succeeding fiscal year. The report specified in this  
31 paragraph shall contain, in addition, an estimate of the fiscal  
32 impact to local public agencies which will be caused by  
33 implementation of this Act.

34 By March 1 in 1979 and every even-numbered year thereafter,

1 each telephone company shall file a report with the Commission  
2 and the General Assembly specifying, in such detail as the  
3 Commission has by rule or regulation required, the extent to  
4 which it has implemented a planned emergency telephone system  
5 and its projected further implementation of such a system.

6 The requirement for reporting to the General Assembly shall  
7 be satisfied by filing copies of the report with the Speaker,  
8 the Minority Leader and the Clerk of the House of  
9 Representatives and the President, the Minority Leader and the  
10 Secretary of the Senate and the Legislative Research Unit, as  
11 required by Section 3.1 of "An Act to revise the law in  
12 relation to the General Assembly", approved February 25, 1874,  
13 as amended, and filing such additional copies with the State  
14 Government Report Distribution Center for the General Assembly  
15 as is required under paragraph (t) of Section 7 of the State  
16 Library Act.

17 (Source: P.A. 84-1438; revised 8-23-03.)

18 Section 560. The Local Land Resource Management Planning  
19 Act is amended by changing Sections 3 and 8 as follows:

20 (50 ILCS 805/3) (from Ch. 85, par. 5803)

21 Sec. 3. Definitions. As used in this Act, the following  
22 words and phrases have the following meanings:

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

25 B. "Local Land Resource Management Plan" means a map of  
26 existing and generalized proposed land use and a policy  
27 statement in the form of words, numbers, illustrations, or  
28 other symbols of communication adopted by the municipal and  
29 county governing bodies. The Local Land Resource Management  
30 Plan may interrelate functional, visual and natural systems and  
31 activities relating to the use of land. It shall include but  
32 not be limited to sewer and water systems, energy distribution  
33 systems, recreational facilities, public safety facilities and  
34 their relationship to natural resources, air, water and land



1 quality management or conservation programs within its  
2 jurisdiction. Such a plan shall be deemed to be "joint or  
3 compatible" when so declared by joint resolution of the  
4 affected municipality and county, or when separate plans have  
5 been referred to the affected municipality or county for review  
6 and suggestions, and such suggestions have been duly considered  
7 by the adopting jurisdiction and a reasonable basis for  
8 provisions of a plan that are contrary to the suggestions is  
9 stated in a resolution of the adopting jurisdiction.

10 C. "Land" means the earth, water and air, above, below or  
11 on the surface, and including any improvements or structures  
12 customarily regarded as land.

13 D. "Municipality" means any city, village or incorporated  
14 town.

15 E. "Unit of local government" means any county,  
16 municipality, township or special district which exercises  
17 limited governmental functions or provides services in respect  
18 to limited governmental subjects.

19 (Source: P.A. 84-865; revised 12-6-03.)

20 (50 ILCS 805/8) (from Ch. 85, par. 5808)

21 Sec. 8. Planning Grants. (a) The Department of Commerce and  
22 Economic Opportunity ~~Community Affairs~~ may make annual grants  
23 to counties and municipalities to develop, update, administer  
24 and implement Local Land Resource Management Plans, as defined  
25 in this Act.

26 (b) A recipient local government may receive an initial  
27 grant to develop a plan after filing a resolution of intent to  
28 develop a plan. The plan shall be completed within 18 months of  
29 the receipt of the grant.

30 (c) The amount of the initial grant and the annual grant to  
31 be received by the recipient shall be based on the most recent  
32 updated U. S. Census at a rate of one dollar per person, but  
33 shall not be less than \$20,000 and shall not exceed \$100,000  
34 per fiscal year.

35 (d) The Department of Commerce and Economic Opportunity

1 ~~Community Affairs~~ may promulgate such rules and regulations  
2 establishing procedures for determining entitlement and  
3 eligible uses of such grants as it deems necessary for the  
4 purposes of this Act.

5 (Source: P.A. 84-865; revised 12-6-03.)

6 Section 565. The County Economic Development Project Area  
7 Property Tax Allocation Act is amended by changing Section 3 as  
8 follows:

9 (55 ILCS 85/3) (from Ch. 34, par. 7003)

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

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

15 (b) "Economic development plan" means the written plan of a  
16 county which sets forth an economic development program for an  
17 economic development project area. Each economic development  
18 plan shall include but not be limited to (1) estimated economic  
19 development project costs, (2) the sources of funds to pay such  
20 costs, (3) the nature and term of any obligations to be issued  
21 by the county to pay such costs, (4) the most recent equalized  
22 assessed valuation of the economic development project area,  
23 (5) an estimate of the equalized assessed valuation of the  
24 economic development project area after completion of the  
25 economic development plan, (6) the estimated date of completion  
26 of any economic development project proposed to be undertaken,  
27 (7) a general description of any proposed developer, user, or  
28 tenant of any property to be located or improved within the  
29 economic development project area, (8) a description of the  
30 type, structure and general character of the facilities to be  
31 developed or improved in the economic development project area,  
32 (9) a description of the general land uses to apply in the  
33 economic development project area, (10) a description of the  
34 type, class and number of employees to be employed in the

1 operation of the facilities to be developed or improved in the  
2 economic development project area and (11) a commitment by the  
3 county to fair employment practices and an affirmative action  
4 plan with respect to any economic development program to be  
5 undertaken by the county.

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

8 (d) "Economic development project area" means any improved  
9 or vacant area which is located within the corporate limits of  
10 a county and which (1) is within the unincorporated area of  
11 such county, or, with the consent of any affected municipality,  
12 is located partially within the unincorporated area of such  
13 county and partially within one or more municipalities, (2) is  
14 contiguous, (3) is not less in the aggregate than 100 acres,  
15 (4) is suitable for siting by any commercial, manufacturing,  
16 industrial, research or transportation enterprise of  
17 facilities to include but not be limited to commercial  
18 businesses, offices, factories, mills, processing plants,  
19 assembly plants, packing plants, fabricating plants,  
20 industrial or commercial distribution centers, warehouses,  
21 repair overhaul or service facilities, freight terminals,  
22 research facilities, test facilities or transportation  
23 facilities, whether or not such area has been used at any time  
24 for such facilities and whether or not the area has been used  
25 or is suitable for such facilities and whether or not the area  
26 has been used or is suitable for other uses, including  
27 commercial agricultural purposes, and (5) which has been  
28 certified by the Department pursuant to this Act.

29 (e) "Economic development project costs" means and  
30 includes the sum total of all reasonable or necessary costs  
31 incurred by a county incidental to an economic development  
32 project, including, without limitation, the following:

33 (1) Costs of studies, surveys, development of plans and  
34 specifications, implementation and administration of an  
35 economic development plan, personnel and professional  
36 service costs for architectural, engineering, legal,

1 marketing, financial, planning, sheriff, fire, public  
2 works or other services, provided that no charges for  
3 professional services may be based on a percentage of  
4 incremental tax revenue;

5 (2) Property assembly costs within an economic  
6 development project area, including but not limited to  
7 acquisition of land and other real or personal property or  
8 rights or interests therein, and specifically including  
9 payments to developers or other non-governmental persons  
10 as reimbursement for property assembly costs incurred by  
11 such developer or other non-governmental person;

12 (3) Site preparation costs, including but not limited  
13 to clearance of any area within an economic development  
14 project area by demolition or removal of any existing  
15 buildings, structures, fixtures, utilities and  
16 improvements and clearing and grading; and including  
17 installation, repair, construction, reconstruction, or  
18 relocation of public streets, public utilities, and other  
19 public site improvements within or without an economic  
20 development project area which are essential to the  
21 preparation of the economic development project area for  
22 use in accordance with an economic development plan; and  
23 specifically including payments to developers or other  
24 non-governmental persons as reimbursement for site  
25 preparation costs incurred by such developer or  
26 non-governmental person;

27 (4) Costs of renovation, rehabilitation,  
28 reconstruction, relocation, repair or remodeling of any  
29 existing buildings, improvements, and fixtures within an  
30 economic development project area, and specifically  
31 including payments to developers or other non-governmental  
32 persons as reimbursement for such costs incurred by such  
33 developer or non-governmental person;

34 (5) Costs of construction within an economic  
35 development project area of public improvements, including  
36 but not limited to, buildings, structures, works,

1 improvements, utilities or fixtures;

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

10 (7) All or a portion of a taxing district's capital  
11 costs resulting from an economic development project  
12 necessarily incurred or estimated to be incurred by a  
13 taxing district in the furtherance of the objectives of an  
14 economic development project, to the extent that the county  
15 by written agreement accepts, approves and agrees to incur  
16 or to reimburse such costs;

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

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

33 (10) Costs of rebating ad valorem taxes paid by any  
34 developer or other nongovernmental person in whose name the  
35 general taxes were paid for the last preceding year on any  
36 lot, block, tract or parcel of land in the economic

1 development project area, provided that:

2 (i) such economic development project area is  
3 located in an enterprise zone created pursuant to the  
4 Illinois Enterprise Zone Act;

5 (ii) such ad valorem taxes shall be rebated only in  
6 such amounts and for such tax year or years as the  
7 county and any one or more affected taxing districts  
8 shall have agreed by prior written agreement;

9 (iii) any amount of rebate of taxes shall not  
10 exceed the portion, if any, of taxes levied by the  
11 county or such taxing district or districts which is  
12 attributable to the increase in the current equalized  
13 assessed valuation of each taxable lot, block, tract or  
14 parcel of real property in the economic development  
15 project area over and above the initial equalized  
16 assessed value of each property existing at the time  
17 property tax allocation financing was adopted for said  
18 economic development project area; and

19 (iv) costs of rebating ad valorem taxes shall be  
20 paid by a county solely from the special tax allocation  
21 fund established pursuant to this Act and shall be paid  
22 from the proceeds of any obligations issued by a  
23 county.

24 (11) Costs of job training, advanced vocational  
25 education or career education programs, including but not  
26 limited to courses in occupational, semi-technical or  
27 technical fields leading directly to employment, incurred  
28 by one or more taxing districts, provided that such costs  
29 are related to the establishment and maintenance of  
30 additional job training, advanced vocational education or  
31 career education programs for persons employed or to be  
32 employed by employers located in an economic development  
33 project area, and further provided, that when such costs  
34 are incurred by a taxing district or taxing districts other  
35 than the county, they shall be set forth in a written  
36 agreement by or among the county and the taxing district or

1 taxing districts, which agreement describes the program to  
2 be undertaken, including, but not limited to, the number of  
3 employees to be trained, a description of the training and  
4 services to be provided, the number and type of positions  
5 available or to be available, itemized costs of the program  
6 and sources of funds to pay the same, and the term of the  
7 agreement. Such costs include, specifically, the payment  
8 by community college districts of costs pursuant to Section  
9 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College  
10 Act and by school districts of costs pursuant to Sections  
11 10-22.20 and 10-23.3a of the School Code;

12 (12) Private financing costs incurred by developers or  
13 other non-governmental persons in connection with an  
14 economic development project, and specifically including  
15 payments to developers or other non-governmental persons  
16 as reimbursement for such costs incurred by such developer  
17 or other non-governmental persons provided that:

18 (A) private financing costs shall be paid or  
19 reimbursed by a county only pursuant to the prior  
20 official action of the county evidencing an intent to  
21 pay such private financing costs;

22 (B) except as provided in subparagraph (D) of this  
23 Section, the aggregate amount of such costs paid or  
24 reimbursed by a county in any one year shall not exceed  
25 30% of such costs paid or incurred by such developer or  
26 other non-governmental person in that year;

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

32 (D) if there are not sufficient funds available in  
33 the special tax allocation fund in any year to make  
34 such payment or reimbursement in full, any amount of  
35 such private financing costs remaining to be paid or  
36 reimbursed by a county shall accrue and be payable when

1 funds are available in the special tax allocation fund  
2 to make such payment; and

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

11 (f) "Obligations" means any instrument evidencing the  
12 obligation of a county to pay money, including without  
13 limitation, bonds, notes, installment or financing contracts,  
14 certificates, tax anticipation warrants or notes, vouchers,  
15 and any other evidence of indebtedness.

16 (g) "Taxing districts" means municipalities, townships,  
17 counties, and school, road, park, sanitary, mosquito  
18 abatement, forest preserve, public health, fire protection,  
19 river conservancy, tuberculosis sanitarium and any other  
20 county corporations or districts with the power to levy taxes  
21 on real property.

22 (Source: P.A. 90-655, eff. 7-30-98; revised 12-6-03.)

23 Section 570. The Illinois Municipal Code is amended by  
24 changing Sections 8-11-2, 11-31.1-14, 11-48.3-29, 11-74.4-6,  
25 11-74.4-8a, and 11-74.6-10 as follows:

26 (65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

27 Sec. 8-11-2. The corporate authorities of any municipality  
28 may tax any or all of the following occupations or privileges:

29 1. (Blank).

30 2. Persons engaged in the business of distributing,  
31 supplying, furnishing, or selling gas for use or  
32 consumption within the corporate limits of a municipality  
33 of 500,000 or fewer population, and not for resale, at a  
34 rate not to exceed 5% of the gross receipts therefrom.



1           2a. Persons engaged in the business of distributing,  
2           supplying, furnishing, or selling gas for use or  
3           consumption within the corporate limits of a municipality  
4           of over 500,000 population, and not for resale, at a rate  
5           not to exceed 8% of the gross receipts therefrom. If  
6           imposed, this tax shall be paid in monthly payments.

7           3. The privilege of using or consuming electricity  
8           acquired in a purchase at retail and used or consumed  
9           within the corporate limits of the municipality at rates  
10          not to exceed the following maximum rates, calculated on a  
11          monthly basis for each purchaser:

12           (i) For the first 2,000 kilowatt-hours used or consumed  
13           in a month; 0.61 cents per kilowatt-hour;

14           (ii) For the next 48,000 kilowatt-hours used or  
15           consumed in a month; 0.40 cents per kilowatt-hour;

16           (iii) For the next 50,000 kilowatt-hours used or  
17           consumed in a month; 0.36 cents per kilowatt-hour;

18           (iv) For the next 400,000 kilowatt-hours used or  
19           consumed in a month; 0.35 cents per kilowatt-hour;

20           (v) For the next 500,000 kilowatt-hours used or  
21           consumed in a month; 0.34 cents per kilowatt-hour;

22           (vi) For the next 2,000,000 kilowatt-hours used or  
23           consumed in a month; 0.32 cents per kilowatt-hour;

24           (vii) For the next 2,000,000 kilowatt-hours used or  
25           consumed in a month; 0.315 cents per kilowatt-hour;

26           (viii) For the next 5,000,000 kilowatt-hours used or  
27           consumed in a month; 0.31 cents per kilowatt-hour;

28           (ix) For the next 10,000,000 kilowatt-hours used or  
29           consumed in a month; 0.305 cents per kilowatt-hour; and

30           (x) For all electricity used or consumed in excess of  
31           20,000,000 kilowatt-hours in a month, 0.30 cents per  
32           kilowatt-hour.

33           If a municipality imposes a tax at rates lower than  
34           either the maximum rates specified in this Section or the  
35           alternative maximum rates promulgated by the Illinois  
36           Commerce Commission, as provided below, the tax rates shall

1 be imposed upon the kilowatt hour categories set forth  
2 above with the same proportional relationship as that which  
3 exists among such maximum rates. Notwithstanding the  
4 foregoing, until December 31, 2008, no municipality shall  
5 establish rates that are in excess of rates reasonably  
6 calculated to produce revenues that equal the maximum total  
7 revenues such municipality could have received under the  
8 tax authorized by this subparagraph in the last full  
9 calendar year prior to the effective date of Section 65 of  
10 this amendatory Act of 1997; provided that this shall not  
11 be a limitation on the amount of tax revenues actually  
12 collected by such municipality.

13 Upon the request of the corporate authorities of a  
14 municipality, the Illinois Commerce Commission shall,  
15 within 90 days after receipt of such request, promulgate  
16 alternative rates for each of these kilowatt-hour  
17 categories that will reflect, as closely as reasonably  
18 practical for that municipality, the distribution of the  
19 tax among classes of purchasers as if the tax were based on  
20 a uniform percentage of the purchase price of electricity.  
21 A municipality that has adopted an ordinance imposing a tax  
22 pursuant to subparagraph 3 as it existed prior to the  
23 effective date of Section 65 of this amendatory Act of 1997  
24 may, rather than imposing the tax permitted by this  
25 amendatory Act of 1997, continue to impose the tax pursuant  
26 to that ordinance with respect to gross receipts received  
27 from residential customers through July 31, 1999, and with  
28 respect to gross receipts from any non-residential  
29 customer until the first bill issued to such customer for  
30 delivery services in accordance with Section 16-104 of the  
31 Public Utilities Act but in no case later than the last  
32 bill issued to such customer before December 31, 2000. No  
33 ordinance imposing the tax permitted by this amendatory Act  
34 of 1997 shall be applicable to any non-residential customer  
35 until the first bill issued to such customer for delivery  
36 services in accordance with Section 16-104 of the Public

1 Utilities Act but in no case later than the last bill  
2 issued to such non-residential customer before December  
3 31, 2000.

4 4. Persons engaged in the business of distributing,  
5 supplying, furnishing, or selling water for use or  
6 consumption within the corporate limits of the  
7 municipality, and not for resale, at a rate not to exceed  
8 5% of the gross receipts therefrom.

9 None of the taxes authorized by this Section may be imposed  
10 with respect to any transaction in interstate commerce or  
11 otherwise to the extent to which the business or privilege may  
12 not, under the constitution and statutes of the United States,  
13 be made the subject of taxation by this State or any political  
14 sub-division thereof; nor shall any persons engaged in the  
15 business of distributing, supplying, furnishing, selling or  
16 transmitting gas, water, or electricity, or using or consuming  
17 electricity acquired in a purchase at retail, be subject to  
18 taxation under the provisions of this Section for those  
19 transactions that are or may become subject to taxation under  
20 the provisions of the "Municipal Retailers' Occupation Tax Act"  
21 authorized by Section 8-11-1; nor shall any tax authorized by  
22 this Section be imposed upon any person engaged in a business  
23 or on any privilege unless the tax is imposed in like manner  
24 and at the same rate upon all persons engaged in businesses of  
25 the same class in the municipality, whether privately or  
26 municipally owned or operated, or exercising the same privilege  
27 within the municipality.

28 Any of the taxes enumerated in this Section may be in  
29 addition to the payment of money, or value of products or  
30 services furnished to the municipality by the taxpayer as  
31 compensation for the use of its streets, alleys, or other  
32 public places, or installation and maintenance therein,  
33 thereon or thereunder of poles, wires, pipes or other equipment  
34 used in the operation of the taxpayer's business.

35 (a) If the corporate authorities of any home rule  
36 municipality have adopted an ordinance that imposed a tax on

1 public utility customers, between July 1, 1971, and October 1,  
2 1981, on the good faith belief that they were exercising  
3 authority pursuant to Section 6 of Article VII of the 1970  
4 Illinois Constitution, that action of the corporate  
5 authorities shall be declared legal and valid, notwithstanding  
6 a later decision of a judicial tribunal declaring the ordinance  
7 invalid. No municipality shall be required to rebate, refund,  
8 or issue credits for any taxes described in this paragraph, and  
9 those taxes shall be deemed to have been levied and collected  
10 in accordance with the Constitution and laws of this State.

11 (b) In any case in which (i) prior to October 19, 1979, the  
12 corporate authorities of any municipality have adopted an  
13 ordinance imposing a tax authorized by this Section (or by the  
14 predecessor provision of the "Revised Cities and Villages Act")  
15 and have explicitly or in practice interpreted gross receipts  
16 to include either charges added to customers' bills pursuant to  
17 the provision of paragraph (a) of Section 36 of the Public  
18 Utilities Act or charges added to customers' bills by taxpayers  
19 who are not subject to rate regulation by the Illinois Commerce  
20 Commission for the purpose of recovering any of the tax  
21 liabilities or other amounts specified in such paragraph (a) of  
22 Section 36 of that Act, and (ii) on or after October 19, 1979,  
23 a judicial tribunal has construed gross receipts to exclude all  
24 or part of those charges, then neither those municipality nor  
25 any taxpayer who paid the tax shall be required to rebate,  
26 refund, or issue credits for any tax imposed or charge  
27 collected from customers pursuant to the municipality's  
28 interpretation prior to October 19, 1979. This paragraph  
29 reflects a legislative finding that it would be contrary to the  
30 public interest to require a municipality or its taxpayers to  
31 refund taxes or charges attributable to the municipality's more  
32 inclusive interpretation of gross receipts prior to October 19,  
33 1979, and is not intended to prescribe or limit judicial  
34 construction of this Section. The legislative finding set forth  
35 in this subsection does not apply to taxes imposed after the  
36 effective date of this amendatory Act of 1995.

1 (c) The tax authorized by subparagraph 3 shall be collected  
2 from the purchaser by the person maintaining a place of  
3 business in this State who delivers the electricity to the  
4 purchaser. This tax shall constitute a debt of the purchaser to  
5 the person who delivers the electricity to the purchaser and if  
6 unpaid, is recoverable in the same manner as the original  
7 charge for delivering the electricity. Any tax required to be  
8 collected pursuant to an ordinance authorized by subparagraph 3  
9 and any such tax collected by a person delivering electricity  
10 shall constitute a debt owed to the municipality by such person  
11 delivering the electricity, provided, that the person  
12 delivering electricity shall be allowed credit for such tax  
13 related to deliveries of electricity the charges for which are  
14 written off as uncollectible, and provided further, that if  
15 such charges are thereafter collected, the delivering supplier  
16 shall be obligated to remit such tax. For purposes of this  
17 subsection (c), any partial payment not specifically  
18 identified by the purchaser shall be deemed to be for the  
19 delivery of electricity. Persons delivering electricity shall  
20 collect the tax from the purchaser by adding such tax to the  
21 gross charge for delivering the electricity, in the manner  
22 prescribed by the municipality. Persons delivering electricity  
23 shall also be authorized to add to such gross charge an amount  
24 equal to 3% of the tax to reimburse the person delivering  
25 electricity for the expenses incurred in keeping records,  
26 billing customers, preparing and filing returns, remitting the  
27 tax and supplying data to the municipality upon request. If the  
28 person delivering electricity fails to collect the tax from the  
29 purchaser, then the purchaser shall be required to pay the tax  
30 directly to the municipality in the manner prescribed by the  
31 municipality. Persons delivering electricity who file returns  
32 pursuant to this paragraph (c) shall, at the time of filing  
33 such return, pay the municipality the amount of the tax  
34 collected pursuant to subparagraph 3.

35 (d) For the purpose of the taxes enumerated in this  
36 Section:

1 "Gross receipts" means the consideration received for  
2 distributing, supplying, furnishing or selling gas for use or  
3 consumption and not for resale, and the consideration received  
4 for distributing, supplying, furnishing or selling water for  
5 use or consumption and not for resale, and for all services  
6 rendered in connection therewith valued in money, whether  
7 received in money or otherwise, including cash, credit,  
8 services and property of every kind and material and for all  
9 services rendered therewith, and shall be determined without  
10 any deduction on account of the cost of the service, product or  
11 commodity supplied, the cost of materials used, labor or  
12 service cost, or any other expenses whatsoever. "Gross  
13 receipts" shall not include that portion of the consideration  
14 received for distributing, supplying, furnishing, or selling  
15 gas or water to business enterprises described in paragraph (e)  
16 of this Section to the extent and during the period in which  
17 the exemption authorized by paragraph (e) is in effect or for  
18 school districts or units of local government described in  
19 paragraph (f) during the period in which the exemption  
20 authorized in paragraph (f) is in effect.

21 For utility bills issued on or after May 1, 1996, but  
22 before May 1, 1997, and for receipts from those utility bills,  
23 "gross receipts" does not include one-third of (i) amounts  
24 added to customers' bills under Section 9-222 of the Public  
25 Utilities Act, or (ii) amounts added to customers' bills by  
26 taxpayers who are not subject to rate regulation by the  
27 Illinois Commerce Commission for the purpose of recovering any  
28 of the tax liabilities described in Section 9-222 of the Public  
29 Utilities Act. For utility bills issued on or after May 1,  
30 1997, but before May 1, 1998, and for receipts from those  
31 utility bills, "gross receipts" does not include two-thirds of  
32 (i) amounts added to customers' bills under Section 9-222 of  
33 the Public Utilities Act, or (ii) amount added to customers'  
34 bills by taxpayers who are not subject to rate regulation by  
35 the Illinois Commerce Commission for the purpose of recovering  
36 any of the tax liabilities described in Section 9-222 of the

1 Public Utilities Act. For utility bills issued on or after May  
2 1, 1998, and for receipts from those utility bills, "gross  
3 receipts" does not include (i) amounts added to customers'  
4 bills under Section 9-222 of the Public Utilities Act, or (ii)  
5 amounts added to customers' bills by taxpayers who are not  
6 subject to rate regulation by the Illinois Commerce Commission  
7 for the purpose of recovering any of the tax liabilities  
8 described in Section 9-222 of the Public Utilities Act.

9 For purposes of this Section "gross receipts" shall not  
10 include amounts added to customers' bills under Section 9-221  
11 of the Public Utilities Act. This paragraph is not intended to  
12 nor does it make any change in the meaning of "gross receipts"  
13 for the purposes of this Section, but is intended to remove  
14 possible ambiguities, thereby confirming the existing meaning  
15 of "gross receipts" prior to the effective date of this  
16 amendatory Act of 1995.

17 "Person" as used in this Section means any natural  
18 individual, firm, trust, estate, partnership, association,  
19 joint stock company, joint adventure, corporation, limited  
20 liability company, municipal corporation, the State or any of  
21 its political subdivisions, any State university created by  
22 statute, or a receiver, trustee, guardian or other  
23 representative appointed by order of any court.

24 "Person maintaining a place of business in this State"  
25 shall mean any person having or maintaining within this State,  
26 directly or by a subsidiary or other affiliate, an office,  
27 generation facility, distribution facility, transmission  
28 facility, sales office or other place of business, or any  
29 employee, agent, or other representative operating within this  
30 State under the authority of the person or its subsidiary or  
31 other affiliate, irrespective of whether such place of business  
32 or agent or other representative is located in this State  
33 permanently or temporarily, or whether such person, subsidiary  
34 or other affiliate is licensed or qualified to do business in  
35 this State.

36 "Public utility" shall have the meaning ascribed to it in

1 Section 3-105 of the Public Utilities Act and shall include  
2 alternative retail electric suppliers as defined in Section  
3 16-102 of that Act.

4 "Purchase at retail" shall mean any acquisition of  
5 electricity by a purchaser for purposes of use or consumption,  
6 and not for resale, but shall not include the use of  
7 electricity by a public utility directly in the generation,  
8 production, transmission, delivery or sale of electricity.

9 "Purchaser" shall mean any person who uses or consumes,  
10 within the corporate limits of the municipality, electricity  
11 acquired in a purchase at retail.

12 (e) Any municipality that imposes taxes upon public  
13 utilities or upon the privilege of using or consuming  
14 electricity pursuant to this Section whose territory includes  
15 any part of an enterprise zone or federally designated Foreign  
16 Trade Zone or Sub-Zone may, by a majority vote of its corporate  
17 authorities, exempt from those taxes for a period not exceeding  
18 20 years any specified percentage of gross receipts of public  
19 utilities received from, or electricity used or consumed by,  
20 business enterprises that:

21 (1) either (i) make investments that cause the creation  
22 of a minimum of 200 full-time equivalent jobs in Illinois,  
23 (ii) make investments of at least \$175,000,000 that cause  
24 the creation of a minimum of 150 full-time equivalent jobs  
25 in Illinois, or (iii) make investments that cause the  
26 retention of a minimum of 1,000 full-time jobs in Illinois;  
27 and

28 (2) are either (i) located in an Enterprise Zone  
29 established pursuant to the Illinois Enterprise Zone Act or  
30 (ii) Department of Commerce and Economic Opportunity  
31 ~~Community Affairs~~ designated High Impact Businesses  
32 located in a federally designated Foreign Trade Zone or  
33 Sub-Zone; and

34 (3) are certified by the Department of Commerce and  
35 Economic Opportunity ~~Community Affairs~~ as complying with  
36 the requirements specified in clauses (1) and (2) of this



1 paragraph (e).

2 Upon adoption of the ordinance authorizing the exemption,  
3 the municipal clerk shall transmit a copy of that ordinance to  
4 the Department of Commerce and Economic Opportunity Community  
5 ~~Affairs~~. The Department of Commerce and Economic Opportunity  
6 ~~Community Affairs~~ shall determine whether the business  
7 enterprises located in the municipality meet the criteria  
8 prescribed in this paragraph. If the Department of Commerce and  
9 Economic Opportunity Community Affairs determines that the  
10 business enterprises meet the criteria, it shall grant  
11 certification. The Department of Commerce and Economic  
12 Opportunity Community Affairs shall act upon certification  
13 requests within 30 days after receipt of the ordinance.

14 Upon certification of the business enterprise by the  
15 Department of Commerce and Economic Opportunity Community  
16 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ shall notify the Department of Revenue of the  
18 certification. The Department of Revenue shall notify the  
19 public utilities of the exemption status of the gross receipts  
20 received from, and the electricity used or consumed by, the  
21 certified business enterprises. Such exemption status shall be  
22 effective within 3 months after certification.

23 (f) A municipality that imposes taxes upon public utilities  
24 or upon the privilege of using or consuming electricity under  
25 this Section and whose territory includes part of another unit  
26 of local government or a school district may by ordinance  
27 exempt the other unit of local government or school district  
28 from those taxes.

29 (g) The amendment of this Section by Public Act 84-127  
30 shall take precedence over any other amendment of this Section  
31 by any other amendatory Act passed by the 84th General Assembly  
32 before the effective date of Public Act 84-127.

33 (h) In any case in which, before July 1, 1992, a person  
34 engaged in the business of transmitting messages through the  
35 use of mobile equipment, such as cellular phones and paging  
36 systems, has determined the municipality within which the gross

1 receipts from the business originated by reference to the  
2 location of its transmitting or switching equipment, then (i)  
3 neither the municipality to which tax was paid on that basis  
4 nor the taxpayer that paid tax on that basis shall be required  
5 to rebate, refund, or issue credits for any such tax or charge  
6 collected from customers to reimburse the taxpayer for the tax  
7 and (ii) no municipality to which tax would have been paid with  
8 respect to those gross receipts if the provisions of this  
9 amendatory Act of 1991 had been in effect before July 1, 1992,  
10 shall have any claim against the taxpayer for any amount of the  
11 tax.

12 (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02;  
13 92-526, eff. 1-1-03; revised 12-6-03.)

14 (65 ILCS 5/11-31.1-14) (from Ch. 24, par. 11-31.1-14)

15 Sec. 11-31.1-14. Application for grants. Any municipality  
16 adopting this Division may make application to the Department  
17 of Commerce and Economic Opportunity ~~Community Affairs~~ for  
18 grants to help defray the cost of establishing and maintaining  
19 a code hearing department as provided in this Division. The  
20 application for grants shall be in the manner and form  
21 prescribed by the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~.

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

24 (65 ILCS 5/11-48.3-29) (from Ch. 24, par. 11-48.3-29)

25 Sec. 11-48.3-29. The Authority shall receive financial  
26 support from the Department of Commerce and Economic  
27 Opportunity ~~Community Affairs~~ in the amounts that may be  
28 appropriated for such purpose.

29 (Source: P.A. 86-279; revised 12-6-03.)

30 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

31 Sec. 11-74.4-6. (a) Except as provided herein, notice of  
32 the public hearing shall be given by publication and mailing.  
33 Notice by publication shall be given by publication at least

1 twice, the first publication to be not more than 30 nor less  
2 than 10 days prior to the hearing in a newspaper of general  
3 circulation within the taxing districts having property in the  
4 proposed redevelopment project area. Notice by mailing shall be  
5 given by depositing such notice in the United States mails by  
6 certified mail addressed to the person or persons in whose name  
7 the general taxes for the last preceding year were paid on each  
8 lot, block, tract, or parcel of land lying within the project  
9 redevelopment area. Said notice shall be mailed not less than  
10 10 days prior to the date set for the public hearing. In the  
11 event taxes for the last preceding year were not paid, the  
12 notice shall also be sent to the persons last listed on the tax  
13 rolls within the preceding 3 years as the owners of such  
14 property. For redevelopment project areas with redevelopment  
15 plans or proposed redevelopment plans that would require  
16 removal of 10 or more inhabited residential units or that  
17 contain 75 or more inhabited residential units, the  
18 municipality shall make a good faith effort to notify by mail  
19 all residents of the redevelopment project area. At a minimum,  
20 the municipality shall mail a notice to each residential  
21 address located within the redevelopment project area. The  
22 municipality shall endeavor to ensure that all such notices are  
23 effectively communicated and shall include (in addition to  
24 notice in English) notice in the predominant language other  
25 than English when appropriate.

26 (b) The notices issued pursuant to this Section shall  
27 include the following:

28 (1) The time and place of public hearing;

29 (2) The boundaries of the proposed redevelopment  
30 project area by legal description and by street location  
31 where possible;

32 (3) A notification that all interested persons will be  
33 given an opportunity to be heard at the public hearing;

34 (4) A description of the redevelopment plan or  
35 redevelopment project for the proposed redevelopment  
36 project area if a plan or project is the subject matter of

1 the hearing.

2 (5) Such other matters as the municipality may deem  
3 appropriate.

4 (c) Not less than 45 days prior to the date set for  
5 hearing, the municipality shall give notice by mail as provided  
6 in subsection (a) to all taxing districts of which taxable  
7 property is included in the redevelopment project area, project  
8 or plan and to the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~, and in addition to the other  
10 requirements under subsection (b) the notice shall include an  
11 invitation to the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ and each taxing district to  
13 submit comments to the municipality concerning the subject  
14 matter of the hearing prior to the date of hearing.

15 (d) In the event that any municipality has by ordinance  
16 adopted tax increment financing prior to 1987, and has complied  
17 with the notice requirements of this Section, except that the  
18 notice has not included the requirements of subsection (b),  
19 paragraphs (2), (3) and (4), and within 90 days of the  
20 effective date of this amendatory Act of 1991, that  
21 municipality passes an ordinance which contains findings that:  
22 (1) all taxing districts prior to the time of the hearing  
23 required by Section 11-74.4-5 were furnished with copies of a  
24 map incorporated into the redevelopment plan and project  
25 substantially showing the legal boundaries of the  
26 redevelopment project area; (2) the redevelopment plan and  
27 project, or a draft thereof, contained a map substantially  
28 showing the legal boundaries of the redevelopment project area  
29 and was available to the public at the time of the hearing; and  
30 (3) since the adoption of any form of tax increment financing  
31 authorized by this Act, and prior to June 1, 1991, no objection  
32 or challenge has been made in writing to the municipality in  
33 respect to the notices required by this Section, then the  
34 municipality shall be deemed to have met the notice  
35 requirements of this Act and all actions of the municipality  
36 taken in connection with such notices as were given are hereby

1 validated and hereby declared to be legally sufficient for all  
2 purposes of this Act.

3 (e) If a municipality desires to propose a redevelopment  
4 plan for a redevelopment project area that would result in the  
5 displacement of residents from 10 or more inhabited residential  
6 units or for a redevelopment project area that contains 75 or  
7 more inhabited residential units, the municipality shall hold a  
8 public meeting before the mailing of the notices of public  
9 hearing as provided in subsection (c) of this Section. The  
10 meeting shall be for the purpose of enabling the municipality  
11 to advise the public, taxing districts having real property in  
12 the redevelopment project area, taxpayers who own property in  
13 the proposed redevelopment project area, and residents in the  
14 area as to the municipality's possible intent to prepare a  
15 redevelopment plan and designate a redevelopment project area  
16 and to receive public comment. The time and place for the  
17 meeting shall be set by the head of the municipality's  
18 Department of Planning or other department official designated  
19 by the mayor or city or village manager without the necessity  
20 of a resolution or ordinance of the municipality and may be  
21 held by a member of the staff of the Department of Planning of  
22 the municipality or by any other person, body, or commission  
23 designated by the corporate authorities. The meeting shall be  
24 held at least 14 business days before the mailing of the notice  
25 of public hearing provided for in subsection (c) of this  
26 Section.

27 Notice of the public meeting shall be given by mail. Notice  
28 by mail shall be not less than 15 days before the date of the  
29 meeting and shall be sent by certified mail to all taxing  
30 districts having real property in the proposed redevelopment  
31 project area and to all entities requesting that information  
32 that have registered with a person and department designated by  
33 the municipality in accordance with registration guidelines  
34 established by the municipality pursuant to Section  
35 11-74.4-4.2. The municipality shall make a good faith effort to  
36 notify all residents and the last known persons who paid

1 property taxes on real estate in a redevelopment project area.  
2 This requirement shall be deemed to be satisfied if the  
3 municipality mails, by regular mail, a notice to each  
4 residential address and the person or persons in whose name  
5 property taxes were paid on real property for the last  
6 preceding year located within the redevelopment project area.  
7 Notice shall be in languages other than English when  
8 appropriate. The notices issued under this subsection shall  
9 include the following:

10 (1) The time and place of the meeting.

11 (2) The boundaries of the area to be studied for  
12 possible designation as a redevelopment project area by  
13 street and location.

14 (3) The purpose or purposes of establishing a  
15 redevelopment project area.

16 (4) A brief description of tax increment financing.

17 (5) The name, telephone number, and address of the  
18 person who can be contacted for additional information  
19 about the proposed redevelopment project area and who  
20 should receive all comments and suggestions regarding the  
21 development of the area to be studied.

22 (6) Notification that all interested persons will be  
23 given an opportunity to be heard at the public meeting.

24 (7) Such other matters as the municipality deems  
25 appropriate.

26 At the public meeting, any interested person or  
27 representative of an affected taxing district may be heard  
28 orally and may file, with the person conducting the meeting,  
29 statements that pertain to the subject matter of the meeting.

30 (Source: P.A. 91-478, eff. 11-1-99; revised 12-6-03.)

31 (65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

32 Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality  
33 which has adopted tax increment allocation financing prior to  
34 January 1, 1987, may by ordinance (1) authorize the Department  
35 of Revenue, subject to appropriation, to annually certify and

1 cause to be paid from the Illinois Tax Increment Fund to such  
2 municipality for deposit in the municipality's special tax  
3 allocation fund an amount equal to the Net State Sales Tax  
4 Increment and (2) authorize the Department of Revenue to  
5 annually notify the municipality of the amount of the Municipal  
6 Sales Tax Increment which shall be deposited by the  
7 municipality in the municipality's special tax allocation  
8 fund. Provided that for purposes of this Section no amendments  
9 adding additional area to the redevelopment project area which  
10 has been certified as the State Sales Tax Boundary shall be  
11 taken into account if such amendments are adopted by the  
12 municipality after January 1, 1987. If an amendment is adopted  
13 which decreases the area of a State Sales Tax Boundary, the  
14 municipality shall update the list required by subsection  
15 (3)(a) of this Section. The Retailers' Occupation Tax  
16 liability, Use Tax liability, Service Occupation Tax liability  
17 and Service Use Tax liability for retailers and servicemen  
18 located within the disconnected area shall be excluded from the  
19 base from which tax increments are calculated and the revenue  
20 from any such retailer or serviceman shall not be included in  
21 calculating incremental revenue payable to the municipality. A  
22 municipality adopting an ordinance under this subsection (1) of  
23 this Section for a redevelopment project area which is  
24 certified as a State Sales Tax Boundary shall not be entitled  
25 to payments of State taxes authorized under subsection (2) of  
26 this Section for the same redevelopment project area. Nothing  
27 herein shall be construed to prevent a municipality from  
28 receiving payment of State taxes authorized under subsection  
29 (2) of this Section for a separate redevelopment project area  
30 that does not overlap in any way with the State Sales Tax  
31 Boundary receiving payments of State taxes pursuant to  
32 subsection (1) of this Section.

33 A certified copy of such ordinance shall be submitted by  
34 the municipality to the Department of Commerce and Economic  
35 Opportunity ~~Community Affairs~~ and the Department of Revenue not  
36 later than 30 days after the effective date of the ordinance.

1 Upon submission of the ordinances, and the information required  
2 pursuant to subsection 3 of this Section, the Department of  
3 Revenue shall promptly determine the amount of such taxes paid  
4 under the Retailers' Occupation Tax Act, Use Tax Act, Service  
5 Use Tax Act, the Service Occupation Tax Act, the Municipal  
6 Retailers' Occupation Tax Act and the Municipal Service  
7 Occupation Tax Act by retailers and servicemen on transactions  
8 at places located in the redevelopment project area during the  
9 base year, and shall certify all the foregoing "initial sales  
10 tax amounts" to the municipality within 60 days of submission  
11 of the list required of subsection (3) (a) of this Section.

12 If a retailer or serviceman with a place of business  
13 located within a redevelopment project area also has one or  
14 more other places of business within the municipality but  
15 outside the redevelopment project area, the retailer or  
16 serviceman shall, upon request of the Department of Revenue,  
17 certify to the Department of Revenue the amount of taxes paid  
18 pursuant to the Retailers' Occupation Tax Act, the Municipal  
19 Retailers' Occupation Tax Act, the Service Occupation Tax Act  
20 and the Municipal Service Occupation Tax Act at each place of  
21 business which is located within the redevelopment project area  
22 in the manner and for the periods of time requested by the  
23 Department of Revenue.

24 When the municipality determines that a portion of an  
25 increase in the aggregate amount of taxes paid by retailers and  
26 servicemen under the Retailers' Occupation Tax Act, Use Tax  
27 Act, Service Use Tax Act, or the Service Occupation Tax Act is  
28 the result of a retailer or serviceman initiating retail or  
29 service operations in the redevelopment project area by such  
30 retailer or serviceman with a resulting termination of retail  
31 or service operations by such retailer or serviceman at another  
32 location in Illinois in the standard metropolitan statistical  
33 area of such municipality, the Department of Revenue shall be  
34 notified that the retailers occupation tax liability, use tax  
35 liability, service occupation tax liability, or service use tax  
36 liability from such retailer's or serviceman's terminated



1 operation shall be included in the base Initial Sales Tax  
2 Amounts from which the State Sales Tax Increment is calculated  
3 for purposes of State payments to the affected municipality;  
4 provided, however, for purposes of this paragraph  
5 "termination" shall mean a closing of a retail or service  
6 operation which is directly related to the opening of the same  
7 retail or service operation in a redevelopment project area  
8 which is included within a State Sales Tax Boundary, but it  
9 shall not include retail or service operations closed for  
10 reasons beyond the control of the retailer or serviceman, as  
11 determined by the Department.

12 If the municipality makes the determination referred to in  
13 the prior paragraph and notifies the Department and if the  
14 relocation is from a location within the municipality, the  
15 Department, at the request of the municipality, shall adjust  
16 the certified aggregate amount of taxes that constitute the  
17 Municipal Sales Tax Increment paid by retailers and servicemen  
18 on transactions at places of business located within the State  
19 Sales Tax Boundary during the base year using the same  
20 procedures as are employed to make the adjustment referred to  
21 in the prior paragraph. The adjusted Municipal Sales Tax  
22 Increment calculated by the Department shall be sufficient to  
23 satisfy the requirements of subsection (1) of this Section.

24 When a municipality which has adopted tax increment  
25 allocation financing in 1986 determines that a portion of the  
26 aggregate amount of taxes paid by retailers and servicemen  
27 under the Retailers Occupation Tax Act, Use Tax Act, Service  
28 Use Tax Act, or Service Occupation Tax Act, the Municipal  
29 Retailers' Occupation Tax Act and the Municipal Service  
30 Occupation Tax Act, includes revenue of a retailer or  
31 serviceman which terminated retailer or service operations in  
32 1986, prior to the adoption of tax increment allocation  
33 financing, the Department of Revenue shall be notified by such  
34 municipality that the retailers' occupation tax liability, use  
35 tax liability, service occupation tax liability or service use  
36 tax liability, from such retailer's or serviceman's terminated

1 operations shall be excluded from the Initial Sales Tax Amounts  
2 for such taxes. The revenue from any such retailer or  
3 serviceman which is excluded from the base year under this  
4 paragraph, shall not be included in calculating incremental  
5 revenues if such retailer or serviceman reestablishes such  
6 business in the redevelopment project area.

7 For State fiscal year 1992, the Department of Revenue shall  
8 budget, and the Illinois General Assembly shall appropriate  
9 from the Illinois Tax Increment Fund in the State treasury, an  
10 amount not to exceed \$18,000,000 to pay to each eligible  
11 municipality the Net State Sales Tax Increment to which such  
12 municipality is entitled.

13 Beginning on January 1, 1993, each municipality's  
14 proportional share of the Illinois Tax Increment Fund shall be  
15 determined by adding the annual Net State Sales Tax Increment  
16 and the annual Net Utility Tax Increment to determine the  
17 Annual Total Increment. The ratio of the Annual Total Increment  
18 of each municipality to the Annual Total Increment for all  
19 municipalities, as most recently calculated by the Department,  
20 shall determine the proportional shares of the Illinois Tax  
21 Increment Fund to be distributed to each municipality.

22 Beginning in October, 1993, and each January, April, July  
23 and October thereafter, the Department of Revenue shall certify  
24 to the Treasurer and the Comptroller the amounts payable  
25 quarter annually during the fiscal year to each municipality  
26 under this Section. The Comptroller shall promptly then draw  
27 warrants, ordering the State Treasurer to pay such amounts from  
28 the Illinois Tax Increment Fund in the State treasury.

29 The Department of Revenue shall utilize the same periods  
30 established for determining State Sales Tax Increment to  
31 determine the Municipal Sales Tax Increment for the area within  
32 a State Sales Tax Boundary and certify such amounts to such  
33 municipal treasurer who shall transfer such amounts to the  
34 special tax allocation fund.

35 The provisions of this subsection (1) do not apply to  
36 additional municipal retailers' occupation or service

1 occupation taxes imposed by municipalities using their home  
2 rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4  
3 and 8-11-1.5 of this Act. A municipality shall not receive from  
4 the State any share of the Illinois Tax Increment Fund unless  
5 such municipality deposits all its Municipal Sales Tax  
6 Increment and the local incremental real property tax revenues,  
7 as provided herein, into the appropriate special tax allocation  
8 fund. If, however, a municipality has extended the estimated  
9 dates of completion of the redevelopment project and retirement  
10 of obligations to finance redevelopment project costs by  
11 municipal ordinance to December 31, 2013 under subsection (n)  
12 of Section 11-74.4-3, then that municipality shall continue to  
13 receive from the State a share of the Illinois Tax Increment  
14 Fund so long as the municipality deposits, from any funds  
15 available, excluding funds in the special tax allocation fund,  
16 an amount equal to the municipal share of the real property tax  
17 increment revenues into the special tax allocation fund during  
18 the extension period. The amount to be deposited by the  
19 municipality in each of the tax years affected by the extension  
20 to December 31, 2013 shall be equal to the municipal share of  
21 the property tax increment deposited into the special tax  
22 allocation fund by the municipality for the most recent year  
23 that the property tax increment was distributed. A municipality  
24 located within an economic development project area created  
25 under the County Economic Development Project Area Property Tax  
26 Allocation Act which has abated any portion of its property  
27 taxes which otherwise would have been deposited in its special  
28 tax allocation fund shall not receive from the State the Net  
29 Sales Tax Increment.

30 (2) A municipality which has adopted tax increment  
31 allocation financing with regard to an industrial park or  
32 industrial park conservation area, prior to January 1, 1988,  
33 may by ordinance authorize the Department of Revenue to  
34 annually certify and pay from the Illinois Tax Increment Fund  
35 to such municipality for deposit in the municipality's special  
36 tax allocation fund an amount equal to the Net State Utility

1 Tax Increment. Provided that for purposes of this Section no  
2 amendments adding additional area to the redevelopment project  
3 area shall be taken into account if such amendments are adopted  
4 by the municipality after January 1, 1988. Municipalities  
5 adopting an ordinance under this subsection (2) of this Section  
6 for a redevelopment project area shall not be entitled to  
7 payment of State taxes authorized under subsection (1) of this  
8 Section for the same redevelopment project area which is within  
9 a State Sales Tax Boundary. Nothing herein shall be construed  
10 to prevent a municipality from receiving payment of State taxes  
11 authorized under subsection (1) of this Section for a separate  
12 redevelopment project area within a State Sales Tax Boundary  
13 that does not overlap in any way with the redevelopment project  
14 area receiving payments of State taxes pursuant to subsection  
15 (2) of this Section.

16 A certified copy of such ordinance shall be submitted to  
17 the Department of Commerce and Economic Opportunity ~~Community~~  
18 ~~Affairs~~ and the Department of Revenue not later than 30 days  
19 after the effective date of the ordinance.

20 When a municipality determines that a portion of an  
21 increase in the aggregate amount of taxes paid by industrial or  
22 commercial facilities under the Public Utilities Act, is the  
23 result of an industrial or commercial facility initiating  
24 operations in the redevelopment project area with a resulting  
25 termination of such operations by such industrial or commercial  
26 facility at another location in Illinois, the Department of  
27 Revenue shall be notified by such municipality that such  
28 industrial or commercial facility's liability under the Public  
29 Utility Tax Act shall be included in the base from which tax  
30 increments are calculated for purposes of State payments to the  
31 affected municipality.

32 After receipt of the calculations by the public utility as  
33 required by subsection (4) of this Section, the Department of  
34 Revenue shall annually budget and the Illinois General Assembly  
35 shall annually appropriate from the General Revenue Fund  
36 through State Fiscal Year 1989, and thereafter from the

1 Illinois Tax Increment Fund, an amount sufficient to pay to  
2 each eligible municipality the amount of incremental revenue  
3 attributable to State electric and gas taxes as reflected by  
4 the charges imposed on persons in the project area to which  
5 such municipality is entitled by comparing the preceding  
6 calendar year with the base year as determined by this Section.  
7 Beginning on January 1, 1993, each municipality's proportional  
8 share of the Illinois Tax Increment Fund shall be determined by  
9 adding the annual Net State Utility Tax Increment and the  
10 annual Net Utility Tax Increment to determine the Annual Total  
11 Increment. The ratio of the Annual Total Increment of each  
12 municipality to the Annual Total Increment for all  
13 municipalities, as most recently calculated by the Department,  
14 shall determine the proportional shares of the Illinois Tax  
15 Increment Fund to be distributed to each municipality.

16 A municipality shall not receive any share of the Illinois  
17 Tax Increment Fund from the State unless such municipality  
18 imposes the maximum municipal charges authorized pursuant to  
19 Section 9-221 of the Public Utilities Act and deposits all  
20 municipal utility tax incremental revenues as certified by the  
21 public utilities, and all local real estate tax increments into  
22 such municipality's special tax allocation fund.

23 (3) Within 30 days after the adoption of the ordinance  
24 required by either subsection (1) or subsection (2) of this  
25 Section, the municipality shall transmit to the Department of  
26 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
27 Department of Revenue the following:

28 (a) if applicable, a certified copy of the ordinance  
29 required by subsection (1) accompanied by a complete list  
30 of street names and the range of street numbers of each  
31 street located within the redevelopment project area for  
32 which payments are to be made under this Section in both  
33 the base year and in the year preceding the payment year;  
34 and the addresses of persons registered with the Department  
35 of Revenue; and, the name under which each such retailer or  
36 serviceman conducts business at that address, if different

1 from the corporate name; and the Illinois Business Tax  
2 Number of each such person (The municipality shall update  
3 this list in the event of a revision of the redevelopment  
4 project area, or the opening or closing or name change of  
5 any street or part thereof in the redevelopment project  
6 area, or if the Department of Revenue informs the  
7 municipality of an addition or deletion pursuant to the  
8 monthly updates given by the Department.);

9 (b) if applicable, a certified copy of the ordinance  
10 required by subsection (2) accompanied by a complete list  
11 of street names and range of street numbers of each street  
12 located within the redevelopment project area, the utility  
13 customers in the project area, and the utilities serving  
14 the redevelopment project areas;

15 (c) certified copies of the ordinances approving the  
16 redevelopment plan and designating the redevelopment  
17 project area;

18 (d) a copy of the redevelopment plan as approved by the  
19 municipality;

20 (e) an opinion of legal counsel that the municipality  
21 had complied with the requirements of this Act; and

22 (f) a certification by the chief executive officer of  
23 the municipality that with regard to a redevelopment  
24 project area: (1) the municipality has committed all of the  
25 municipal tax increment created pursuant to this Act for  
26 deposit in the special tax allocation fund, (2) the  
27 redevelopment projects described in the redevelopment plan  
28 would not be completed without the use of State incremental  
29 revenues pursuant to this Act, (3) the municipality will  
30 pursue the implementation of the redevelopment plan in an  
31 expeditious manner, (4) the incremental revenues created  
32 pursuant to this Section will be exclusively utilized for  
33 the development of the redevelopment project area, and (5)  
34 the increased revenue created pursuant to this Section  
35 shall be used exclusively to pay redevelopment project  
36 costs as defined in this Act.

1           (4) The Department of Revenue upon receipt of the  
2 information set forth in paragraph (b) of subsection (3) shall  
3 immediately forward such information to each public utility  
4 furnishing natural gas or electricity to buildings within the  
5 redevelopment project area. Upon receipt of such information,  
6 each public utility shall promptly:

7           (a) provide to the Department of Revenue and the  
8 municipality separate lists of the names and addresses of  
9 persons within the redevelopment project area receiving  
10 natural gas or electricity from such public utility. Such  
11 list shall be updated as necessary by the public utility.  
12 Each month thereafter the public utility shall furnish the  
13 Department of Revenue and the municipality with an itemized  
14 listing of charges imposed pursuant to Sections 9-221 and  
15 9-222 of the Public Utilities Act on persons within the  
16 redevelopment project area.

17           (b) determine the amount of charges imposed pursuant to  
18 Sections 9-221 and 9-222 of the Public Utilities Act on  
19 persons in the redevelopment project area during the base  
20 year, both as a result of municipal taxes on electricity  
21 and gas and as a result of State taxes on electricity and  
22 gas and certify such amounts both to the municipality and  
23 the Department of Revenue; and

24           (c) determine the amount of charges imposed pursuant to  
25 Sections 9-221 and 9-222 of the Public Utilities Act on  
26 persons in the redevelopment project area on a monthly  
27 basis during the base year, both as a result of State and  
28 municipal taxes on electricity and gas and certify such  
29 separate amounts both to the municipality and the  
30 Department of Revenue.

31           After the determinations are made in paragraphs (b) and  
32 (c), the public utility shall monthly during the existence of  
33 the redevelopment project area notify the Department of Revenue  
34 and the municipality of any increase in charges over the base  
35 year determinations made pursuant to paragraphs (b) and (c).

36           (5) The payments authorized under this Section shall be

1 deposited by the municipal treasurer in the special tax  
2 allocation fund of the municipality, which for accounting  
3 purposes shall identify the sources of each payment as:  
4 municipal receipts from the State retailers occupation,  
5 service occupation, use and service use taxes; and municipal  
6 public utility taxes charged to customers under the Public  
7 Utilities Act and State public utility taxes charged to  
8 customers under the Public Utilities Act.

9 (6) Before the effective date of this amendatory Act of the  
10 91st General Assembly, any municipality receiving payments  
11 authorized under this Section for any redevelopment project  
12 area or area within a State Sales Tax Boundary within the  
13 municipality shall submit to the Department of Revenue and to  
14 the taxing districts which are sent the notice required by  
15 Section 6 of this Act annually within 180 days after the close  
16 of each municipal fiscal year the following information for the  
17 immediately preceding fiscal year:

18 (a) Any amendments to the redevelopment plan, the  
19 redevelopment project area, or the State Sales Tax  
20 Boundary.

21 (b) Audited financial statements of the special tax  
22 allocation fund.

23 (c) Certification of the Chief Executive Officer of the  
24 municipality that the municipality has complied with all of  
25 the requirements of this Act during the preceding fiscal  
26 year.

27 (d) An opinion of legal counsel that the municipality  
28 is in compliance with this Act.

29 (e) An analysis of the special tax allocation fund  
30 which sets forth:

31 (1) the balance in the special tax allocation fund  
32 at the beginning of the fiscal year;

33 (2) all amounts deposited in the special tax  
34 allocation fund by source;

35 (3) all expenditures from the special tax  
36 allocation fund by category of permissible



1 redevelopment project cost; and

2 (4) the balance in the special tax allocation fund  
3 at the end of the fiscal year including a breakdown of  
4 that balance by source. Such ending balance shall be  
5 designated as surplus if it is not required for  
6 anticipated redevelopment project costs or to pay debt  
7 service on bonds issued to finance redevelopment  
8 project costs, as set forth in Section 11-74.4-7  
9 hereof.

10 (f) A description of all property purchased by the  
11 municipality within the redevelopment project area  
12 including:

- 13 1. Street address
- 14 2. Approximate size or description of property
- 15 3. Purchase price
- 16 4. Seller of property.

17 (g) A statement setting forth all activities  
18 undertaken in furtherance of the objectives of the  
19 redevelopment plan, including:

- 20 1. Any project implemented in the preceding fiscal  
21 year
- 22 2. A description of the redevelopment activities  
23 undertaken
- 24 3. A description of any agreements entered into by  
25 the municipality with regard to the disposition or  
26 redevelopment of any property within the redevelopment  
27 project area or the area within the State Sales Tax  
28 Boundary.

29 (h) With regard to any obligations issued by the  
30 municipality:

- 31 1. copies of bond ordinances or resolutions
- 32 2. copies of any official statements
- 33 3. an analysis prepared by financial advisor or  
34 underwriter setting forth: (a) nature and term of  
35 obligation; and (b) projected debt service including  
36 required reserves and debt coverage.

1 (i) A certified audit report reviewing compliance with  
2 this statute performed by an independent public accountant  
3 certified and licensed by the authority of the State of  
4 Illinois. The financial portion of the audit must be  
5 conducted in accordance with Standards for Audits of  
6 Governmental Organizations, Programs, Activities, and  
7 Functions adopted by the Comptroller General of the United  
8 States (1981), as amended. The audit report shall contain a  
9 letter from the independent certified public accountant  
10 indicating compliance or noncompliance with the  
11 requirements of subsection (q) of Section 11-74.4-3. If the  
12 audit indicates that expenditures are not in compliance  
13 with the law, the Department of Revenue shall withhold  
14 State sales and utility tax increment payments to the  
15 municipality until compliance has been reached, and an  
16 amount equal to the ineligible expenditures has been  
17 returned to the Special Tax Allocation Fund.

18 (6.1) After July 29, 1988 and before the effective date of  
19 this amendatory Act of the 91st General Assembly, any funds  
20 which have not been designated for use in a specific  
21 development project in the annual report shall be designated as  
22 surplus. No funds may be held in the Special Tax Allocation  
23 Fund for more than 36 months from the date of receipt unless  
24 the money is required for payment of contractual obligations  
25 for specific development project costs. If held for more than  
26 36 months in violation of the preceding sentence, such funds  
27 shall be designated as surplus. Any funds designated as surplus  
28 must first be used for early redemption of any bond  
29 obligations. Any funds designated as surplus which are not  
30 disposed of as otherwise provided in this paragraph, shall be  
31 distributed as surplus as provided in Section 11-74.4-7.

32 (7) Any appropriation made pursuant to this Section for the  
33 1987 State fiscal year shall not exceed the amount of \$7  
34 million and for the 1988 State fiscal year the amount of \$10  
35 million. The amount which shall be distributed to each  
36 municipality shall be the incremental revenue to which each

1 municipality is entitled as calculated by the Department of  
2 Revenue, unless the requests of the municipality exceed the  
3 appropriation, then the amount to which each municipality shall  
4 be entitled shall be prorated among the municipalities in the  
5 same proportion as the increment to which the municipality  
6 would be entitled bears to the total increment which all  
7 municipalities would receive in the absence of this limitation,  
8 provided that no municipality may receive an amount in excess  
9 of 15% of the appropriation. For the 1987 Net State Sales Tax  
10 Increment payable in Fiscal Year 1989, no municipality shall  
11 receive more than 7.5% of the total appropriation; provided,  
12 however, that any of the appropriation remaining after such  
13 distribution shall be prorated among municipalities on the  
14 basis of their pro rata share of the total increment. Beginning  
15 on January 1, 1993, each municipality's proportional share of  
16 the Illinois Tax Increment Fund shall be determined by adding  
17 the annual Net State Sales Tax Increment and the annual Net  
18 Utility Tax Increment to determine the Annual Total Increment.  
19 The ratio of the Annual Total Increment of each municipality to  
20 the Annual Total Increment for all municipalities, as most  
21 recently calculated by the Department, shall determine the  
22 proportional shares of the Illinois Tax Increment Fund to be  
23 distributed to each municipality.

24 (7.1) No distribution of Net State Sales Tax Increment to a  
25 municipality for an area within a State Sales Tax Boundary  
26 shall exceed in any State Fiscal Year an amount equal to 3  
27 times the sum of the Municipal Sales Tax Increment, the real  
28 property tax increment and deposits of funds from other  
29 sources, excluding state and federal funds, as certified by the  
30 city treasurer to the Department of Revenue for an area within  
31 a State Sales Tax Boundary. After July 29, 1988, for those  
32 municipalities which issue bonds between June 1, 1988 and 3  
33 years from July 29, 1988 to finance redevelopment projects  
34 within the area in a State Sales Tax Boundary, the distribution  
35 of Net State Sales Tax Increment during the 16th through 20th  
36 years from the date of issuance of the bonds shall not exceed

1 in any State Fiscal Year an amount equal to 2 times the sum of  
2 the Municipal Sales Tax Increment, the real property tax  
3 increment and deposits of funds from other sources, excluding  
4 State and federal funds.

5 (8) Any person who knowingly files or causes to be filed  
6 false information for the purpose of increasing the amount of  
7 any State tax incremental revenue commits a Class A  
8 misdemeanor.

9 (9) The following procedures shall be followed to determine  
10 whether municipalities have complied with the Act for the  
11 purpose of receiving distributions after July 1, 1989 pursuant  
12 to subsection (1) of this Section 11-74.4-8a.

13 (a) The Department of Revenue shall conduct a  
14 preliminary review of the redevelopment project areas and  
15 redevelopment plans pertaining to those municipalities  
16 receiving payments from the State pursuant to subsection  
17 (1) of Section 8a of this Act for the purpose of  
18 determining compliance with the following standards:

19 (1) For any municipality with a population of more  
20 than 12,000 as determined by the 1980 U.S. Census: (a)  
21 the redevelopment project area, or in the case of a  
22 municipality which has more than one redevelopment  
23 project area, each such area, must be contiguous and  
24 the total of all such areas shall not comprise more  
25 than 25% of the area within the municipal boundaries  
26 nor more than 20% of the equalized assessed value of  
27 the municipality; (b) the aggregate amount of 1985  
28 taxes in the redevelopment project area, or in the case  
29 of a municipality which has more than one redevelopment  
30 project area, the total of all such areas, shall be not  
31 more than 25% of the total base year taxes paid by  
32 retailers and servicemen on transactions at places of  
33 business located within the municipality under the  
34 Retailers' Occupation Tax Act, the Use Tax Act, the  
35 Service Use Tax Act, and the Service Occupation Tax  
36 Act. Redevelopment project areas created prior to 1986

1 are not subject to the above standards if their  
2 boundaries were not amended in 1986.

3 (2) For any municipality with a population of  
4 12,000 or less as determined by the 1980 U.S. Census:  
5 (a) the redevelopment project area, or in the case of a  
6 municipality which has more than one redevelopment  
7 project area, each such area, must be contiguous and  
8 the total of all such areas shall not comprise more  
9 than 35% of the area within the municipal boundaries  
10 nor more than 30% of the equalized assessed value of  
11 the municipality; (b) the aggregate amount of 1985  
12 taxes in the redevelopment project area, or in the case  
13 of a municipality which has more than one redevelopment  
14 project area, the total of all such areas, shall not be  
15 more than 35% of the total base year taxes paid by  
16 retailers and servicemen on transactions at places of  
17 business located within the municipality under the  
18 Retailers' Occupation Tax Act, the Use Tax Act, the  
19 Service Use Tax Act, and the Service Occupation Tax  
20 Act. Redevelopment project areas created prior to 1986  
21 are not subject to the above standards if their  
22 boundaries were not amended in 1986.

23 (3) Such preliminary review of the redevelopment  
24 project areas applying the above standards shall be  
25 completed by November 1, 1988, and on or before  
26 November 1, 1988, the Department shall notify each  
27 municipality by certified mail, return receipt  
28 requested that either (1) the Department requires  
29 additional time in which to complete its preliminary  
30 review; or (2) the Department is issuing either (a) a  
31 Certificate of Eligibility or (b) a Notice of Review.  
32 If the Department notifies a municipality that it  
33 requires additional time to complete its preliminary  
34 investigation, it shall complete its preliminary  
35 investigation no later than February 1, 1989, and by  
36 February 1, 1989 shall issue to each municipality

1           either (a) a Certificate of Eligibility or (b) a Notice  
2           of Review. A redevelopment project area for which a  
3           Certificate of Eligibility has been issued shall be  
4           deemed a "State Sales Tax Boundary."

5           (4) The Department of Revenue shall also issue a  
6           Notice of Review if the Department has received a  
7           request by November 1, 1988 to conduct such a review  
8           from taxpayers in the municipality, local taxing  
9           districts located in the municipality or the State of  
10          Illinois, or if the redevelopment project area has more  
11          than 5 retailers and has had growth in State sales tax  
12          revenue of more than 15% from calendar year 1985 to  
13          1986.

14          (b) For those municipalities receiving a Notice of  
15          Review, the Department will conduct a secondary review  
16          consisting of: (i) application of the above standards  
17          contained in subsection (9)(a)(1)(a) and (b) or  
18          (9)(a)(2)(a) and (b), and (ii) the definitions of blighted  
19          and conservation area provided for in Section 11-74.4-3.  
20          Such secondary review shall be completed by July 1, 1989.

21          Upon completion of the secondary review, the  
22          Department will issue (a) a Certificate of Eligibility or  
23          (b) a Preliminary Notice of Deficiency. Any municipality  
24          receiving a Preliminary Notice of Deficiency may amend its  
25          redevelopment project area to meet the standards and  
26          definitions set forth in this paragraph (b). This amended  
27          redevelopment project area shall become the "State Sales  
28          Tax Boundary" for purposes of determining the State Sales  
29          Tax Increment.

30          (c) If the municipality advises the Department of its  
31          intent to comply with the requirements of paragraph (b) of  
32          this subsection outlined in the Preliminary Notice of  
33          Deficiency, within 120 days of receiving such notice from  
34          the Department, the municipality shall submit  
35          documentation to the Department of the actions it has taken  
36          to cure any deficiencies. Thereafter, within 30 days of the

1 receipt of the documentation, the Department shall either  
2 issue a Certificate of Eligibility or a Final Notice of  
3 Deficiency. If the municipality fails to advise the  
4 Department of its intent to comply or fails to submit  
5 adequate documentation of such cure of deficiencies the  
6 Department shall issue a Final Notice of Deficiency that  
7 provides that the municipality is ineligible for payment of  
8 the Net State Sales Tax Increment.

9 (d) If the Department issues a final determination of  
10 ineligibility, the municipality shall have 30 days from the  
11 receipt of determination to protest and request a hearing.  
12 Such hearing shall be conducted in accordance with Sections  
13 10-25, 10-35, 10-40, and 10-50 of the Illinois  
14 Administrative Procedure Act. The decision following the  
15 hearing shall be subject to review under the Administrative  
16 Review Law.

17 (e) Any Certificate of Eligibility issued pursuant to  
18 this subsection 9 shall be binding only on the State for  
19 the purposes of establishing municipal eligibility to  
20 receive revenue pursuant to subsection (1) of this Section  
21 11-74.4-8a.

22 (f) It is the intent of this subsection that the  
23 periods of time to cure deficiencies shall be in addition  
24 to all other periods of time permitted by this Section,  
25 regardless of the date by which plans were originally  
26 required to be adopted. To cure said deficiencies, however,  
27 the municipality shall be required to follow the procedures  
28 and requirements pertaining to amendments, as provided in  
29 Sections 11-74.4-5 and 11-74.4-6 of this Act.

30 (10) If a municipality adopts a State Sales Tax Boundary in  
31 accordance with the provisions of subsection (9) of this  
32 Section, such boundaries shall subsequently be utilized to  
33 determine Revised Initial Sales Tax Amounts and the Net State  
34 Sales Tax Increment; provided, however, that such revised State  
35 Sales Tax Boundary shall not have any effect upon the boundary  
36 of the redevelopment project area established for the purposes

1 of determining the ad valorem taxes on real property pursuant  
2 to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the  
3 municipality's authority to implement the redevelopment plan  
4 for that redevelopment project area. For any redevelopment  
5 project area with a smaller State Sales Tax Boundary within its  
6 area, the municipality may annually elect to deposit the  
7 Municipal Sales Tax Increment for the redevelopment project  
8 area in the special tax allocation fund and shall certify the  
9 amount to the Department prior to receipt of the Net State  
10 Sales Tax Increment. Any municipality required by subsection  
11 (9) to establish a State Sales Tax Boundary for one or more of  
12 its redevelopment project areas shall submit all necessary  
13 information required by the Department concerning such  
14 boundary and the retailers therein, by October 1, 1989, after  
15 complying with the procedures for amendment set forth in  
16 Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales  
17 Tax Increment produced within the State Sales Tax Boundary  
18 shall be spent only within that area. However expenditures of  
19 all municipal property tax increment and municipal sales tax  
20 increment in a redevelopment project area are not required to  
21 be spent within the smaller State Sales Tax Boundary within  
22 such redevelopment project area.

23 (11) The Department of Revenue shall have the authority to  
24 issue rules and regulations for purposes of this Section. and  
25 regulations for purposes of this Section.

26 (12) If, under Section 5.4.1 of the Illinois Enterprise  
27 Zone Act, a municipality determines that property that lies  
28 within a State Sales Tax Boundary has an improvement,  
29 rehabilitation, or renovation that is entitled to a property  
30 tax abatement, then that property along with any improvements,  
31 rehabilitation, or renovations shall be immediately removed  
32 from any State Sales Tax Boundary. The municipality that made  
33 the determination shall notify the Department of Revenue within  
34 30 days after the determination. Once a property is removed  
35 from the State Sales Tax Boundary because of the existence of a  
36 property tax abatement resulting from an enterprise zone, then



1 that property shall not be permitted to be amended into a State  
2 Sales Tax Boundary.

3 (Source: P.A. 91-51, eff. 6-30-99; 91-478, eff. 11-1-99;  
4 92-263, eff. 8-7-01; revised 12-6-03.)

5 (65 ILCS 5/11-74.6-10)

6 Sec. 11-74.6-10. Definitions.

7 (a) "Environmentally contaminated area" means any improved  
8 or vacant area within the boundaries of a redevelopment project  
9 area located within the corporate limits of a municipality  
10 when, (i) there has been a determination of release or  
11 substantial threat of release of a hazardous substance or  
12 pesticide, by the United States Environmental Protection  
13 Agency or the Illinois Environmental Protection Agency, or the  
14 Illinois Pollution Control Board, or any court, or a release or  
15 substantial threat of release which is addressed as part of the  
16 Pre-Notice Site Cleanup Program under Section 22.2(m) of the  
17 Illinois Environmental Protection Act, or a release or  
18 substantial threat of release of petroleum under Section 22.12  
19 of the Illinois Environmental Protection Act, and (ii) which  
20 release or threat of release presents an imminent and  
21 substantial danger to public health or welfare or presents a  
22 significant threat to public health or the environment, and  
23 (iii) which release or threat of release would have a  
24 significant impact on the cost of redeveloping the area.

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

27 (c) "Industrial park" means an area in a redevelopment  
28 project area suitable for use by any manufacturing, industrial,  
29 research, or transportation enterprise, of facilities,  
30 including but not limited to factories, mills, processing  
31 plants, assembly plants, packing plants, fabricating plants,  
32 distribution centers, warehouses, repair overhaul or service  
33 facilities, freight terminals, research facilities, test  
34 facilities or railroad facilities. An industrial park may  
35 contain space for commercial and other use as long as the

1 expected principal use of the park is industrial and is  
2 reasonably expected to result in the creation of a significant  
3 number of new permanent full time jobs. An industrial park may  
4 also contain related operations and facilities including, but  
5 not limited to, business and office support services such as  
6 centralized computers, telecommunications, publishing,  
7 accounting, photocopying and similar activities and employee  
8 services such as child care, health care, food service and  
9 similar activities. An industrial park may also include  
10 demonstration projects, prototype development, specialized  
11 training on developing technology, and pure research in any  
12 field related or adaptable to business and industry.

13 (d) "Research park" means an area in a redevelopment  
14 project area suitable for development of a facility or complex  
15 that includes research laboratories and related operations.  
16 These related operations may include, but are not limited to,  
17 business and office support services such as centralized  
18 computers, telecommunications, publishing, accounting,  
19 photocopying and similar activities, and employee services  
20 such as child care, health care, food service and similar  
21 activities. A research park may include demonstration  
22 projects, prototype development, specialized training on  
23 developing technology, and pure research in any field related  
24 or adaptable to business and industry.

25 (e) "Industrial park conservation area" means an area  
26 within the boundaries of a redevelopment project area located  
27 within the corporate limits of a municipality or within 1 1/2  
28 miles of the corporate limits of a municipality if the area is  
29 to be annexed to the municipality, if the area is zoned as  
30 industrial no later than the date on which the municipality by  
31 ordinance designates the redevelopment project area, and if the  
32 area includes improved or vacant land suitable for use as an  
33 industrial park or a research park, or both. To be designated  
34 as an industrial park conservation area, the area shall also  
35 satisfy one of the following standards:

36 (1) Standard One: The municipality must be a labor

1 surplus municipality and the area must be served by  
2 adequate public and or road transportation for access by  
3 the unemployed and for the movement of goods or materials  
4 and the redevelopment project area shall contain no more  
5 than 2% of the most recently ascertained equalized assessed  
6 value of all taxable real properties within the corporate  
7 limits of the municipality after adjustment for all  
8 annexations associated with the establishment of the  
9 redevelopment project area or be located in the vicinity of  
10 a waste disposal site or other waste facility. The project  
11 plan shall include a plan for and shall establish a  
12 marketing program to attract appropriate businesses to the  
13 proposed industrial park conservation area and shall  
14 include an adequate plan for financing and construction of  
15 the necessary infrastructure. No redevelopment projects  
16 may be authorized by the municipality under Standard One 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, or

25 (2) Standard Two: The municipality must be a  
26 substantial labor surplus municipality and the area must be  
27 served by adequate public and or road transportation for  
28 access by the unemployed and for the movement of goods or  
29 materials and the redevelopment project area shall contain  
30 no more than 2% of the most recently ascertained equalized  
31 assessed value of all taxable real properties within the  
32 corporate limits of the municipality after adjustment for  
33 all annexations associated with the establishment of the  
34 redevelopment project area. No redevelopment projects may  
35 be authorized by the municipality under Standard Two of  
36 subsection (e) of this Section unless the project plan also

1 provides for an employment training project that would  
2 prepare unemployed workers for work in the industrial park  
3 conservation area, and the project has been approved by  
4 official action of or is to be operated by the local  
5 community college district, public school district or  
6 state or locally designated private industry council or  
7 successor agency.

8 (f) "Vacant industrial buildings conservation area" means  
9 an area containing one or more industrial buildings located  
10 within the corporate limits of the municipality that has been  
11 zoned industrial for at least 5 years before the designation of  
12 that area as a redevelopment project area by the municipality  
13 and is planned for reuse principally for industrial purposes.  
14 For the area to be designated as a vacant industrial buildings  
15 conservation area, the area shall also satisfy one of the  
16 following standards:

17 (1) Standard One: The area shall consist of one or more  
18 industrial buildings totaling at least 50,000 net square  
19 feet of industrial space, with a majority of the total area  
20 of all the buildings having been vacant for at least 18  
21 months; and (A) the area is located in a labor surplus  
22 municipality or a substantial labor surplus municipality,  
23 or (B) the equalized assessed value of the properties  
24 within the area during the last 2 years is at least 25%  
25 lower than the maximum equalized assessed value of those  
26 properties during the immediately preceding 10 years.

27 (2) Standard Two: The area exclusively consists of  
28 industrial buildings or a building complex operated by a  
29 user or related users (A) that has within the immediately  
30 preceding 5 years either (i) employed 200 or more employees  
31 at that location, or (ii) if the area is located in a  
32 municipality with a population of 12,000 or less, employed  
33 more than 50 employees at that location and (B) either is  
34 currently vacant, or the owner has: (i) directly notified  
35 the municipality of the user's intention to terminate  
36 operations at the facility or (ii) filed a notice of

1 closure under the Worker Adjustment and Retraining  
2 Notification Act.

3 (g) "Labor surplus municipality" means a municipality in  
4 which, during the 4 calendar years immediately preceding the  
5 date the municipality by ordinance designates an industrial  
6 park conservation area, the average unemployment rate was 1% or  
7 more over the State average unemployment rate for that same  
8 period of time as published in the United States Department of  
9 Labor Bureau of Labor Statistics publication entitled "The  
10 Employment Situation" or its successor publication. For the  
11 purpose of this subsection (g), if unemployment rate statistics  
12 for the municipality are not available, the unemployment rate  
13 in the municipality shall be deemed to be: (i) for a  
14 municipality that is not in an urban county, the same as the  
15 unemployment rate in the principal county where the  
16 municipality is located or (ii) for a municipality in an urban  
17 county at that municipality's option, either the unemployment  
18 rate certified for the municipality by the Department after  
19 consultation with the Illinois Department of Labor or the  
20 federal Bureau of Labor Statistics, or the unemployment rate of  
21 the municipality as determined by the most recent federal  
22 census if that census was not dated more than 5 years prior to  
23 the date on which the determination is made.

24 (h) "Substantial labor surplus municipality" means a  
25 municipality in which, during the 5 calendar years immediately  
26 preceding the date the municipality by ordinance designates an  
27 industrial park conservation area, the average unemployment  
28 rate was 2% or more over the State average unemployment rate  
29 for that same period of time as published in the United States  
30 Department of Labor Statistics publication entitled "The  
31 Employment Situation" or its successor publication. For the  
32 purpose of this subsection (h), if unemployment rate statistics  
33 for the municipality are not available, the unemployment rate  
34 in the municipality shall be deemed to be: (i) for a  
35 municipality that is not in an urban county, the same as the  
36 unemployment rate in the principal county in which the

1 municipality is located; or (ii) for a municipality in an urban  
2 county, at that municipality's option, either the unemployment  
3 rate certified for the municipality by the Department after  
4 consultation with the Illinois Department of Labor or the  
5 federal Bureau of Labor Statistics, or the unemployment rate of  
6 the municipality as determined by the most recent federal  
7 census if that census was not dated more than 5 years prior to  
8 the date on which the determination is made.

9 (i) "Municipality" means a city, village or incorporated  
10 town.

11 (j) "Obligations" means bonds, loans, debentures, notes,  
12 special certificates or other evidence of indebtedness issued  
13 by the municipality to carry out a redevelopment project or to  
14 refund outstanding obligations.

15 (k) "Payment in lieu of taxes" means those estimated tax  
16 revenues from real property in a redevelopment project area  
17 derived from real property that has been acquired by a  
18 municipality, which according to the redevelopment project or  
19 plan are to be used for a private use, that taxing districts  
20 would have received had a municipality not acquired the real  
21 property and adopted tax increment allocation financing and  
22 that would result from levies made after the time of the  
23 adoption of tax increment allocation financing until the time  
24 the current equalized assessed value of real property in the  
25 redevelopment project area exceeds the total initial equalized  
26 assessed value of real property in that area.

27 (l) "Redevelopment plan" means the comprehensive program  
28 of the municipality for development or redevelopment intended  
29 by the payment of redevelopment project costs to reduce or  
30 eliminate the conditions that qualified the redevelopment  
31 project area or redevelopment planning area, or both, as an  
32 environmentally contaminated area or industrial park  
33 conservation area, or vacant industrial buildings conservation  
34 area, or combination thereof, and thereby to enhance the tax  
35 bases of the taxing districts that extend into the  
36 redevelopment project area or redevelopment planning area. On

1 and after the effective date of this amendatory Act of the 91st  
2 General Assembly, no redevelopment plan may be approved or  
3 amended to include the development of vacant land (i) with a  
4 golf course and related clubhouse and other facilities or (ii)  
5 designated by federal, State, county, or municipal government  
6 as public land for outdoor recreational activities or for  
7 nature preserves and used for that purpose within 5 years prior  
8 to the adoption of the redevelopment plan. For the purpose of  
9 this subsection, "recreational activities" is limited to mean  
10 camping and hunting. Each redevelopment plan must set forth in  
11 writing the bases for the municipal findings required in this  
12 subsection, the program to be undertaken to accomplish the  
13 objectives, including but not limited to: (1) an itemized list  
14 of estimated redevelopment project costs, (2) evidence  
15 indicating that the redevelopment project area or the  
16 redevelopment planning area, or both, on the whole has not been  
17 subject to growth and development through investment by private  
18 enterprise, (3) (i) in the case of an environmentally  
19 contaminated area, industrial park conservation area, or a  
20 vacant industrial buildings conservation area classified under  
21 either Standard One, or Standard Two of subsection (f) where  
22 the building is currently vacant, evidence that implementation  
23 of the redevelopment plan is reasonably expected to create a  
24 significant number of permanent full time jobs, (ii) in the  
25 case of a vacant industrial buildings conservation area  
26 classified under Standard Two (B) (i) or (ii) of subsection (f),  
27 evidence that implementation of the redevelopment plan is  
28 reasonably expected to retain a significant number of existing  
29 permanent full time jobs, and (iii) in the case of a  
30 combination of an environmentally contaminated area,  
31 industrial park conservation area, or vacant industrial  
32 buildings conservation area, evidence that the standards  
33 concerning the creation or retention of jobs for each area set  
34 forth in (i) or (ii) above are met, (4) an assessment of the  
35 financial impact of the redevelopment project area or the  
36 redevelopment planning area, or both, on the overlapping taxing

1 bodies or any increased demand for services from any taxing  
2 district affected by the plan and any program to address such  
3 financial impact or increased demand, (5) the sources of funds  
4 to pay costs, (6) the nature and term of the obligations to be  
5 issued, (7) the most recent equalized assessed valuation of the  
6 redevelopment project area or the redevelopment planning area,  
7 or both, (8) an estimate of the equalized assessed valuation  
8 after redevelopment and the general land uses that are applied  
9 in the redevelopment project area or the redevelopment planning  
10 area, or both, (9) a commitment to fair employment practices  
11 and an affirmative action plan, (10) if it includes an  
12 industrial park conservation area, the following: (i) a general  
13 description of any proposed developer, (ii) user and tenant of  
14 any property, (iii) a description of the type, structure and  
15 general character of the facilities to be developed, and (iv) a  
16 description of the type, class and number of new employees to  
17 be employed in the operation of the facilities to be developed,  
18 (11) if it includes an environmentally contaminated area, the  
19 following: either (i) a determination of release or substantial  
20 threat of release of a hazardous substance or pesticide or of  
21 petroleum by the United States Environmental Protection Agency  
22 or the Illinois Environmental Protection Agency, or the  
23 Illinois Pollution Control Board or any court; or (ii) both an  
24 environmental audit report by a nationally recognized  
25 independent environmental auditor having a reputation for  
26 expertise in these matters and a copy of the signed Review and  
27 Evaluation Services Agreement indicating acceptance of the  
28 site by the Illinois Environmental Protection Agency into the  
29 Pre-Notice Site Cleanup Program, (12) if it includes a vacant  
30 industrial buildings conservation area, the following: (i) a  
31 general description of any proposed developer, (ii) user and  
32 tenant of any building or buildings, (iii) a description of the  
33 type, structure and general character of the building or  
34 buildings to be developed, and (iv) a description of the type,  
35 class and number of new employees to be employed or existing  
36 employees to be retained in the operation of the building or



1 buildings to be redeveloped, and (13) if property is to be  
2 annexed to the municipality, the terms of the annexation  
3 agreement.

4 No redevelopment plan shall be adopted by a municipality  
5 without findings that:

6 (1) the redevelopment project area or redevelopment  
7 planning area, or both, on the whole has not been subject  
8 to growth and development through investment by private  
9 enterprise and would not reasonably be anticipated to be  
10 developed in accordance with public goals stated in the  
11 redevelopment plan without the adoption of the  
12 redevelopment plan;

13 (2) the redevelopment plan and project conform to the  
14 comprehensive plan for the development of the municipality  
15 as a whole, or, for municipalities with a population of  
16 100,000 or more, regardless of when the redevelopment plan  
17 and project was adopted, the redevelopment plan and project  
18 either: (i) conforms to the strategic economic development  
19 or redevelopment plan issued by the designated planning  
20 authority of the municipality or (ii) includes land uses  
21 that have been approved by the planning commission of the  
22 municipality;

23 (3) that the redevelopment plan is reasonably expected  
24 to create or retain a significant number of permanent full  
25 time jobs as set forth in paragraph (3) of subsection (1)  
26 above;

27 (4) the estimated date of completion of the  
28 redevelopment project and retirement of obligations  
29 incurred to finance redevelopment project costs is not  
30 later than December 31 of the year in which the payment to  
31 the municipal treasurer as provided in subsection (b) of  
32 Section 11-74.6-35 is to be made with respect to ad valorem  
33 taxes levied in the twenty-third calendar year after the  
34 year in which the ordinance approving the redevelopment  
35 project area is adopted; a municipality may by municipal  
36 ordinance amend an existing redevelopment plan to conform

1 to this paragraph (4) as amended by this amendatory Act of  
2 the 91st General Assembly concerning ordinances adopted on  
3 or after January 15, 1981, which municipal ordinance may be  
4 adopted without further hearing or notice and without  
5 complying with the procedures provided in this Law  
6 pertaining to an amendment to or the initial approval of a  
7 redevelopment plan and project and designation of a  
8 redevelopment project area;

9 (5) in the case of an industrial park conservation  
10 area, that the municipality is a labor surplus municipality  
11 or a substantial labor surplus municipality and that the  
12 implementation of the redevelopment plan is reasonably  
13 expected to create a significant number of permanent full  
14 time new jobs and, by the provision of new facilities,  
15 significantly enhance the tax base of the taxing districts  
16 that extend into the redevelopment project area;

17 (6) in the case of an environmentally contaminated  
18 area, that the area is subject to a release or substantial  
19 threat of release of a hazardous substance, pesticide or  
20 petroleum which presents an imminent and substantial  
21 danger to public health or welfare or presents a  
22 significant threat to public health or environment, that  
23 such release or threat of release will have a significant  
24 impact on the cost of redeveloping the area, that the  
25 implementation of the redevelopment plan is reasonably  
26 expected to result in the area being redeveloped, the tax  
27 base of the affected taxing districts being significantly  
28 enhanced thereby, and the creation of a significant number  
29 of permanent full time jobs; and

30 (7) in the case of a vacant industrial buildings  
31 conservation area, that the area is located within the  
32 corporate limits of a municipality that has been zoned  
33 industrial for at least 5 years before its designation as a  
34 project redeveloped area, that it contains one or more  
35 industrial buildings, and whether the area has been  
36 designated under Standard One or Standard Two of subsection

1 (f) and the basis for that designation.

2 (m) "Redevelopment project" means any public or private  
3 development project in furtherance of the objectives of a  
4 redevelopment plan. On and after the effective date of this  
5 amendatory Act of the 91st General Assembly, no redevelopment  
6 plan may be approved or amended to include the development of  
7 vacant land (i) with a golf course and related clubhouse and  
8 other facilities or (ii) designated by federal, State, county,  
9 or municipal government as public land for outdoor recreational  
10 activities or for nature preserves and used for that purpose  
11 within 5 years prior to the adoption of the redevelopment plan.  
12 For the purpose of this subsection, "recreational activities"  
13 is limited to mean camping and hunting.

14 (n) "Redevelopment project area" means a contiguous area  
15 designated by the municipality that is not less in the  
16 aggregate than 1 1/2 acres, and for which the municipality has  
17 made a finding that there exist conditions that cause the area  
18 to be classified as an industrial park conservation area, a  
19 vacant industrial building conservation area, an  
20 environmentally contaminated area or a combination of these  
21 types of areas.

22 (o) "Redevelopment project costs" means the sum total of  
23 all reasonable or necessary costs incurred or estimated to be  
24 incurred by the municipality, and any of those costs incidental  
25 to a redevelopment plan and a redevelopment project. These  
26 costs include, without limitation, the following:

27 (1) Costs of studies, surveys, development of plans,  
28 and specifications, implementation and administration of  
29 the redevelopment plan, staff and professional service  
30 costs for architectural, engineering, legal, marketing,  
31 financial, planning, or other services, but no charges for  
32 professional services may be based on a percentage of the  
33 tax increment collected; except that on and after the  
34 effective date of this amendatory Act of the 91st General  
35 Assembly, no contracts for professional services,  
36 excluding architectural and engineering services, may be

1 entered into if the terms of the contract extend beyond a  
2 period of 3 years. In addition, "redevelopment project  
3 costs" shall not include lobbying expenses. After  
4 consultation with the municipality, each tax increment  
5 consultant or advisor to a municipality that plans to  
6 designate or has designated a redevelopment project area  
7 shall inform the municipality in writing of any contracts  
8 that the consultant or advisor has entered into with  
9 entities or individuals that have received, or are  
10 receiving, payments financed by tax increment revenues  
11 produced by the redevelopment project area with respect to  
12 which the consultant or advisor has performed, or will be  
13 performing, service for the municipality. This requirement  
14 shall be satisfied by the consultant or advisor before the  
15 commencement of services for the municipality and  
16 thereafter whenever any other contracts with those  
17 individuals or entities are executed by the consultant or  
18 advisor;

19 (1.5) After July 1, 1999, annual administrative costs  
20 shall not include general overhead or administrative costs  
21 of the municipality that would still have been incurred by  
22 the municipality if the municipality had not designated a  
23 redevelopment project area or approved a redevelopment  
24 plan;

25 (1.6) The cost of marketing sites within the  
26 redevelopment project area to prospective businesses,  
27 developers, and investors.

28 (2) Property assembly costs within a redevelopment  
29 project area, including but not limited to acquisition of  
30 land and other real or personal property or rights or  
31 interests therein.

32 (3) Site preparation costs, including but not limited  
33 to clearance of any area within a redevelopment project  
34 area by demolition or removal of any existing buildings,  
35 structures, fixtures, utilities and improvements and  
36 clearing and grading; and including installation, repair,

1 construction, reconstruction, or relocation of public  
2 streets, public utilities, and other public site  
3 improvements within or without a redevelopment project  
4 area which are essential to the preparation of the  
5 redevelopment project area for use in accordance with a  
6 redevelopment plan.

7 (4) Costs of renovation, rehabilitation,  
8 reconstruction, relocation, repair or remodeling of any  
9 existing public or private buildings, improvements, and  
10 fixtures within a redevelopment project area; and the cost  
11 of replacing an existing public building if pursuant to the  
12 implementation of a redevelopment project the existing  
13 public building is to be demolished to use the site for  
14 private investment or devoted to a different use requiring  
15 private investment.

16 (5) Costs of construction within a redevelopment  
17 project area of public improvements, including but not  
18 limited to, buildings, structures, works, utilities or  
19 fixtures, except that on and after the effective date of  
20 this amendatory Act of the 91st General Assembly,  
21 redevelopment project costs shall not include the cost of  
22 constructing a new municipal public building principally  
23 used to provide offices, storage space, or conference  
24 facilities or vehicle storage, maintenance, or repair for  
25 administrative, public safety, or public works personnel  
26 and that is not intended to replace an existing public  
27 building as provided under paragraph (4) unless either (i)  
28 the construction of the new municipal building implements a  
29 redevelopment project that was included in a redevelopment  
30 plan that was adopted by the municipality prior to the  
31 effective date of this amendatory Act of the 91st General  
32 Assembly or (ii) the municipality makes a reasonable  
33 determination in the redevelopment plan, supported by  
34 information that provides the basis for that  
35 determination, that the new municipal building is required  
36 to meet an increase in the need for public safety purposes

1 anticipated to result from the implementation of the  
2 redevelopment plan.

3 (6) Costs of eliminating or removing contaminants and  
4 other impediments required by federal or State  
5 environmental laws, rules, regulations, and guidelines,  
6 orders or other requirements or those imposed by private  
7 lending institutions as a condition for approval of their  
8 financial support, debt or equity, for the redevelopment  
9 projects, provided, however, that in the event (i) other  
10 federal or State funds have been certified by an  
11 administrative agency as adequate to pay these costs during  
12 the 18 months after the adoption of the redevelopment plan,  
13 or (ii) the municipality has been reimbursed for such costs  
14 by persons legally responsible for them, such federal,  
15 State, or private funds shall, insofar as possible, be  
16 fully expended prior to the use of any revenues deposited  
17 in the special tax allocation fund of the municipality and  
18 any other such federal, State or private funds received  
19 shall be deposited in the fund. The municipality shall seek  
20 reimbursement of these costs from persons legally  
21 responsible for these costs and the costs of obtaining this  
22 reimbursement.

23 (7) Costs of job training and retraining projects.

24 (8) Financing costs, including but not limited to all  
25 necessary and incidental expenses related to the issuance  
26 of obligations and which may include payment of interest on  
27 any obligations issued under this Act including interest  
28 accruing during the estimated period of construction of any  
29 redevelopment project for which the obligations are issued  
30 and for not exceeding 36 months thereafter and including  
31 reasonable reserves related to those costs.

32 (9) All or a portion of a taxing district's capital  
33 costs resulting from the redevelopment project necessarily  
34 incurred or to be incurred in furtherance of the objectives  
35 of the redevelopment plan and project, to the extent the  
36 municipality by written agreement accepts and approves

1 those costs.

2 (10) Relocation costs to the extent that a municipality  
3 determines that relocation costs shall be paid or is  
4 required to make payment of relocation costs by federal or  
5 State law.

6 (11) Payments in lieu of taxes.

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

31 (13) The interest costs incurred by redevelopers or  
32 other nongovernmental persons in connection with a  
33 redevelopment project, and specifically including payments  
34 to redevelopers or other nongovernmental persons as  
35 reimbursement for such costs incurred by such redeveloper  
36 or other nongovernmental person, provided that:

1 (A) interest costs shall be paid or reimbursed by a  
2 municipality only pursuant to the prior official  
3 action of the municipality evidencing an intent to pay  
4 or reimburse such interest costs;

5 (B) such payments in any one year may not exceed  
6 30% of the annual interest costs incurred by the  
7 redeveloper with regard to the redevelopment project  
8 during that year;

9 (C) except as provided in subparagraph (E), the  
10 aggregate amount of such costs paid or reimbursed by a  
11 municipality shall not exceed 30% of the total (i)  
12 costs paid or incurred by the redeveloper or other  
13 nongovernmental person in that year plus (ii)  
14 redevelopment project costs excluding any property  
15 assembly costs and any relocation costs incurred by a  
16 municipality pursuant to this Act;

17 (D) interest costs shall be paid or reimbursed by a  
18 municipality solely from the special tax allocation  
19 fund established pursuant to this Act and shall not be  
20 paid or reimbursed from the proceeds of any obligations  
21 issued by a municipality;

22 (E) if there are not sufficient funds available in  
23 the special tax allocation fund in any year to make  
24 such payment or reimbursement in full, any amount of  
25 such interest cost remaining to be paid or reimbursed  
26 by a municipality shall accrue and be payable when  
27 funds are available in the special tax allocation fund  
28 to make such payment.

29 (14) The costs of construction of new privately owned  
30 buildings shall not be an eligible redevelopment project  
31 cost.

32 If a special service area has been established under the  
33 Special Service Area Tax Act, then any tax increment revenues  
34 derived from the tax imposed thereunder to the Special Service  
35 Area Tax Act may be used within the redevelopment project area  
36 for the purposes permitted by that Act as well as the purposes



1 permitted by this Act.

2 (p) "Redevelopment Planning Area" means an area so  
3 designated by a municipality after the municipality has  
4 complied with all the findings and procedures required to  
5 establish a redevelopment project area, including the  
6 existence of conditions that qualify the area as an industrial  
7 park conservation area, or an environmentally contaminated  
8 area, or a vacant industrial buildings conservation area, or a  
9 combination of these types of areas, and adopted a  
10 redevelopment plan and project for the planning area and its  
11 included redevelopment project areas. The area shall not be  
12 designated as a redevelopment planning area for more than 5  
13 years. At any time in the 5 years following that designation of  
14 the redevelopment planning area, the municipality may  
15 designate the redevelopment planning area, or any portion of  
16 the redevelopment planning area, as a redevelopment project  
17 area without making additional findings or complying with  
18 additional procedures required for the creation of a  
19 redevelopment project area. An amendment of a redevelopment  
20 plan and project in accordance with the findings and procedures  
21 of this Act after the designation of a redevelopment planning  
22 area at any time within the 5 years after the designation of  
23 the redevelopment planning area shall not require new  
24 qualification of findings for the redevelopment project area to  
25 be designated within the redevelopment planning area.

26 The terms "redevelopment plan", "redevelopment project",  
27 and "redevelopment project area" have the definitions set out  
28 in subsections (l), (m), and (n), respectively.

29 (q) "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 (r) "Taxing districts' capital costs" means those costs of  
36 taxing districts for capital improvements that are found by the

1 municipal corporate authorities to be necessary and a direct  
2 result of the redevelopment project.

3 (s) "Urban county" means a county with 240,000 or more  
4 inhabitants.

5 (t) "Vacant area", as used in subsection (a) of this  
6 Section, means any parcel or combination of parcels of real  
7 property without industrial, commercial and residential  
8 buildings that has not been used for commercial agricultural  
9 purposes within 5 years before the designation of the  
10 redevelopment project area, unless that parcel is included in  
11 an industrial park conservation area.

12 (Source: P.A. 90-655, eff. 7-30-98; 91-474, eff. 11-1-99;  
13 revised 12-6-03.)

14 Section 575. The Metropolitan Pier and Exposition  
15 Authority Act is amended by changing Sections 10.1, 13.1, and  
16 22.1 as follows:

17 (70 ILCS 210/10.1) (from Ch. 85, par. 1230.1)

18 Sec. 10.1. (a) The Authority is hereby authorized to  
19 provide for the issuance, from time to time, of refunding or  
20 advance refunding bonds for the purpose of refunding any bonds  
21 or notes then outstanding (herein collectively referred to as  
22 bonds) at or prior to maturity or on any redemption date,  
23 whether an entire issue or series, or one or more issues or  
24 series, or any portions or parts of any issue or series, which  
25 shall have been issued under the provisions of this Act.

26 (b) The proceeds of any such refunding bonds may be used to  
27 carry out one or more of the following purposes:

28 (1) To pay the principal amount of all outstanding  
29 bonds to be retired at maturity or redeemed prior to  
30 maturity;

31 (2) To pay the total amount of any redemption premium  
32 incident to redemption of such outstanding bonds to be  
33 refunded;

34 (3) To pay the total amount of any interest accrued or

1 to accrue to the date or dates of redemption or maturity of  
2 such outstanding bonds to be refunded;

3 (4) To pay any and all costs or expenses incident to  
4 such refunding;

5 (5) To establish reserves for the payment of such  
6 refunding bonds and the interest thereon.

7 (c) The issuance of refunding bonds, the maturities and  
8 other details thereof, the rights of the holders thereof and  
9 the rights, duties and obligations of the Authority in respect  
10 of the same shall be governed by the provisions of this Act,  
11 insofar as the same may be applicable, and may in harmony  
12 therewith be augmented or supplemented by resolution or  
13 ordinance to conform to the facts and circumstances prevailing  
14 in each instance of issuance of such refunding bonds; provided  
15 that, with respect to refunding or advance refunding bonds  
16 issued before January 1, 1991, the Authority shall consult with  
17 the Illinois Governor's Office of Management and Budget  
18 (formerly Bureau of the Budget) to develop the structure of the  
19 proposed transaction.

20 After the adoption by the Board of an ordinance authorizing  
21 the issuance of such refunding bonds before January 1, 1991,  
22 and the execution of any proposal or contract relating to the  
23 sale thereof, the Authority shall prepare and deliver a report  
24 as soon as practical to the Director of the Governor's Office  
25 of Management and Budget (formerly Bureau of the Budget), the  
26 President of the Senate, the Minority Leader of the Senate, the  
27 Speaker of the House of Representatives and the Minority Leader  
28 of the House of Representatives setting forth the amount of  
29 refunding bonds, the interest rate or rates, a schedule of  
30 estimated debt service requirements, the projected cost  
31 savings to the State, the method or manner of the sale and any  
32 participants therein, including underwriters, financial  
33 advisors, attorneys, accountants, trustees, printers,  
34 registrars and paying agents.

35 (d) With reference to the investment of the proceeds of any  
36 such refunding bonds, the interest on which is exempt from tax

1 under federal law, the Authority shall not authorize or  
2 anticipate investment earnings exceeding such as are  
3 authorized or permitted under prevailing federal laws,  
4 regulations and administrative rulings relating to arbitrage  
5 bonds.

6 (e) The proceeds of any such refunding bonds (together with  
7 any other funds available for application to refunding  
8 purposes, if so provided or permitted by ordinance authorizing  
9 the issuance of such refunding bonds or in a trust agreement  
10 securing the same) may be placed in trust to be applied to the  
11 purchase, retirement at maturity or redemption of the bonds to  
12 be refunded on such dates as may be determined by the  
13 Authority. Pending application thereof, the proceeds of such  
14 refunding bonds and such other available funds, if any, may be  
15 invested in direct obligations of, or obligations the principal  
16 thereof and the interest on which are unconditionally  
17 guaranteed by, the United States of America which shall mature,  
18 or which shall be subject to redemption by the holder thereof  
19 at its option not later than the respective date or dates when  
20 such proceeds and other available funds, if any, (either  
21 together with the interest accruing thereon or without  
22 considering the interest accruing thereon) will be required for  
23 the refunding purpose intended or authorized.

24 (f) Upon the deposit of the proceeds of the refunding bonds  
25 (together with any other funds available for application to  
26 refunding purposes, if so provided or permitted by ordinance  
27 authorizing the issuance of such refunding bonds or in a trust  
28 agreement securing the same) in an irrevocable trust pursuant  
29 to a trust agreement with a trustee requiring the trustee to  
30 satisfy the obligations of the Authority to timely redeem and  
31 retire the outstanding bonds for which the proceeds and other  
32 funds, if any, are deposited, in an amount sufficient to  
33 satisfy the obligation of the Authority to timely redeem and  
34 retire such outstanding bonds or upon the deposit in such  
35 irrevocable trust of direct obligations which, or obligations  
36 the principal and interest of which, are unconditionally

1 guaranteed by the United States of America, in an amount  
2 sufficient to pay all principal and all interest accrued and to  
3 be accrued in respect of the bonds to be refunded from the  
4 reinvestment of such principal and interest, or in such amounts  
5 so that upon maturity (or upon optional redemption by the  
6 trustee) of such obligations amounts will be produced, taking  
7 into account investment earnings, on a timely basis sufficient  
8 to satisfy the obligations of the Authority to timely redeem  
9 and retire such outstanding bonds, and notwithstanding any  
10 provision of any ordinance or trust agreement authorizing the  
11 issuance of such outstanding bonds to the contrary, such  
12 outstanding bonds shall be deemed paid and no longer be deemed  
13 to be outstanding for purposes of such ordinance or trust  
14 agreement, and all rights and obligations of the bond holders  
15 and the Authority under such prior ordinance or trust agreement  
16 shall be deemed discharged, provided, however, that the holders  
17 of such outstanding bonds shall have an irrevocable and  
18 unconditional right to payment in full of all principal of and  
19 premium if any and interest on such outstanding bonds when due  
20 from the amounts on deposit in such trust. The trustee shall be  
21 any trust company or bank in the State of Illinois having the  
22 power of a trust company possessing capital and surplus of not  
23 less than \$100,000,000.

24 (g) Bond proceeds on deposit in the construction fund, are  
25 authorized to be used to pay principal or interest on the  
26 refunded bonds and the Authority is authorized to issue bonds  
27 for the purpose of reimbursing its construction fund in the  
28 amount of the bond proceeds used in connection with the  
29 refunding issuance. That portion of the bond proceeds used to  
30 reimburse the construction fund shall be deemed refunding bonds  
31 for the purposes of this Act.

32 (Source: P.A. 87-733; revised 8-23-03.)

33 (70 ILCS 210/13.1) (from Ch. 85, par. 1233.1)

34 Sec. 13.1. There is hereby created the Metropolitan Fair  
35 and Exposition Authority Improvement Bond Fund and the

1 Metropolitan Fair and Exposition Authority Completion Note  
2 Subordinate Fund in the State Treasury. All moneys transferred  
3 from the McCormick Place Account in the Build Illinois Fund to  
4 the Metropolitan Fair and Exposition Authority Improvement  
5 Bond Fund and all moneys transferred from the Metropolitan Fair  
6 and Exposition Authority Improvement Bond Fund to the  
7 Metropolitan Fair and Exposition Authority Completion Note  
8 Subordinate Fund may be appropriated by law for the purpose of  
9 paying the debt service requirements on all bonds and notes  
10 issued under this Section, including refunding bonds, (herein  
11 collectively referred to as bonds) to be issued by the  
12 Authority subsequent to July 1, 1984 in an aggregate amount  
13 (excluding the amount of any refunding bonds issued by the  
14 Authority subsequent to January 1, 1986), not to exceed  
15 \$312,500,000, with such aggregate amount comprised of (i) an  
16 amount not to exceed \$259,000,000 for the purpose of paying  
17 costs of the Project and (ii) the balance for the purpose of  
18 refunding those bonds of the Authority that were issued prior  
19 to July 1, 1984 and for the purpose of establishing necessary  
20 reserves on, paying capitalized interest on, and paying costs  
21 of issuance of bonds, other than refunding bonds issued  
22 subsequent to January 1, 1986, issued for those purposes,  
23 provided that any proceeds of bonds, other than refunding bonds  
24 issued subsequent to January 1, 1986, and interest or other  
25 investment earnings thereon not used for the purposes stated in  
26 items (i) and (ii) above shall be used solely to redeem  
27 outstanding bonds, other than bonds which have been refunded or  
28 advance refunded, of the Authority. The Authority will use its  
29 best efforts to cause all bonds issued pursuant to this  
30 Section, other than bonds which have been refunded or advance  
31 refunded, to be or to become on a parity with one another.  
32 Notwithstanding any provision of any prior ordinance or trust  
33 agreement authorizing the issuance of outstanding bonds  
34 payable or to become payable from the Metropolitan Fair and  
35 Exposition Authority Improvement Bond Fund, refunding or  
36 advance refunding bonds may be issued subsequent to January 1,

1 1986, payable from the Metropolitan Fair and Exposition  
2 Authority Improvement Bond Fund on a parity with any such prior  
3 bonds which remain outstanding provided, that in the event of  
4 any such partial refunding (i) the debt service requirements  
5 after such refunding for all bonds payable from the  
6 Metropolitan Fair and Exposition Authority Improvement Bond  
7 Fund issued after July 1, 1984, by the Authority which shall be  
8 outstanding after such refunding shall not have been increased  
9 by reason of such refunding in any then current or future  
10 fiscal year in which such prior outstanding bonds shall remain  
11 outstanding and (ii) such parity refunding bonds shall be  
12 deemed to be parity bonds issued to pay costs of the Project  
13 for purposes of such prior ordinance or trust agreement. It is  
14 hereby found and determined that (i) the issuance of such  
15 parity refunding bonds shall further the purposes of this Act  
16 and (ii) the contractual rights of the bondholders under any  
17 such prior ordinance or trust agreement will not be impaired or  
18 adversely affected by such issuance.

19 No amounts in excess of the sum of \$250,000,000 plus all  
20 interest and other investment income earned prior to the  
21 effective date of this amendatory Act of 1985 on all proceeds  
22 of all bonds issued for the purpose of paying costs of the  
23 Project shall be obligated or expended with respect to the  
24 costs of the Project without prior written approval from the  
25 Director of the Governor's Office of Management and Budget  
26 ~~Bureau of the Budget~~. Such approval shall be based upon factors  
27 including, but not limited to, the necessity, in relation to  
28 the Authority's ability to complete the Project and open the  
29 facility to the public in a timely manner, of incurring the  
30 costs, and the appropriateness of using bond funds for such  
31 purpose. The Director of the Governor's Office of Management  
32 and Budget ~~Bureau of the Budget~~ may, in his discretion,  
33 consider other reasonable factors in determining whether to  
34 approve payment of costs of the Project. The Authority shall  
35 furnish to the Governor's Office of Management and Budget  
36 ~~Bureau of the Budget~~ such information as may from time to time

1 be requested. The Director of the Governor's Office of  
2 Management and Budget ~~Bureau of the Budget~~ or any duly  
3 authorized employee of the Governor's Office of Management and  
4 Budget ~~Bureau of the Budget~~ shall, for the purpose of securing  
5 such information, have access to, and the right to examine, all  
6 books, documents, papers and records of the Authority.

7 On the first day of each month commencing after July of  
8 1984, moneys, if any, on deposit in the Metropolitan Fair and  
9 Exposition Authority Improvement Bond Fund shall, subject to  
10 appropriation by law, be paid in full to the Authority or upon  
11 its direction to the trustee or trustees for bond holders of  
12 bonds which by their terms are payable from the moneys received  
13 from the Metropolitan Fair and Exposition Authority  
14 Improvement Bond Fund issued by the Metropolitan Pier and  
15 Exposition Authority subsequent to July 1, 1984, for the  
16 purposes specified in the first paragraph of this Section and  
17 in Section 10.1 of this Act, such trustee or trustees having  
18 been designated pursuant to ordinance of the Authority, until  
19 an amount equal to 100% of the aggregate amount of such  
20 principal and interest in such fiscal year, including pursuant  
21 to sinking fund requirements, has been so paid and deficiencies  
22 in reserves established from bond proceeds shall have been  
23 remedied.

24 On the first day of each month commencing after October of  
25 1985, moneys, if any, on deposit in the Metropolitan Fair and  
26 Exposition Authority Completion Note Subordinate Fund shall,  
27 subject to appropriation by law, be paid in full to the  
28 Authority or upon its direction to the trustee or trustees for  
29 bond holders of bonds issued by the Metropolitan Pier and  
30 Exposition Authority subsequent to September of 1985 which by  
31 their terms are payable from moneys received from the  
32 Metropolitan Fair and Exposition Authority Completion Note  
33 Subordinate Fund for the purposes specified in the first  
34 paragraph of this Section and in Section 10.1 of this Act, such  
35 trustee or trustees having been designated pursuant to  
36 ordinance of the Authority, until an amount equal to 100% of



1 the aggregate amount of such principal and interest in such  
2 fiscal year, including pursuant to sinking fund requirements,  
3 has been so paid and deficiencies in reserves established from  
4 bond proceeds shall have been remedied.

5 The State of Illinois pledges to and agrees with the  
6 holders of the bonds of the Metropolitan Pier and Exposition  
7 Authority issued pursuant to this Section that the State will  
8 not limit or alter the rights and powers vested in the  
9 Metropolitan Pier and Exposition Authority by this Act so as to  
10 impair the terms of any contract made by the Metropolitan Pier  
11 and Exposition Authority with such holders or in any way impair  
12 the rights and remedies of such holders until such bonds,  
13 together with interest thereon, with interest on any unpaid  
14 installments of interest, and all costs and expenses in  
15 connection with any action or proceedings by or on behalf of  
16 such holders, are fully met and discharged. In addition, the  
17 State pledges to and agrees with the holders of the bonds of  
18 the Metropolitan Pier and Exposition Authority issued pursuant  
19 to this Act that the State will not limit or alter the basis on  
20 which State funds are to be paid to the Metropolitan Pier and  
21 Exposition Authority as provided in this Act, or the use of  
22 such funds, so as to impair the terms of any such contract. The  
23 Metropolitan Pier and Exposition Authority is authorized to  
24 include these pledges and agreements of the State in any  
25 contract with the holders of bonds issued pursuant to this  
26 Section.

27 The State shall not be liable on bonds of the Metropolitan  
28 Pier and Exposition Authority issued under this Act, and such  
29 bonds shall not be a debt of the State, nor shall this Act be  
30 construed as a guarantee by the State of the debts of the  
31 Metropolitan Pier and Exposition Authority. The bonds shall  
32 contain a statement to such effect on the face thereof.

33 (Source: P.A. 86-17; 87-733; revised 8-23-03.)

34 (70 ILCS 210/22.1) (from Ch. 85, par. 1242.1)

35 Sec. 22.1. The Authority shall pass all ordinances and make

1 all rules and regulations necessary to assure equal access for  
2 economically disadvantaged persons, including but not limited  
3 to persons eligible for assistance pursuant to the Job Training  
4 Partnership Act, to all positions of employment provided for by  
5 the Authority pursuant to Section 22 and to all positions of  
6 employment with any person performing any work for the  
7 Authority. The Authority shall submit a detailed employment  
8 report not later than March 1 of each year to the General  
9 Assembly. The Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~ shall monitor the Authority's compliance  
11 with this Section.

12 (Source: P.A. 83-1129; revised 12-6-03.)

13 Section 580. The Quad Cities Regional Economic Development  
14 Authority Act, approved September 22, 1987 is amended by  
15 changing Sections 4 and 19 as follows:

16 (70 ILCS 510/4) (from Ch. 85, par. 6204)

17 Sec. 4. (a) There is hereby created a political  
18 subdivision, body politic and municipal corporation named the  
19 Quad Cities Regional Economic Development Authority. The  
20 territorial jurisdiction of the Authority is that geographic  
21 area within the boundaries of Rock Island, Henry, Knox, and  
22 Mercer counties in the State of Illinois and any navigable  
23 waters and air space located therein.

24 (b) The governing and administrative powers of the  
25 Authority shall be vested in a body consisting of 11 members  
26 including, as an ex officio member, the Director of ~~the~~  
27 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~  
28 ~~Affairs~~, or his or her designee. The other 10 members of the  
29 Authority shall be designated "public members", 6 of whom shall  
30 be appointed by the Governor with the advice and consent of the  
31 Senate. Of the 6 members appointed by the Governor, one shall  
32 be from a city within the Authority's territory with a  
33 population of 25,000 or more and the remainder shall be  
34 appointed at large. Of the 6 members appointed by the Governor,

1 2 members shall have business or finance experience. One member  
2 shall be appointed by each of the county board chairmen of Rock  
3 Island, Henry, Knox, and Mercer Counties with the advice and  
4 consent of the respective county board. All public members  
5 shall reside within the territorial jurisdiction of this Act.  
6 Six members shall constitute a quorum. The public members shall  
7 be persons of recognized ability and experience in one or more  
8 of the following areas: economic development, finance,  
9 banking, industrial development, small business management,  
10 real estate development, community development, venture  
11 finance, organized labor or civic, community or neighborhood  
12 organization. The Chairman of the Authority shall be a public  
13 member elected by the affirmative vote of not fewer than 6  
14 members of the Authority. The term of the Chairman shall be one  
15 year.

16 (c) The terms of all members of the Authority shall begin  
17 30 days after the effective date of this Act, except (i) the  
18 terms of those members added by this amendatory Act of 1989  
19 shall begin 30 days after the effective date of this amendatory  
20 Act of 1989 and (ii) the terms of those members added by this  
21 amendatory Act of the 92nd General Assembly shall begin 30 days  
22 after the effective date of this amendatory Act of the 92nd  
23 General Assembly. Of the 10 public members appointed pursuant  
24 to this Act, 2 (one of whom shall be appointed by the Governor)  
25 shall serve until the third Monday in January, 1989, 2 (one of  
26 whom shall be appointed by the Governor) shall serve until the  
27 third Monday in January, 1990, 2 (one of whom shall be  
28 appointed by the Governor) shall serve until the third Monday  
29 in January, 1991, 2 (both of whom shall be appointed by the  
30 Governor) shall serve until the third Monday in January, 1992,  
31 and 2 (one of whom shall be appointed by the Governor and one  
32 of whom shall be appointed by the county board chairman of Knox  
33 County) shall serve until the third Monday in January, 2004.  
34 The initial terms of the members appointed by the county board  
35 chairmen (other than the county board chairman of Knox County)  
36 shall be determined by lot. All successors shall be appointed

1 by the original appointing authority and hold office for a term  
2 of 3 years commencing the third Monday in January of the year  
3 in which their term commences, except in case of an appointment  
4 to fill a vacancy. Vacancies occurring among the public members  
5 shall be filled for the remainder of the term. In case of  
6 vacancy in a Governor-appointed membership when the Senate is  
7 not in session, the Governor may make a temporary appointment  
8 until the next meeting of the Senate when a person shall be  
9 nominated to fill such office, and any person so nominated who  
10 is confirmed by the Senate shall hold office during the  
11 remainder of the term and until a successor shall be appointed  
12 and qualified. Members of the Authority shall not be entitled  
13 to compensation for their services as members but shall be  
14 entitled to reimbursement for all necessary expenses incurred  
15 in connection with the performance of their duties as members.

16 (d) The Governor may remove any public member of the  
17 Authority appointed by the Governor in case of incompetency,  
18 neglect of duty, or malfeasance in office. The Chairman of a  
19 county board may remove any public member of the Authority  
20 appointed by such Chairman in the case of incompetency, neglect  
21 of duty, or malfeasance in office.

22 (e) The Board shall appoint an Executive Director who shall  
23 have a background in finance, including familiarity with the  
24 legal and procedural requirements of issuing bonds, real estate  
25 or economic development and administration. The Executive  
26 Director shall hold office at the discretion of the Board. The  
27 Executive Director shall be the chief administrative and  
28 operational officer of the Authority, shall direct and  
29 supervise its administrative affairs and general management,  
30 shall perform such other duties as may be prescribed from time  
31 to time by the members and shall receive compensation fixed by  
32 the Authority. The Authority may engage the services of such  
33 other agents and employees, including attorneys, appraisers,  
34 engineers, accountants, credit analysts and other consultants,  
35 as it may deem advisable and may prescribe their duties and fix  
36 their compensation.

1 (f) The Board shall create a task force to study and make  
2 recommendations to the Board on the economic development of the  
3 territory within the jurisdiction of this Act. The number of  
4 members constituting the task force shall be set by the Board  
5 and may vary from time to time. The Board may set a specific  
6 date by which the task force is to submit its final report and  
7 recommendations to the Board.

8 (Source: P.A. 92-63, eff. 7-12-01; revised 12-6-03.)

9 (70 ILCS 510/19) (from Ch. 85, par. 6219)

10 Sec. 19. Civic Center. The Authority shall commence a study  
11 to determine the feasibility of a civic center or other public  
12 assembly hall or arena to be located within the territorial  
13 jurisdiction of the Authority. This report shall address, at a  
14 minimum, marketing analysis, site availability, competition,  
15 funding sources available from the Department of Commerce and  
16 Economic Opportunity ~~Community Affairs~~, and other matters  
17 deemed appropriate by the board.

18 (Source: P.A. 85-713; revised 12-6-03.)

19 Section 585. The Quad Cities Regional Economic Development  
20 Authority Act, certified December 30, 1987 is amended by  
21 changing Section 4 as follows:

22 (70 ILCS 515/4) (from Ch. 85, par. 6504)

23 Sec. 4. (a) There is hereby created a political  
24 subdivision, body politic and municipal corporation named the  
25 Quad Cities Regional Economic Development Authority. The  
26 territorial jurisdiction of the Authority is that geographic  
27 area within the boundaries of Rock Island, Henry and Mercer  
28 counties in the State of Illinois and any navigable waters and  
29 air space located therein.

30 (b) The governing and administrative powers of the  
31 Authority shall be vested in a body consisting of 7 members  
32 including, as an ex officio member, the Director of ~~the~~  
33 ~~Department of~~ Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~, or his or her designee. The other 8 members of the  
2 Authority shall be designated "public members", 3 of whom shall  
3 be appointed by the Governor with the advice and consent of the  
4 Senate. Of the 3 members appointed by the Governor, one shall  
5 be from a city within the Authority's territory with a  
6 population of 25,000 or more and the remainder shall be  
7 appointed at large. One member shall be appointed by each of  
8 the county board chairmen of Rock Island, Henry and Mercer  
9 counties with the advice and consent of the respective county  
10 board. All public members shall reside within the territorial  
11 jurisdiction of this Act. Four members shall constitute a  
12 quorum. The public members shall be persons of recognized  
13 ability and experience in one or more of the following areas:  
14 economic development, finance, banking, industrial  
15 development, small business management, real estate  
16 development, community development, venture finance, organized  
17 labor or civic, community or neighborhood organization. The  
18 Chairman of the Authority shall be a public member elected by  
19 the affirmative vote of not fewer than 4 members of the  
20 Authority. The term of the Chairman shall be one year.

21 (c) The terms of all members of the Authority shall begin  
22 30 days after the effective date of this Act. Of the 6 public  
23 members appointed pursuant to this Act, 2 (one of whom shall be  
24 appointed by the Governor) shall serve until the third Monday  
25 in January, 1989, 2 (one of whom shall be appointed by the  
26 Governor) shall serve until the third Monday in January, 1990,  
27 and 2 (one of whom shall be appointed by the Governor) shall  
28 serve until the third Monday in January, 1991. The initial  
29 terms of the members appointed by the county board chairmen  
30 shall be determined by lot. All successors shall be appointed  
31 by the original appointing authority and hold office for a term  
32 of 3 years commencing the third Monday in January of the year  
33 in which their term commences, except in case of an appointment  
34 to fill a vacancy. Vacancies occurring among the public members  
35 shall be filled for the remainder of the term. In case of  
36 vacancy in a Governor-appointed membership when the Senate is

1 not in session, the Governor may make a temporary appointment  
2 until the next meeting of the Senate when a person shall be  
3 nominated to fill such office, and any person so nominated who  
4 is confirmed by the Senate shall hold office during the  
5 remainder of the term and until a successor shall be appointed  
6 and qualified. Members of the Authority shall not be entitled  
7 to compensation for their services as members but shall be  
8 entitled to reimbursement for all necessary expenses incurred  
9 in connection with the performance of their duties as members.

10 (d) The Governor may remove any public member of the  
11 Authority appointed by the Governor in case of incompetency,  
12 neglect of duty, or malfeasance in office. The Chairman of a  
13 county board may remove any public member of the Authority  
14 appointed by such Chairman in the case of incompetency, neglect  
15 of duty, or malfeasance in office.

16 (e) The Board shall appoint an Executive Director who shall  
17 have a background in finance, including familiarity with the  
18 legal and procedural requirements of issuing bonds, real estate  
19 or economic development and administration. The Executive  
20 Director shall hold office at the discretion of the Board. The  
21 Executive Director shall be the chief administrative and  
22 operational officer of the Authority, shall direct and  
23 supervise its administrative affairs and general management,  
24 shall perform such other duties as may be prescribed from time  
25 to time by the members and shall receive compensation fixed by  
26 the Authority. The Authority may engage the services of such  
27 other agents and employees, including attorneys, appraisers,  
28 engineers, accountants, credit analysts and other consultants,  
29 as it may deem advisable and may prescribe their duties and fix  
30 their compensation.

31 (f) The Board shall create a task force to study and make  
32 recommendations to the Board on the economic development of the  
33 territory within the jurisdiction of this Act. The number of  
34 members constituting the task force shall be set by the Board  
35 and may vary from time to time. The Board may set a specific  
36 date by which the task force is to submit its final report and

1 recommendations to the Board.

2 (Source: P.A. 85-988; revised 12-6-03.)

3 Section 590. The Southwestern Illinois Development  
4 Authority Act is amended by changing Section 4 as follows:

5 (70 ILCS 520/4) (from Ch. 85, par. 6154)

6 Sec. 4. (a) There is hereby created a political  
7 subdivision, body politic and municipal corporation named the  
8 Southwestern Illinois Development Authority. The territorial  
9 jurisdiction of the Authority is that geographic area within  
10 the boundaries of Madison, St. Clair, and Clinton counties in  
11 the State of Illinois and any navigable waters and air space  
12 located therein.

13 (b) The governing and administrative powers of the  
14 Authority shall be vested in a body consisting of 11 members  
15 including, as ex officio members, the Director of ~~the~~  
16 ~~Department of~~ Commerce and Economic Opportunity Community  
17 ~~Affairs~~, or his or her designee, and the Director of ~~the~~  
18 ~~Department of~~ Central Management Services, or his or her  
19 designee. The other 9 members of the Authority shall be  
20 designated "public members", 4 of whom shall be appointed by  
21 the Governor with the advice and consent of the Senate, 2 of  
22 whom shall be appointed by the county board chairman of Madison  
23 County, 2 of whom shall be appointed by the county board  
24 chairman of St. Clair County, and one of whom shall be  
25 appointed by the county board chairman of Clinton County. All  
26 public members shall reside within the territorial  
27 jurisdiction of this Act. Six members shall constitute a  
28 quorum. The public members shall be persons of recognized  
29 ability and experience in one or more of the following areas:  
30 economic development, finance, banking, industrial  
31 development, small business management, real estate  
32 development, community development, venture finance, organized  
33 labor or civic, community or neighborhood organization. The  
34 Chairman of the Authority shall be elected by the Board



1 annually from the 4 members appointed by the county board  
2 chairmen.

3 (c) The terms of all members of the Authority shall begin  
4 30 days after the effective date of this Act. Of the 8 public  
5 members appointed pursuant to this Act, 3 shall serve until the  
6 third Monday in January, 1988, 3 shall serve until the third  
7 Monday in January, 1989, and 2 shall serve until the third  
8 Monday in January, 1990. All successors shall be appointed by  
9 the original appointing authority and hold office for a term of  
10 3 years commencing the third Monday in January of the year in  
11 which their term commences, except in case of an appointment to  
12 fill a vacancy. Vacancies occurring among the public members  
13 shall be filled for the remainder of the term. In case of  
14 vacancy in a Governor-appointed membership when the Senate is  
15 not in session, the Governor may make a temporary appointment  
16 until the next meeting of the Senate when a person shall be  
17 nominated to fill such office, and any person so nominated who  
18 is confirmed by the Senate shall hold office during the  
19 remainder of the term and until a successor shall be appointed  
20 and qualified. Members of the Authority shall not be entitled  
21 to compensation for their services as members but shall be  
22 entitled to reimbursement for all necessary expenses incurred  
23 in connection with the performance of their duties as members.

24 (d) The Governor may remove any public member of the  
25 Authority in case of incompetency, neglect of duty, or  
26 malfeasance in office.

27 (e) The Board shall appoint an Executive Director who shall  
28 have a background in finance, including familiarity with the  
29 legal and procedural requirements of issuing bonds, real estate  
30 or economic development and administration. The Executive  
31 Director shall hold office at the discretion of the Board. The  
32 Executive Director shall be the chief administrative and  
33 operational officer of the Authority, shall direct and  
34 supervise its administrative affairs and general management,  
35 shall perform such other duties as may be prescribed from time  
36 to time by the members and shall receive compensation fixed by

1 the Authority. The Executive Director shall attend all meetings  
2 of the Authority; however, no action of the Authority shall be  
3 invalid on account of the absence of the Executive Director  
4 from a meeting. The Authority may engage the services of such  
5 other agents and employees, including attorneys, appraisers,  
6 engineers, accountants, credit analysts and other consultants,  
7 as it may deem advisable and may prescribe their duties and fix  
8 their compensation.

9 (f) The Board may, by majority vote, nominate up to 4  
10 non-voting members for appointment by the Governor. Non-voting  
11 members shall be persons of recognized ability and experience  
12 in one or more of the following areas: economic development,  
13 finance, banking, industrial development, small business  
14 management, real estate development, community development,  
15 venture finance, organized labor or civic, community or  
16 neighborhood organization. Non-voting members shall serve at  
17 the pleasure of the Board. All non-voting members may attend  
18 meetings of the Board and shall be reimbursed as provided in  
19 subsection (c).

20 (g) The Board shall create a task force to study and make  
21 recommendations to the Board on the economic development of the  
22 city of East St. Louis and on the economic development of the  
23 riverfront within the territorial jurisdiction of this Act. The  
24 members of the task force shall reside within the territorial  
25 jurisdiction of this Act, shall serve at the pleasure of the  
26 Board and shall be persons of recognized ability and experience  
27 in one or more of the following areas: economic development,  
28 finance, banking, industrial development, small business  
29 management, real estate development, community development,  
30 venture finance, organized labor or civic, community or  
31 neighborhood organization. The number of members constituting  
32 the task force shall be set by the Board and may vary from time  
33 to time. The Board may set a specific date by which the task  
34 force is to submit its final report and recommendations to the  
35 Board.

36 (Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)

1 Section 595. The Tri-County River Valley Development  
2 Authority Law is amended by changing Section 2004 as follows:

3 (70 ILCS 525/2004) (from Ch. 85, par. 7504)

4 Sec. 2004. Establishment.

5 (a) There is hereby created a political subdivision, body  
6 politic and municipal corporation named the Tri-County River  
7 Valley Development Authority. The territorial jurisdiction of  
8 the Authority is that geographic area within the boundaries of  
9 Peoria, Tazewell and Woodford counties in the State of Illinois  
10 and any navigable waters and air space located therein.

11 (b) The governing and administrative powers of the  
12 Authority shall be vested in a body consisting of 11 members  
13 including, as ex officio members, the Director of Commerce and  
14 Economic Opportunity ~~Community Affairs~~, or his or her designee,  
15 and the Director of Natural Resources, or that Director's  
16 designee. The other 9 members of the Authority shall be  
17 designated "public members", 3 of whom shall be appointed by  
18 the Governor, 3 of whom shall be appointed one each by the  
19 county board chairmen of Peoria, Tazewell and Woodford counties  
20 and 3 of whom shall be appointed one each by the city councils  
21 of East Peoria, Pekin and Peoria. All public members shall  
22 reside within the territorial jurisdiction of this Act. Six  
23 members shall constitute a quorum. The public members shall be  
24 persons of recognized ability and experience in one or more of  
25 the following areas: economic development, finance, banking,  
26 industrial development, small business management, real estate  
27 development, community development, venture finance, organized  
28 labor or civic, community or neighborhood organization. The  
29 Chairman of the Authority shall be elected by the Board  
30 annually from the 6 members appointed by the county board  
31 chairmen and city councils.

32 (c) The terms of all members of the Authority shall begin  
33 30 days after the effective date of this Article. Of the 9  
34 public members appointed pursuant to this Act, 3 shall serve

1 until the third Monday in January 1992, 3 shall serve until the  
2 third Monday in January 1993, and 3 shall serve until the third  
3 Monday in January 1994. All successors shall be appointed by  
4 the original appointing authority and hold office for a term of  
5 3 years commencing the third Monday in January of the year in  
6 which their term commences, except in case of an appointment to  
7 fill a vacancy. Vacancies occurring among the public members  
8 shall be filled for the remainder of the term. In case of  
9 vacancy in a Governor-appointed membership when the Senate is  
10 not in session, the Governor may make a temporary appointment  
11 until the next meeting of the Senate when a person shall be  
12 nominated to fill such office, and any person so nominated who  
13 is confirmed by the Senate shall hold office during the  
14 remainder of the term and until a successor shall be appointed  
15 and qualified. Members of the Authority shall not be entitled  
16 to compensation for their services as members but may be  
17 reimbursed for all necessary expenses incurred in connection  
18 with the performance of their duties as members.

19 (d) The Governor may remove any public member of the  
20 Authority in case of incompetency, neglect of duty, or  
21 malfeasance in office.

22 (e) The Board may appoint an Executive Director who shall  
23 have a background in finance, including familiarity with the  
24 legal and procedural requirements of issuing bonds, real estate  
25 or economic development and administration. The Executive  
26 Director shall hold office at the discretion of the Board. The  
27 Executive Director shall be the chief administrative and  
28 operational officer of the Authority, shall direct and  
29 supervise its administrative affairs and general management,  
30 shall perform such other duties as may be prescribed from time  
31 to time by the members and shall receive compensation fixed by  
32 the Authority. The Executive Director shall attend all meetings  
33 of the Authority; however, no action of the Authority shall be  
34 invalid on account of the absence of the Executive Director  
35 from a meeting. The Authority may engage the services of such  
36 other agents and employees, including attorneys, appraisers,

1 engineers, accountants, credit analysts and other consultants,  
2 as it may deem advisable and may prescribe their duties and fix  
3 their compensation.

4 (f) The Board may, by majority vote, nominate up to 4  
5 non-voting members for appointment by the Governor. Non-voting  
6 members shall be persons of recognized ability and experience  
7 in one or more of the following areas: economic development,  
8 finance, banking, industrial development, small business  
9 management, real estate development, community development,  
10 venture finance, organized labor or civic, community or  
11 neighborhood organization. Non-voting members shall serve at  
12 the pleasure of the Board. All non-voting members may attend  
13 meetings of the Board and may be reimbursed as provided in  
14 subsection (c).

15 (g) The Board shall create a task force to study and make  
16 recommendations to the Board on the economic development of the  
17 territory within the jurisdiction of this Act. The members of  
18 the task force shall reside within the territorial jurisdiction  
19 of this Article, shall serve at the pleasure of the Board and  
20 shall be persons of recognized ability and experience in one or  
21 more of the following areas: economic development, finance,  
22 banking, industrial development, small business management,  
23 real estate development, community development, venture  
24 finance, organized labor or civic, community or neighborhood  
25 organization. The number of members constituting the task force  
26 shall be set by the Board and may vary from time to time. The  
27 Board may set a specific date by which the task force is to  
28 submit its final report and recommendations to the Board.

29 (Source: P.A. 89-445, eff. 2-7-96; 90-655, eff. 7-30-98;  
30 revised 12-6-03.)

31 Section 600. The Upper Illinois River Valley Development  
32 Authority Act is amended by changing Section 4 as follows:

33 (70 ILCS 530/4) (from Ch. 85, par. 7154)

34 Sec. 4. Establishment.

1 (a) There is hereby created a political subdivision, body  
2 politic and municipal corporation named the Upper Illinois  
3 River Valley Development Authority. The territorial  
4 jurisdiction of the Authority is that geographic area within  
5 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,  
6 Kane, McHenry, and Marshall counties in the State of Illinois  
7 and any navigable waters and air space located therein.

8 (b) The governing and administrative powers of the  
9 Authority shall be vested in a body consisting of 20 members  
10 including, as ex officio members, the Director of ~~the~~  
11 ~~Department of Commerce and Economic Opportunity Community~~  
12 ~~Affairs~~, or his or her designee, and the Director of the  
13 Department of Central Management Services, or his or her  
14 designee. The other 18 members of the Authority shall be  
15 designated "public members", 10 of whom shall be appointed by  
16 the Governor with the advice and consent of the Senate and 8 of  
17 whom shall be appointed one each by the county board chairmen  
18 of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and  
19 Marshall counties. All public members shall reside within the  
20 territorial jurisdiction of this Act. Eleven members shall  
21 constitute a quorum. The public members shall be persons of  
22 recognized ability and experience in one or more of the  
23 following areas: economic development, finance, banking,  
24 industrial development, small business management, real estate  
25 development, community development, venture finance, organized  
26 labor or civic, community or neighborhood organization. The  
27 Chairman of the Authority shall be elected by the Board  
28 annually from the 8 members appointed by the county board  
29 chairmen.

30 (c) The terms of all initial members of the Authority shall  
31 begin 30 days after the effective date of this Act. Of the 14  
32 public members appointed pursuant to this Act, 4 appointed by  
33 the Governor shall serve until the third Monday in January,  
34 1992, 4 appointed by the Governor shall serve until the third  
35 Monday in January, 1993, one appointed by the Governor shall  
36 serve until the third Monday in January, 1994, one appointed by

1 the Governor shall serve until the third Monday in January  
2 1999, the member appointed by the county board chairman of  
3 LaSalle County shall serve until the third Monday in January,  
4 1992, the members appointed by the county board chairmen of  
5 Grundy County, Bureau County, Putnam County, and Marshall  
6 County shall serve until the third Monday in January, 1994, and  
7 the member appointed by the county board chairman of Kendall  
8 County shall serve until the third Monday in January, 1999. The  
9 initial members appointed by the chairmen of the county boards  
10 of Kane and McHenry counties shall serve until the third Monday  
11 in January, 2003. All successors shall be appointed by the  
12 original appointing authority and hold office for a term of 3  
13 years commencing the third Monday in January of the year in  
14 which their term commences, except in case of an appointment to  
15 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 in case of incompetency, neglect of duty, or  
29 malfeasance in office.

30 (e) The Board shall appoint an Executive Director who shall  
31 have a background in finance, including familiarity with the  
32 legal and procedural requirements of issuing bonds, real estate  
33 or economic development and administration. The Executive  
34 Director shall hold office at the discretion of the Board. The  
35 Executive Director shall be the chief administrative and  
36 operational officer of the Authority, shall direct and

1 supervise its administrative affairs and general management,  
2 shall perform such other duties as may be prescribed from time  
3 to time by the members and shall receive compensation fixed by  
4 the Authority. The Executive Director shall attend all meetings  
5 of the Authority; however, no action of the Authority shall be  
6 invalid on account of the absence of the Executive Director  
7 from a meeting. 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 may, by majority vote, nominate up to 4  
13 non-voting members for appointment by the Governor. Non-voting  
14 members shall be persons of recognized ability and experience  
15 in one or more of the following areas: economic development,  
16 finance, banking, industrial development, small business  
17 management, real estate development, community development,  
18 venture finance, organized labor or civic, community or  
19 neighborhood organization. Non-voting members shall serve at  
20 the pleasure of the Board. All non-voting members may attend  
21 meetings of the Board and shall be reimbursed as provided in  
22 subsection (c).

23 (g) The Board shall create a task force to study and make  
24 recommendations to the Board on the economic development of the  
25 territory within the jurisdiction of this Act. The members of  
26 the task force shall reside within the territorial jurisdiction  
27 of this Act, shall serve at the pleasure of the Board and shall  
28 be persons of recognized ability and experience in one or more  
29 of the following areas: economic development, finance,  
30 banking, industrial development, small business management,  
31 real estate development, community development, venture  
32 finance, organized labor or civic, community or neighborhood  
33 organization. The number of members constituting the task force  
34 shall be set by the Board and may vary from time to time. The  
35 Board may set a specific date by which the task force is to  
36 submit its final report and recommendations to the Board.



1 (Source: P.A. 91-905, eff. 7-7-00; revised 12-6-03.)

2 Section 605. The Will-Kankakee Regional Development  
3 Authority Law is amended by changing Section 4 as follows:

4 (70 ILCS 535/4) (from Ch. 85, par. 7454)

5 Sec. 4. Establishment.

6 (a) There is hereby created a political subdivision, body  
7 politic and municipal corporation named the Will-Kankakee  
8 Regional Development Authority. The territorial jurisdiction  
9 of the Authority is that geographic area within the boundaries  
10 of Will and Kankakee counties in the State of Illinois and any  
11 navigable waters and air space located therein.

12 (b) The governing and administrative powers of the  
13 Authority shall be vested in a body consisting of 10 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 9 members of the  
17 Authority shall be designated "public members", 3 of whom shall  
18 be appointed by the Governor, 3 of whom shall be appointed by  
19 the county board chairman of Will County, and 3 of whom shall  
20 be appointed by the county board chairman of Kankakee County.  
21 All public members shall reside within the territorial  
22 jurisdiction of this Act. Six members shall constitute a  
23 quorum. The public members shall be persons of recognized  
24 ability and experience in one or more of the following areas:  
25 economic development, finance, banking, industrial  
26 development, small business management, real estate  
27 development, community development, venture finance, organized  
28 labor or civic, community or neighborhood organization. The  
29 Chairman of the Authority shall be elected by the Board  
30 annually from the 6 members appointed by the county board  
31 chairmen.

32 (c) The terms of all members of the Authority shall begin  
33 30 days after the effective date of this Act. Of the 9 public  
34 members appointed pursuant to this Act, 3 shall serve until the

1 third Monday in January 1992, 3 shall serve until the third  
2 Monday in January 1993, and 3 shall serve until the third  
3 Monday in January 1994. All successors shall be appointed by  
4 the original appointing authority and hold office for a term of  
5 3 years commencing the third Monday in January of the year in  
6 which their term commences, except in case of an appointment to  
7 fill a vacancy. Vacancies occurring among the public members  
8 shall be filled for the remainder of the term. In case of  
9 vacancy in a Governor-appointed membership when the Senate is  
10 not in session, the Governor may make a temporary appointment  
11 until the next meeting of the Senate when a person shall be  
12 nominated to fill such office, and any person so nominated who  
13 is confirmed by the Senate shall hold office during the  
14 remainder of the term and until a successor shall be appointed  
15 and qualified. Members of the Authority shall not be entitled  
16 to compensation for their services as members but may be  
17 reimbursed for all necessary expenses incurred in connection  
18 with the performance of their duties as members.

19 (d) The Governor may remove any public member of the  
20 Authority in case of incompetency, neglect of duty, or  
21 malfeasance in office.

22 (e) The Board may appoint an Executive Director who shall  
23 have a background in finance, including familiarity with the  
24 legal and procedural requirements of issuing bonds, real estate  
25 or economic development and administration. The Executive  
26 Director shall hold office at the discretion of the Board. The  
27 Executive Director shall be the chief administrative and  
28 operational officer of the Authority, shall direct and  
29 supervise its administrative affairs and general management,  
30 shall perform such other duties as may be prescribed from time  
31 to time by the members and shall receive compensation fixed by  
32 the Authority. The Executive Director shall attend all meetings  
33 of the Authority; however, no action of the Authority shall be  
34 invalid on account of the absence of the Executive Director  
35 from a meeting. The Authority may engage the services of such  
36 other agents and employees, including attorneys, appraisers,

1 engineers, accountants, credit analysts and other consultants,  
2 as it may deem advisable and may prescribe their duties and fix  
3 their compensation.

4 (f) The Board may, by majority vote, nominate up to 4  
5 non-voting members for appointment by the Governor. Non-voting  
6 members shall be persons of recognized ability and experience  
7 in one or more of the following areas: economic development,  
8 finance, banking, industrial development, small business  
9 management, real estate development, community development,  
10 venture finance, organized labor or civic, community or  
11 neighborhood organization. Non-voting members shall serve at  
12 the pleasure of the Board. All non-voting members may attend  
13 meetings of the Board and may be reimbursed as provided in  
14 subsection (c).

15 (g) The Board shall create a task force to study and make  
16 recommendations to the Board on the economic development of the  
17 territory within the jurisdiction of this Act. The members of  
18 the task force shall reside within the territorial jurisdiction  
19 of this Act, shall serve at the pleasure of the Board and shall  
20 be persons of recognized ability and experience in one or more  
21 of the following areas: economic development, finance,  
22 banking, industrial development, small business management,  
23 real estate development, community development, venture  
24 finance, organized labor or civic, community or neighborhood  
25 organization. The number of members constituting the task force  
26 shall be set by the Board and may vary from time to time. The  
27 Board may set a specific date by which the task force is to  
28 submit its final report and recommendations to the Board.

29 (Source: P.A. 86-1481; revised 12-6-03.)

30 Section 610. The Northeastern Illinois Planning Act is  
31 amended by changing Sections 14, 35, 36, and 37 as follows:

32 (70 ILCS 1705/14) (from Ch. 85, par. 1114)

33 Sec. 14. All funds received for the use of the Commission  
34 shall be deposited in the name of the Commission, by the

1 treasurer, in a depository approved by the Commission and shall  
2 be withdrawn or paid out only by check or draft upon the  
3 depository signed by any two of such Commissioners or Employees  
4 of the Commission as may be designated for this purpose by the  
5 Commission, provided further that funds appropriated to the  
6 Commission by the General Assembly shall be expended in  
7 accordance with a formal planning program and budget which has  
8 been reviewed by the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~. All persons so designated shall  
10 execute bonds with corporate sureties approved by the  
11 Commission in the same manner and amount as required of the  
12 treasurer.

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. 81-1509; revised 12-6-03.)

20 (70 ILCS 1705/35) (from Ch. 85, par. 1135)

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, including such receipts  
24 and expenditures as authorized by Section 36 of this Act. Such  
25 report shall be prepared in detail, stating the particular  
26 amount received or expended, the name of the person from whom  
27 received or to whom expended, on what account, and for what  
28 purpose or purposes. A copy of this report shall be filed with  
29 the Governor, the Senate and the House of Representatives, and  
30 with the treasurer of each county included in the Counties  
31 Area. In addition, on or before December 31 of each even  
32 numbered year, the Commission shall prepare a report of its  
33 activities during the biennium indicating how its funds were  
34 expended, indicating the amount of the appropriation requested  
35 for the next biennium and explaining how the appropriation will

1 be utilized to carry out its responsibilities. A copy of this  
2 report shall be filed with the Governor, the Senate and the  
3 House of Representatives, and the Department of Commerce and  
4 Economic Opportunity ~~Community Affairs~~.

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

6 (70 ILCS 1705/36) (from Ch. 85, par. 1136)

7 Sec. 36. The Commission may accept and expend, for purposes  
8 consistent with the purposes of this Act, funds and money from  
9 any source, including grants, bequests, gifts or contributions  
10 made by a person, a unit of government, the State Government or  
11 the Federal Government.

12 The Commission is authorized to enter into agreements with  
13 any agency of the Federal government relating to grant-in-aid  
14 under Section 701 of the "Housing Act of 1954", being Public  
15 Law 560 of the Eighty-third Congress, approved August 2, 1954,  
16 as heretofore or hereafter amended, or under any other Act of  
17 Congress by which Federal funds may be made available for any  
18 activity of the Commission authorized by this Act. Application  
19 for federal planning grants submitted to the Federal Government  
20 shall be reviewed by the Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~.

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

23 (70 ILCS 1705/37) (from Ch. 85, par. 1137)

24 Sec. 37. The Commission created by this Act shall cooperate  
25 with the Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~, the units of government and with the plan  
27 commissions and regional planning commissions created by any  
28 unit of government and regional associations of municipalities  
29 within the area of operation of the Commission and any such  
30 plan commission, regional planning commission, regional  
31 association of municipalities or unit of government may  
32 furnish, sell or make available to the Commission created by  
33 this Act any of its data, charts, maps, reports or regulations  
34 relating to land use and development which the Commission may

1 request.

2 The Commission created by this Act may cooperate with any  
3 planning agency of a sister State contiguous to the area of  
4 operation of the Commission to the end that plans for the  
5 development of urban areas in such sister State contiguous to  
6 the Counties Area may be integrated and coordinated so far as  
7 possible with the comprehensive plan and policies adopted by  
8 the Commission.

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

10 Section 615. The Southwestern Illinois Metropolitan and  
11 Regional Planning Act is amended by changing Sections 5, 14,  
12 35, and 37 as follows:

13 (70 ILCS 1710/5) (from Ch. 85, par. 1155)

14 Sec. 5. The corporate authorities of the Southwestern  
15 Illinois Metropolitan and Regional Planning Commission shall  
16 consist of commissioners selected as follows:

17 Eight commissioners appointed by the Governor, at  
18 least 4 of whom shall be elected officials of a unit of  
19 government and at least 7 of whom shall be residents of the  
20 Metropolitan and Regional Counties Area. No more than 4 of  
21 the Governor's appointees shall be of the same political  
22 party.

23 One member from among the Illinois Commissioners of the  
24 Bi-State Development Agency, elected by said commissioners  
25 of said Agency, provided that preference shall be given in  
26 this appointment to the Chairman or Vice Chairman of said  
27 Agency if either or both of those officers is an Illinois  
28 resident.

29 The Chairman or presiding officer of each statutory  
30 Port District existing or operating within the  
31 Metropolitan and Regional Counties Area, or a member of the  
32 governing board of each such Port District appointed by the  
33 Chairman or presiding officer thereof to serve in his  
34 stead.

1           The President of the Metro-East Sanitary District or a  
2 member of the governing board of such District appointed by  
3 the President thereto to serve in his stead.

4           Two members from each of the county boards of counties  
5 within the Area of operation having a population of less  
6 than 100,000, such members to be appointed by the chairman  
7 or presiding officer of such counties and in such manner  
8 that one of the 2 members so appointed is the chairman or  
9 presiding officer of the relevant county board or an  
10 elected member of such board appointed to serve in the  
11 stead of such chairman or presiding officer.

12           Three members from each of the county boards of  
13 counties within the Area of operation having a population  
14 in excess of 100,000, such members to be appointed by the  
15 chairman or presiding officer of such counties and in such  
16 manner that one of the 3 members so appointed is the  
17 chairman or presiding officer of the relevant county board  
18 or an elected member of such board appointed to serve in  
19 the stead of such chairman or presiding officer; provided,  
20 further, that at least one member so appointed from each  
21 county having a population in excess of 100,000 shall be a  
22 resident in an area of such county outside any city,  
23 village or incorporated town, and at least one member so  
24 appointed from such counties shall be a resident of a city,  
25 village or incorporated town of such county.

26           The Mayor or Village Board President from each city,  
27 village or incorporated town in the Area of operation  
28 having 4,500 or more inhabitants, or a member of the  
29 Council or Village Board appointed by such Mayor or Board  
30 President to serve in his stead.

31           One Mayor or Village Board President in each county  
32 within the Area of operation from a city, village or  
33 incorporated town having fewer than 4,500 inhabitants to be  
34 selected by all Mayors or Village Board Presidents of such  
35 cities, villages or incorporated towns in each such county.

36           Two members from each township-organized county in the

1 Area of operation who shall be township supervisors  
2 appointed by the Chairman of the relevant county board in  
3 such a manner that one of the 2 shall represent a township  
4 having fewer than 4,500 inhabitants and one of the 2 shall  
5 represent a township having more than 4,500 inhabitants,  
6 provided that in the event no township in any such county  
7 has in excess of 4,500 inhabitants the supervisor of the  
8 township in such county which has the largest number of  
9 inhabitants shall be one of the 2 members so appointed by  
10 that county.

11 Two members from each commission-organized county in  
12 the Area of operation who shall be elected officials of  
13 either the county board or of a unit of government in such  
14 county and who shall be appointed by the Chairman of the  
15 County Board of such county.

16 The President of the Southwestern Illinois Council of  
17 Mayors or a Mayor of a community within the Area of  
18 operation appointed by such President to serve in his  
19 stead.

20 One member from among the Illinois members of the  
21 East-West Gateway Coordinating Council, elected by said  
22 members of said council, provided preference shall be given  
23 in this appointment to the Chairman or Vice Chairman of  
24 said Council if either or both of those officers is an  
25 Illinois resident.

26 Each selecting authority shall give notice of his, or her,  
27 or its selections to each other selecting authority, to the  
28 Executive Director of the Commission, and to the Secretary of  
29 State. Selections or appointments to be made for the first time  
30 pursuant to this amendatory Act of 1975 shall be made no later  
31 than October 1, 1975 and notice given thereon by that date.

32 In addition to the commissioners provided for above, the  
33 following shall also be commissioners selected or appointed and  
34 notice thereon given as contemplated by the preceding  
35 paragraph:

36 Two members from each county in the Area of operation



1 who shall be a chairman of a county planning commission, a  
2 chairman of a municipal planning commission, or a county  
3 engineer, such members to be appointed by the Chairman of  
4 the County Board.

5 The regional superintendent of schools for each  
6 educational service region located in whole or in part  
7 within the Area of operation.

8 The President of Southern Illinois University at  
9 Edwardsville or a person appointed by him to serve in his  
10 stead.

11 The Director of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ or a person appointed by him to serve in  
13 his stead.

14 The district highway engineer for the Illinois  
15 Department of Transportation.

16 The Chairman of the Southwestern Illinois Council on  
17 Economic Development composed of the Counties of Madison,  
18 St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

19 One representative from each County within the Area of  
20 operation who shall be other than an elected official and  
21 who shall be appointed by the Chairman of each County  
22 Board, provided that each representative so appointed  
23 shall be from disadvantaged or minority groups within the  
24 County's population.

25 Five Commissioners, appointed by the President of the  
26 Commission, with the concurrence of the Executive  
27 Committee, one to be selected from each of 5 civic,  
28 fraternal, cultural or religious organizations which meet  
29 all of the following criteria:

30 (1) has a written charter or constitution and  
31 written bylaws;

32 (2) has filed or is eligible to file articles of  
33 incorporation pursuant to the General Not for Profit  
34 Corporation Act;

35 (3) has been in existence for at least 5 years; and

36 (4) is generally recognized as being substantially

1 representative of the minority population within the  
2 Commission's area of operation.

3 The Commission shall develop a fair and reasonable  
4 procedure for determining the organizations from which  
5 appointments will be made.

6 Within 30 days after selection and before entering upon the  
7 duties of his or her office, each commissioner shall take and  
8 subscribe to the constitutional oath of office and file it with  
9 the Secretary of State.

10 The Commission shall maintain a level of minority  
11 membership equal to or greater than proportionate level of  
12 minority population which exists within the area of the  
13 Commission.

14 (Source: P.A. 87-217; revised 12-6-03.)

15 (70 ILCS 1710/14) (from Ch. 85, par. 1164)

16 Sec. 14. All funds received for the use of the Commission  
17 shall be deposited in the name of the Commission by the  
18 treasurer, in a depository approved by the Commission and shall  
19 be withdrawn or paid out only by check or draft upon the  
20 depository signed by any two of such Commissioners or employees  
21 of the Commission as may be designated for this purpose by the  
22 Commission, provided further that funds appropriated to the  
23 Commission by the General Assembly shall not be expended except  
24 in accordance with a formal planning program and budget which  
25 has been reviewed and approved by the Department of Commerce  
26 and Economic Opportunity ~~Community Affairs~~. All persons so  
27 designated shall execute bonds with corporate sureties  
28 approved by the Commission in the same manner and amount as  
29 required of the treasurer, and in such amount as determined by  
30 the Commission.

31 In case any person whose signature appears upon any check  
32 or draft, issued pursuant to this Act, ceases (after attaching  
33 his signature) to hold his office before the delivery thereof  
34 to the payee, his signature nevertheless shall be valid and  
35 sufficient for all purposes with the same effect as if he had

1 remained in office until delivery thereof.

2 (Source: P.A. 82-944; revised 12-6-03.)

3 (70 ILCS 1710/35) (from Ch. 85, par. 1185)

4 Sec. 35. At the close of each fiscal year, the Commission  
5 shall prepare a complete report of its receipts and  
6 expenditures during the fiscal year. A copy of this report  
7 shall be filed with the Governor and with the treasurer of each  
8 county included in the Metropolitan and Regional Counties Area.  
9 In addition, on or before December 31 of each even numbered  
10 year, the Commission shall prepare jointly with the Department  
11 of Commerce and Economic Opportunity ~~Community Affairs~~, a  
12 report of its activities during the biennium indicating how its  
13 funds were expended, indicating the amount of the appropriation  
14 requested for the next biennium and explaining how the  
15 appropriation will be utilized to carry out its  
16 responsibilities. A copy of this report shall be filed with the  
17 Governor, the Senate and the House of Representatives.

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

19 (70 ILCS 1710/37) (from Ch. 85, par. 1187)

20 Sec. 37. The Commission created by this Act shall cooperate  
21 with the Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~, the units of government and with the plan  
23 commissions and regional planning commissions created by any  
24 unit of government and regional associations of municipalities  
25 within the area of operation of the Commission and any such  
26 plan commission, regional planning commission, regional  
27 association of municipalities or unit of government may  
28 furnish, sell or make available to the Commission created by  
29 this Act any of its data, charts, maps, reports or regulations  
30 relating to land use and development which the Commission may  
31 request.

32 The Commission created by this Act may cooperate with any  
33 planning agency in the State of Illinois, or with any planning  
34 agency of a sister State contiguous to the area of operation of

1 the Commission to the end that plans for the development of  
2 urban areas in such sister State contiguous to the Metropolitan  
3 and Regional Counties Area may be integrated and coordinated so  
4 far as possible with the comprehensive and functional plans and  
5 policies adopted by the Commission.

6 (Source: P.A. 82-944; revised 12-6-03.)

7 Section 620. The Regional Transportation Authority Act is  
8 amended by changing Sections 4.01, 4.04, and 4.11 as follows:

9 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

10 Sec. 4.01. Budget and Program.

11 (a) The Board shall control the finances of the Authority.  
12 It shall by ordinance appropriate money to perform the  
13 Authority's purposes and provide for payment of debts and  
14 expenses of the Authority. Each year the Authority shall  
15 prepare and publish a comprehensive annual budget and program  
16 document describing the state of the Authority and presenting  
17 for the forthcoming fiscal year the Authority's plans for such  
18 operations and capital expenditures as the Authority intends to  
19 undertake and the means by which it intends to finance them.  
20 The proposed program and budget shall contain a statement of  
21 the funds estimated to be on hand at the beginning of the  
22 fiscal year, the funds estimated to be received from all  
23 sources for such year and the funds estimated to be on hand at  
24 the end of such year. After adoption of the Authority's first  
25 Five-Year Program, as provided in Section 2.01 of this Act, the  
26 proposed program and budget shall specifically identify any  
27 respect in which the recommended program deviates from the  
28 Authority's then existing Five-Year Program, giving the  
29 reasons for such deviation. The fiscal year of the Authority  
30 shall begin on January 1st and end on the succeeding December  
31 31st except that the fiscal year that began October 1, 1982,  
32 shall end December 31, 1983. By July 1st 1981 and July 1st of  
33 each year thereafter the Director of the Illinois Governor's  
34 Office of Management and Budget (formerly Bureau of the Budget)

1 shall submit to the Authority an estimate of revenues for the  
2 next fiscal year to be collected from the taxes imposed by the  
3 Authority and the amounts to be available in the Public  
4 Transportation Fund and the Regional Transportation Authority  
5 Occupation and Use Tax Replacement Fund. For the fiscal year  
6 ending on December 31, 1983, the Board shall report its results  
7 from operations and financial condition to the General Assembly  
8 and the Governor by January 31. For the fiscal year beginning  
9 January 1, 1984, and thereafter, the budget and program shall  
10 be presented to the General Assembly and the Governor not later  
11 than the preceding December 31st. Before the proposed budget  
12 and program is adopted, the Authority shall hold at least one  
13 public hearing thereon in the metropolitan region. The Board  
14 shall hold at least one meeting for consideration of the  
15 proposed program and budget with the county board of each of  
16 the several counties in the metropolitan region. After  
17 conducting such hearings and holding such meetings and after  
18 making such changes in the proposed program and budget as the  
19 Board deems appropriate, the Board shall adopt its annual  
20 budget ordinance. The ordinance may be adopted only upon the  
21 affirmative votes of 9 of its then Directors. The ordinance  
22 shall appropriate such sums of money as are deemed necessary to  
23 defray all necessary expenses and obligations of the Authority,  
24 specifying purposes and the objects or programs for which  
25 appropriations are made and the amount appropriated for each  
26 object or program. Additional appropriations, transfers  
27 between items and other changes in such ordinance may be made  
28 from time to time by the Board upon the affirmative votes of 9  
29 of its then Directors.

30 (b) The budget shall show a balance between anticipated  
31 revenues from all sources and anticipated expenses including  
32 funding of operating deficits or the discharge of encumbrances  
33 incurred in prior periods and payment of principal and interest  
34 when due, and shall show cash balances sufficient to pay with  
35 reasonable promptness all obligations and expenses as  
36 incurred.

1           The annual budget and financial plan must show that the  
2 level of fares and charges for mass transportation provided by,  
3 or under grant or purchase of service contracts of, the Service  
4 Boards is sufficient to cause the aggregate of all projected  
5 fare revenues from such fares and charges received in each  
6 fiscal year to equal at least 50% of the aggregate costs of  
7 providing such public transportation in such fiscal year. "Fare  
8 revenues" include the proceeds of all fares and charges for  
9 services provided, contributions received in connection with  
10 public transportation from units of local government other than  
11 the Authority and from the State pursuant to subsection (i) of  
12 Section 2705-305 of the Department of Transportation Law (20  
13 ILCS 2705/2705-305), and all other operating revenues properly  
14 included consistent with generally accepted accounting  
15 principles but do not include the proceeds of any borrowings.  
16 "Costs" include all items properly included as operating costs  
17 consistent with generally accepted accounting principles,  
18 including administrative costs, but do not include:  
19 depreciation; payment of principal and interest on bonds, notes  
20 or other evidences of obligation for borrowed money issued by  
21 the Authority; payments with respect to public transportation  
22 facilities made pursuant to subsection (b) of Section 2.20 of  
23 this Act; any payments with respect to rate protection  
24 contracts, credit enhancements or liquidity agreements made  
25 under Section 4.14; any other cost to which it is reasonably  
26 expected that a cash expenditure will not be made; costs up to  
27 \$5,000,000 annually for passenger security including grants,  
28 contracts, personnel, equipment and administrative expenses,  
29 except in the case of the Chicago Transit Authority, in which  
30 case the term does not include costs spent annually by that  
31 entity for protection against crime as required by Section 27a  
32 of the Metropolitan Transit Authority Act; or costs as exempted  
33 by the Board for projects pursuant to Section 2.09 of this Act.

34           (c) The actual administrative expenses of the Authority for  
35 the fiscal year commencing January 1, 1985 may not exceed  
36 \$5,000,000. The actual administrative expenses of the

1 Authority for the fiscal year commencing January 1, 1986, and  
2 for each fiscal year thereafter shall not exceed the maximum  
3 administrative expenses for the previous fiscal year plus 5%.

4 "Administrative expenses" are defined for purposes of this  
5 Section as all expenses except: (1) capital expenses and  
6 purchases of the Authority on behalf of the Service Boards; (2)  
7 payments to Service Boards; and (3) payment of principal and  
8 interest on bonds, notes or other evidence of obligation for  
9 borrowed money issued by the Authority; (4) costs for passenger  
10 security including grants, contracts, personnel, equipment and  
11 administrative expenses; (5) payments with respect to public  
12 transportation facilities made pursuant to subsection (b) of  
13 Section 2.20 of this Act; and (6) any payments with respect to  
14 rate protection contracts, credit enhancements or liquidity  
15 agreements made pursuant to Section 4.14.

16 (d) After withholding 15% of the proceeds of any tax  
17 imposed by the Authority and 15% of money received by the  
18 Authority from the Regional Transportation Authority  
19 Occupation and Use Tax Replacement Fund, the Board shall  
20 allocate the proceeds and money remaining to the Service Boards  
21 as follows: (1) an amount equal to 85% of the proceeds of those  
22 taxes collected within the City of Chicago and 85% of the money  
23 received by the Authority on account of transfers to the  
24 Regional Transportation Authority Occupation and Use Tax  
25 Replacement Fund from the County and Mass Transit District Fund  
26 attributable to retail sales within the City of Chicago shall  
27 be allocated to the Chicago Transit Authority; (2) an amount  
28 equal to 85% of the proceeds of those taxes collected within  
29 Cook County outside the City of Chicago and 85% of the money  
30 received by the Authority on account of transfers to the  
31 Regional Transportation Authority Occupation and Use Tax  
32 Replacement Fund from the County and Mass Transit District Fund  
33 attributable to retail sales within Cook County outside of the  
34 city of Chicago shall be allocated 30% to the Chicago Transit  
35 Authority, 55% to the Commuter Rail Board and 15% to the  
36 Suburban Bus Board; and (3) an amount equal to 85% of the

1 proceeds of the taxes collected within the Counties of DuPage,  
2 Kane, Lake, McHenry and Will shall be allocated 70% to the  
3 Commuter Rail Board and 30% to the Suburban Bus Board.

4 (e) Moneys received by the Authority on account of  
5 transfers to the Regional Transportation Authority Occupation  
6 and Use Tax Replacement Fund from the State and Local Sales Tax  
7 Reform Fund shall be allocated among the Authority and the  
8 Service Boards as follows: 15% of such moneys shall be retained  
9 by the Authority and the remaining 85% shall be transferred to  
10 the Service Boards as soon as may be practicable after the  
11 Authority receives payment. Moneys which are distributable to  
12 the Service Boards pursuant to the preceding sentence shall be  
13 allocated among the Service Boards on the basis of each Service  
14 Board's distribution ratio. The term "distribution ratio"  
15 means, for purposes of this subsection (e) of this Section  
16 4.01, the ratio of the total amount distributed to a Service  
17 Board pursuant to subsection (d) of Section 4.01 for the  
18 immediately preceding calendar year to the total amount  
19 distributed to all of the Service Boards pursuant to subsection  
20 (d) of Section 4.01 for the immediately preceding calendar  
21 year.

22 To further and accomplish the preparation of the annual  
23 budget and program as well as the Five-Year Program provided  
24 for in Section 2.01 of this Act and to make such interim  
25 management decisions as may be necessary, the Board shall  
26 employ staff which shall: (1) evaluate for the Board public  
27 transportation programs operated or proposed by transportation  
28 agencies in terms of goals, costs and relative priorities; (2)  
29 keep the Board informed of the public transportation programs  
30 and accomplishments of such transportation agencies; and (3)  
31 coordinate the development and implementation of public  
32 transportation programs to the end that the monies available to  
33 the Authority may be expended in the most economical manner  
34 possible with the least possible duplication. Under such  
35 regulations as the Board may prescribe, all Service Boards,  
36 transportation agencies, comprehensive planning agencies or



1 transportation planning agencies in the metropolitan region  
2 shall furnish to the Board such information pertaining to  
3 public transportation or relevant for plans therefor as it may  
4 from time to time require, upon payment to any such agency or  
5 Service Board of the reasonable additional cost of its so  
6 providing such information except as may otherwise be provided  
7 by agreement with the Authority, and the Board or any duly  
8 authorized employee of the Board shall, for the purpose of  
9 securing such information, have access to, and the right to  
10 examine, all books, documents, papers or records of any such  
11 agency or Service Board pertaining to public transportation or  
12 relevant for plans therefor.

13 (Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised  
14 8-23-03.)

15 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

16 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

17 (a) The Authority shall have the continuing power to borrow  
18 money and to issue its negotiable bonds or notes as provided in  
19 this Section. Unless otherwise indicated in this Section, the  
20 term "notes" also includes bond anticipation notes, which are  
21 notes which by their terms provide for their payment from the  
22 proceeds of bonds thereafter to be issued. Bonds or notes of  
23 the Authority may be issued for any or all of the following  
24 purposes: to pay costs to the Authority or a Service Board of  
25 constructing or acquiring any public transportation facilities  
26 (including funds and rights relating thereto, as provided in  
27 Section 2.05 of this Act); to repay advances to the Authority  
28 or a Service Board made for such purposes; to pay other  
29 expenses of the Authority or a Service Board incident to or  
30 incurred in connection with such construction or acquisition;  
31 to provide funds for any transportation agency to pay principal  
32 of or interest or redemption premium on any bonds or notes,  
33 whether as such amounts become due or by earlier redemption,  
34 issued prior to the date of this amendatory Act by such  
35 transportation agency to construct or acquire public

1 transportation facilities or to provide funds to purchase such  
2 bonds or notes; and to provide funds for any transportation  
3 agency to construct or acquire any public transportation  
4 facilities, to repay advances made for such purposes, and to  
5 pay other expenses incident to or incurred in connection with  
6 such construction or acquisition; and to provide funds for  
7 payment of obligations, including the funding of reserves,  
8 under any self-insurance plan or joint self-insurance pool or  
9 entity.

10 In addition to any other borrowing as may be authorized by  
11 this Section, the Authority may issue its notes, from time to  
12 time, in anticipation of tax receipts of the Authority or of  
13 other revenues or receipts of the Authority, in order to  
14 provide money for the Authority or the Service Boards to cover  
15 any cash flow deficit which the Authority or a Service Board  
16 anticipates incurring. Any such notes are referred to in this  
17 Section as "Working Cash Notes". No Working Cash Notes shall be  
18 issued for a term of longer than 18 months. Proceeds of Working  
19 Cash Notes may be used to pay day to day operating expenses of  
20 the Authority or the Service Boards, consisting of wages,  
21 salaries and fringe benefits, professional and technical  
22 services (including legal, audit, engineering and other  
23 consulting services), office rental, furniture, fixtures and  
24 equipment, insurance premiums, claims for self-insured amounts  
25 under insurance policies, public utility obligations for  
26 telephone, light, heat and similar items, travel expenses,  
27 office supplies, postage, dues, subscriptions, public hearings  
28 and information expenses, fuel purchases, and payments of  
29 grants and payments under purchase of service agreements for  
30 operations of transportation agencies, prior to the receipt by  
31 the Authority or a Service Board from time to time of funds for  
32 paying such expenses. In addition to any Working Cash Notes  
33 that the Board of the Authority may determine to issue, the  
34 Suburban Bus Board, the Commuter Rail Board or the Board of the  
35 Chicago Transit Authority may demand and direct that the  
36 Authority issue its Working Cash Notes in such amounts and

1 having such maturities as the Service Board may determine.

2 Notwithstanding any other provision of this Act, any  
3 amounts necessary to pay principal of and interest on any  
4 Working Cash Notes issued at the demand and direction of a  
5 Service Board or any Working Cash Notes the proceeds of which  
6 were used for the direct benefit of a Service Board or any  
7 other Bonds or Notes of the Authority the proceeds of which  
8 were used for the direct benefit of a Service Board shall  
9 constitute a reduction of the amount of any other funds  
10 provided by the Authority to that Service Board. The Authority  
11 shall, after deducting any costs of issuance, tender the net  
12 proceeds of any Working Cash Notes issued at the demand and  
13 direction of a Service Board to such Service Board as soon as  
14 may be practicable after the proceeds are received. The  
15 Authority may also issue notes or bonds to pay, refund or  
16 redeem any of its notes and bonds, including to pay redemption  
17 premiums or accrued interest on such bonds or notes being  
18 renewed, paid or refunded, and other costs in connection  
19 therewith. The Authority may also utilize the proceeds of any  
20 such bonds or notes to pay the legal, financial, administrative  
21 and other expenses of such authorization, issuance, sale or  
22 delivery of bonds or notes or to provide or increase a debt  
23 service reserve fund with respect to any or all of its bonds or  
24 notes. The Authority may also issue and deliver its bonds or  
25 notes in exchange for any public transportation facilities,  
26 (including funds and rights relating thereto, as provided in  
27 Section 2.05 of this Act) or in exchange for outstanding bonds  
28 or notes of the Authority, including any accrued interest or  
29 redemption premium thereon, without advertising or submitting  
30 such notes or bonds for public bidding.

31 (b) The ordinance providing for the issuance of any such  
32 bonds or notes shall fix the date or dates of maturity, the  
33 dates on which interest is payable, any sinking fund account or  
34 reserve fund account provisions and all other details of such  
35 bonds or notes and may provide for such covenants or agreements  
36 necessary or desirable with regard to the issue, sale and

1 security of such bonds or notes. The rate or rates of interest  
2 on its bonds or notes may be fixed or variable and the  
3 Authority shall determine or provide for the determination of  
4 the rate or rates of interest of its bonds or notes issued  
5 under this Act in an ordinance adopted by the Authority prior  
6 to the issuance thereof, none of which rates of interest shall  
7 exceed that permitted in the Bond Authorization Act. Interest  
8 may be payable at such times as are provided for by the Board.  
9 Bonds and notes issued under this Section may be issued as  
10 serial or term obligations, shall be of such denomination or  
11 denominations and form, including interest coupons to be  
12 attached thereto, be executed in such manner, shall be payable  
13 at such place or places and bear such date as the Authority  
14 shall fix by the ordinance authorizing such bond or note and  
15 shall mature at such time or times, within a period not to  
16 exceed forty years from the date of issue, and may be  
17 redeemable prior to maturity with or without premium, at the  
18 option of the Authority, upon such terms and conditions as the  
19 Authority shall fix by the ordinance authorizing the issuance  
20 of such bonds or notes. No bond anticipation note or any  
21 renewal thereof shall mature at any time or times exceeding 5  
22 years from the date of the first issuance of such note. The  
23 Authority may provide for the registration of bonds or notes in  
24 the name of the owner as to the principal alone or as to both  
25 principal and interest, upon such terms and conditions as the  
26 Authority may determine. The ordinance authorizing bonds or  
27 notes may provide for the exchange of such bonds or notes which  
28 are fully registered, as to both principal and interest, with  
29 bonds or notes which are registerable as to principal only. All  
30 bonds or notes issued under this Section by the Authority other  
31 than those issued in exchange for property or for bonds or  
32 notes of the Authority shall be sold at a price which may be at  
33 a premium or discount but such that the interest cost  
34 (excluding any redemption premium) to the Authority of the  
35 proceeds of an issue of such bonds or notes, computed to stated  
36 maturity according to standard tables of bond values, shall not

1 exceed that permitted in the Bond Authorization Act. The  
2 Authority shall notify the Governor's Office of Management and  
3 Budget Bureau of the Budget and the State Comptroller at least  
4 30 days before any bond sale and shall file with the Governor's  
5 Office of Management and Budget Bureau of the Budget and the  
6 State Comptroller a certified copy of any ordinance authorizing  
7 the issuance of bonds at or before the issuance of the bonds.  
8 After December 31, 1994, any such bonds or notes shall be sold  
9 to the highest and best bidder on sealed bids as the Authority  
10 shall deem. As such bonds or notes are to be sold the Authority  
11 shall advertise for proposals to purchase the bonds or notes  
12 which advertisement shall be published at least once in a daily  
13 newspaper of general circulation published in the metropolitan  
14 region at least 10 days before the time set for the submission  
15 of bids. The Authority shall have the right to reject any or  
16 all bids. Notwithstanding any other provisions of this Section,  
17 Working Cash Notes or bonds or notes to provide funds for  
18 self-insurance or a joint self-insurance pool or entity may be  
19 sold either upon competitive bidding or by negotiated sale  
20 (without any requirement of publication of intention to  
21 negotiate the sale of such Notes), as the Board shall determine  
22 by ordinance adopted with the affirmative votes of at least 7  
23 Directors. In case any officer whose signature appears on any  
24 bonds, notes or coupons authorized pursuant to this Section  
25 shall cease to be such officer before delivery of such bonds or  
26 notes, such signature shall nevertheless be valid and  
27 sufficient for all purposes, the same as if such officer had  
28 remained in office until such delivery. Neither the Directors  
29 of the Authority nor any person executing any bonds or notes  
30 thereof shall be liable personally on any such bonds or notes  
31 or coupons by reason of the issuance thereof.

32 (c) All bonds or notes of the Authority issued pursuant to  
33 this Section shall be general obligations of the Authority to  
34 which shall be pledged the full faith and credit of the  
35 Authority, as provided in this Section. Such bonds or notes  
36 shall be secured as provided in the authorizing ordinance,

1 which may, notwithstanding any other provision of this Act,  
2 include in addition to any other security, a specific pledge or  
3 assignment of and lien on or security interest in any or all  
4 tax receipts of the Authority and on any or all other revenues  
5 or moneys of the Authority from whatever source, which may by  
6 law be utilized for debt service purposes and a specific pledge  
7 or assignment of and lien on or security interest in any funds  
8 or accounts established or provided for by the ordinance of the  
9 Authority authorizing the issuance of such bonds or notes. Any  
10 such pledge, assignment, lien or security interest for the  
11 benefit of holders of bonds or notes of the Authority shall be  
12 valid and binding from the time the bonds or notes are issued  
13 without any physical delivery or further act and shall be valid  
14 and binding as against and prior to the claims of all other  
15 parties having claims of any kind against the Authority or any  
16 other person irrespective of whether such other parties have  
17 notice of such pledge, assignment, lien or security interest.  
18 The obligations of the Authority incurred pursuant to this  
19 Section shall be superior to and have priority over any other  
20 obligations of the Authority.

21 The Authority may provide in the ordinance authorizing the  
22 issuance of any bonds or notes issued pursuant to this Section  
23 for the creation of, deposits in, and regulation and  
24 disposition of sinking fund or reserve accounts relating to  
25 such bonds or notes. The ordinance authorizing the issuance of  
26 any bonds or notes pursuant to this Section may contain  
27 provisions as part of the contract with the holders of the  
28 bonds or notes, for the creation of a separate fund to provide  
29 for the payment of principal and interest on such bonds or  
30 notes and for the deposit in such fund from any or all the tax  
31 receipts of the Authority and from any or all such other moneys  
32 or revenues of the Authority from whatever source which may by  
33 law be utilized for debt service purposes, all as provided in  
34 such ordinance, of amounts to meet the debt service  
35 requirements on such bonds or notes, including principal and  
36 interest, and any sinking fund or reserve fund account

1 requirements as may be provided by such ordinance, and all  
2 expenses incident to or in connection with such fund and  
3 accounts or the payment of such bonds or notes. Such ordinance  
4 may also provide limitations on the issuance of additional  
5 bonds or notes of the Authority. No such bonds or notes of the  
6 Authority shall constitute a debt of the State of Illinois.  
7 Nothing in this Act shall be construed to enable the Authority  
8 to impose any ad valorem tax on property.

9 (d) The ordinance of the Authority authorizing the issuance  
10 of any bonds or notes may provide additional security for such  
11 bonds or notes by providing for appointment of a corporate  
12 trustee (which may be any trust company or bank having the  
13 powers of a trust company within the state) with respect to  
14 such bonds or notes. The ordinance shall prescribe the rights,  
15 duties and powers of the trustee to be exercised for the  
16 benefit of the Authority and the protection of the holders of  
17 such bonds or notes. The ordinance may provide for the trustee  
18 to hold in trust, invest and use amounts in funds and accounts  
19 created as provided by the ordinance with respect to the bonds  
20 or notes. The ordinance may provide for the assignment and  
21 direct payment to the trustee of any or all amounts produced  
22 from the sources provided in Section 4.03 of this Act and  
23 provided in Section 6z-17 of "An Act in relation to State  
24 finance", approved June 10, 1919, as amended. Upon receipt of  
25 notice of any such assignment, the Department of Revenue and  
26 the Comptroller of the State of Illinois shall thereafter,  
27 notwithstanding the provisions of Section 4.03 of this Act and  
28 Section 6z-17 of "An Act in relation to State finance",  
29 approved June 10, 1919, as amended, provide for such assigned  
30 amounts to be paid directly to the trustee instead of the  
31 Authority, all in accordance with the terms of the ordinance  
32 making the assignment. The ordinance shall provide that amounts  
33 so paid to the trustee which are not required to be deposited,  
34 held or invested in funds and accounts created by the ordinance  
35 with respect to bonds or notes or used for paying bonds or  
36 notes to be paid by the trustee to the Authority.

1 (e) Any bonds or notes of the Authority issued pursuant to  
2 this Section shall constitute a contract between the Authority  
3 and the holders from time to time of such bonds or notes. In  
4 issuing any bond or note, the Authority may include in the  
5 ordinance authorizing such issue a covenant as part of the  
6 contract with the holders of the bonds or notes, that as long  
7 as such obligations are outstanding, it shall make such  
8 deposits, as provided in paragraph (c) of this Section. It may  
9 also so covenant that it shall impose and continue to impose  
10 taxes, as provided in Section 4.03 of this Act and in addition  
11 thereto as subsequently authorized by law, sufficient to make  
12 such deposits and pay the principal and interest and to meet  
13 other debt service requirements of such bonds or notes as they  
14 become due. A certified copy of the ordinance authorizing the  
15 issuance of any such obligations shall be filed at or prior to  
16 the issuance of such obligations with the Comptroller of the  
17 State of Illinois and the Illinois Department of Revenue.

18 (f) The State of Illinois pledges to and agrees with the  
19 holders of the bonds and notes of the Authority issued pursuant  
20 to this Section that the State will not limit or alter the  
21 rights and powers vested in the Authority by this Act so as to  
22 impair the terms of any contract made by the Authority with  
23 such holders or in any way impair the rights and remedies of  
24 such holders until such bonds and notes, together with interest  
25 thereon, with interest on any unpaid installments of interest,  
26 and all costs and expenses in connection with any action or  
27 proceedings by or on behalf of such holders, are fully met and  
28 discharged. In addition, the State pledges to and agrees with  
29 the holders of the bonds and notes of the Authority issued  
30 pursuant to this Section that the State will not limit or alter  
31 the basis on which State funds are to be paid to the Authority  
32 as provided in this Act, or the use of such funds, so as to  
33 impair the terms of any such contract. The Authority is  
34 authorized to include these pledges and agreements of the State  
35 in any contract with the holders of bonds or notes issued  
36 pursuant to this Section.



1 (g) (1) Except as provided in subdivisions (g)(2) and  
2 (g)(3) of Section 4.04 of this Act, the Authority shall not  
3 at any time issue, sell or deliver any bonds or notes  
4 (other than Working Cash Notes) pursuant to this Section  
5 4.04 which will cause it to have issued and outstanding at  
6 any time in excess of \$800,000,000 of such bonds and notes  
7 (other than Working Cash Notes). The Authority shall not at  
8 any time issue, sell or deliver any Working Cash Notes  
9 pursuant to this Section which will cause it to have issued  
10 and outstanding at any time in excess of \$100,000,000 of  
11 Working Cash Notes. Bonds or notes which are being paid or  
12 retired by such issuance, sale or delivery of bonds or  
13 notes, and bonds or notes for which sufficient funds have  
14 been deposited with the paying agency of such bonds or  
15 notes to provide for payment of principal and interest  
16 thereon or to provide for the redemption thereof, all  
17 pursuant to the ordinance authorizing the issuance of such  
18 bonds or notes, shall not be considered to be outstanding  
19 for the purposes of the first two sentences of this  
20 subsection.

21 (2) In addition to the authority provided by paragraphs  
22 (1) and (3), the Authority is authorized to issue, sell and  
23 deliver bonds or notes for Strategic Capital Improvement  
24 Projects approved pursuant to Section 4.13 as follows:

25 \$100,000,000 is authorized to be issued on or after  
26 January 1, 1990;

27 an additional \$100,000,000 is authorized to be issued  
28 on or after January 1, 1991;

29 an additional \$100,000,000 is authorized to be issued  
30 on or after January 1, 1992;

31 an additional \$100,000,000 is authorized to be issued  
32 on or after January 1, 1993;

33 an additional \$100,000,000 is authorized to be issued  
34 on or after January 1, 1994; and

35 the aggregate total authorization of bonds and notes  
36 for Strategic Capital Improvement Projects as of January 1,

1 1994, shall be \$500,000,000.

2 The Authority is also authorized to issue, sell, and  
3 deliver bonds or notes in such amounts as are necessary to  
4 provide for the refunding or advance refunding of bonds or  
5 notes issued for Strategic Capital Improvement Projects  
6 under this subdivision (g)(2), provided that no such  
7 refunding bond or note shall mature later than the final  
8 maturity date of the series of bonds or notes being  
9 refunded, and provided further that the debt service  
10 requirements for such refunding bonds or notes in the  
11 current or any future fiscal year shall not exceed the debt  
12 service requirements for that year on the refunded bonds or  
13 notes.

14 (3) In addition to the authority provided by paragraphs  
15 (1) and (2), the Authority is authorized to issue, sell,  
16 and deliver bonds or notes for Strategic Capital  
17 Improvement Projects approved pursuant to Section 4.13 as  
18 follows:

19 \$260,000,000 is authorized to be issued on or after  
20 January 1, 2000;

21 an additional \$260,000,000 is authorized to be issued  
22 on or after January 1, 2001;

23 an additional \$260,000,000 is authorized to be issued  
24 on or after January 1, 2002;

25 an additional \$260,000,000 is authorized to be issued  
26 on or after January 1, 2003;

27 an additional \$260,000,000 is authorized to be issued  
28 on or after January 1, 2004; and

29 the aggregate total authorization of bonds and notes  
30 for Strategic Capital Improvement Projects pursuant to  
31 this paragraph (3) as of January 1, 2004 shall be  
32 \$1,300,000,000.

33 The Authority is also authorized to issue, sell, and  
34 deliver bonds or notes in such amounts as are necessary to  
35 provide for the refunding or advance refunding of bonds or  
36 notes issued for Strategic Capital Improvement projects

1 under this subdivision (g)(3), provided that no such  
2 refunding bond or note shall mature later than the final  
3 maturity date of the series of bonds or notes being  
4 refunded, and provided further that the debt service  
5 requirements for such refunding bonds or notes in the  
6 current or any future fiscal year shall not exceed the debt  
7 service requirements for that year on the refunded bonds or  
8 notes.

9 (h) The Authority, subject to the terms of any agreements  
10 with noteholders or bond holders as may then exist, shall have  
11 power, out of any funds available therefor, to purchase notes  
12 or bonds of the Authority, which shall thereupon be cancelled.

13 (i) In addition to any other authority granted by law, the  
14 State Treasurer may, with the approval of the Governor, invest  
15 or reinvest, at a price not to exceed par, any State money in  
16 the State Treasury which is not needed for current expenditures  
17 due or about to become due in Working Cash Notes.

18 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; revised  
19 8-23-03.)

20 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

21 Sec. 4.11. Budget Review Powers.

22 (a) The provisions of this Section shall only be applicable  
23 to financial periods beginning after December 31, 1983. The  
24 Transition Board shall adopt a timetable governing the  
25 certification of estimates and any submissions required under  
26 this Section for fiscal year 1984 which shall control over the  
27 provisions of this Act. Based upon estimates which shall be  
28 given to the Authority by the Director of the ~~Illinois~~  
29 Governor's Office of Management and Budget (formerly Bureau of  
30 the Budget) of the receipts to be received by the Authority  
31 from the taxes imposed by the Authority and the authorized  
32 estimates of amounts to be available from State and other  
33 sources to the Service Boards, and the times at which such  
34 receipts and amounts will be available, the Board shall, not  
35 later than the next preceding September 15th prior to the

1 beginning of the Authority's next fiscal year, advise each  
2 Service Board of the amounts estimated by the Board to be  
3 available for such Service Board during such fiscal year and  
4 the two following fiscal years and the times at which such  
5 amounts will be available. The Board shall, at the same time,  
6 also advise each Service Board of its required system generated  
7 revenues recovery ratio for the next fiscal year which shall be  
8 the percentage of the aggregate costs of providing public  
9 transportation by or under jurisdiction of that Service Board  
10 which must be recovered from system generated revenues. In  
11 determining a Service Board's system generated revenue  
12 recovery ratio, the Board shall consider the historical system  
13 generated revenues recovery ratio for the services subject to  
14 the jurisdiction of that Service Board. The Board shall not  
15 increase a Service Board's system generated revenues recovery  
16 ratio for the next fiscal year over such ratio for the current  
17 fiscal year disproportionately or prejudicially to increases  
18 in such ratios for other Service Boards. The Board may, by  
19 ordinance, provide that (i) the cost of research and  
20 development projects in the fiscal year beginning January 1,  
21 1986 and ending December 31, 1986 conducted pursuant to Section  
22 2.09 of this Act, and (ii) up to \$5,000,000 annually of the  
23 costs for passenger security, may be exempted from the farebox  
24 recovery ratio or the system generated revenues recovery ratio  
25 of the Chicago Transit Authority, the Suburban Bus Board, and  
26 the Commuter Rail Board, or any of them. For the fiscal year  
27 beginning January 1, 1986 and ending December 31, 1986, and for  
28 the fiscal year beginning January 1, 1987 and ending December  
29 31, 1987, the Board shall, by ordinance, provide that: (1) the  
30 amount of a grant, pursuant to Section 2705-310 of the  
31 Department of Transportation Law (20 ILCS 2705/2705-310), from  
32 the Department of Transportation for the cost of services for  
33 the mobility limited provided by the Chicago Transit Authority,  
34 and (2) the amount of a grant, pursuant to Section 2705-310 of  
35 the Department of Transportation Law (20 ILCS 2705/2705-310),  
36 from the Department of Transportation for the cost of services

1 for the mobility limited by the Suburban Bus Board or the  
2 Commuter Rail Board, be exempt from the farebox recovery ratio  
3 or the system generated revenues recovery ratio.

4 (b) (1) Not later than the next preceding November 15 prior  
5 to the commencement of such fiscal year, each Service Board  
6 shall submit to the Authority its proposed budget for such  
7 fiscal year and its proposed financial plan for the two  
8 following fiscal years. Such budget and financial plan shall  
9 not project or assume a receipt of revenues from the Authority  
10 in amounts greater than those set forth in the estimates  
11 provided by the Authority pursuant to subsection (a) of this  
12 Section.

13 (2) The Board shall review the proposed budget and  
14 financial plan submitted by each Service Board, and shall adopt  
15 a consolidated budget and financial plan. The Board shall  
16 approve the budget and plan if:

17 (i) the Board has approved the proposed budget and cash  
18 flow plan for such fiscal year of each Service Board,  
19 pursuant to the conditions set forth in clauses (ii)  
20 through (vii) of this paragraph;

21 (ii) such budget and plan show a balance between (A)  
22 anticipated revenues from all sources including operating  
23 subsidies and (B) the costs of providing the services  
24 specified and of funding any operating deficits or  
25 encumbrances incurred in prior periods, including  
26 provision for payment when due of principal and interest on  
27 outstanding indebtedness;

28 (iii) such budget and plan show cash balances including  
29 the proceeds of any anticipated cash flow borrowing  
30 sufficient to pay with reasonable promptness all costs and  
31 expenses as incurred;

32 (iv) such budget and plan provide for a level of fares  
33 or charges and operating or administrative costs for the  
34 public transportation provided by or subject to the  
35 jurisdiction of such Service Board sufficient to allow the  
36 Service Board to meet its required system generated revenue

1 recovery ratio;

2 (v) such budget and plan are based upon and employ  
3 assumptions and projections which are reasonable and  
4 prudent;

5 (vi) such budget and plan have been prepared in  
6 accordance with sound financial practices as determined by  
7 the Board; and

8 (vii) such budget and plan meet such other financial,  
9 budgetary, or fiscal requirements that the Board may by  
10 rule or regulation establish.

11 (3) In determining whether the budget and financial plan  
12 provide a level of fares or charges sufficient to allow a  
13 Service Board to meet its required system generated revenue  
14 recovery ratio under clause (iv) in subparagraph (2), the Board  
15 shall allow a Service Board to carry over cash from farebox  
16 revenues to subsequent fiscal years.

17 (4) Unless the Board by an affirmative vote of 9 of the  
18 then Directors determines that the budget and financial plan of  
19 a Service Board meets the criteria specified in clauses (ii)  
20 through (vii) of subparagraph (2) of this paragraph (b), the  
21 Board shall not release to that Service Board any funds for the  
22 periods covered by such budget and financial plan except for  
23 the proceeds of taxes imposed by the Authority under Section  
24 4.03 which are allocated to the Service Board under Section  
25 4.01.

26 (5) If the Board has not found that the budget and  
27 financial plan of a Service Board meets the criteria specified  
28 in clauses (i) through (vii) of subparagraph (2) of this  
29 paragraph (b), the Board shall, five working days after the  
30 start of the Service Board's fiscal year adopt a budget and  
31 financial plan meeting such criteria for that Service Board.

32 (c)(1) If the Board shall at any time have received a  
33 revised estimate, or revises any estimate the Board has made,  
34 pursuant to this Section of the receipts to be collected by the  
35 Authority which, in the judgment of the Board, requires a  
36 change in the estimates on which the budget of any Service

1 Board is based, the Board shall advise the affected Service  
2 Board of such revised estimates, and such Service Board shall  
3 within 30 days after receipt of such advice submit a revised  
4 budget incorporating such revised estimates. If the revised  
5 estimates require, in the judgment of the Board, that the  
6 system generated revenues recovery ratio of one or more Service  
7 Boards be revised in order to allow the Authority to meet its  
8 required ratio, the Board shall advise any such Service Board  
9 of its revised ratio and such Service Board shall within 30  
10 days after receipt of such advice submit a revised budget  
11 incorporating such revised estimates or ratio.

12 (2) Each Service Board shall, within such period after the  
13 end of each fiscal quarter as shall be specified by the Board,  
14 report to the Authority its financial condition and results of  
15 operations and the financial condition and results of  
16 operations of the public transportation services subject to its  
17 jurisdiction, as at the end of and for such quarter. If in the  
18 judgment of the Board such condition and results are not  
19 substantially in accordance with such Service Board's budget  
20 for such period, the Board shall so advise such Service Board  
21 and such Service Board shall within the period specified by the  
22 Board submit a revised budget incorporating such results.

23 (3) If the Board shall determine that a revised budget  
24 submitted by a Service Board pursuant to subparagraph (1) or  
25 (2) of this paragraph (c) does not meet the criteria specified  
26 in clauses (ii) through (vii) of subparagraph (2) of paragraph  
27 (b) of this Section, the Board shall not release any monies to  
28 that Service Board except the proceeds of taxes imposed by the  
29 Authority under Section 4.03 or 4.03.1 which are allocated to  
30 the Service Board under Section 4.01. If the Service Board  
31 submits a revised financial plan and budget which plan and  
32 budget shows that the criteria will be met within a four  
33 quarter period, the Board shall continue to release funds to  
34 the Service Board. The Board by a 9 vote of its then Directors  
35 may require a Service Board to submit a revised financial plan  
36 and budget which shows that the criteria will be met in a time

1 period less than four quarters.

2 (d) All budgets and financial plans, financial statements,  
3 audits and other information presented to the Authority  
4 pursuant to this Section or which may be required by the Board  
5 to permit it to monitor compliance with the provisions of this  
6 Section shall be prepared and presented in such manner and  
7 frequency and in such detail as shall have been prescribed by  
8 the Board, shall be prepared on both an accrual and cash flow  
9 basis as specified by the Board, and shall identify and  
10 describe the assumptions and projections employed in the  
11 preparation thereof to the extent required by the Board. Except  
12 when the Board adopts a budget and a financial plan for a  
13 Service Board under paragraph (b)(5), a Service Board shall  
14 provide for such levels of transportation services and fares or  
15 charges therefor as it deems appropriate and necessary in the  
16 preparation of a budget and financial plan meeting the criteria  
17 set forth in clauses (ii) through (vii) of subparagraph (2) of  
18 paragraph (b) of this Section. The Board shall have access to  
19 and the right to examine and copy all books, documents, papers,  
20 records, or other source data of a Service Board relevant to  
21 any information submitted pursuant to this Section.

22 (e) Whenever this Section requires the Board to make  
23 determinations with respect to estimates, budgets or financial  
24 plans, or rules or regulations with respect thereto such  
25 determinations shall be made upon the affirmative vote of at  
26 least 9 of the then Directors and shall be incorporated in a  
27 written report of the Board and such report shall be submitted  
28 within 10 days after such determinations are made to the  
29 Governor, the Mayor of Chicago (if such determinations relate  
30 to the Chicago Transit Authority), and the Auditor General of  
31 Illinois.

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

33 Section 625. The School Code is amended by changing  
34 Sections 2-3.92, 10-20.19c, and 34-18.15 as follows:



1 (105 ILCS 5/2-3.92) (from Ch. 122, par. 2-3.92)

2 Sec. 2-3.92. Recognition of drug-free schools and  
3 communities. To create a Drug-Free Illinois, and maintain that  
4 high standard, the State shall recognize those outstanding  
5 schools, communities and businesses which are free of drugs.  
6 The State Board of Education shall initiate and maintain an  
7 annual Governor's Recognition Program for those premier  
8 organizations meeting and exceeding stated criteria. The State  
9 Board of Education, in consultation with the Department of  
10 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
11 Department of Human Services, shall set criteria for  
12 implementation of this program.

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

14 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

15 Sec. 10-20.19c. Recycled paper and paper products.

16 (a) Definitions. As used in this Section, the following  
17 terms shall have the meanings indicated, unless the context  
18 otherwise requires:

19 "Deinked stock" means paper that has been processed to  
20 remove inks, clays, coatings, binders and other contaminants.

21 "High grade printing and writing papers" includes offset  
22 printing paper, duplicator paper, writing paper (stationery),  
23 tablet paper, office paper, note pads, xerographic paper,  
24 envelopes, form bond including computer paper and carbonless  
25 forms, book papers, bond papers, ledger paper, book stock and  
26 cotton fiber papers.

27 "Paper and paper products" means high grade printing and  
28 writing papers, tissue products, newsprint, unbleached  
29 packaging and recycled paperboard.

30 "Postconsumer material" means only those products  
31 generated by a business or consumer which have served their  
32 intended end uses, and which have been separated or diverted  
33 from solid waste; wastes generated during the production of an  
34 end product are excluded.

35 "Recovered paper material" means paper waste generated

1 after the completion of the papermaking process, such as  
2 postconsumer materials, envelope cuttings, bindery trimmings,  
3 printing waste, cutting and other converting waste, butt rolls,  
4 and mill wrappers, obsolete inventories, and rejected unused  
5 stock. "Recovered paper material", however, does not include  
6 fibrous waste generated during the manufacturing process such  
7 as fibers recovered from waste water or trimmings of paper  
8 machine rolls (mill broke), or fibrous byproducts of  
9 harvesting, extraction or woodcutting processes, or forest  
10 residues such as bark.

11 "Recycled paperboard" includes paperboard products,  
12 folding cartons and pad backings.

13 "Tissue products" includes toilet tissue, paper towels,  
14 paper napkins, facial tissue, paper doilies, industrial  
15 wipers, paper bags and brown papers. These products shall also  
16 be unscented and shall not be colored.

17 "Unbleached packaging" includes corrugated and fiber  
18 storage boxes.

19 (b) Wherever economically and practically feasible, as  
20 determined by the school board, the school board, all public  
21 schools and attendance centers within a school district, and  
22 their school supply stores shall procure recycled paper and  
23 paper products as follows:

24 (1) Beginning July 1, 1992, at least 10% of the total  
25 dollar value of paper and paper products purchased by  
26 school boards, public schools and attendance centers, and  
27 their school supply stores shall be recycled paper and  
28 paper products;

29 (2) Beginning July 1, 1995, at least 25% of the total  
30 dollar value of paper and paper products purchased by  
31 school boards, public schools and attendance centers, and  
32 their school supply stores shall be recycled paper and  
33 paper products;

34 (3) Beginning July 1, 1999, at least 40% of the total  
35 dollar value of paper and paper products purchased by  
36 school boards, public schools and attendance centers, and

1 their school supply stores shall be recycled paper and  
2 paper products;

3 (4) Beginning July 1, 2001, at least 50% of the total  
4 dollar value of paper and paper products purchased by  
5 school boards, public schools and attendance centers, and  
6 their school supply stores shall be recycled paper and  
7 paper products;

8 (5) Beginning upon the effective date of this  
9 amendatory Act of 1992, all paper purchased by the board of  
10 education, public schools and attendance centers for  
11 publication of student newspapers shall be recycled  
12 newsprint. The amount purchased shall not be included in  
13 calculating the amounts specified in paragraphs (1)  
14 through (4).

15 (c) Paper and paper products purchased from private sector  
16 vendors pursuant to printing contracts are not considered paper  
17 and paper products for the purposes of subsection (b), unless  
18 purchased under contract for the printing of student  
19 newspapers.

20 (d) (1) Wherever economically and practically feasible,  
21 the recycled paper and paper products referred to in  
22 subsection (b) shall contain postconsumer or recovered  
23 paper materials as specified by paper category in this  
24 subsection:

25 (i) Recycled high grade printing and writing paper  
26 shall contain at least 50% recovered paper material.  
27 Such recovered paper material, until July 1, 1994,  
28 shall consist of at least 20% deinked stock or  
29 postconsumer material; and beginning July 1, 1994,  
30 shall consist of at least 25% deinked stock or  
31 postconsumer material; and beginning July 1, 1996,  
32 shall consist of at least 30% deinked stock or  
33 postconsumer material; and beginning July 1, 1998,  
34 shall consist of at least 40% deinked stock or  
35 postconsumer material; and beginning July 1, 2000,  
36 shall consist of at least 50% deinked stock or

1 postconsumer material.

2 (ii) Recycled tissue products, until July 1, 1994,  
3 shall contain at least 25% postconsumer material; and  
4 beginning July 1, 1994, shall contain at least 30%  
5 postconsumer material; and beginning July 1, 1996,  
6 shall contain at least 35% postconsumer material; and  
7 beginning July 1, 1998, shall contain at least 40%  
8 postconsumer material; and beginning July 1, 2000,  
9 shall contain at least 45% postconsumer material.

10 (iii) Recycled newsprint, until July 1, 1994,  
11 shall contain at least 40% postconsumer material; and  
12 beginning July 1, 1994, shall contain at least 50%  
13 postconsumer material; and beginning July 1, 1996,  
14 shall contain at least 60% postconsumer material; and  
15 beginning July 1, 1998, shall contain at least 70%  
16 postconsumer material; and beginning July 1, 2000,  
17 shall contain at least 80% postconsumer material.

18 (iv) Recycled unbleached packaging, until July 1,  
19 1994, shall contain at least 35% postconsumer  
20 material; and beginning July 1, 1994, shall contain at  
21 least 40% postconsumer material; and beginning July 1,  
22 1996, shall contain at least 45% postconsumer  
23 material; and beginning July 1, 1998, shall contain at  
24 least 50% postconsumer material; and beginning July 1,  
25 2000, shall contain at least 55% postconsumer  
26 material.

27 (v) Recycled paperboard, until July 1, 1994, shall  
28 contain at least 80% postconsumer material; and  
29 beginning July 1, 1994, shall contain at least 85%  
30 postconsumer material; and beginning July 1, 1996,  
31 shall contain at least 90% postconsumer material; and  
32 beginning July 1, 1998, shall contain at least 95%  
33 postconsumer material.

34 (2) For the purposes of this Section, "postconsumer  
35 material" includes:

36 (i) paper, paperboard, and fibrous waste from

1 retail stores, office buildings, homes and so forth,  
2 after the waste has passed through its end usage as a  
3 consumer item, including used corrugated boxes, old  
4 newspapers, mixed waste paper, tabulating cards, and  
5 used cordage; and

6 (ii) all paper, paperboard, and fibrous wastes  
7 that are diverted or separated from the municipal waste  
8 stream.

9 (3) For the purposes of this Section, "recovered paper  
10 material" includes:

11 (i) postconsumer material;

12 (ii) dry paper and paperboard waste generated  
13 after completion of the papermaking process (that is,  
14 those manufacturing operations up to and including the  
15 cutting and trimming of the paper machine reel into  
16 smaller rolls or rough sheets), including envelope  
17 cuttings, bindery trimmings, and other paper and  
18 paperboard waste resulting from printing, cutting,  
19 forming and other converting operations, or from bag,  
20 box and carton manufacturing, and butt rolls, mill  
21 wrappers, and rejected unused stock; and

22 (iii) finished paper and paperboard from obsolete  
23 inventories of paper and paperboard manufacturers,  
24 merchants, wholesalers, dealers, printers, converters  
25 or others.

26 (e) Nothing in this Section shall be deemed to apply to art  
27 materials, nor to any newspapers, magazines, text books,  
28 library books or other copyrighted publications which are  
29 purchased or used by any school board or any public school or  
30 attendance center within a school district, or which are sold  
31 in any school supply store operated by or within any such  
32 school or attendance center, other than newspapers written,  
33 edited or produced by students enrolled in the school district,  
34 public school or attendance center.

35 (f) The State Board of Education, in coordination with the  
36 Departments of Central Management Services and Commerce and

1 Economic Opportunity ~~Community Affairs~~, may adopt such rules  
2 and regulations as it deems necessary to assist districts in  
3 carrying out the provisions of this Section.

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

5 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

6 Sec. 34-18.15. Recycled paper and paper products.

7 (a) Definitions. As used in this Section, the following  
8 terms shall have the meanings indicated, unless the context  
9 otherwise requires:

10 "Deinked stock" means paper that has been processed to  
11 remove inks, clays, coatings, binders and other contaminants.

12 "High grade printing and writing papers" includes offset  
13 printing paper, duplicator paper, writing paper (stationery),  
14 tablet paper, office paper, note pads, xerographic paper,  
15 envelopes, form bond including computer paper and carbonless  
16 forms, book papers, bond papers, ledger paper, book stock and  
17 cotton fiber papers.

18 "Paper and paper products" means high grade printing and  
19 writing papers, tissue products, newsprint, unbleached  
20 packaging and recycled paperboard.

21 "Postconsumer material" means only those products  
22 generated by a business or consumer which have served their  
23 intended end uses, and which have been separated or diverted  
24 from solid waste; wastes generated during the production of an  
25 end product are excluded.

26 "Recovered paper material" means paper waste generated  
27 after the completion of the papermaking process, such as  
28 postconsumer materials, envelope cuttings, bindery trimmings,  
29 printing waste, cutting and other converting waste, butt rolls,  
30 and mill wrappers, obsolete inventories, and rejected unused  
31 stock. "Recovered paper material", however, does not include  
32 fibrous waste generated during the manufacturing process as  
33 fibers recovered from waste water or trimmings of paper machine  
34 rolls (mill broke), or fibrous byproducts of harvesting,  
35 extraction or woodcutting processes, or forest residues such as

1 bark.

2 "Recycled paperboard" includes paperboard products,  
3 folding cartons and pad backings.

4 "Tissue products" includes toilet tissue, paper towels,  
5 paper napkins, facial tissue, paper doilies, industrial  
6 wipers, paper bags and brown papers. These products shall also  
7 be unscented and shall not be colored.

8 "Unbleached packaging" includes corrugated and fiber  
9 storage boxes.

10 (b) Wherever economically and practically feasible, as  
11 determined by the board of education, the board of education,  
12 all public schools and attendance centers within the school  
13 district, and their school supply stores shall procure recycled  
14 paper and paper products as follows:

15 (1) Beginning July 1, 1992, at least 10% of the total  
16 dollar value of paper and paper products purchased by the  
17 board of education, public schools and attendance centers,  
18 and their school supply stores shall be recycled paper and  
19 paper products;

20 (2) Beginning July 1, 1995, at least 25% of the total  
21 dollar value of paper and paper products purchased by the  
22 board of education, public schools and attendance centers,  
23 and their school supply stores shall be recycled paper and  
24 paper products;

25 (3) Beginning July 1, 1999, at least 40% of the total  
26 dollar value of paper and paper products purchased by the  
27 board of education, public schools and attendance centers,  
28 and their school supply stores shall be recycled paper and  
29 paper products;

30 (4) Beginning July 1, 2001, at least 50% of the total  
31 dollar value of paper and paper products purchased by the  
32 board of education, public schools and attendance centers,  
33 and their school supply stores shall be recycled paper and  
34 paper products;

35 (5) Beginning upon the effective date of this  
36 amendatory Act of 1992, all paper purchased by the board of

1 education, public schools and attendance centers for  
2 publication of student newspapers shall be recycled  
3 newsprint. The amount purchased shall not be included in  
4 calculating the amounts specified in paragraphs (1)  
5 through (4).

6 (c) Paper and paper products purchased from private sector  
7 vendors pursuant to printing contracts are not considered paper  
8 and paper products for the purposes of subsection (b), unless  
9 purchased under contract for the printing of student  
10 newspapers.

11 (d) (1) Wherever economically and practically feasible, the  
12 recycled paper and paper products referred to in subsection (b)  
13 shall contain postconsumer or recovered paper materials as  
14 specified by paper category in this subsection:

15 (i) Recycled high grade printing and writing paper  
16 shall contain at least 50% recovered paper material. Such  
17 recovered paper material, until July 1, 1994, shall consist  
18 of at least 20% deinked stock or postconsumer material; and  
19 beginning July 1, 1994, shall consist of at least 25%  
20 deinked stock or postconsumer material; and beginning July  
21 1, 1996, shall consist of at least 30% deinked stock or  
22 postconsumer material; and beginning July 1, 1998, shall  
23 consist of at least 40% deinked stock or postconsumer  
24 material; and beginning July 1, 2000, shall consist of at  
25 least 50% deinked stock or postconsumer material.

26 (ii) Recycled tissue products, until July 1, 1994,  
27 shall contain at least 25% postconsumer material; and  
28 beginning July 1, 1994, shall contain at least 30%  
29 postconsumer material; and beginning July 1, 1996, shall  
30 contain at least 35% postconsumer material; and beginning  
31 July 1, 1998, shall contain at least 40% postconsumer  
32 material; and beginning July 1, 2000, shall contain at  
33 least 45% postconsumer material.

34 (iii) Recycled newsprint, until July 1, 1994, shall  
35 contain at least 40% postconsumer material; and beginning  
36 July 1, 1994, shall contain at least 50% postconsumer



1 material; and beginning July 1, 1996, shall contain at  
2 least 60% postconsumer material; and beginning July 1,  
3 1998, shall contain at least 70% postconsumer material; and  
4 beginning July 1, 2000, shall contain at least 80%  
5 postconsumer material.

6 (iv) Recycled unbleached packaging, until July 1,  
7 1994, shall contain at least 35% postconsumer material; and  
8 beginning July 1, 1994, shall contain at least 40%  
9 postconsumer material; and beginning July 1, 1996, shall  
10 contain at least 45% postconsumer material; and beginning  
11 July 1, 1998, shall contain at least 50% postconsumer  
12 material; and beginning July 1, 2000, shall contain at  
13 least 55% postconsumer material.

14 (v) Recycled paperboard, until July 1, 1994, shall  
15 contain at least 80% postconsumer material; and beginning  
16 July 1, 1994, shall contain at least 85% postconsumer  
17 material; and beginning July 1, 1996, shall contain at  
18 least 90% postconsumer material; and beginning July 1,  
19 1998, shall contain at least 95% postconsumer material.

20 (2) For the purposes of this Section, "postconsumer  
21 material" includes:

22 (i) paper, paperboard, and fibrous waste from retail  
23 stores, office buildings, homes and so forth, after the  
24 waste has passed through its end usage as a consumer item,  
25 including used corrugated boxes, old newspapers, mixed  
26 waste paper, tabulating cards, and used cordage; and

27 (ii) all paper, paperboard, and fibrous wastes that are  
28 diverted or separated from the municipal waste stream.

29 (3) For the purpose of this Section, "recovered paper  
30 material" includes:

31 (i) postconsumer material;

32 (ii) dry paper and paperboard waste generated after  
33 completion of the papermaking process (that is, those  
34 manufacturing operations up to and including the cutting  
35 and trimming of the paper machine reel into smaller rolls  
36 or rough sheets), including envelope cuttings, bindery

1 trimmings, and other paper and paperboard waste resulting  
2 from printing, cutting, forming and other converting  
3 operations, or from bag, box and carton manufacturing, and  
4 butt rolls, mill wrappers, and rejected unused stock; and

5 (iii) finished paper and paperboard from obsolete  
6 inventories of paper and paperboard manufacturers,  
7 merchants, wholesalers, dealers, printers, converters or  
8 others.

9 (e) Nothing in this Section shall be deemed to apply to art  
10 materials, nor to any newspapers, magazines, text books,  
11 library books or other copyrighted publications which are  
12 purchased or used by the board of education or any public  
13 school or attendance center within the school district, or  
14 which are sold in any school supply store operated by or within  
15 any such school or attendance center, other than newspapers  
16 written, edited or produced by students enrolled in the school  
17 district, public school or attendance center.

18 (f) The State Board of Education, in coordination with the  
19 Departments of Central Management Services and Commerce and  
20 Economic Opportunity ~~Community Affairs~~, may adopt such rules  
21 and regulations as it deems necessary to assist districts in  
22 carrying out the provisions of this Section.

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

24 Section 630. The School District Educational Effectiveness  
25 and Fiscal Efficiency Act is amended by changing Sections 3 and  
26 5 as follows:

27 (105 ILCS 205/3) (from Ch. 122, par. 873)

28 Sec. 3. Awarding of grants.

29 Applications for grants shall be made annually to the  
30 Office of the Superintendent of Public Instruction on forms  
31 provided by that office. The Superintendent and the Director of  
32 the Governor's Office of Management and Budget ~~Bureau of the~~  
33 ~~Budget~~ shall select applicants to receive grants and shall,  
34 insofar as possible, distribute grants to elementary,

1 secondary and unit districts of diverse size and representative  
2 of every region of the State. Preference will be given to  
3 districts that have committed or are planning to commit  
4 additional local funds toward the development of such a system.

5 In determining the amount of each grant, the Superintendent  
6 of Public Instruction and the Director of the Governor's Office  
7 of Management and Budget ~~Bureau of the Budget~~ shall give  
8 consideration to the size of the district and the extent to  
9 which the district has previously instituted procedures  
10 similar to those described in this Act.

11 (Source: P.A. 77-2191; revised 8-23-03.)

12 (105 ILCS 205/5) (from Ch. 122, par. 875)

13 Sec. 5. Rules and regulations. The Superintendent of Public  
14 Instruction in consultation with the Director of the Governor's  
15 Office of Management and Budget ~~Bureau of the Budget~~ shall  
16 adopt such rules and regulations necessary to implement this  
17 Act.

18 (Source: P.A. 77-2191; revised 8-23-03.)

19 Section 635. The Adult Education Reporting Act is amended  
20 by changing Section 1 as follows:

21 (105 ILCS 410/1) (from Ch. 122, par. 1851)

22 Sec. 1. As used in this Act, "agency" means: the  
23 Departments of Corrections, Public Aid, Commerce and Economic  
24 Opportunity ~~Community Affairs~~, Human Services, and Public  
25 Health; the Secretary of State; the Illinois Community College  
26 Board; and the Administrative Office of the Illinois Courts. On  
27 and after July 1, 2001, "agency" includes the State Board of  
28 Education and does not include the Illinois Community College  
29 Board.

30 (Source: P.A. 91-830, eff. 7-1-00; revised 12-6-03.)

31 Section 640. The Conservation Education Act is amended by  
32 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.

1 (c) The Advisory Board from time to time shall make  
2 recommendations concerning the conservation education program  
3 within the State of Illinois.

4 (Source: P.A. 92-229, eff. 8-2-01; revised 12-6-03.)

5 Section 645. The Vocational Education Act is amended by  
6 changing Section 2.1 as follows:

7 (105 ILCS 435/2.1) (from Ch. 122, par. 697.1)

8 Sec. 2.1. Gender Equity Advisory Committee.

9 (a) The Superintendent of the State Board of Education  
10 shall appoint a Gender Equity Advisory Committee of at least 9  
11 members to advise and consult with the State Board of Education  
12 and the gender equity coordinator in all aspects relating to  
13 ensuring that all students have equal educational  
14 opportunities to pursue high wage, high skill occupations  
15 leading to economic self-sufficiency.

16 (b) Membership shall include without limitation one  
17 regional gender equity coordinator, 2 State Board of Education  
18 employees, the Department of Labor's Displaced Homemaker  
19 Program Manager, and 5 citizen appointees who have expertise in  
20 one or more of the following areas: nontraditional training and  
21 placement, service delivery to single parents, service  
22 delivery to displaced homemakers, service delivery to female  
23 teens, business and industry experience, and  
24 Education-to-Careers experience. Membership also may include  
25 employees from the Department of Commerce and Economic  
26 Opportunity ~~Community Affairs~~, the Department of Human  
27 Services, and the Illinois Community College Board who have  
28 expertise in one or more of the areas listed in this subsection

29 (b) for the citizen appointees. Appointments shall be made  
30 taking into consideration expertise of services provided in  
31 secondary, postsecondary and community based programs.

32 (c) Members shall initially be appointed to one year terms  
33 commencing in January 1, 1990, and thereafter to two year terms  
34 commencing on January 1 of each odd numbered year. Vacancies

1 shall be filled as prescribed in subsection (b) for the  
2 remainder of the unexpired term.

3 (d) Each newly appointed committee shall elect a Chair and  
4 Secretary from its members. Members shall serve without  
5 compensation, but shall be reimbursed for expenses incurred in  
6 the performance of their duties. The Committee shall meet at  
7 least bi-annually and at other times at the call of the Chair  
8 or at the request of the gender equity coordinator.

9 (Source: P.A. 91-304, eff. 1-1-00; revised 12-6-03.)

10 Section 650. The Board of Higher Education Act is amended  
11 by changing Sections 9.12, 9.18, and 9.25 as follows:

12 (110 ILCS 205/9.12) (from Ch. 144, par. 189.12)

13 Sec. 9.12. To encourage the coordination of research and  
14 service programs in the several State universities to furnish  
15 assistance to the communities and citizens of this State in  
16 meeting special economic needs arising from the removal or  
17 termination of substantial industrial or commercial operations  
18 and the waste of human and economic resources which often  
19 results from such removal.

20 Such programs may include assistance in identifying  
21 opportunities for the replacement of the lost operations, in  
22 determining the economic feasibility of the various  
23 opportunities available, and in the development of new products  
24 or services suitable for production in the particular facility  
25 made available by the relocation.

26 The Department of Commerce and Economic Opportunity  
27 ~~Community Affairs~~ may assist the universities by providing,  
28 with the assistance of the Board, a system for referring  
29 particular economic problems to the most appropriate research  
30 and service program.

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

32 (110 ILCS 205/9.18) (from Ch. 144, par. 189.18)

33 Sec. 9.18. To review the annual budget proposals of the

1 Illinois Mathematics and Science Academy and to submit to the  
2 Governor, the General Assembly, the Governor's Office of  
3 Management and Budget ~~Bureau of the Budget~~, and the Illinois  
4 Economic and Fiscal Commission its analysis and  
5 recommendations on such budget proposals.

6 (Source: P.A. 85-1019; revised 8-23-03.)

7 (110 ILCS 205/9.25)

8 Sec. 9.25. Feasibility study; Parks College. The  
9 Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~ along with the Board of Higher Education shall conduct  
11 an economic and educational feasibility study for the future  
12 development of Parks College in Cahokia, Illinois.

13 (Source: P.A. 89-279, eff. 1-1-96; 89-626, eff. 8-9-96; revised  
14 12-6-03.)

15 Section 655. The Southern Illinois University Management  
16 Act is amended by changing Section 6.6 as follows:

17 (110 ILCS 520/6.6)

18 Sec. 6.6. The Illinois Ethanol Research Advisory Board.

19 (a) There is established the Illinois Ethanol Research  
20 Advisory Board (the "Advisory Board").

21 (b) The Advisory Board shall be composed of 13 members  
22 including: the President of Southern Illinois University who  
23 shall be Chairman; the Director of Commerce and Economic  
24 Opportunity ~~Community Affairs~~; the Director of Agriculture;  
25 the President of the Illinois Corn Growers Association; the  
26 President of the National Corn Growers Association; the  
27 President of the Renewable Fuels Association; the Dean of the  
28 College of Agricultural, Consumer, and Environmental Science,  
29 University of Illinois at Champaign-Urbana; and 6 at-large  
30 members appointed by the Governor representing the ethanol  
31 industry, growers, suppliers, and universities.

32 (c) The 6 at-large members shall serve a term of 4 years.  
33 The Advisory Board shall meet at least annually or at the call

1 of the Chairman. At any time a majority of the Advisory Board  
2 may petition the Chairman for a meeting of the Board. Seven  
3 members of the Advisory Board shall constitute a quorum.

4 (d) The Advisory Board shall:

5 (1) Review the annual operating plans and budget of the  
6 National Corn-to-Ethanol Research Pilot Plant.

7 (2) Advise on research and development priorities and  
8 projects to be carried out at the Corn-to-Ethanol Research  
9 Pilot Plant.

10 (3) Advise on policies and procedures regarding the  
11 management and operation of the ethanol research pilot  
12 plant. This may include contracts, project selection, and  
13 personnel issues.

14 (4) Develop bylaws.

15 (5) Submit a final report to the Governor and General  
16 Assembly outlining the progress and accomplishments made  
17 during the year along with a financial report for the year.

18 (e) The Advisory Board established by this Section is a  
19 continuation, as changed by the Section, of the Board  
20 established under Section 8a of the Energy Conservation and  
21 Coal Act and repealed by this amendatory Act of the 92nd  
22 General Assembly.

23 (Source: P.A. 92-736, eff. 7-25-02; revised 12-6-03.)

24 Section 660. The Illinois State University Law is amended  
25 by changing Section 20-115 as follows:

26 (110 ILCS 675/20-115)

27 Sec. 20-115. Illinois Institute for Entrepreneurship  
28 Education.

29 (a) There is created, effective July 1, 1997, within the  
30 State at Illinois State University, the Illinois Institute for  
31 Entrepreneurship Education, hereinafter referred to as the  
32 Institute.

33 (b) The Institute created under this Section shall commence  
34 its operations on July 1, 1997 and shall have a board composed



1 of 15 members representative of education, commerce and  
2 industry, government, or labor, appointed as follows: 2 members  
3 shall be appointees of the Governor, one of whom shall be a  
4 minority or female person as defined in Section 2 of the  
5 Business Enterprise for Minorities, Females, and Persons with  
6 Disabilities Act; one member shall be an appointee of the  
7 President of the Senate; one member shall be an appointee of  
8 the Minority Leader of the Senate; one member shall be an  
9 appointee of the Speaker of the House of Representatives; one  
10 member shall be an appointee of the Minority Leader of the  
11 House of Representatives; 2 members shall be appointees of  
12 Illinois State University; one member shall be an appointee of  
13 the Board of Higher Education; one member shall be an appointee  
14 of the State Board of Education; one member shall be an  
15 appointee of the Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~; one member shall be an appointee  
17 of the Illinois chapter of Economics America; and 3 members  
18 shall be appointed by majority vote of the other 12 appointed  
19 members to represent business owner-entrepreneurs. Each member  
20 shall have expertise and experience in the area of  
21 entrepreneurship education, including small business and  
22 entrepreneurship. The majority of voting members must be from  
23 the private sector. The members initially appointed to the  
24 board of the Institute created under this Section shall be  
25 appointed to take office on July 1, 1997 and shall by lot  
26 determine the length of their respective terms as follows: 5  
27 members shall be selected by lot to serve terms of one year, 5  
28 members shall be selected by lot to serve terms of 2 years, and  
29 5 members shall be selected by lot to serve terms of 3 years.  
30 Subsequent appointees shall each serve terms of 3 years. The  
31 board shall annually select a chairperson from among its  
32 members. Each board member shall serve without compensation but  
33 shall be reimbursed for expenses incurred in the performance of  
34 his or her duties.

35 (c) The purpose of the Institute shall be to foster the  
36 growth and development of entrepreneurship education in the

1 State of Illinois. The Institute shall help remedy the  
2 deficiencies in the preparation of entrepreneurship education  
3 teachers, increase the quality and quantity of  
4 entrepreneurship education programs, improve instructional  
5 materials, and prepare personnel to serve as leaders and  
6 consultants in the field of entrepreneurship education and  
7 economic development. The Institute shall promote  
8 entrepreneurship as a career option, promote and support the  
9 development of innovative entrepreneurship education materials  
10 and delivery systems, promote business, industry, and  
11 education partnerships, promote collaboration and involvement  
12 in entrepreneurship education programs, encourage and support  
13 in-service and preservice teacher education programs within  
14 various educational systems, and develop and distribute  
15 relevant materials. The Institute shall provide a framework  
16 under which the public and private sectors may work together  
17 toward entrepreneurship education goals. These goals shall be  
18 achieved by bringing together programs that have an impact on  
19 entrepreneurship education to achieve coordination among  
20 agencies and greater efficiency in the expenditure of funds.

21 (d) Beginning July 1, 1997, the Institute shall have the  
22 following powers subject to State and Illinois State University  
23 Board of Trustees regulations and guidelines:

24 (1) To employ and determine the compensation of an  
25 executive director and such staff as it deems necessary;

26 (2) To own property and expend and receive funds and  
27 generate funds;

28 (3) To enter into agreements with public and private  
29 entities in the furtherance of its purpose; and

30 (4) To request and receive the cooperation and  
31 assistance of all State departments and agencies in the  
32 furtherance of its purpose.

33 (e) The board of the Institute shall be a policy making  
34 body with the responsibility for planning and developing  
35 Institute programs. The Institute, through the Board of  
36 Trustees of Illinois State University, shall annually report to

1 the Governor and General Assembly by January 31 as to its  
2 activities and operations, including its findings and  
3 recommendations.

4 (f) Beginning on July 1, 1997, the Institute created under  
5 this Section shall be deemed designated by law as the successor  
6 to the Illinois Institute for Entrepreneurship Education,  
7 previously created and existing under Section 2-11.5 of the  
8 Public Community College Act until its abolition on July 1,  
9 1997 as provided in that Section. On July 1, 1997, all  
10 financial and other records of the Institute so abolished and  
11 all of its property, whether real or personal, including but  
12 not limited to all inventory and equipment, shall be deemed  
13 transferred by operation of law to the Illinois Institute for  
14 Entrepreneurship Education created under this Section 20-115.  
15 The Illinois Institute for Entrepreneurship Education created  
16 under this Section 20-115 shall have, with respect to the  
17 predecessor Institute so abolished, all authority, powers, and  
18 duties of a successor agency under Section 10-15 of the  
19 Successor Agency Act.

20 (Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

21 Section 665. The Baccalaureate Savings Act is amended by  
22 changing Sections 4, 5, and 8 as follows:

23 (110 ILCS 920/4) (from Ch. 144, par. 2404)

24 Sec. 4. Issuance and Sale of College Savings Bonds. In  
25 order to provide investors with investment alternatives to  
26 enhance their financial access to Institutions of Higher  
27 Education located in the State of Illinois, and in furtherance  
28 of the public policy of this Act, bonds authorized by the  
29 provisions of the General Obligation Bond Act, in a total  
30 aggregate original principal amount not to exceed  
31 \$2,200,000,000 may be issued and sold from time to time, and as  
32 often as practicable, as College Savings Bonds in such amounts  
33 as directed by the Governor, upon recommendation by the  
34 Director of the Governor's Office of Management and Budget

1 ~~Bureau of the Budget~~. Bonds to be issued and sold as College  
2 Savings Bonds shall be designated by the Governor and the  
3 Director of the Governor's Office of Management and Budget  
4 ~~Bureau of the Budget~~ as "General Obligation College Savings  
5 Bonds" in the proceedings authorizing the issuance of such  
6 Bonds, and shall be subject to all of the terms and provisions  
7 of the General Obligation Bond Act, except that College Savings  
8 Bonds may bear interest payable at such time or times and may  
9 be sold at such prices and in such manner as may be determined  
10 by the Governor and the Director of the Governor's Office of  
11 Management and Budget ~~Bureau of the Budget~~ and except as  
12 otherwise provided in this Act. If College Savings Bonds are  
13 sold at public sale, the public sale procedures shall be as set  
14 forth in Section 11 of the General Obligation Bond Act. College  
15 Savings Bonds may be sold at negotiated sale if the Director of  
16 the Governor's Office of Management and Budget ~~Bureau of the~~  
17 ~~Budget~~ determines that a negotiated sale will result in either  
18 a more efficient and economic sale of such Bonds or greater  
19 access to such Bonds by investors who are residents of the  
20 State of Illinois. If any College Savings Bonds are sold at a  
21 negotiated sale, the underwriter or underwriters to which such  
22 Bonds are sold shall (a) be organized, incorporated or have  
23 their principal place of business in the State of Illinois, or  
24 (b) in the judgment of the Director of the Governor's Office of  
25 Management and Budget ~~Bureau of the Budget~~, have sufficient  
26 capability to make a broad distribution of such Bonds to  
27 investors resident in the State of Illinois. In determining the  
28 aggregate principal amount of College Savings Bonds that has  
29 been issued pursuant to this Act, the aggregate original  
30 principal amount of such Bonds issued and sold shall be taken  
31 into account. Any bond issued under this Act shall be payable  
32 in one payment on a fixed date, unless the Governor and the  
33 Director of the Governor's Office of Management and Budget  
34 ~~Bureau of the Budget~~ determine otherwise.

35 (Source: P.A. 90-1, eff. 2-20-97; 91-53, eff. 6-30-99; revised  
36 8-23-03.)

1 (110 ILCS 920/5) (from Ch. 144, par. 2405)

2 Sec. 5. Security of College Savings Bonds. Any College  
3 Savings Bonds issued under the General Obligation Bond Act in  
4 accordance with this Act shall be direct, general obligations  
5 of the State of Illinois and subject to repayment as provided  
6 in the General Obligation Bond Act; however in the proceedings  
7 of the Governor and the Director of the Governor's Office of  
8 Management and Budget ~~Bureau of the Budget~~ authorizing the  
9 issuance of College Savings Bonds, such officials may covenant  
10 on behalf of the State with or for the benefit of the holders  
11 of such Bonds as to all matters deemed advisable by such  
12 officials, including the terms and conditions for creating and  
13 maintaining sinking funds, reserve funds and such other special  
14 funds as may be created in such proceedings, separate and apart  
15 from all other funds and accounts of the State, and such  
16 officials may make such other covenants as may be deemed  
17 necessary or desirable to assure the prompt payment of the  
18 principal of and interest on such Bonds. The transfers to and  
19 appropriations from the General Obligation Bond Retirement and  
20 Interest Fund required by the General Obligation Bond Act shall  
21 be made at such times and in such amounts as shall be  
22 determined by the Governor and the Director of the Governor's  
23 Office of Management and Budget ~~Bureau of the Budget~~ and shall  
24 be made to and from any fund or funds created pursuant to this  
25 Section for the payment of the principal of and interest on any  
26 College Savings Bonds.

27 (Source: P.A. 87-144; revised 8-23-03.)

28 (110 ILCS 920/8) (from Ch. 144, par. 2408)

29 Sec. 8. Grant Program. The proceedings of the Governor and  
30 the Director of the Governor's Office of Management and Budget  
31 ~~Bureau of the Budget~~ authorizing the issuance of College  
32 Savings Bonds shall also provide for a grant program of  
33 additional financial incentives to be provided to holders of  
34 such Bonds to encourage the enrollment of students at

1 Institutions of Higher Education located in the State of  
2 Illinois. The Grant Program of financial incentives shall be  
3 administered by the State Scholarship Commission pursuant to  
4 administrative rules promulgated by the Commission. Such  
5 financial incentives shall be in such forms as determined by  
6 the Governor and the Director of the Governor's Office of  
7 Management and Budget ~~Bureau of the Budget~~ at the time of the  
8 authorization of such College Savings Bonds and may include,  
9 among others, supplemental payments to the holders of such  
10 Bonds at maturity to be applied to tuition costs at  
11 institutions of higher education located in the State of  
12 Illinois. The Commission may establish, by rule,  
13 administrative procedures and eligibility criteria for the  
14 Grant Program, provided such rules are consistent with the  
15 purposes of this Act. The Commission may require bond holders,  
16 institutions of higher education and other necessary parties to  
17 assist in the determination of eligibility for financial  
18 incentives under the Grant Program. All grants shall be subject  
19 to annual appropriation of funds for such purpose by the  
20 General Assembly. Such financial incentives shall be provided  
21 only if, in the sole judgment of the Director of the Governor's  
22 Office of Management and Budget ~~Bureau of the Budget~~, the cost  
23 of such incentives shall not cause the cost to the State of the  
24 proceeds of the College Savings Bonds being sold to be  
25 increased by more than 1/2 of 1%. No such financial incentives  
26 shall be paid to assist in the financing of the education of a  
27 student (i) in a school or department of divinity for any  
28 religious denomination or (ii) pursuing a course of study  
29 consisting of training to become a minister, priest, rabbi or  
30 other professional person in the field of religion.

31 (Source: P.A. 86-168; revised 8-23-03.)

32 Section 670. The Higher Education Student Assistance Act is  
33 amended by changing Section 75 as follows:

34 (110 ILCS 947/75)

1           Sec. 75. College savings programs.

2           (a) Purpose. The General Assembly finds and hereby declares  
3 that for the benefit of the people of the State of Illinois,  
4 the conduct and increase of their commerce, the protection and  
5 enhancement of their welfare, the development of continued  
6 prosperity and the improvement of their health and living  
7 conditions, it is essential that all citizens with the  
8 intellectual ability and motivation be able to obtain a higher  
9 education. The General Assembly further finds that rising  
10 tuition costs, increasingly restrictive eligibility criteria  
11 for existing federal and State student aid programs and other  
12 trends in higher education finance have impeded access to a  
13 higher education for many middle-income families; and that to  
14 remedy these concerns, it is of utmost importance that families  
15 be provided with investment alternatives to enhance their  
16 financial access to institutions of higher education. It is the  
17 intent of this Section to establish College Savings Programs  
18 appropriate for families from various income groups, to  
19 encourage Illinois families to save and invest in anticipation  
20 of their children's education, and to encourage enrollment in  
21 institutions of higher education, all in execution of the  
22 public policy set forth above and elsewhere in this Act.

23           (b) The Commission is authorized to develop and provide a  
24 program of college savings instruments to Illinois citizens.  
25 The program shall be structured to encourage parents to plan  
26 ahead for the college education of their children and to permit  
27 the long-term accumulation of savings which can be used to  
28 finance the family's share of the cost of a higher education.  
29 Income, up to \$2,000 annually per account, which is derived by  
30 individuals from investments made in accordance with College  
31 Savings Programs established under this Section shall be free  
32 from all taxation by the State and its political subdivisions,  
33 except for estate, transfer, and inheritance taxes.

34           (c) The Commission is authorized to contract with private  
35 financial institutions and other businesses, individuals, and  
36 other appropriate parties to establish and operate the College

1 Savings Programs. The Commission may negotiate contracts with  
2 private financial and investment companies, establish College  
3 Savings Programs, and monitor the vendors administering the  
4 programs in whichever manner the Commission determines is best  
5 suited to accomplish the purposes of this Section. The Auditor  
6 General shall periodically review the operation of the College  
7 Savings Programs and shall advise the Commission and the  
8 General Assembly of his findings.

9 (d) In determining the type of instruments to be offered,  
10 the Commission shall consult with, and receive the assistance  
11 of, the Illinois Board of Higher Education, the Governor's  
12 Office of Management and Budget ~~Bureau of the Budget~~, the State  
13 Board of Investments, the Governor, and other appropriate State  
14 agencies and private parties.

15 (e) The Commission shall market and promote the College  
16 Savings Programs to the citizens of Illinois.

17 (f) The Commission shall assist the State Comptroller and  
18 State Treasurer in establishing a payroll deduction plan  
19 through which State employees may participate in the College  
20 Savings Programs. The Department of Labor, Department of  
21 Employment Security, Department of Revenue, and other  
22 appropriate agencies shall assist the Commission in educating  
23 Illinois employers about the College Savings Programs, and  
24 shall assist the Commission in securing employers'  
25 participation in a payroll deduction plan and other initiatives  
26 which maximize participation in the College Savings Programs.

27 (g) The Commission shall examine means by which the State,  
28 through a series of matching contributions or other incentives,  
29 may most effectively encourage Illinois families to  
30 participate in the College Savings Programs. The Commission  
31 shall report its conclusions and recommendations to the  
32 Governor and General Assembly no later than February 15, 1990.

33 (h) The College Savings Programs established pursuant to  
34 this Section shall not be subject to the provisions of the  
35 Illinois Administrative Procedure Act. The Commission shall  
36 provide that appropriate disclosures are provided to all



1 citizens who participate in the College Savings Programs.  
2 (Source: P.A. 87-997; revised 8-23-03.)

3 Section 675. The Illinois Prepaid Tuition Act is amended by  
4 changing Section 20 as follows:

5 (110 ILCS 979/20)

6 Sec. 20. Investment Advisory Panel. The Illinois prepaid  
7 tuition program shall be administered by the Illinois Student  
8 Assistance Commission, with advice and counsel from an  
9 investment advisory panel appointed by the Commission. The  
10 Illinois prepaid tuition program shall be administratively  
11 housed within the Commission, and the investment advisory panel  
12 shall have such duties as are specified in this Act.

13 The investment advisory panel shall consist of 7 members  
14 who are appointed by the Commission, including one recommended  
15 by the State Treasurer, one recommended by the State  
16 Comptroller, one recommended by the Director of the Governor's  
17 Office of Management and Budget ~~Bureau of the Budget~~, and one  
18 recommended by the Executive Director of the Board of Higher  
19 Education. Each panel member shall possess knowledge, skill,  
20 and experience in at least one of the following areas of  
21 expertise: accounting, actuarial practice, risk management, or  
22 investment management. Members shall serve 3-year terms except  
23 that, in making the initial appointments, the Commission shall  
24 appoint 2 members to serve for 2 years, 2 members to serve for  
25 3 years, and 3 members to serve for 4 years. Any person  
26 appointed to fill a vacancy on the panel shall be appointed in  
27 a like manner and shall serve for only the unexpired term.  
28 Investment advisory panel members shall be eligible for  
29 reappointment and shall serve until a successor is appointed  
30 and confirmed. Panel members shall serve without compensation  
31 but shall be reimbursed for expenses. Before being installed as  
32 a member of the investment advisory panel, each nominee shall  
33 file verified written statements of economic interest with the  
34 Secretary of State as required by the Illinois Governmental

1 Ethics Act and with the Board of Ethics as required by  
2 Executive Order of the Governor.

3 The investment advisory panel shall meet at least twice  
4 annually. At least once each year the Commission Chairman shall  
5 designate a time and place at which the investment advisory  
6 panel shall meet publicly with the Illinois Student Assistance  
7 Commission to discuss issues and concerns relating to the  
8 Illinois prepaid tuition program.

9 (Source: P.A. 90-546, eff. 12-1-97; 91-669, eff. 1-1-00;  
10 revised 8-23-03.)

11 Section 680. The Public Utilities Act is amended by  
12 changing Sections 9-222.1, 9-222.1A, 13-301.1, 13-301.2,  
13 15-401, and 16-111.1 as follows:

14 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

15 Sec. 9-222.1. A business enterprise which is located within  
16 an area designated by a county or municipality as an enterprise  
17 zone pursuant to the Illinois Enterprise Zone Act or located in  
18 a federally designated Foreign Trade Zone or Sub-Zone shall be  
19 exempt from the additional charges added to the business  
20 enterprise's utility bills as a pass-on of municipal and State  
21 utility taxes under Sections 9-221 and 9-222 of this Act, to  
22 the extent such charges are exempted by ordinance adopted in  
23 accordance with paragraph (e) of Section 8-11-2 of the Illinois  
24 Municipal Code in the case of municipal utility taxes, and to  
25 the extent such charges are exempted by the percentage  
26 specified by the Department of Commerce and Economic  
27 Opportunity ~~Community Affairs~~ in the case of State utility  
28 taxes, provided such business enterprise meets the following  
29 criteria:

30 (1) it either (i) makes investments which cause the  
31 creation of a minimum of 200 full-time equivalent jobs in  
32 Illinois; (ii) makes investments of at least \$175,000,000  
33 which cause the creation of a minimum of 150 full-time  
34 equivalent jobs in Illinois; or (iii) makes investments

1 which cause the retention of a minimum of 1,000 full-time  
2 jobs in Illinois; and

3 (2) it is either (i) located in an Enterprise Zone  
4 established pursuant to the Illinois Enterprise Zone Act or  
5 (ii) it is located in a federally designated Foreign Trade  
6 Zone or Sub-Zone and is designated a High Impact Business  
7 by the Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~; and

9 (3) it is certified by the Department of Commerce and  
10 Economic Opportunity ~~Community Affairs~~ as complying with  
11 the requirements specified in clauses (1) and (2) of this  
12 Section.

13 The Department of Commerce and Economic Opportunity  
14 ~~Community Affairs~~ shall determine the period during which such  
15 exemption from the charges imposed under Section 9-222 is in  
16 effect which shall not exceed 30 years or the certified term of  
17 the enterprise zone, whichever period is shorter.

18 The Department of Commerce and Economic Opportunity  
19 ~~Community Affairs~~ shall have the power to promulgate rules and  
20 regulations to carry out the provisions of this Section  
21 including procedures for complying with the requirements  
22 specified in clauses (1) and (2) of this Section and procedures  
23 for applying for the exemptions authorized under this Section;  
24 to define the amounts and types of eligible investments which  
25 business enterprises must make in order to receive State  
26 utility tax exemptions pursuant to Sections 9-222 and 9-222.1  
27 of this Act; to approve such utility tax exemptions for  
28 business enterprises whose investments are not yet placed in  
29 service; and to require that business enterprises granted tax  
30 exemptions repay the exempted tax should the business  
31 enterprise fail to comply with the terms and conditions of the  
32 certification. However, no business enterprise shall be  
33 required, as a condition for certification under clause (3) of  
34 this Section, to attest that its decision to invest under  
35 clause (1) of this Section and to locate under clause (2) of  
36 this Section is predicated upon the availability of the

1 exemptions authorized by this Section.

2 A business enterprise shall be exempt, in whole or in part,  
3 from the pass-on charges of municipal utility taxes imposed  
4 under Section 9-221, only if it meets the criteria specified in  
5 clauses (1) through (3) of this Section and the municipality  
6 has adopted an ordinance authorizing the exemption under  
7 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.  
8 Upon certification of the business enterprises by the  
9 Department of Commerce and Economic Opportunity Community  
10 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
11 ~~Community Affairs~~ shall notify the Department of Revenue of  
12 such certification. The Department of Revenue shall notify the  
13 public utilities of the exemption status of business  
14 enterprises from the pass-on charges of State and municipal  
15 utility taxes. Such exemption status shall be effective within  
16 3 months after certification of the business enterprise.

17 (Source: P.A. 91-567, eff. 8-14-99; 92-777, eff. 1-1-03;  
18 revised 12-6-03.)

19 (220 ILCS 5/9-222.1A)

20 Sec. 9-222.1A. High impact business. Beginning on August 1,  
21 1998 and thereafter, a business enterprise that is certified as  
22 a High Impact Business by the Department of Commerce and  
23 Economic Opportunity (formerly Department of Commerce and  
24 Community Affairs) is exempt from the tax imposed by Section  
25 2-4 of the Electricity Excise Tax Law, if the High Impact  
26 Business is registered to self-assess that tax, and is exempt  
27 from any additional charges added to the business enterprise's  
28 utility bills as a pass-on of State utility taxes under Section  
29 9-222 of this Act, to the extent the tax or charges are  
30 exempted by the percentage specified by the Department of  
31 Commerce and Economic Opportunity Community Affairs for State  
32 utility taxes, provided the business enterprise meets the  
33 following criteria:

34 (1) (A) it intends either (i) to make a minimum  
35 eligible investment of \$12,000,000 that will be placed

1 in service in qualified property in Illinois and is  
2 intended to create at least 500 full-time equivalent  
3 jobs at a designated location in Illinois; or (ii) to  
4 make a minimum eligible investment of \$30,000,000 that  
5 will be placed in service in qualified property in  
6 Illinois and is intended to retain at least 1,500  
7 full-time equivalent jobs at a designated location in  
8 Illinois; or

9 (B) it meets the criteria of subdivision  
10 (a) (3) (B), (a) (3) (C), or (a) (3) (D) of Section 5.5 of  
11 the Illinois Enterprise Zone Act;

12 (2) it is designated as a High Impact Business by the  
13 Department of Commerce and Economic Opportunity Community  
14 ~~Affairs~~; and

15 (3) it is 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 Section.

19 The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~ shall determine the period during which the  
21 exemption from the Electricity Excise Tax Law and the charges  
22 imposed under Section 9-222 are in effect, which shall not  
23 exceed 20 years from the date of initial certification, and  
24 shall specify the percentage of the exemption from those taxes  
25 or additional charges.

26 The Department of Commerce and Economic Opportunity  
27 ~~Community Affairs~~ is authorized to promulgate rules and  
28 regulations to carry out the provisions of this Section,  
29 including procedures for complying with the requirements  
30 specified in clauses (1) and (2) of this Section and procedures  
31 for applying for the exemptions authorized under this Section;  
32 to define the amounts and types of eligible investments that  
33 business enterprises must make in order to receive State  
34 utility tax exemptions or exemptions from the additional  
35 charges imposed under Section 9-222 and this Section; to  
36 approve such utility tax exemptions for business enterprises

1 whose investments are not yet placed in service; and to require  
2 that business enterprises granted tax exemptions or exemptions  
3 from additional charges under Section 9-222 repay the exempted  
4 amount if the business enterprise fails to comply with the  
5 terms and conditions of the certification.

6 Upon certification of the business enterprises by the  
7 Department of Commerce and Economic Opportunity ~~Community~~  
8 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ shall notify the Department of Revenue of the  
10 certification. The Department of Revenue shall notify the  
11 public utilities of the exemption status of business  
12 enterprises from the tax or pass-on charges of State utility  
13 taxes. The exemption status shall take effect within 3 months  
14 after certification of the business enterprise.

15 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised  
16 12-6-03.)

17 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

18 (Section scheduled to be repealed on July 1, 2005)

19 Sec. 13-301.1. Universal Telephone Service Assistance  
20 Program.

21 (a) The Commission shall by rule or regulation establish a  
22 Universal Telephone Service Assistance Program for low income  
23 residential customers. The program shall provide for a  
24 reduction of access line charges, a reduction of connection  
25 charges, or any other alternative to increase accessibility to  
26 telephone service that the Commission deems advisable subject  
27 to the availability of funds for the program as provided in  
28 subsection (d). The Commission shall establish eligibility  
29 requirements for benefits under the program.

30 (b) The Commission shall adopt rules providing for enhanced  
31 enrollment for eligible consumers to receive lifeline service.  
32 Enhanced enrollment may include, but is not limited to, joint  
33 marketing, joint application, or joint processing with the  
34 Low-Income Home Energy Assistance Program, the Medicaid  
35 Program, and the Food Stamp Program. The Department of Human

1 Services, the Department of Public Aid, and the Department of  
2 Commerce and Economic Opportunity ~~Community Affairs~~, upon  
3 request of the Commission, shall assist in the adoption and  
4 implementation of those rules. The Commission and the  
5 Department of Human Services, the Department of Public Aid, and  
6 the Department of Commerce and Economic Opportunity ~~Community~~  
7 ~~Affairs~~ may enter into memoranda of understanding establishing  
8 the respective duties of the Commission and the Departments in  
9 relation to enhanced enrollment.

10 (c) In this Section, "lifeline service" means a retail  
11 local service offering described by 47 C.F.R. Section  
12 54.401(a), as amended.

13 (d) The Commission shall require by rule or regulation that  
14 each telecommunications carrier providing local exchange  
15 telecommunications services notify its customers that if the  
16 customer wishes to participate in the funding of the Universal  
17 Telephone Service Assistance Program he may do so by electing  
18 to contribute, on a monthly basis, a fixed amount that will be  
19 included in the customer's monthly bill. The customer may cease  
20 contributing at any time upon providing notice to the  
21 telecommunications carrier providing local exchange  
22 telecommunications services. The notice shall state that any  
23 contribution made will not reduce the customer's bill for  
24 telecommunications services. Failure to remit the amount of  
25 increased payment will reduce the contribution accordingly.  
26 The Commission shall specify the monthly fixed amount or  
27 amounts that customers wishing to contribute to the funding of  
28 the Universal Telephone Service Assistance Program may choose  
29 from in making their contributions. Every telecommunications  
30 carrier providing local exchange telecommunications services  
31 shall remit the amounts contributed in accordance with the  
32 terms of the Universal Telephone Service Assistance Program.

33 (Source: P.A. 92-22, eff. 6-30-01; revised 12-6-03.)

34 (220 ILCS 5/13-301.2)

35 (Section scheduled to be repealed on July 1, 2005)

1           Sec. 13-301.2. Program to Foster Elimination of the Digital  
2 Divide. The Commission shall require by rule that each  
3 telecommunications carrier providing local exchange  
4 telecommunications service notify its end-user customers that  
5 if the customer wishes to participate in the funding of the  
6 Program to Foster Elimination of the Digital Divide he or she  
7 may do so by electing to contribute, on a monthly basis, a  
8 fixed amount that will be included in the customer's monthly  
9 bill. The obligations imposed in this Section shall not be  
10 imposed upon a telecommunications carrier for any of its  
11 end-users subscribing to the services listed below: (1) private  
12 line service which is not directly or indirectly used for the  
13 origination or termination of switched telecommunications  
14 service, (2) cellular radio service, (3) high-speed  
15 point-to-point data transmission at or above 9.6 kilobits, (4)  
16 the provision of telecommunications service by a company or  
17 person otherwise subject to subsection (c) of Section 13-202 to  
18 a telecommunications carrier, which is incidental to the  
19 provision of service subject to subsection (c) of Section  
20 13-202; (5) pay telephone service; or (6) interexchange  
21 telecommunications service. The customer may cease  
22 contributing at any time upon providing notice to the  
23 telecommunications carrier. The notice shall state that any  
24 contribution made will not reduce the customer's bill for  
25 telecommunications services. Failure to remit the amount of  
26 increased payment will reduce the contribution accordingly.  
27 The Commission shall specify the monthly fixed amount or  
28 amounts that customers wishing to contribute to the funding of  
29 the Program to Foster Elimination of the Digital Divide may  
30 choose from in making their contributions. A  
31 telecommunications carrier subject to this obligation shall  
32 remit the amounts contributed by its customers to the  
33 Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~ for deposit in the Digital Divide Elimination Fund at  
35 the intervals specified in the Commission rules.

36 (Source: P.A. 92-22, eff. 6-30-01; 93-358, eff. 1-1-04; revised



1 12-6-03.)

2 (220 ILCS 5/15-401)

3 Sec. 15-401. Licensing.

4 (a) No person shall operate as a common carrier by pipeline  
5 unless the person possesses a certificate in good standing  
6 authorizing it to operate as a common carrier by pipeline. No  
7 person shall begin or continue construction of a pipeline or  
8 other facility, other than the repair or replacement of an  
9 existing pipeline or facility, for use in operations as a  
10 common carrier by pipeline unless the person possesses a  
11 certificate in good standing.

12 (b) Requirements for issuance. The Commission, after a  
13 hearing, shall grant an application for a certificate  
14 authorizing operations as a common carrier by pipeline, in  
15 whole or in part, to the extent that it finds that the  
16 application was properly filed; a public need for the service  
17 exists; the applicant is fit, willing, and able to provide the  
18 service in compliance with this Act, Commission regulations,  
19 and orders; and the public convenience and necessity requires  
20 issuance of the certificate.

21 In its determination of public convenience and necessity  
22 for a proposed pipeline or facility designed or intended to  
23 transport crude oil and any alternate locations for such  
24 proposed pipeline or facility, the Commission shall consider,  
25 but not be limited to, the following:

26 (1) any evidence presented by the Illinois  
27 Environmental Protection Agency regarding the  
28 environmental impact of the proposed pipeline or other  
29 facility;

30 (2) any evidence presented by the Illinois Department  
31 of Transportation regarding the impact of the proposed  
32 pipeline or facility on traffic safety, road construction,  
33 or other transportation issues;

34 (3) any evidence presented by the Department of Natural  
35 Resources regarding the impact of the proposed pipeline or

1 facility on any conservation areas, forest preserves,  
2 wildlife preserves, wetlands, or any other natural  
3 resource;

4 (4) any evidence of the effect of the pipeline upon the  
5 economy, infrastructure, and public safety presented by  
6 local governmental units that will be affected by the  
7 proposed pipeline or facility;

8 (5) any evidence of the effect of the pipeline upon  
9 property values presented by property owners who will be  
10 affected by the proposed pipeline or facility;

11 (6) any evidence presented by the Department of  
12 Commerce and Economic Opportunity ~~Community Affairs~~  
13 regarding the current and future economic effect of the  
14 proposed pipeline or facility including, but not limited  
15 to, property values, employment rates, and residential and  
16 business development; and

17 (7) any evidence presented by any other State agency  
18 that participates in the proceeding.

19 In its written order, the Commission shall address all of  
20 the evidence presented, and if the order is contrary to any of  
21 the evidence, the Commission shall state the reasons for its  
22 determination with regard to that evidence. The provisions of  
23 this amendatory Act of 1996 apply to any certificate granted or  
24 denied after the effective date of this amendatory Act of 1996.

25 (c) Duties and obligations of common carriers by pipeline.  
26 Each common carrier by pipeline shall provide adequate service  
27 to the public at reasonable rates and without discrimination.

28 (Source: P.A. 89-42, eff. 1-1-96; 89-573, eff. 7-30-96; revised  
29 12-6-03.)

30 (220 ILCS 5/16-111.1)

31 Sec. 16-111.1. Illinois Clean Energy Community Trust.

32 (a) An electric utility which has sold or transferred  
33 generating facilities in a transaction to which subsection (k)  
34 of Section 16-111 applies is authorized to establish an  
35 Illinois clean energy community trust or foundation for the

1 purposes of providing financial support and assistance to  
2 entities, public or private, within the State of Illinois  
3 including, but not limited to, units of State and local  
4 government, educational institutions, corporations, and  
5 charitable, educational, environmental and community  
6 organizations, for programs and projects that benefit the  
7 public by improving energy efficiency, developing renewable  
8 energy resources, supporting other energy related projects  
9 that improve the State's environmental quality, and supporting  
10 projects and programs intended to preserve or enhance the  
11 natural habitats and wildlife areas of the State. Provided,  
12 however, that the trust or foundation funds shall not be used  
13 for the remediation of environmentally impaired property. The  
14 trust or foundation may also assist in identifying other energy  
15 and environmental grant opportunities.

16 (b) Such trust or foundation shall be governed by a  
17 declaration of trust or articles of incorporation and bylaws  
18 which shall, at a minimum, provide that:

19 (1) There shall be 6 voting trustees of the trust or  
20 foundation, one of whom shall be appointed by the Governor,  
21 one of whom shall be appointed by the President of the  
22 Illinois Senate, one of whom shall be appointed by the  
23 Minority Leader of the Illinois Senate, one of whom shall  
24 be appointed by the Speaker of the Illinois House of  
25 Representatives, one of whom shall be appointed by the  
26 Minority Leader of the Illinois House of Representatives,  
27 and one of whom shall be appointed by the electric utility  
28 establishing the trust or foundation, provided that the  
29 voting trustee appointed by the utility shall be a  
30 representative of a recognized environmental action group  
31 selected by the utility. The Governor shall designate one  
32 of the 6 voting trustees to serve as chairman of the trust  
33 or foundation, who shall serve as chairman of the trust or  
34 foundation at the pleasure of the Governor. In addition,  
35 there shall be 4 non-voting trustees, one of whom shall be  
36 appointed by the Director of ~~the Department of~~ Commerce and

1 Economic Opportunity ~~Community Affairs~~, one of whom shall  
2 be appointed by the Director of the Illinois Environmental  
3 Protection Agency, one of whom shall be appointed by the  
4 Director of ~~the Department of~~ Natural Resources, and one of  
5 whom shall be appointed by the electric utility  
6 establishing the trust or foundation, provided that the  
7 non-voting trustee appointed by the utility shall bring  
8 financial expertise to the trust or foundation and shall  
9 have appropriate credentials therefor.

10 (2) All voting trustees and the non-voting trustee with  
11 financial expertise shall be entitled to compensation for  
12 their services as trustees, provided, however, that no  
13 member of the General Assembly and no employee of the  
14 electric utility establishing the trust or foundation  
15 serving as a voting trustee shall receive any compensation  
16 for his or her services as a trustee, and provided further  
17 that the compensation to the chairman of the trust shall  
18 not exceed \$25,000 annually and the compensation to any  
19 other trustee shall not exceed \$20,000 annually. All  
20 trustees shall be entitled to reimbursement for reasonable  
21 expenses incurred on behalf of the trust in the performance  
22 of their duties as trustees. All such compensation and  
23 reimbursements shall be paid out of the trust.

24 (3) Trustees shall be appointed within 30 days after  
25 the creation of the trust or foundation and shall serve for  
26 a term of 5 years commencing upon the date of their  
27 respective appointments, until their respective successors  
28 are appointed and qualified.

29 (4) A vacancy in the office of trustee shall be filled  
30 by the person holding the office responsible for appointing  
31 the trustee whose death or resignation creates the vacancy,  
32 and a trustee appointed to fill a vacancy shall serve the  
33 remainder of the term of the trustee whose resignation or  
34 death created the vacancy.

35 (5) The trust or foundation shall have an indefinite  
36 term, and shall terminate at such time as no trust assets

1 remain.

2 (6) The trust or foundation shall be funded in the  
3 minimum amount of \$250,000,000, with the allocation and  
4 disbursement of funds for the various purposes for which  
5 the trust or foundation is established to be determined by  
6 the trustees in accordance with the declaration of trust or  
7 the articles of incorporation and bylaws; provided,  
8 however, that this amount may be reduced by up to  
9 \$25,000,000 if, at the time the trust or foundation is  
10 funded, a corresponding amount is contributed by the  
11 electric utility establishing the trust or foundation to  
12 the Board of Trustees of Southern Illinois University for  
13 the purpose of funding programs or projects related to  
14 clean coal and provided further that \$25,000,000 of the  
15 amount contributed to the trust or foundation shall be  
16 available to fund programs or projects related to clean  
17 coal.

18 (7) The trust or foundation shall be authorized to  
19 employ an executive director and other employees, to enter  
20 into leases, contracts and other obligations on behalf of  
21 the trust or foundation, and to incur expenses that the  
22 trustees deem necessary or appropriate for the fulfillment  
23 of the purposes for which the trust or foundation is  
24 established, provided, however, that salaries and  
25 administrative expenses incurred on behalf of the trust or  
26 foundation shall not exceed \$500,000 in the first fiscal  
27 year after the trust or foundation is established and shall  
28 not exceed \$1,000,000 in each subsequent fiscal year.

29 (8) The trustees may create and appoint advisory boards  
30 or committees to assist them with the administration of the  
31 trust or foundation, and to advise and make recommendations  
32 to them regarding the contribution and disbursement of the  
33 trust or foundation funds.

34 (c)(1) In addition to the allocation and disbursement of  
35 funds for the purposes set forth in subsection (a) of this  
36 Section, the trustees of the trust or foundation shall

1 annually contribute funds in amounts set forth in  
2 subparagraph (2) of this subsection to the Citizens Utility  
3 Board created by the Citizens Utility Board Act; provided,  
4 however, that any such funds shall be used solely for the  
5 representation of the interests of utility consumers  
6 before the Illinois Commerce Commission, the Federal  
7 Energy Regulatory Commission, and the Federal  
8 Communications Commission and for the provision of  
9 consumer education on utility service and prices and on  
10 benefits and methods of energy conservation. Provided,  
11 however, that no part of such funds shall be used to  
12 support (i) any lobbying activity, (ii) activities related  
13 to fundraising, (iii) advertising or other marketing  
14 efforts regarding a particular utility, or (iv)  
15 solicitation of support for, or advocacy of, a particular  
16 position regarding any specific utility or a utility's  
17 docketed proceeding.

18 (2) In the calendar year in which the trust or  
19 foundation is first funded, the trustees shall contribute  
20 \$1,000,000 to the Citizens Utility Board within 60 days  
21 after such trust or foundation is established; provided,  
22 however, that such contribution shall be made after  
23 December 31, 1999. In each of the 6 calendar years  
24 subsequent to the first contribution, if the trust or  
25 foundation is in existence, the trustees shall contribute  
26 to the Citizens Utility Board an amount equal to the total  
27 expenditures by such organization in the prior calendar  
28 year, as set forth in the report filed by the Citizens  
29 Utility Board with the chairman of such trust or foundation  
30 as required by subparagraph (3) of this subsection. Such  
31 subsequent contributions shall be made within 30 days of  
32 submission by the Citizens Utility Board of such report to  
33 the Chairman of the trust or foundation, but in no event  
34 shall any annual contribution by the trustees to the  
35 Citizens Utility Board exceed \$1,000,000. Following such  
36 7-year period, an Illinois statutory consumer protection

1 agency may petition the trust or foundation for  
2 contributions to fund expenditures of the type identified  
3 in paragraph (1), but in no event shall annual  
4 contributions by the trust or foundation for such  
5 expenditures exceed \$1,000,000.

6 (3) The Citizens Utility Board shall file a report with  
7 the chairman of such trust or foundation for each year in  
8 which it expends any funds received from the trust or  
9 foundation setting forth the amount of any expenditures  
10 (regardless of the source of funds for such expenditures)  
11 for: (i) the representation of the interests of utility  
12 consumers before the Illinois Commerce Commission, the  
13 Federal Energy Regulatory Commission, and the Federal  
14 Communications Commission, and (ii) the provision of  
15 consumer education on utility service and prices and on  
16 benefits and methods of energy conservation. Such report  
17 shall separately state the total amount of expenditures for  
18 the purposes or activities identified by items (i) and (ii)  
19 of this paragraph, the name and address of the external  
20 recipient of any such expenditure, if applicable, and the  
21 specific purposes or activities (including internal  
22 purposes or activities) for which each expenditure was  
23 made. Any report required by this subsection shall be filed  
24 with the chairman of such trust or foundation no later than  
25 March 31 of the year immediately following the year for  
26 which the report is required.

27 (d) In addition to any other allocation and disbursement of  
28 funds in this Section, the trustees of the trust or foundation  
29 shall contribute an amount up to \$125,000,000 (1) for deposit  
30 into the General Obligation Bond Retirement and Interest Fund  
31 held in the State treasury to assist in the repayment on  
32 general obligation bonds issued under subsection (d) of Section  
33 7 of the General Obligation Bond Act, and (2) for deposit into  
34 funds administered by agencies with responsibility for  
35 environmental activities to assist in payment for  
36 environmental programs. The amount required to be contributed

1 shall be provided to the trustees in a certification letter  
2 from the Director of the Bureau of the Budget that shall be  
3 provided no later than August 1, 2003. The payment from the  
4 trustees shall be paid to the State no later than December 31st  
5 following the receipt of the letter.

6 (Source: P.A. 93-32, eff. 6-20-03; revised 12-6-03.)

7 Section 685. The Surface Coal Mining Land Conservation and  
8 Reclamation Act is amended by changing Section 1.05 as follows:

9 (225 ILCS 720/1.05) (from Ch. 96 1/2, par. 7901.05)

10 Sec. 1.05. Interagency Committee. There is created the  
11 Interagency Committee on Surface Mining Control and  
12 Reclamation, which shall consist of the Director (or Division  
13 Head) of each of the following State agencies: (a) the  
14 Department of Agriculture, (b) the Environmental Protection  
15 Agency, (c) the Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~, and (d) any other State Agency designated by  
17 the Director as having a programmatic role in the review or  
18 regulation of mining operations and reclamation whose comments  
19 are expected by the Director to be relevant and of material  
20 benefit to the process of reviewing permit applications under  
21 this Act. The Interagency Committee on Surface Mining Control  
22 and Reclamation shall be abolished on June 30, 1997. Beginning  
23 July 1, 1997, all programmatic functions formerly performed by  
24 the Interagency Committee on Surface Mining Control and  
25 Reclamation shall be performed by the Office of Mines and  
26 Minerals within the Department of Natural Resources, except as  
27 otherwise provided by Section 9.04 of this Act.

28 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97;  
29 revised 12-6-03.)

30 Section 690. The Illinois Horse Racing Act of 1975 is  
31 amended by changing Section 28 as follows:

32 (230 ILCS 5/28) (from Ch. 8, par. 37-28)



1           Sec. 28. Except as provided in subsection (g) of Section 27  
2 of this Act, moneys collected shall be distributed according to  
3 the provisions of this Section 28.

4           (a) Thirty per cent of the total of all monies received by  
5 the State as privilege taxes shall be paid into the  
6 Metropolitan Fair and Exposition Authority Reconstruction Fund  
7 in the State treasury until such Fund contains sufficient money  
8 to pay in full, both principal and interest, all of the  
9 outstanding bonds issued pursuant to the Fair and Exposition  
10 Authority Reconstruction Act, approved July 31, 1967, as  
11 amended, and thereafter shall be paid into the Metropolitan  
12 Exposition Auditorium and Office Building Fund in the State  
13 Treasury.

14           (b) Four and one-half per cent of the total of all monies  
15 received by the State as privilege taxes shall be paid into the  
16 State treasury into a special Fund to be known as the  
17 Metropolitan Exposition, Auditorium, and Office Building Fund.

18           (c) Fifty per cent of the total of all monies received by  
19 the State as privilege taxes under the provisions of this Act  
20 shall be paid into the Agricultural Premium Fund.

21           (d) Seven per cent of the total of all monies received by  
22 the State as privilege taxes shall be paid into the Fair and  
23 Exposition Fund in the State treasury; provided, however, that  
24 when all bonds issued prior to July 1, 1984 by the Metropolitan  
25 Fair and Exposition Authority shall have been paid or payment  
26 shall have been provided for upon a refunding of those bonds,  
27 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
28 month into the Build Illinois Fund, and the remainder into the  
29 Fair and Exposition Fund. All excess monies shall be allocated  
30 to the Department of Agriculture for distribution to county  
31 fairs for premiums and rehabilitation as set forth in the  
32 Agricultural Fair Act.

33           (e) The monies provided for in Section 30 shall be paid  
34 into the Illinois Thoroughbred Breeders Fund.

35           (f) The monies provided for in Section 31 shall be paid  
36 into the Illinois Standardbred Breeders Fund.

1 (g) Until January 1, 2000, that part representing 1/2 of  
2 the total breakage in Thoroughbred, Harness, Appaloosa,  
3 Arabian, and Quarter Horse racing in the State shall be paid  
4 into the Illinois Race Track Improvement Fund as established in  
5 Section 32.

6 (h) All other monies received by the Board under this Act  
7 shall be paid into the General Revenue Fund of the State.

8 (i) The salaries of the Board members, secretary, stewards,  
9 directors of mutuels, veterinarians, representatives,  
10 accountants, clerks, stenographers, inspectors and other  
11 employees of the Board, and all expenses of the Board incident  
12 to the administration of this Act, including, but not limited  
13 to, all expenses and salaries incident to the taking of saliva  
14 and urine samples in accordance with the rules and regulations  
15 of the Board shall be paid out of the Agricultural Premium  
16 Fund.

17 (j) The Agricultural Premium Fund shall also be used:

18 (1) for the expenses of operating the Illinois State  
19 Fair and the DuQuoin State Fair, including the payment of  
20 prize money or premiums;

21 (2) for the distribution to county fairs, vocational  
22 agriculture section fairs, agricultural societies, and  
23 agricultural extension clubs in accordance with the  
24 Agricultural Fair Act, as amended;

25 (3) for payment of prize monies and premiums awarded  
26 and for expenses incurred in connection with the  
27 International Livestock Exposition and the Mid-Continent  
28 Livestock Exposition held in Illinois, which premiums, and  
29 awards must be approved, and paid by the Illinois  
30 Department of Agriculture;

31 (4) for personal service of county agricultural  
32 advisors and county home advisors;

33 (5) for distribution to agricultural home economic  
34 extension councils in accordance with "An Act in relation  
35 to additional support and finance for the Agricultural and  
36 Home Economic Extension Councils in the several counties in

1 this State and making an appropriation therefor", approved  
2 July 24, 1967, as amended;

3 (6) for research on equine disease, including a  
4 development center therefor;

5 (7) for training scholarships for study on equine  
6 diseases to students at the University of Illinois College  
7 of Veterinary Medicine;

8 (8) for the rehabilitation, repair and maintenance of  
9 the Illinois and DuQuoin State Fair Grounds and the  
10 structures and facilities thereon and the construction of  
11 permanent improvements on such Fair Grounds, including  
12 such structures, facilities and property located on such  
13 State Fair Grounds which are under the custody and control  
14 of the Department of Agriculture;

15 (9) for the expenses of the Department of Agriculture  
16 under Section 5-530 of the Departments of State Government  
17 Law (20 ILCS 5/5-530);

18 (10) for the expenses of the Department of Commerce and  
19 Economic Opportunity ~~Community Affairs~~ under Sections  
20 605-620, 605-625, and 605-630 of the Department of Commerce  
21 and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS  
22 605/605-620, 605/605-625, and 605/605-630);

23 (11) for remodeling, expanding, and reconstructing  
24 facilities destroyed by fire of any Fair and Exposition  
25 Authority in counties with a population of 1,000,000 or  
26 more inhabitants;

27 (12) for the purpose of assisting in the care and  
28 general rehabilitation of disabled veterans of any war and  
29 their surviving spouses and orphans;

30 (13) for expenses of the Department of State Police for  
31 duties performed under this Act;

32 (14) for the Department of Agriculture for soil surveys  
33 and soil and water conservation purposes;

34 (15) for the Department of Agriculture for grants to  
35 the City of Chicago for conducting the Chicagofest.

36 (k) To the extent that monies paid by the Board to the

1 Agricultural Premium Fund are in the opinion of the Governor in  
2 excess of the amount necessary for the purposes herein stated,  
3 the Governor shall notify the Comptroller and the State  
4 Treasurer of such fact, who, upon receipt of such notification,  
5 shall transfer such excess monies from the Agricultural Premium  
6 Fund to the General Revenue Fund.

7 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,  
8 eff. 6-28-01; revised 12-6-03.)

9 Section 695. The Liquor Control Act of 1934 is amended by  
10 changing Section 12-1 as follows:

11 (235 ILCS 5/12-1)

12 Sec. 12-1. Grape and Wine Resources Council.

13 (a) There is hereby created the Grape and Wine Resources  
14 Council, which shall have the powers and duties specified in  
15 this Article and all other powers necessary and proper to  
16 execute the provisions of this Article.

17 (b) The Council shall consist of 17 members including:

18 (1) The Director of ~~the Illinois Department of~~  
19 Agriculture, ex officio, or the Director's designee.

20 (2) The Dean of the SIU College of Agriculture, or the  
21 Dean's designee.

22 (3) The Dean of the University of Illinois College of  
23 Agriculture, or the Dean's designee.

24 (4) An expert in enology or food science and nutrition  
25 to be named by the Director of ~~the Illinois Department of~~  
26 Agriculture from nominations submitted jointly by the  
27 Deans of the Colleges of Agriculture at Southern Illinois  
28 University and the University of Illinois.

29 (5) An expert in marketing to be named by the Director  
30 of ~~the Illinois Department of~~ Agriculture from nominations  
31 submitted jointly by the Deans of the Colleges of  
32 Agriculture at Southern Illinois University and the  
33 University of Illinois.

34 (6) An expert in viticulture to be named by the

1 Director of ~~the Illinois Department of~~ Agriculture from  
2 nominations submitted jointly by the Deans of the Colleges  
3 of Agriculture at Southern Illinois University and the  
4 University of Illinois.

5 (7) A representative from the Illinois Division of  
6 Tourism, to be named by the Director of ~~the Illinois~~  
7 ~~Department of~~ Commerce and Economic Opportunity Community  
8 Affairs.

9 (8) Six persons to be named by the Director of ~~the~~  
10 ~~Illinois Department of~~ Agriculture from nominations from  
11 the President of the Illinois Grape Growers and Vintners  
12 Association, of whom 3 shall be grape growers and 3 shall  
13 be vintners.

14 (9) Four persons, one of whom shall be named by the  
15 Speaker of the House of Representatives, one of whom shall  
16 be named by the Minority Leader of the House of  
17 Representatives, one of whom shall be named by the  
18 President of the Senate, and one of whom shall be named by  
19 the Minority Leader of the Senate.

20 Members of the Council shall receive no compensation, but shall  
21 be reimbursed for necessary expenses incurred in the  
22 performance of their duties. The Council's Chair shall be the  
23 Dean of the College of Agriculture at the University where the  
24 Council is housed.

25 (c) The Council shall be housed at Southern Illinois  
26 University at Carbondale, which shall maintain a collaborative  
27 relationship with the University of Illinois at Champaign.

28 (Source: P.A. 90-77, eff. 7-8-97; revised 12-6-03.)

29 Section 700. The Illinois Public Aid Code is amended by  
30 changing Section 9A-3 as follows:

31 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

32 Sec. 9A-3. Establishment of Program and Level of Services.

33 (a) The Illinois Department shall establish and maintain a  
34 program to provide recipients with services consistent with the

1 purposes and provisions of this Article. The program offered in  
2 different counties of the State may vary depending on the  
3 resources available to the State to provide a program under  
4 this Article, and no program may be offered in some counties,  
5 depending on the resources available. Services may be provided  
6 directly by the Illinois Department or through contract.  
7 References to the Illinois Department or staff of the Illinois  
8 Department shall include contractors when the Illinois  
9 Department has entered into contracts for these purposes. The  
10 Illinois Department shall provide each recipient who  
11 participates with such services available under the program as  
12 are necessary to achieve his employability plan as specified in  
13 the plan.

14 (b) The Illinois Department, in operating the program,  
15 shall cooperate with public and private education and  
16 vocational training or retraining agencies or facilities, the  
17 Illinois State Board of Education, the Illinois Community  
18 College Board, the Departments of Employment Security and  
19 Commerce and Economic Opportunity ~~Community Affairs~~ or other  
20 sponsoring organizations funded under the federal Workforce  
21 Investment Act and other public or licensed private employment  
22 agencies.

23 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03;  
24 revised 12-6-03.)

25 Section 705. The Energy Assistance Act is amended by  
26 changing Sections 3, 4, 5, 8, and 13 as follows:

27 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

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

30 (a) the terms defined in Sections 3-101 through 3-121 of  
31 The Public Utilities Act have the meanings ascribed to them in  
32 that Act;

33 (b) "Department" means the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~;

1 (c) "energy provider" means any utility, municipal  
2 utility, cooperative utility, or any other corporation or  
3 individual which provides winter energy services;

4 (d) "winter" means the period from November 1 of any year  
5 through April 30 of the following year.

6 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

7 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

8 Sec. 4. Energy Assistance Program.

9 (a) The Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~ is hereby authorized to institute a program  
11 to ensure the availability and affordability of heating and  
12 electric service to low income citizens. The Department shall  
13 implement the program by rule promulgated pursuant to The  
14 Illinois Administrative Procedure Act. The program shall be  
15 consistent with the purposes and objectives of this Act and  
16 with all other specific requirements provided herein. The  
17 Department may enter into such contracts and other agreements  
18 with local agencies as may be necessary for the purpose of  
19 administering the energy assistance program.

20 (b) Nothing in this Act shall be construed as altering or  
21 limiting the authority conferred on the Illinois Commerce  
22 Commission by the Public Utilities Act to regulate all aspects  
23 of the provision of public utility service, including but not  
24 limited to the authority to make rules and adjudicate disputes  
25 between utilities and customers related to eligibility for  
26 utility service, deposits, payment practices, discontinuance  
27 of service, and the treatment of arrearages owing for  
28 previously rendered utility service.

29 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

30 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

31 Sec. 5. Policy Advisory Council.

32 (a) Within the Department of Commerce and Economic  
33 Opportunity ~~Community Affairs~~ is created a Low Income Energy  
34 Assistance Policy Advisory Council.

1 (b) The Council shall be chaired by the Director of  
2 Commerce and Economic Opportunity ~~Community Affairs~~ or his or  
3 her designee. There shall be 20 members of the Low Income  
4 Energy Assistance Policy Advisory Council, including the  
5 chairperson and the following members:

6 (1) one member designated by the Illinois Commerce  
7 Commission;

8 (2) one member designated by the Illinois Department of  
9 Natural Resources;

10 (3) one member designated by the Illinois Energy  
11 Association to represent electric public utilities serving  
12 in excess of 1 million customers in this State;

13 (4) one member agreed upon by gas public utilities that  
14 serve more than 500,000 and fewer than 1,500,000 customers  
15 in this State;

16 (5) one member agreed upon by gas public utilities that  
17 serve 1,500,000 or more customers in this State;

18 (6) one member designated by the Illinois Energy  
19 Association to represent combination gas and electric  
20 public utilities;

21 (7) one member agreed upon by the Illinois Municipal  
22 Electric Agency and the Association of Illinois Electric  
23 Cooperatives;

24 (8) one member agreed upon by the Illinois Industrial  
25 Energy Consumers;

26 (9) three members designated by the Department to  
27 represent low income energy consumers;

28 (10) two members designated by the Illinois Community  
29 Action Association to represent local agencies that assist  
30 in the administration of this Act;

31 (11) one member designated by the Citizens Utility  
32 Board to represent residential energy consumers;

33 (12) one member designated by the Illinois Retail  
34 Merchants Association to represent commercial energy  
35 customers;

36 (13) one member designated by the Department to



1 represent independent energy providers; and

2 (14) three members designated by the Mayor of the City  
3 of Chicago.

4 (c) Designated and appointed members shall serve 2 year  
5 terms and until their successors are appointed and qualified.  
6 The designating organization shall notify the chairperson of  
7 any changes or substitutions of a designee within 10 business  
8 days of a change or substitution. Members shall serve without  
9 compensation, but may receive reimbursement for actual costs  
10 incurred in fulfilling their duties as members of the Council.

11 (d) The Council shall have the following duties:

12 (1) to monitor the administration of this Act to ensure  
13 effective, efficient, and coordinated program development  
14 and implementation;

15 (2) to assist the Department in developing and  
16 administering rules and regulations required to be  
17 promulgated pursuant to this Act in a manner consistent  
18 with the purpose and objectives of this Act;

19 (3) to facilitate and coordinate the collection and  
20 exchange of all program data and other information needed  
21 by the Department and others in fulfilling their duties  
22 pursuant to this Act;

23 (4) to advise the Department on the proper level of  
24 support required for effective administration of the Act;

25 (5) to provide a written opinion concerning any  
26 regulation proposed pursuant to this Act, and to review and  
27 comment on any energy assistance or related plan required  
28 to be prepared by the Department;

29 (6) to advise the Department on the use of funds  
30 collected pursuant to Section 11 of this Act, and on any  
31 changes to existing low income energy assistance programs  
32 to make effective use of such funds, so long as such uses  
33 and changes are consistent with the requirements of the  
34 Act.

35 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

1 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

2 Sec. 8. Program Reports.

3 (a) The Department of Natural Resources shall prepare and  
4 submit to the Governor and the General Assembly reports on  
5 September 30 biennially, beginning in 2003, evaluating the  
6 effectiveness of the energy assistance and weatherization  
7 policies authorized by this Act. The first report shall cover  
8 such effects during the first winter during which the program  
9 authorized by this Act, is in operation, and successive reports  
10 shall cover effects since the issuance of the preceding report.

11 (1) Reports issued pursuant to this Section shall be  
12 limited to, information concerning the effects of the  
13 policies authorized by this Act on (1) the ability of  
14 eligible applicants to obtain and maintain adequate and  
15 affordable winter energy services and (2) changes in the  
16 costs and prices of winter energy services for people who  
17 do not receive energy assistance pursuant to this Act.

18 (2) The Department of Natural Resources shall by  
19 September 30, 2002, in consultation with the Policy  
20 Advisory Council, determine the kinds of numerical and  
21 other information needed to conduct the evaluations  
22 required by this Section, and shall advise the Policy  
23 Advisory Council of such information needs in a timely  
24 manner. The Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~, the Department of Human  
26 Services, and the Illinois Commerce Commission shall each  
27 provide such information as the Department of Natural  
28 Resources may require to ensure that the evaluation  
29 reporting requirement established by this Section can be  
30 met.

31 (b) On or before December 31, 2002, 2004, 2006, and 2007,  
32 the Department shall prepare a report for the General Assembly  
33 on the expenditure of funds appropriated for the programs  
34 authorized under this Act.

35 (c) On or before December 31 of each year in 2004, 2006,  
36 and 2007, the Department shall, in consultation with the

1 Council, prepare and submit evaluation reports to the Governor  
2 and the General Assembly outlining the effects of the program  
3 designed under this Act on the following as it relates to the  
4 propriety of continuing the program:

5 (1) the definition of an eligible low income  
6 residential customer;

7 (2) access of low income residential customers to  
8 essential energy services;

9 (3) past due amounts owed to utilities by low income  
10 persons in Illinois;

11 (4) appropriate measures to encourage energy  
12 conservation, efficiency, and responsibility among low  
13 income residential customers;

14 (5) the activities of the Department in the development  
15 and implementation of energy assistance and related  
16 policies and programs, which characterizes progress toward  
17 meeting the objectives and requirements of this Act, and  
18 which recommends any statutory changes which might be  
19 needed to further such progress.

20 (d) The Department shall by September 30, 2002 in  
21 consultation with the Council determine the kinds of numerical  
22 and other information needed to conduct the evaluations  
23 required by this Section.

24 (e) The Illinois Commerce Commission shall require each  
25 public utility providing heating or electric service to compile  
26 and submit any numerical and other information needed by the  
27 Department of Natural Resources to meet its reporting  
28 obligations.

29 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

30 (305 ILCS 20/13)

31 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

32 (a) The Supplemental Low-Income Energy Assistance Fund is  
33 hereby created as a special fund in the State Treasury. The  
34 Supplemental Low-Income Energy Assistance Fund is authorized  
35 to receive, by statutory deposit, the moneys collected pursuant

1 to this Section. Subject to appropriation, the Department shall  
2 use moneys from the Supplemental Low-Income Energy Assistance  
3 Fund for payments to electric or gas public utilities,  
4 municipal electric or gas utilities, and electric cooperatives  
5 on behalf of their customers who are participants in the  
6 program authorized by Section 4 of this Act, for the provision  
7 of weatherization services and for administration of the  
8 Supplemental Low-Income Energy Assistance Fund. The yearly  
9 expenditures for weatherization may not exceed 10% of the  
10 amount collected during the year pursuant to this Section. The  
11 yearly administrative expenses of the Supplemental Low-Income  
12 Energy Assistance Fund may not exceed 10% of the amount  
13 collected during that year pursuant to this Section.

14 (b) Notwithstanding the provisions of Section 16-111 of the  
15 Public Utilities Act but subject to subsection (k) of this  
16 Section, each public utility, electric cooperative, as defined  
17 in Section 3.4 of the Electric Supplier Act, and municipal  
18 utility, as referenced in Section 3-105 of the Public Utilities  
19 Act, that is engaged in the delivery of electricity or the  
20 distribution of natural gas within the State of Illinois shall,  
21 effective January 1, 1998, assess each of its customer accounts  
22 a monthly Energy Assistance Charge for the Supplemental  
23 Low-Income Energy Assistance Fund. The delivering public  
24 utility, municipal electric or gas utility, or electric or gas  
25 cooperative for a self-assessing purchaser remains subject to  
26 the collection of the fee imposed by this Section. The monthly  
27 charge shall be as follows:

28 (1) \$0.40 per month on each account for residential  
29 electric service;

30 (2) \$0.40 per month on each account for residential gas  
31 service;

32 (3) \$4 per month on each account for non-residential  
33 electric service which had less than 10 megawatts of peak  
34 demand during the previous calendar year;

35 (4) \$4 per month on each account for non-residential  
36 gas service which had distributed to it less than 4,000,000

1           therms of gas during the previous calendar year;

2           (5) \$300 per month on each account for non-residential  
3           electric service which had 10 megawatts or greater of peak  
4           demand during the previous calendar year; and

5           (6) \$300 per month on each account for non-residential  
6           gas service which had 4,000,000 or more therms of gas  
7           distributed to it during the previous calendar year.

8           (c) For purposes of this Section:

9           (1) "residential electric service" means electric  
10           utility service for household purposes delivered to a  
11           dwelling of 2 or fewer units which is billed under a  
12           residential rate, or electric utility service for  
13           household purposes delivered to a dwelling unit or units  
14           which is billed under a residential rate and is registered  
15           by a separate meter for each dwelling unit;

16           (2) "residential gas service" means gas utility  
17           service for household purposes distributed to a dwelling of  
18           2 or fewer units which is billed under a residential rate,  
19           or gas utility service for household purposes distributed  
20           to a dwelling unit or units which is billed under a  
21           residential rate and is registered by a separate meter for  
22           each dwelling unit;

23           (3) "non-residential electric service" means electric  
24           utility service which is not residential electric service;  
25           and

26           (4) "non-residential gas service" means gas utility  
27           service which is not residential gas service.

28           (d) At least 45 days prior to the date on which it must  
29           begin assessing Energy Assistance Charges, each public utility  
30           engaged in the delivery of electricity or the distribution of  
31           natural gas shall file with the Illinois Commerce Commission  
32           tariffs incorporating the Energy Assistance Charge in other  
33           charges stated in such tariffs.

34           (e) The Energy Assistance Charge assessed by electric and  
35           gas public utilities shall be considered a charge for public  
36           utility service.

1 (f) By the 20th day of the month following the month in  
2 which the charges imposed by the Section were collected, each  
3 public utility, municipal utility, and electric cooperative  
4 shall remit to the Department of Revenue all moneys received as  
5 payment of the Energy Assistance Charge on a return prescribed  
6 and furnished by the Department of Revenue showing such  
7 information as the Department of Revenue may reasonably  
8 require. If a customer makes a partial payment, a public  
9 utility, municipal utility, or electric cooperative may elect  
10 either: (i) to apply such partial payments first to amounts  
11 owed to the utility or cooperative for its services and then to  
12 payment for the Energy Assistance Charge or (ii) to apply such  
13 partial payments on a pro-rata basis between amounts owed to  
14 the utility or cooperative for its services and to payment for  
15 the Energy Assistance Charge.

16 (g) The Department of Revenue shall deposit into the  
17 Supplemental Low-Income Energy Assistance Fund all moneys  
18 remitted to it in accordance with subsection (f) of this  
19 Section.

20 (h) (Blank).

21 On or before December 31, 2002, the Department shall  
22 prepare a report for the General Assembly on the expenditure of  
23 funds appropriated from the Low-Income Energy Assistance Block  
24 Grant Fund for the program authorized under Section 4 of this  
25 Act.

26 (i) The Department of Revenue may establish such rules as  
27 it deems necessary to implement this Section.

28 (j) The Department of Commerce and Economic Opportunity  
29 ~~Community Affairs~~ may establish such rules as it deems  
30 necessary to implement this Section.

31 (k) The charges imposed by this Section shall only apply to  
32 customers of municipal electric or gas utilities and electric  
33 or gas cooperatives if the municipal electric or gas utility or  
34 electric or gas cooperative makes an affirmative decision to  
35 impose the charge. If a municipal electric or gas utility or an  
36 electric cooperative makes an affirmative decision to impose

1 the charge provided by this Section, the municipal electric or  
2 gas utility or electric cooperative shall inform the Department  
3 of Revenue in writing of such decision when it begins to impose  
4 the charge. If a municipal electric or gas utility or electric  
5 or gas cooperative does not assess this charge, the Department  
6 may not use funds from the Supplemental Low-Income Energy  
7 Assistance Fund to provide benefits to its customers under the  
8 program authorized by Section 4 of this Act.

9 In its use of federal funds under this Act, the Department  
10 may not cause a disproportionate share of those federal funds  
11 to benefit customers of systems which do not assess the charge  
12 provided by this Section.

13 This Section is repealed effective December 31, 2007 unless  
14 renewed by action of the General Assembly. The General Assembly  
15 shall consider the results of the evaluations described in  
16 Section 8 in its deliberations.

17 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

18 Section 710. The Family Resource Development Act is amended  
19 by changing Section 5 as follows:

20 (305 ILCS 30/5) (from Ch. 23, par. 6855)

21 Sec. 5. The Department of Human Services, the Illinois  
22 Community College Board and the Department of Commerce and  
23 Economic Opportunity ~~Community Affairs~~ may develop as a  
24 demonstration program a Family Resource Development Center for  
25 the benefit and use of an initial 20 low-income families. The  
26 Center shall establish an interdisciplinary approach that  
27 shall increase the coping skills of low-income families and  
28 develop the potential of low-income families through community  
29 economic development programs. Funding for the demonstration  
30 program shall be from existing moneys in supportive services  
31 funds, joint partnership training funds, and other existing  
32 moneys that are intended to meet the educational, vocational  
33 and training needs of recipients. The demonstration program  
34 shall be administered in accordance with existing federal and

1 State statutes and regulations.

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

3 Section 715. The State Housing Act is amended by changing  
4 Section 40 as follows:

5 (310 ILCS 5/40) (from Ch. 67 1/2, par. 190)

6 Sec. 40. As used in this Act:

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

9 "Illinois Housing Development Authority" shall mean the  
10 Illinois Housing Development Authority created by the Illinois  
11 Housing Development Act of 1967, as amended.

12 "Community facilities" shall include land, buildings and  
13 equipment for recreation, for social assembly, for education or  
14 health or welfare activities, for the use primarily of tenants  
15 of housing accommodations of a housing corporation.

16 "Cost" of land shall include all of the following items  
17 paid by a housing corporation in connection with the  
18 acquisition thereof when approved by the Illinois Housing  
19 Development Authority; all amounts paid to the vendor on  
20 account of the purchase price, whether in cash, securities or  
21 property; the unpaid balance of any obligation secured by  
22 mortgage remaining upon the premises or created in connection  
23 with the acquisition; all accounts paid for surveys,  
24 examination and insurance of title; attorneys' fees;  
25 brokerage; all awards paid in condemnation and court costs and  
26 fees; all documentary and stamp taxes and filing and recording  
27 fees and fees of the Illinois Housing Development Authority and  
28 other expenses of acquisition approved by the Illinois Housing  
29 Development Authority; and shall also include all special  
30 assessments for benefit upon the premises approved by the  
31 Illinois Housing Development Authority whether levied before  
32 or after the acquisition.

33 "Cost" of buildings and improvements, shall include all of  
34 the following items when approved by the Illinois Housing



1 Development Authority; all amounts, whether in cash,  
2 securities or property, paid for labor and materials for site  
3 preparation and construction, for contractors' and architects'  
4 and engineers' fees, for fees or permits of any municipality,  
5 for workers' compensation, liability, fire and other casualty  
6 insurance, for charges of financing and supervision, for  
7 property taxes during construction and for interest upon  
8 borrowed and invested capital during construction, for fees of  
9 the Illinois Housing Development Authority, and other expenses  
10 of construction approved by the Illinois Housing Development  
11 Authority.

12 "Person" shall be deemed to include firm, association,  
13 trust or corporation.

14 "Project" shall mean all lands, buildings and improvements  
15 acquired, owned, managed, or operated by a housing corporation  
16 designed to provide housing accommodations and community  
17 facilities, stores and offices appurtenant or incidental  
18 thereto, which are planned as a unit, whether or not acquired  
19 or constructed at one time, and which ordinarily are contiguous  
20 or adjacent to one another. The buildings need not be  
21 contiguous or adjacent to one another, and a project may be  
22 entirely composed of either single or multiple dwellings.

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

24 Section 720. The Housing Authorities Act is amended by  
25 changing Sections 8.13 and 17 as follows:

26 (310 ILCS 10/8.13) (from Ch. 67 1/2, par. 8.13)

27 Sec. 8.13. In addition to the powers conferred by this Act  
28 and other laws, Housing Authorities for municipalities of less  
29 than 500,000 population and for counties, the Department of  
30 Commerce and Economic Opportunity ~~Community Affairs~~, and the  
31 governing bodies of municipal corporations, counties and other  
32 public bodies may exercise the powers delegated to them in  
33 Sections 8.14 to 8.18, inclusive.

34 The provisions of Sections 8.14 to 8.18, inclusive, shall

1 be deemed to create an additional and alternative method for  
2 the conservation of urban residential areas and the prevention  
3 of slums in municipalities of less than 500,000 to that which  
4 is provided by the "Urban Community Conservation Act," approved  
5 July 13, 1935, and shall not be deemed to alter, amend or  
6 repeal said Urban Community Conservation Act.

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

8 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

9 Sec. 17. The following terms, wherever used or referred to  
10 in this Act shall have the following respective meanings,  
11 unless in any case a different meaning clearly appears from the  
12 context:

13 (a) "Authority" or "housing authority" shall mean a  
14 municipal corporation organized in accordance with the  
15 provisions of this Act for the purposes, with the powers and  
16 subject to the restrictions herein set forth.

17 (b) "Area" or "area of operation" shall mean: (1) in the  
18 case of an authority which is created hereunder for a city,  
19 village, or incorporated town, the area within the territorial  
20 boundaries of said city, village, or incorporated town, and so  
21 long as no county housing authority has jurisdiction therein,  
22 the area within three miles from such territorial boundaries,  
23 except any part of such area located within the territorial  
24 boundaries of any other city, village, or incorporated town;  
25 and (2) in the case of a county shall include all of the county  
26 except the area of any city, village or incorporated town  
27 located therein in which there is an Authority. When an  
28 authority is created for a county subsequent to the creation of  
29 an authority for a city, village or incorporated town within  
30 the same county, the area of operation of the authority for  
31 such city, village or incorporated town shall thereafter be  
32 limited to the territory of such city, village or incorporated  
33 town, but the authority for such city, village or incorporated  
34 town may continue to operate any project developed in whole or  
35 in part in an area previously a part of its area of operation,

1 or may contract with the county housing authority with respect  
2 to the sale, lease, development or administration of such  
3 project. When an authority is created for a city, village or  
4 incorporated town subsequent to the creation of a county  
5 housing authority which previously included such city, village  
6 or incorporated town within its area of operation, such county  
7 housing authority shall have no power to create any additional  
8 project within the city, village or incorporated town, but any  
9 existing project in the city, village or incorporated town  
10 currently owned and operated by the county housing authority  
11 shall remain in the ownership, operation, custody and control  
12 of the county housing authority.

13 (c) "Presiding officer" shall mean the presiding officer of  
14 the board of a county, or the mayor or president of a city,  
15 village or incorporated town, as the case may be, for which an  
16 Authority is created hereunder.

17 (d) "Commissioner" shall mean one of the members of an  
18 Authority appointed in accordance with the provisions of this  
19 Act.

20 (e) "Government" shall include the State and Federal  
21 governments and the governments of any subdivisions, agency or  
22 instrumentality, corporate or otherwise, of either of them.

23 (f) "Department" shall mean the Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~.

25 (g) "Project" shall include all lands, buildings, and  
26 improvements, acquired, owned, leased, managed or operated by a  
27 housing authority, and all buildings and improvements  
28 constructed, reconstructed or repaired by a housing authority,  
29 designed to provide housing accommodations and facilities  
30 appurtenant thereto (including community facilities and  
31 stores) which are planned as a unit, whether or not acquired or  
32 constructed at one time even though all or a portion of the  
33 buildings are not contiguous or adjacent to one another; and  
34 the planning of buildings and improvements, the acquisition of  
35 property, the demolition of existing structures, the clearing  
36 of land, the construction, reconstruction, and repair of

1 buildings or improvements and all other work in connection  
2 therewith. As provided in Sections 8.14 to 8.18, inclusive,  
3 "project" also means, for Housing Authorities for  
4 municipalities of less than 500,000 population and for  
5 counties, the conservation of urban areas in accordance with an  
6 approved conservation plan. "Project" shall also include (1)  
7 acquisition of (i) a slum or blighted area or a deteriorated or  
8 deteriorating area which is predominantly residential in  
9 character, or (ii) any other deteriorated or deteriorating area  
10 which is to be developed or redeveloped for predominantly  
11 residential uses, or (iii) platted urban or suburban land which  
12 is predominantly open and which because of obsolete platting,  
13 diversity of ownership, deterioration of structures or of site  
14 improvements, or otherwise substantially impairs or arrests  
15 the sound growth of the community and which is to be developed  
16 for predominantly residential uses, or (iv) open unplatted  
17 urban or suburban land necessary for sound community growth  
18 which is to be developed for predominantly residential uses, or  
19 (v) any other area where parcels of land remain undeveloped  
20 because of improper platting, delinquent taxes or special  
21 assessments, scattered or uncertain ownerships, clouds on  
22 title, artificial values due to excessive utility costs, or any  
23 other impediments to the use of such area for predominantly  
24 residential uses; (2) installation, construction, or  
25 reconstruction of streets, utilities, and other site  
26 improvements essential to the preparation of sites for uses in  
27 accordance with the development or redevelopment plan; and (3)  
28 making the land available for development or redevelopment by  
29 private enterprise or public agencies (including sale, initial  
30 leasing, or retention by the local public agency itself). If in  
31 any city, village or incorporated town there exists a land  
32 clearance commission created under the "Blighted Areas  
33 Redevelopment Act of 1947" having the same area of operation as  
34 a housing authority created in and for any such municipality  
35 such housing authority shall have no power to acquire land of  
36 the character described in subparagraph (iii), (iv) or (v) of

1 paragraph 1 of the definition of "project" for the purpose of  
2 development or redevelopment by private enterprise.

3 (h) "Community facilities" shall include lands, buildings,  
4 and equipment for recreation or social assembly, for education,  
5 health or welfare activities and other necessary utilities  
6 primarily for use and benefit of the occupants of housing  
7 accommodations to be constructed, reconstructed, repaired or  
8 operated hereunder.

9 (i) "Real property" shall include lands, lands under water,  
10 structures, and any and all easements, franchises and  
11 incorporeal hereditaments and estates, and rights, legal and  
12 equitable, including terms for years and liens by way of  
13 judgment, mortgage or otherwise.

14 (j) The term "governing body" shall include the city  
15 council of any city, the president and board of trustees of any  
16 village or incorporated town, the council of any city or  
17 village, and the county board of any county.

18 (k) The phrase "individual, association, corporation or  
19 organization" shall include any individual, private  
20 corporation, insurance company, housing corporation,  
21 neighborhood redevelopment corporation, non-profit  
22 corporation, incorporated or unincorporated group or  
23 association, educational institution, hospital, or charitable  
24 organization, and any mutual ownership or cooperative  
25 organization.

26 (l) "Conservation area", for the purpose of the exercise of  
27 the powers granted in Sections 8.14 to 8.18, inclusive, for  
28 housing authorities for municipalities of less than 500,000  
29 population and for counties, means an area of not less than 2  
30 acres in which the structures in 50% or more of the area are  
31 residential having an average age of 35 years or more. Such an  
32 area is not yet a slum or blighted area as defined in the  
33 Blighted Areas Redevelopment Act of 1947, but such an area by  
34 reason of dilapidation, obsolescence, deterioration or illegal  
35 use of individual structures, overcrowding of structures and  
36 community facilities, conversion of residential units into

1 non-residential use, deleterious land use or layout, decline of  
2 physical maintenance, lack of community planning, or any  
3 combination of these factors may become a slum and blighted  
4 area.

5 (m) "Conservation plan" means the comprehensive program  
6 for the physical development and replanning of a "Conservation  
7 Area" as defined in paragraph (l) embodying the steps required  
8 to prevent such Conservation Area from becoming a slum and  
9 blighted area.

10 (n) "Fair use value" means the fair cash market value of  
11 real property when employed for the use contemplated by a  
12 "Conservation Plan" in municipalities of less than 500,000  
13 population and in counties.

14 (o) "Community facilities" means, in relation to a  
15 "Conservation Plan", those physical plants which implement,  
16 support and facilitate the activities, services and interests  
17 of education, recreation, shopping, health, welfare, religion  
18 and general culture.

19 (p) "Loan agreement" means any agreement pursuant to which  
20 an Authority agrees to loan the proceeds of its revenue bonds  
21 issued with respect to a multifamily rental housing project or  
22 other funds of the Authority to any person upon terms providing  
23 for loan repayment installments at least sufficient to pay when  
24 due all principal of, premium, if any, and interest on the  
25 revenue bonds of the Authority issued with respect to the  
26 multifamily rental housing project, and providing for  
27 maintenance, insurance, and other matters as may be deemed  
28 desirable by the Authority.

29 (q) "Multifamily rental housing" means any rental project  
30 designed for mixed-income or low-income occupancy.

31 (Source: P.A. 92-481, eff. 8-23-01; revised 12-6-03.)

32 Section 725. The Housing Development and Construction Act  
33 is amended by changing Sections 2, 3, 3a, 3b, 5, 8, 9a, and 10  
34 as follows:

1 (310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

2 Sec. 2. Any housing authority now or hereafter organized  
3 under the "Housing Authorities Act," approved March 19, 1934,  
4 as amended, and any Land Clearance Commission heretofore  
5 organized under the Act herein repealed or hereafter organized  
6 under the provisions of the "Blighted Areas Redevelopment Act  
7 of 1947," enacted by the 65th General Assembly, may make  
8 application to the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~ for a grant of state funds from  
10 the appropriation designated for the making of grants under  
11 this Act. No such housing authority or Land Clearance  
12 Commission shall apply for a sum larger than the proportion of  
13 the population of its area of operation to the population of  
14 the State, and where an authority and Land Clearance Commission  
15 have been created by the governing body of the same  
16 municipality, an amount not in excess of one-half (1/2) of the  
17 maximum grant allocable for such municipality on the foregoing  
18 basis of proportion of population may be allocated to the  
19 housing authority and an amount not in excess of one-half (1/2)  
20 of the maximum grant so allocable for such municipality may be  
21 allocated to the Land Clearance Commission.

22 The foregoing provisions of this section in respect to  
23 maximum allocable grants to housing authorities and land  
24 clearance commissions from funds appropriated by the 66th or  
25 any succeeding General Assembly, and applications therefor,  
26 shall be subject to the provisions of Section 3a of this Act.

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

28 (310 ILCS 20/3) (from Ch. 67 1/2, par. 55)

29 Sec. 3. Every application for a grant shall be accompanied  
30 by a statement of the uses to which a grant is to be applied, a  
31 description of the housing conditions in the area of operation  
32 of the applicant, and a plan for development or redevelopment  
33 or other use to be undertaken by the applicant. Subject to the  
34 provisions of Section 3a the Department of Commerce and  
35 Economic Opportunity ~~Community Affairs~~ shall review all

1 applications for grants and if satisfied that a need therefor  
2 exists in relation to the uses to which it is to be applied and  
3 upon approval of the plan submitted with the application, the  
4 Director of ~~the Department of~~ Commerce and Economic Opportunity  
5 Community Affairs shall transmit to the State Comptroller a  
6 statement of approval and of the amount of the grant. Upon  
7 receipt of such statement by the Comptroller, the approved  
8 grant shall be paid to the applicant from any appropriation  
9 designated for the making of grants under this Act.

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

11 (310 ILCS 20/3a) (from Ch. 67 1/2, par. 55a)

12 Sec. 3a. Application for grants from funds appropriated by  
13 the 66th or any succeeding General Assembly shall be made not  
14 later than June 30th of the year following the year in which  
15 such appropriation was enacted. Each such application shall be  
16 reviewed by the Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ as provided in Section 3 and if approved  
18 shall entitle the applicant to a grant upon the basis of the  
19 population formula prescribed in Section 2. No application  
20 shall be approved unless the Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~ is satisfied that the  
22 amount approved will be properly employed by the applicant in  
23 carrying out the plan accompanying the application.

24 If any housing authority or land clearance commission has  
25 failed to make application for a grant of funds appropriated by  
26 the 66th or any succeeding General Assembly prior to July 1st  
27 of the year following the year in which the appropriation was  
28 enacted, such portion of the appropriation as remains  
29 unallocated shall be available for distribution by the  
30 Department of Commerce and Economic Opportunity ~~Community~~  
31 ~~Affairs~~ to housing authorities and land clearance commissions  
32 which make application and establish a need therefor in  
33 relation to a specific project or projects approved by the  
34 Department. The determination of the relative needs of  
35 applicants shall be made by the Department of Commerce and



1 Economic Opportunity ~~Community Affairs~~; provided, that in no  
2 event shall the sum of any initial and supplemental grants to  
3 any applicant exceed 50% of the total appropriation made  
4 available for distribution to all applicants in the State.

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

6 (310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

7 Sec. 3b. In any municipality or county for which a Land  
8 Clearance Commission has been established, and for which no  
9 Housing Authority has been established, the Land Clearance  
10 Commission, if a recipient of state grants under this Act, may,  
11 subject to the approval of the Department of Commerce and  
12 Economic Opportunity ~~Community Affairs~~, exercise the powers  
13 vested in Housing Authorities under the provisions of this Act  
14 and the "Housing Authorities Act," approved March 19, 1934, as  
15 amended, and apply state grant funds allocated under this Act  
16 to any such purpose. For the purpose of any project so  
17 undertaken, the Land Clearance Commission shall be subject to  
18 all laws and regulations applicable to Housing Authorities. If  
19 a Housing Authority is established for any such municipality or  
20 county, the Land Clearance Commission shall thereafter  
21 exercise only those powers designated in the "Blighted Areas  
22 Redevelopment Act of 1947," approved July 2, 1947, as amended,  
23 and, in respect to pending, uncompleted or existing projects  
24 undertaken as a Housing Authority, the Land Clearance  
25 Commission, subject to the approval of the Department of  
26 Commerce and Economic Opportunity ~~Community Affairs~~, may  
27 either complete or continue such project, or transfer full and  
28 complete power thereover to the Housing Authority.

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

30 (310 ILCS 20/5) (from Ch. 67 1/2, par. 57)

31 Sec. 5. Any grants paid hereunder to a housing authority  
32 shall be deposited in a separate fund and, subject to the  
33 approval of the Department of Commerce and Economic Opportunity  
34 ~~Community Affairs~~, may be used for any or all of the following

1 purposes as the needs of the community may require: the  
2 acquisition of land by purchase, gift or condemnation and the  
3 improvement thereof, the purchase and installation of  
4 temporary housing facilities, the construction of housing  
5 units for rent or sale to veterans, the families of deceased  
6 servicemen, and for persons and families who by reason of  
7 overcrowded housing conditions or displacement by eviction,  
8 fires or other calamities, or slum clearance or other private  
9 or public project involving relocation, are in urgent need of  
10 safe and sanitary housing, the making of grants in connection  
11 with the sale or lease of real property as provided in the  
12 following paragraph of this section, and for any and all  
13 purposes authorized by the "Housing Authorities Act," approved  
14 March 19, 1934, as amended, including administrative expenses  
15 of the housing authorities in relation to the aforesaid  
16 objectives, to the extent and for the purposes authorized and  
17 approved by the Department of Commerce and Economic Opportunity  
18 ~~Community Affairs~~. Each housing authority is vested with power  
19 to exercise the right of eminent domain for the purposes  
20 authorized by this Act. Condemnation proceedings instituted by  
21 any such authority shall be in all respects in the manner  
22 provided for the exercise of the right of eminent domain under  
23 Article VII of the Code of Civil Procedure, as amended.

24 In addition to the foregoing, and for the purpose of  
25 facilitating the development and construction of housing,  
26 housing authorities may, with the approval of the Department of  
27 Commerce and Economic Opportunity ~~Community Affairs~~, enter  
28 into contracts and agreements for the sale or lease of real  
29 property acquired by the Authority through the use of the grant  
30 hereunder, and may sell or lease such property to (1) housing  
31 corporations operating under "An Act in relation to housing,"  
32 approved July 12, 1933, as amended; (2) neighborhood  
33 redevelopment corporations operating under the "Neighborhood  
34 Redevelopment Corporation Law," approved July 9, 1941; (3)  
35 insurance companies operating under Article VIII of the  
36 Illinois Insurance Code; (4) non-profit corporations organized

1 for the purpose of constructing, managing and operating housing  
2 projects and the improvement of housing conditions, including  
3 the sale or rental of housing units to persons in need thereof;  
4 or (5) to any other individual, association or corporation,  
5 including bona fide housing cooperatives, desiring to engage in  
6 a development or redevelopment project. The term "corporation"  
7 as used in this section, means a corporation organized under  
8 the laws of this or any other state of the United States, or of  
9 any country, which may legally make investments in this State  
10 of the character herein prescribed, including foreign and alien  
11 insurance companies as defined in Section 2 of the "Illinois  
12 Insurance Code." No sale or lease shall be made hereunder to  
13 any of the aforesaid corporations, associations or individuals  
14 unless a plan approved by the Authority has been presented by  
15 the purchaser or lessee for the development or redevelopment of  
16 such property, together with a bond, with satisfactory  
17 sureties, of not less than 10% of the cost of such development  
18 or redevelopment, conditioned upon the completion of such  
19 development or redevelopment; provided that the requirement of  
20 the bond may be waived by the Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~ if it is satisfied of  
22 the financial ability of the purchaser or lessee to complete  
23 such development or redevelopment in accordance with the  
24 presented plan. To further assure that the real property so  
25 sold or leased shall be used in accordance with the plan, the  
26 Department of Commerce and Economic Opportunity ~~Community~~  
27 ~~Affairs~~ may require the purchaser or lessee to execute in  
28 writing such undertakings as the Department deems necessary to  
29 obligate such purchaser or lessee (1) to use the property for  
30 the purposes presented in the plan; (2) to commence and  
31 complete the building of the improvements designated in the  
32 plan within the periods of time that the Department of Commerce  
33 and Economic Opportunity ~~Community Affairs~~ fixes as  
34 reasonable, and (3) to comply with such other conditions as are  
35 necessary to carry out the purposes of this Act. Any such  
36 property may be sold pursuant to this section for any legal

1 consideration in an amount to be approved by the Department of  
2 Commerce and Economic Opportunity ~~Community Affairs~~. Subject  
3 to the approval of the Department of Commerce and Economic  
4 Opportunity ~~Community Affairs~~, a housing authority may pay to  
5 any non-profit corporation of the character described in this  
6 section from grants made available from state funds, such sum  
7 of money which, when added to the value of the land so sold or  
8 leased to such non-profit corporation and the value of other  
9 assets of such non-profit corporation available for use in the  
10 project, will enable such non-profit corporation to obtain  
11 Federal Housing Administration insured construction mortgages.  
12 Any such authority may also sell, transfer, convey or assign to  
13 any such non-profit corporation any personal property,  
14 including building materials and supplies, as it deems  
15 necessary to facilitate the completion of the development or  
16 redevelopment by such non-profit corporation.

17 If the area of operation of a housing authority includes a  
18 city, village or incorporated town having a population in  
19 excess of 500,000, as determined by the last preceding Federal  
20 Census, no real property or interest in real property shall be  
21 acquired in such municipality by the housing authority until  
22 such time as the housing authority has advised the governing  
23 body of such municipality of the description of the real  
24 property, or interest therein, proposed to be acquired, and the  
25 governing body of the municipality has approved the acquisition  
26 thereof by the housing authority.

27 (Source: P.A. 90-418, eff. 8-15-97; revised 12-1-04.)

28 (310 ILCS 20/8) (from Ch. 67 1/2, par. 60)

29 Sec. 8. No housing authority or land clearance commission  
30 shall reinvest or use any funds arising from the rental or sale  
31 of any property acquired with funds granted pursuant to this  
32 Act except with the approval of the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~.

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

1 (310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

2 Sec. 9a. In the event that any housing authority or land  
3 clearance commission has failed or refused to initiate any  
4 project or projects for which it has received grants of State  
5 funds under the provisions of this Act or "An Act to promote  
6 the improvement of housing," approved July 26, 1945, and the  
7 Department of Commerce and Economic Opportunity ~~Community~~  
8 ~~Affairs~~, upon the basis of an investigation, is convinced that  
9 such housing authority or land clearance commission is unable  
10 or unwilling to proceed thereon, the Department may direct the  
11 housing authority or land clearance commission to transfer to  
12 the Department the balance of the State funds then in the  
13 possession of such agency, and upon failure to do so within  
14 thirty days after such demand, the Department shall institute a  
15 civil action for the recovery thereof, which action shall be  
16 maintained by the Attorney General of the State of Illinois or  
17 the state's attorney of the county in which the housing  
18 authority or land clearance commission has its area of  
19 operation.

20 Any officer or member of any such housing authority or land  
21 clearance commission who refuses to comply with the demand of  
22 the Department of Commerce and Economic Opportunity ~~Community~~  
23 ~~Affairs~~ for the transfer of State funds as herein provided  
24 shall be guilty of a Class A misdemeanor.

25 All State funds recovered by the Department of Commerce and  
26 Economic Opportunity ~~Community Affairs~~ pursuant to this  
27 section shall forthwith be paid into the State Housing Fund in  
28 the State Treasury.

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

30 (310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

31 Sec. 10. "An Act to promote the improvement of housing",  
32 approved July 26, 1945, is repealed. The repeal of said Act  
33 shall not affect the validity of the organization, acts,  
34 contracts, proceedings, conveyances and transactions of  
35 housing authorities and land clearance commissions done or

1 performed thereunder prior to the effective date of this Act,  
2 and all such acts, contracts, proceedings, conveyances and  
3 transactions, done or performed thereunder, and the  
4 organization of such authorities and land clearance  
5 commissions are ratified, affirmed and declared valid and legal  
6 in all respects. Grants paid to such housing authorities and  
7 land clearance commissions under the act herein repealed may be  
8 used by such authorities and commissions for the purposes for  
9 which such grants were made, and all or any portion thereof  
10 which remains unexpended and unobligated may, in addition, be  
11 used in the manner authorized by Section 22 of the "Blighted  
12 Areas Redevelopment Act of 1947", enacted by the 65th General  
13 Assembly, or, with the approval of the Department of Commerce  
14 and Community Affairs (now Department of Commerce and Economic  
15 Opportunity) for any purpose or purposes authorized by this  
16 Act.

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

18 Section 730. The Redevelopment Project Rehousing and  
19 Capital Improvements Act is amended by changing Section 2 as  
20 follows:

21 (310 ILCS 30/2) (from Ch. 67 1/2, par. 93)

22 Sec. 2. Any housing authority may apply to the Department  
23 of Commerce and Economic Opportunity ~~Community Affairs~~ for the  
24 grant of a sum from the amount to be appropriated for this Act  
25 to develop housing projects pursuant to the "Housing  
26 Authorities Act", approved March 19, 1934, as amended, to  
27 facilitate and aid in the rehousing of persons eligible for  
28 tenancy under said Act residing in the site of a redevelopment  
29 project who could not otherwise be rehoused in decent, safe and  
30 uncongested dwelling accommodations within their financial  
31 reach.

32 Upon a showing of need of a grant from the amount  
33 appropriated for this Act and that the sum so granted will be  
34 satisfactorily employed by the housing authority in the

1 development of housing projects for the purposes authorized by  
2 this Act, the Director of ~~the Department of~~ Commerce and  
3 Economic Opportunity ~~Community Affairs~~ shall transmit to the  
4 State Comptroller a statement of approval and of the amount of  
5 the grant, and when the municipality has paid to the housing  
6 authority an amount at least equal to the amount of the  
7 approved grant, the Comptroller shall pay the amount of the  
8 approved grant to the housing authority from the appropriation  
9 for grants under this Act. The amount so granted together with  
10 the amount contributed by the city, village or incorporated  
11 town in which the redevelopment project is situated shall be  
12 deposited in a separate fund and shall be applied only to the  
13 planning, acquisition, development, and capital improvements  
14 of the approved housing project or projects for the purposes  
15 authorized by this Act and the Housing Authorities Act. The  
16 expenditure of any moneys from such separate fund and the  
17 location of the rehousing project or projects shall be subject  
18 to the approval of the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ and the governing body of the  
20 municipality in which the redevelopment project is located.

21 (Source: P.A. 91-632, eff. 8-19-99; revised 12-6-03.)

22 Section 735. The Illinois Affordable Housing Act is amended  
23 by changing Sections 6 and 16 as follows:

24 (310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

25 Sec. 6. Advisory Commission.

26 (a) There is hereby created the Illinois Affordable Housing  
27 Advisory Commission. The Commission shall consist of 15  
28 members. Three of the Commissioners shall be the Directors of  
29 the Illinois Housing Development Authority, the Illinois  
30 Finance Authority and the Department of Commerce and Economic  
31 Opportunity ~~Community Affairs~~ or their representatives. One of  
32 the Commissioners shall be the Commissioner of the Chicago  
33 Department of Housing or its representative. The remaining 11  
34 members shall be appointed by the Governor, with the advice and

1 consent of the Senate, and not more than 4 of these Commission  
2 members shall reside in any one county in the State. At least  
3 one Commission member shall be an administrator of a public  
4 housing authority from other than a municipality having a  
5 population in excess of 2,000,000; at least 2 Commission  
6 members shall be representatives of special needs populations  
7 as described in subsection (e) of Section 8; at least 4  
8 Commission members shall be representatives of community-based  
9 organizations engaged in the development or operation of  
10 housing for low-income and very low-income households; and at  
11 least 4 Commission members shall be representatives of advocacy  
12 organizations, one of which shall represent a tenants' advocacy  
13 organization. The Governor shall consider nominations made by  
14 advocacy organizations and community-based organizations.

15 (b) Members appointed to the Commission shall serve a term  
16 of 3 years; however, 3 members first appointed under this Act  
17 shall serve an initial term of one year, and 4 members first  
18 appointed under this Act shall serve a term of 2 years.  
19 Individual terms of office shall be chosen by lot at the  
20 initial meeting of the Commission. The Governor shall appoint  
21 the Chairman of the Commission, and the Commission members  
22 shall elect a Vice Chairman.

23 (c) Members of the Commission shall not be entitled to  
24 compensation, but shall receive reimbursement for actual and  
25 reasonable expenses incurred in the performance of their  
26 duties.

27 (d) Eight members of the Commission shall constitute a  
28 quorum for the transaction of business.

29 (e) The Commission shall meet at least quarterly and its  
30 duties and responsibilities are:

31 (1) the study and review of the availability of  
32 affordable housing for low-income and very low-income  
33 households in the State of Illinois and the development of  
34 a plan which addresses the need for additional affordable  
35 housing;

36 (2) encouraging collaboration between federal and



1 State agencies, local government and the private sector in  
2 the planning, development and operation of affordable  
3 housing for low-income and very low-income households;

4 (3) studying, evaluating and soliciting new and  
5 expanded sources of funding for affordable housing;

6 (4) developing, proposing, reviewing, and commenting  
7 on priorities, policies and procedures for uses and  
8 expenditures of Trust Fund monies, including policies  
9 which assure equitable distribution of funds statewide;

10 (5) making recommendations to the Program  
11 Administrator concerning proposed expenditures from the  
12 Trust Fund;

13 (6) making recommendations to the Program  
14 Administrator concerning the developments proposed to be  
15 financed with the proceeds of Affordable Housing Program  
16 Trust Fund Bonds or Notes;

17 (7) reviewing and commenting on the development of  
18 priorities, policies and procedures for the administration  
19 of the Program;

20 (8) monitoring and evaluating all allocations of funds  
21 under this Program; and

22 (9) making recommendations to the General Assembly for  
23 further legislation that may be necessary in the area of  
24 affordable housing.

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

26 (310 ILCS 65/16) (from Ch. 67 1/2, par. 1266)

27 Sec. 16. Tax Increment Financing Plan. The Program  
28 Administrator shall, in cooperation with the Department of  
29 Commerce and Economic Opportunity ~~Community Affairs~~, develop a  
30 plan for the use of tax increment financing to increase the  
31 availability of affordable housing. The Program Administrator  
32 shall recommend ways in which local tax increment financing can  
33 be exported from commercial and industrial developments to very  
34 low-income, low-income and moderate income housing projects  
35 outside the tax increment financing district, subject to

1 limitation on dollar amounts. By March 1, 1990, the Program  
2 Administrator shall report to the Governor and the General  
3 Assembly the details of the plan and the Program  
4 Administrator's recommendations for legislative action.

5 (Source: P.A. 86-925; revised 12-6-03.)

6 Section 740. The Blighted Areas Redevelopment Act of 1947  
7 is amended by changing Section 3 as follows:

8 (315 ILCS 5/3) (from Ch. 67 1/2, par. 65)

9 Sec. 3. Definitions. The following terms, wherever used or  
10 referred to in this Act shall have the following respective  
11 meanings, unless in any case a different meaning clearly  
12 appears from the context:

13 (a) "Commission" means a Land Clearance Commission created  
14 pursuant to this Act or heretofore created pursuant to "An Act  
15 to promote the improvement of housing," approved July 26, 1945.

16 (b) "Commissioner" or "Commissioners" shall mean a  
17 Commissioner or Commissioners of a Land Clearance Commission.

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

20 (d) "Authority" or "housing authority" shall mean a housing  
21 authority organized in accordance with the provisions of the  
22 Housing Authorities Act.

23 (e) "Municipality" shall mean a city, village or  
24 incorporated town.

25 (f) "Presiding officer" shall mean the presiding officer of  
26 the board of a county, or the mayor or president of a city,  
27 village or incorporated town, as the case may be, for which a  
28 Land Clearance Commission is created.

29 (g) The term "governing body" shall mean the council or the  
30 president and board of trustees of any city, village or  
31 incorporated town, as the case may be, and the county board of  
32 any county.

33 (h) "Area of operation" shall mean (1) in the case of a  
34 Land Clearance Commission created for a municipality, the area

1 within the territorial boundaries of said municipality; and (2)  
2 in the case of a county shall include the areas within the  
3 territorial boundaries of all municipalities within such  
4 county, except the area of any municipality located therein in  
5 which there has been created a Land Clearance Commission or a  
6 Department of Urban Renewal pursuant to the provisions of the  
7 Urban Renewal Consolidation Act of 1961. When a Land Clearance  
8 Commission or such a Department of Urban Renewal is created for  
9 a municipality subsequent to the creation of a County land  
10 clearance commission whose area of operation of the County land  
11 clearance commission shall not thereafter include the  
12 territory of such municipality, but the County land clearance  
13 commission may continue any redevelopment project previously  
14 commenced in such municipality.

15 (i) "Real property" shall include lands, lands under water,  
16 structures, and any and all easements, franchises and  
17 incorporeal hereditaments and estates, and rights, legal and  
18 equitable, including terms for years and liens by way of  
19 judgment, mortgage or otherwise.

20 (j) "Slum and Blighted Area" means any area of not less in  
21 the aggregate than 2 acres located within the territorial  
22 limits of a municipality where buildings or improvements, by  
23 reason of dilapidation, obsolescence, overcrowding, faulty  
24 arrangement or design, lack of ventilation, light and sanitary  
25 facilities, excessive land coverage, deleterious land use or  
26 layout or any combination of these factors, are detrimental to  
27 the public safety, health, morals or welfare.

28 (k) "Slum and Blighted Area Redevelopment Project" means a  
29 project involving a slum and blighted area as defined in  
30 subsection (j) of this Section including undertakings and  
31 activities of the Commission in a Slum and Blighted Area  
32 Redevelopment Project for the elimination and for the  
33 prevention of the development or spread of slums and blight and  
34 may involve slum clearance and redevelopment in a Slum and  
35 Blighted Area Redevelopment Project, or any combination or part  
36 thereof in accordance with an Urban Renewal Program. Such

1 undertakings and activities may include:

2 1. acquisition of a slum area or a blighted area or  
3 portion thereof;

4 2. demolition and removal of buildings and  
5 improvements;

6 3. installation, construction or reconstruction of  
7 streets, utilities, parks, playgrounds, and other  
8 improvements necessary for the carrying out in the Slum and  
9 Blighted Area Redevelopment Project the objectives of this  
10 Act;

11 4. disposition of any property acquired in the Slum and  
12 Blighted Area Redevelopment Project;

13 5. carrying out plans for a program of voluntary repair  
14 and rehabilitation of buildings or other improvements in  
15 accordance with a redevelopment plan.

16 (1) "Blighted Vacant Area Redevelopment Project" means a  
17 project involving (1) predominantly open platted urban or  
18 suburban land which because of obsolete platting, diversity of  
19 ownership, deterioration of structures or of site  
20 improvements, or taxes or special assessment delinquencies  
21 exceeding the fair value of the land, substantially impairs or  
22 arrests the sound growth of the community and which is to be  
23 developed for residential or other use, provided that such a  
24 project shall not be developed for other than residential use  
25 unless the area, at the time the Commission adopts the  
26 resolution approving the plan for the development of the area,  
27 is zoned for other than residential use and unless the  
28 Commission determines that residential development thereof is  
29 not feasible, and such determination is approved by the  
30 presiding officer and the governing body of the municipality in  
31 which the area is situated and by the Department, or (2) open  
32 unplatted urban or suburban land to be developed for  
33 predominantly residential uses, or (3) a combination of  
34 projects defined in (1) and (2) of this subsection (1).

35 (m) "Redevelopment Project" means a "Slum and Blighted Area  
36 Redevelopment Project" or a "Blighted Vacant Area

1 Redevelopment Project", as the case may be, as designated in  
2 the determination of the Commission pursuant to Section 13 of  
3 this Act, and may include such additional area of not more in  
4 the aggregate than 160 acres (exclusive of the site of any  
5 abutting Slum and Blighted Area Redevelopment Project or  
6 Blighted Vacant Area Redevelopment Project) located within the  
7 territorial limits of the municipality, abutting and adjoining  
8 in whole or in part a Slum and Blighted Area Redevelopment  
9 Project or Blighted Vacant Area Redevelopment Project, which  
10 the land clearance commission deems necessary for the  
11 protection and completion of such redevelopment project or  
12 projects and of the site improvements to be made therein and  
13 which has been approved by the Department and the governing  
14 body of the municipality in which the area is situated, but the  
15 land clearance commission as to such additional area shall have  
16 power only to make studies, surveys and plans concerning  
17 services to be performed by the municipality or others,  
18 including the extension of project streets and utilities, the  
19 provision of parks, playgrounds or schools, and the zoning of  
20 such peripheral areas.

21 (n) "Match" and any other form of said word when used with  
22 reference to the matching of moneys means match on a dollar for  
23 dollar basis.

24 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

25 Section 745. The Blighted Vacant Areas Development Act of  
26 1949 is amended by changing Section 3 as follows:

27 (315 ILCS 10/3) (from Ch. 67 1/2, par. 91.3)

28 Sec. 3. Definitions. The following terms, wherever used or  
29 referred to in this Act, shall have the following respective  
30 meanings, unless, in any case, a different meaning clearly  
31 appears from the context:

32 (a) "Private interest" and "developer" includes any  
33 person, firm, association, trust, or business corporation.

34 (b) "Blighted vacant area" means any undeveloped

1 contiguous urban area of not less than one acre where there  
2 exists diversity of ownership of lots and tax and special  
3 assessment delinquencies exceeding the fair cash market value  
4 of the land within such area.

5 (c) "Department" means the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~.

7 (d) "Municipality" and "corporate authorities of the  
8 municipality" shall have the respective meanings assigned to  
9 these terms in Section 1-1-2 of the Illinois Municipal Code.  
10 "Corporate authorities of the county" shall refer to the  
11 governing body of the county as specified in Section 5-1004 of  
12 the Counties Code.

13 (Source: P.A. 86-1475; revised 12-6-03.)

14 Section 750. The Urban Community Conservation Act is  
15 amended by changing Section 4 as follows:

16 (315 ILCS 25/4) (from Ch. 67 1/2, par. 91.11)

17 Sec. 4. Excepting any municipality for and in which there  
18 exists a Department of Urban Renewal created pursuant to the  
19 provisions of the "Urban Renewal Consolidation Act of 1961",  
20 enacted by the Seventy-Second General Assembly, any  
21 municipality, after 30 days' notice, published in a newspaper  
22 of general circulation within the municipality, and public  
23 hearing, shall have the power to provide for the creation of a  
24 Conservation Board, to operate within the boundaries of such  
25 municipality, pursuant to the provisions of this Act. The  
26 presiding officer of any municipality in which a Conservation  
27 Board is established shall appoint, with the approval of the  
28 governing body and of the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~, five residents of the  
30 municipality to act as a Conservation Board, hereinafter  
31 referred to as "the Board." Members of the Board shall be  
32 citizens of broad civic interest, administrative experience  
33 and ability in the fields of finance, real estate, building, or  
34 related endeavors, not more than three of whom shall belong to

1 the same political party. One such member shall be designated  
2 by the presiding officer as Commissioner and shall serve at the  
3 pleasure of the presiding officer. He shall administer the  
4 functions assigned by the Board, preside over its meetings, and  
5 carry out whatever other functions may be assigned to him by  
6 the governing body. The Commissioner shall devote his full-time  
7 attention to the duties of his office and shall receive no  
8 public funds by way of salary, compensation, or remuneration  
9 for services rendered, from any other governmental agency or  
10 public body during his tenure in office, other than the salary  
11 provided by the governing body, except as herein otherwise  
12 specifically provided.

13 Four other members of the Board shall be appointed, to  
14 serve one, two, three and four year terms. After the expiration  
15 of the initial term of office each subsequent term shall be of  
16 four years' duration. A member shall hold office until his  
17 successor shall have been appointed and qualified. Members of  
18 the Board shall be eligible to succeed themselves. Members of  
19 the Board other than the Commissioner shall serve without pay,  
20 except as herein otherwise specifically provided and no member  
21 of the Board shall acquire any interest, direct or indirect, in  
22 any conservation project, or in any property included or  
23 planned to be included in any conservation project, nor shall  
24 any member have any interest in any contract or proposed  
25 contract in connection with any such project. Members may be  
26 dismissed by the Presiding Office of the Municipality for good  
27 cause shown. Such dismissal may be set aside by a two-thirds  
28 vote of the governing body. Notwithstanding anything to the  
29 contrary herein contained, the Commissioner, may, during all or  
30 any part of his term also serve as Chairman or member of a  
31 Redevelopment Commission created pursuant to "The Neighborhood  
32 Redevelopment Corporation Law" approved July 9, 1941, as  
33 amended, and shall be entitled to receive and retain any salary  
34 payable to him as Chairman or member of any such Redevelopment  
35 Commission. Three members of the Conservation Board shall  
36 constitute a quorum to transact business and no vacancy shall

1 impair the right of the remaining members to exercise all the  
2 powers of the Board; and every act, order, rule, regulation or  
3 resolution of the Conservation Board approved by a majority of  
4 the members thereof at a regular or special meeting shall be  
5 deemed to be the act, order, rule, regulation or resolution of  
6 the Conservation Board.

7 The Conservation Board shall designate Conservation Areas  
8 and

9 (a) Approve all conservation plans developed for  
10 Conservation Areas in the manner prescribed herein;

11 (b) Approve each use of eminent domain for the acquisition  
12 of real property for the purposes of this Act, provided that  
13 every property owner affected by condemnation proceedings  
14 shall have the opportunity to be heard by the Board before such  
15 proceedings may be approved;

16 (c) Act as the agent of the Municipality in the  
17 acquisition, management, and disposition of property acquired  
18 pursuant to this Act as hereinafter provided;

19 (d) Act as agent of the governing body, at the discretion  
20 of the governing body, in the enforcement and the  
21 administration of any ordinances relating to the conservation  
22 of urban residential areas and the prevention of slums enacted  
23 by the governing body pursuant to the laws of this State;

24 (e) Report annually to the presiding officer of the  
25 municipality;

26 (f) Shall, as agent for the Municipality upon approval by  
27 the governing body, have power to apply for and accept capital  
28 grants and loans from, and contract with, the United States of  
29 America, the Housing and Home Finance Agency, or any other  
30 Agency or instrumentality of the United States of America, for  
31 or in aid of any of the purposes of this Act, and to secure such  
32 loans by the issuance of debentures, notes, special  
33 certificates, or other evidences of indebtedness, to the United  
34 States of America; and

35 (g) Exercise any and all other powers as shall be necessary  
36 to effectuate the purposes of this Act.



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

2 Section 755. The Urban Renewal Consolidation Act of 1961 is  
3 amended by changing Sections 5, 16, 17, and 31 as follows:

4 (315 ILCS 30/5) (from Ch. 67 1/2, par. 91.105)

5 Sec. 5. As soon as possible after the adoption of the  
6 ordinance by the governing body, the presiding officer of such  
7 municipality in which a Department of Urban Renewal is  
8 established, shall appoint, with the approval of the governing  
9 body, five members to act as a Department of Urban Renewal,  
10 hereinafter referred to as the "Department". Members of the  
11 Department shall be citizens of broad civic interest,  
12 administrative experience and ability in the fields of finance,  
13 real estate, building or related endeavors, at least three of  
14 whom shall be residents and electors of the municipality, and  
15 not more than three members shall belong to the same political  
16 party.

17 One member shall be designated by the presiding officer as  
18 Chairman and shall serve at the pleasure of the presiding  
19 officer. He shall administer the functions assigned by the  
20 Department, preside over its meetings and carry out whatever  
21 other functions may be assigned to him by the Department and by  
22 the governing body. The Chairman shall devote his full-time  
23 attention to the duties of his office and shall receive no  
24 public funds by way of salary, compensation, or remuneration  
25 for services rendered, from any other governmental agency or  
26 public body during his tenure in office, other than the salary  
27 provided by the governing body.

28 Four other members shall be appointed with initial terms of  
29 one, two, three and four years. At the expiration of the term  
30 of each such member, and of each succeeding member, or in the  
31 event of a vacancy, the presiding officer shall appoint a  
32 member, subject to the approval of the governing body as  
33 aforesaid, to hold office, in the case of a vacancy for the  
34 unexpired term, or in the case of expiration for a term of four

1 years, or until his successor shall have been appointed and  
2 qualified. Members shall be eligible to succeed themselves.  
3 Members other than the Chairman shall serve without  
4 compensation in the form of salary, per diem allowances or  
5 otherwise, but each such member shall be entitled to  
6 reimbursement for any necessary expenditures in connection  
7 with the performance of his duties.

8 Any public officer shall be eligible to serve as a member  
9 of the Department of Urban Renewal, and the acceptance of  
10 appointment as such shall not terminate or impair his other  
11 public office, the provision of any statute to the contrary  
12 notwithstanding; but no officer or employee of the Department  
13 of Commerce and Economic Opportunity ~~Community Affairs~~ shall be  
14 eligible to serve as a member, nor shall more than two public  
15 officers be members of the Department at one time; provided,  
16 however, that any commissioner of a land clearance commission  
17 or member of a conservation board shall be eligible to serve as  
18 a member, and the acceptance of appointment as such shall not  
19 impair his right to serve on such land clearance commission or  
20 conservation board pending its dissolution, the provision of  
21 any statute to the contrary notwithstanding. Members other than  
22 the Chairman may be removed from office by the presiding  
23 officer for good cause shown. Such removal may be set aside by  
24 a two-thirds vote of the governing body.

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

26 (315 ILCS 30/16) (from Ch. 67 1/2, par. 91.116)

27 Sec. 16. The Department, with the approval of the  
28 Department of Commerce and Economic Opportunity ~~Community~~  
29 ~~Affairs~~ and the governing body of the municipality in which the  
30 redevelopment project is located, may sell and convey not to  
31 exceed 15% of all the real property which is to be used for  
32 residential purposes in the area or areas of a redevelopment  
33 project or projects to a Housing Authority created under an Act  
34 entitled "An Act in relation to housing authorities," approved  
35 March 19, 1934, as amended, having jurisdiction within the area

1 of the redevelopment project or projects, to provide housing  
2 projects pursuant to said last mentioned Act; provided the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~ determines that it is not practicable or feasible to  
5 otherwise relocate eligible persons residing in the area of the  
6 redevelopment project or projects in decent, safe and  
7 uncongested dwelling accommodations within their financial  
8 reach, unless such a housing project is undertaken by the  
9 Housing Authority, and provided further that first preference  
10 for occupancy in any such housing project developed by the  
11 Housing Authority on such real property shall be granted to  
12 eligible persons from the area included in the redevelopment  
13 project or projects that cannot otherwise be relocated in  
14 decent, safe and uncongested dwelling accommodations within  
15 their financial reach.

16 Any real property sold and conveyed to a Housing Authority  
17 pursuant to the provisions of this Section shall be sold at its  
18 use value (which may be less than its acquisition cost), which  
19 represents the value at which the Department determines such  
20 land should be made available in order that it may be  
21 redeveloped for the purposes specified in this Section.

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

23 (315 ILCS 30/17) (from Ch. 67 1/2, par. 91.117)

24 Sec. 17. A Department, with the approval of the Department  
25 of Commerce and Economic Opportunity ~~Community Affairs~~ and the  
26 governing body of the municipality in which the project is  
27 located, may sell and convey any part of the real property  
28 within the area of a slum and blighted area redevelopment  
29 project as defined in Subsection (j) of Section 3 hereof to a  
30 Housing Authority created under an Act entitled "An Act in  
31 relation to housing authorities," approved March 19, 1934, as  
32 amended, having jurisdiction within the area of the  
33 redevelopment project or projects. Any real property sold and  
34 conveyed to a Housing Authority pursuant to the provisions of  
35 this Section shall be for the sole purpose of resale pursuant

1 to the terms and provisions of Section 5 of an Act entitled "An  
2 Act to facilitate the development and construction of housing,  
3 to provide governmental assistance therefor, and to repeal an  
4 Act herein named," approved July 2, 1947, to a nonprofit  
5 corporation, or nonprofit corporations, organized for the  
6 purpose of constructing, managing and operating housing  
7 projects and the improvement of housing conditions, including  
8 the sale or rental of housing units to persons in need thereof.  
9 No sale shall be consummated pursuant to this Section unless  
10 the nonprofit corporation to which the Housing Authority is to  
11 resell, obligates itself to use the land for the purposes  
12 designated in the approved plan referred to in Section 19  
13 hereof and to commence and complete the building of the  
14 improvements within the periods of time which the Department  
15 fixes as reasonable and unless the Department is satisfied that  
16 the nonprofit corporation will have sufficient moneys to  
17 complete the redevelopment in accordance with the approved  
18 plan.

19 Any real property sold and conveyed to a Housing Authority  
20 pursuant to the provisions of this Section shall be sold at its  
21 use value (which may be less than its acquisition cost), which  
22 represents the value at which the Department determines such  
23 land should be made available in order that it may be developed  
24 or redeveloped for the purposes specified in the approved plan.  
25 (Source: P.A. 81-1509; revised 12-6-03.)

26 (315 ILCS 30/31) (from Ch. 67 1/2, par. 91.131)

27 Sec. 31. When a Department of Urban Renewal has been  
28 established hereunder the presiding officer of the  
29 municipality shall so notify the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~ and the land clearance  
31 commission in its area of operation by transmitting to the  
32 Department of Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~ and such land clearance commission a certified copy of  
34 the ordinance of the governing body providing for the creation  
35 of such Department.

1 From and after the receipt of such notice such land  
2 clearance commission shall undertake no new development or  
3 redevelopment projects; however, such land clearance  
4 commission shall, pending its dissolution as hereinafter  
5 provided, have and continue to exercise all powers vested in  
6 land clearance commissions by the "Blighted Areas  
7 Redevelopment Act of 1947," approved July 2, 1947, as amended,  
8 with respect to: (1) projects then in progress pending  
9 determination, as hereinafter provided, by the governing body  
10 of the municipality as to which, if any, of the redevelopment  
11 projects then in progress are to be completed by such land  
12 clearance commission, and (2) projects which the governing body  
13 of the municipality determines shall be completed by such land  
14 clearance commission.

15 Such land clearance commission shall promptly prepare a  
16 detailed report covering its operations and activities and the  
17 status of all of its pending development or redevelopment  
18 projects, together with all other pertinent data and  
19 information as may be requested by the Department. The  
20 Department shall cause an audit to be made of the financial  
21 affairs and obligations of such land clearance commission.  
22 Copies of such report and audit shall be furnished the  
23 presiding officer of the municipality, the department, the  
24 governing body of the municipality, the Department of Commerce  
25 and Economic Opportunity ~~Community Affairs~~ and such land  
26 clearance commission.

27 Upon receipt of such audit and report the Department of  
28 Urban Renewal, with the approval of the governing body of the  
29 municipality, shall determine with respect to any  
30 redevelopment project then in progress whether such project  
31 shall be completed by such land clearance commission or by the  
32 Department of Urban Renewal, and shall so notify such land  
33 clearance commission and the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~.

35 Such land clearance commission shall, upon receipt of the  
36 determinations of the Department of Urban Renewal with respect

1 to redevelopment projects then in progress, proceed with the  
2 orderly dissolution of such land clearance commission. When  
3 provision has been made for the refunding or payment of  
4 outstanding bonds of such land clearance commission the  
5 Commissioners of such land clearance commission shall promptly  
6 take appropriate action to convey, transfer, assign, deliver  
7 and pay over to the municipality for the purposes under Part I  
8 of this Act, all cash, real property, securities, contracts,  
9 records, and assets of any kind or nature which will not be  
10 needed for the completion by the land clearance commission of  
11 any redevelopment project which the department may have  
12 determined should be completed by such land clearance  
13 commission and which will not be required for the orderly  
14 dissolution of such land clearance commission. All assets so  
15 conveyed, assigned, transferred and paid over to the  
16 municipality shall be subject to the same rights, liabilities  
17 and obligations as existed prior to the transfer to the  
18 municipality.

19 When all of the cash, real property, securities, contracts,  
20 assets, records and functions of a land clearance commission  
21 have been so conveyed, transferred, assigned, delivered and  
22 paid over to the municipality and provisions have been made for  
23 the refunding or payment of outstanding bonds of such land  
24 clearance commission, and when such land clearance commission  
25 has completed all projects which the Department, as aforesaid,  
26 may have determined should be completed by such land clearance  
27 commission, it shall so notify the Department of Commerce and  
28 Economic Opportunity ~~Community Affairs~~. When the Department of  
29 Commerce and Economic Opportunity ~~Community Affairs~~ is  
30 satisfied that a proper accounting has been made and that no  
31 contingent liabilities exist, the Department of Commerce and  
32 Economic Opportunity ~~Community Affairs~~ shall issue a  
33 certificate of dissolution which it shall file in the office in  
34 which deeds of property in the area of operation are recorded,  
35 and upon such filing, such land clearance commission shall be  
36 dissolved and cease to exist.

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

2 Section 760. The Partnership for Long-Term Care Act is  
3 amended by changing Sections 50 and 60 as follows:

4 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

5 Sec. 50. Task force.

6 (a) An executive and legislative advisory task force shall  
7 be created to provide advice and assistance in designing and  
8 implementing the Partnership for Long-term Care Program. The  
9 task force shall be composed of representatives, designated by  
10 the director of each of the following agencies or departments:

11 (1) The Department on Aging.

12 (2) The Department of Public Aid.

13 (3) (Blank).

14 (4) The Department of Insurance.

15 (5) The Department of Commerce and Community Affairs  
16 (now Department of Commerce and Economic Opportunity).

17 (6) The Legislative Research Unit.

18 (b) The task force shall consult with persons knowledgeable  
19 of and concerned with long-term care, including, but not  
20 limited to the following:

21 (1) Consumers.

22 (2) Health care providers.

23 (3) Representatives of long-term care insurance  
24 companies and administrators of health care service plans  
25 that cover long-term care services.

26 (4) Providers of long-term care.

27 (5) Private employers.

28 (6) Academic specialists in long-term care and aging.

29 (7) Representatives of the public employees' and  
30 teachers' retirement systems.

31 (c) The task force shall be established, and its members  
32 designated, not later than March 1, 1993. The task force shall  
33 make recommendations to the Department on Aging concerning the  
34 policy components of the program on or before September 1,

1 1993.

2 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
3 eff. 7-1-97; revised 12-6-03.)

4 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

5 Sec. 60. Administrative costs.

6 (a) The Department on Aging, in conjunction with the  
7 Department of Public Aid, the Department of Insurance, and the  
8 Department of Commerce and Economic Opportunity Community  
9 ~~Affairs~~, shall submit applications for State or federal grants  
10 or federal waivers, or funding from nationally distributed  
11 private foundation grants, or insurance reimbursements to be  
12 used to pay the administrative expenses of implementation of  
13 the program. The Department on Aging, in conjunction with those  
14 other departments, also shall seek moneys from these same  
15 sources for the purpose of implementing the program, including  
16 moneys appropriated for that purpose.

17 (b) In implementing this Act, the Department on Aging may  
18 negotiate contracts, on a nonbid basis, with long-term care  
19 insurers, health care insurers, health care service plans, or  
20 both, for the provision of coverage for long-term care services  
21 that will meet the certification requirements set forth in  
22 Section 30 and the other requirements of this Act.

23 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
24 eff. 7-1-97; revised 12-6-03.)

25 Section 765. The High Risk Youth Career Development Act is  
26 amended by changing Section 1 as follows:

27 (325 ILCS 25/1) (from Ch. 23, par. 6551)

28 Sec. 1. The Department of Human Services (acting as  
29 successor to the Illinois Department of Public Aid under the  
30 Department of Human Services Act), in cooperation with the  
31 Department of Commerce and Economic Opportunity Community  
32 ~~Affairs~~, the Illinois State Board of Education, the Department  
33 of Children and Family Services, the Department of Employment



1 Services and other appropriate State and local agencies, may  
2 establish and administer, on an experimental basis and subject  
3 to appropriation, community-based programs providing  
4 comprehensive, long-term intervention strategies to increase  
5 future employability and career development among high risk  
6 youth. The Department of Human Services, and the other  
7 cooperating agencies, shall establish provisions for community  
8 involvement in the design, development, implementation and  
9 administration of these programs. The programs may provide the  
10 following services: teaching of basic literacy and remedial  
11 reading and writing; vocational training programs which are  
12 realistic in terms of producing lifelong skills necessary for  
13 career development; and supportive services including  
14 transportation and child care during the training period and  
15 for up to one year after placement in a job. The programs shall  
16 be targeted to high risk youth residing in the geographic areas  
17 served by the respective programs. "High risk" means that a  
18 person is at least 16 years of age but not yet 21 years of age  
19 and possesses one or more of the following characteristics:

- 20 (1) Has low income;
- 21 (2) Is a member of a minority;
- 22 (3) Is illiterate;
- 23 (4) Is a school drop out;
- 24 (5) Is homeless;
- 25 (6) Is disabled;
- 26 (7) Is a parent; or
- 27 (8) Is a ward of the State.

28 The Department of Human Services and other cooperating  
29 State agencies shall promulgate rules and regulations,  
30 pursuant to the Illinois Administrative Procedure Act, for the  
31 implementation of this Act, including procedures and standards  
32 for determining whether a person possesses any of the  
33 characteristics specified in this Section.

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

35 Section 770. The Developmental Disability and Mental

1 Disability Services Act is amended by changing Section 10-5 as  
2 follows:

3 (405 ILCS 80/10-5)

4 Sec. 10-5. Task force created. A workforce task force for  
5 persons with disabilities is created, consisting of 16 members.  
6 The task force shall consist of the following members:

7 (1) Two members of the Senate, appointed one each by  
8 the President of the Senate and the Minority Leader of the  
9 Senate.

10 (2) Two members of the House of Representatives,  
11 appointed one each by the Speaker of the House of  
12 Representatives and the Minority Leader of the House of  
13 Representatives.

14 (3) Three members appointed by the Secretary of Human  
15 Services or his or her designee, one each representing the  
16 Office of Developmental Disabilities, the Office of  
17 Rehabilitation Services, and the Office of Mental Health  
18 within the Department.

19 (4) One member representing the Illinois Council on  
20 Developmental Disabilities, selected by the Council.

21 (5) One member appointed by the Director of Aging or  
22 his or her designee.

23 (6) One member appointed by the Director of Employment  
24 Security or his or her designee.

25 (7) One member appointed by the Director of Commerce  
26 and Economic Opportunity ~~Community Affairs~~ or his or her  
27 designee.

28 (8) Two members representing private businesses, one  
29 of the 2 representing the Business Leaders Network,  
30 appointed by the Secretary of Human Services.

31 (9) One member representing the Illinois Network of  
32 Centers for Independent Living, selected by the Network.

33 (10) One member representing the Coalition of Citizens  
34 with Disabilities in Illinois, selected by the Coalition.

35 (11) One member representing People First of Illinois,

1 selected by that organization.

2 (Source: P.A. 92-303, eff. 8-9-01; revised 12-6-03.)

3 Section 775. The Environmental Protection Act is amended by  
4 changing Sections 3.180, 6.1, 21.6, 22.15, 22.16b, 22.23, 27,  
5 55, 55.3, 55.7, 58.14, and 58.15 as follows:

6 (415 ILCS 5/3.180) (was 415 ILCS 5/3.07)

7 Sec. 3.180. Department. "Department", when a particular  
8 entity is not specified, means (i) in the case of a function to  
9 be performed on or after July 1, 1995 (the effective date of  
10 the Department of Natural Resources Act), either the Department  
11 of Natural Resources or the Department of Commerce and Economic  
12 Opportunity (formerly Department of Commerce and Community  
13 Affairs), whichever, in the specific context, is the successor  
14 to the Department of Energy and Natural Resources under the  
15 Department of Natural Resources Act; or (ii) in the case of a  
16 function performed before July 1, 1995, the former Illinois  
17 Department of Energy and Natural Resources.

18 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

19 (415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

20 Sec. 6.1. The Department of Commerce and Community Affairs  
21 (now Department of Commerce and Economic Opportunity) shall  
22 conduct studies of the effects of all State and federal sulfur  
23 dioxide regulations and emission standards on the use of  
24 Illinois coal and other fuels, and shall report the results of  
25 such studies to the Governor and the General Assembly. The  
26 reports shall be made by July 1, 1980 and biennially  
27 thereafter.

28 The requirement for reporting to the General Assembly shall  
29 be satisfied by filing copies of the report with the Speaker,  
30 the Minority Leader and the Clerk of the House of  
31 Representatives and the President, the Minority Leader and the  
32 Secretary of the Senate and the Legislative Research Unit, as  
33 required by Section 3.1 of "An Act to revise the law in

1 relation to the General Assembly", approved February 25, 1874,  
2 as amended, and filing such additional copies with the State  
3 Government Report Distribution Center for the General Assembly  
4 as is required under paragraph (t) of Section 7 of the State  
5 Library Act.

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

7 (415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)

8 Sec. 21.6. Materials disposal ban.

9 (a) Beginning July 1, 1996, no person may knowingly mix  
10 liquid used oil with any municipal waste that is intended for  
11 collection and disposal at a landfill.

12 (b) Beginning July 1, 1996, no owner or operator of a  
13 sanitary landfill shall accept for final disposal liquid used  
14 oil that is discernible in the course of prudent business  
15 operation.

16 (c) For purposes of this Section, "liquid used oil" does  
17 not include used oil filters, rags, absorbent material used to  
18 collect spilled oil or other materials incidentally  
19 contaminated with used oil, or empty containers which  
20 previously contained virgin oil, re-refined oil, or used oil.

21 (d) The Agency and the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ shall investigate the manner in  
23 which liquid used oil is currently being utilized and potential  
24 prospects for future use.

25 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

26 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

27 Sec. 22.15. Solid Waste Management Fund; fees.

28 (a) There is hereby created within the State Treasury a  
29 special fund to be known as the "Solid Waste Management Fund",  
30 to be constituted from the fees collected by the State pursuant  
31 to this Section and from repayments of loans made from the Fund  
32 for solid waste projects. Moneys received by the Department of  
33 Commerce and Economic Opportunity ~~Community Affairs~~ in  
34 repayment of loans made pursuant to the Illinois Solid Waste

1 Management Act shall be deposited into the Solid Waste  
2 Management Revolving Loan Fund.

3 (b) The Agency shall assess and collect a fee in the amount  
4 set forth herein from the owner or operator of each sanitary  
5 landfill permitted or required to be permitted by the Agency to  
6 dispose of solid waste if the sanitary landfill is located off  
7 the site where such waste was produced and if such sanitary  
8 landfill is owned, controlled, and operated by a person other  
9 than the generator of such waste. The Agency shall deposit all  
10 fees collected into the Solid Waste Management Fund. If a site  
11 is contiguous to one or more landfills owned or operated by the  
12 same person, the volumes permanently disposed of by each  
13 landfill shall be combined for purposes of determining the fee  
14 under this subsection.

15 (1) If more than 150,000 cubic yards of non-hazardous  
16 solid waste is permanently disposed of at a site in a  
17 calendar year, the owner or operator shall either pay a fee  
18 of 95 cents per cubic yard or, alternatively, the owner or  
19 operator may weigh the quantity of the solid waste  
20 permanently disposed of with a device for which  
21 certification has been obtained under the Weights and  
22 Measures Act and pay a fee of \$2.00 per ton of solid waste  
23 permanently disposed of. In no case shall the fee collected  
24 or paid by the owner or operator under this paragraph  
25 exceed \$1.55 per cubic yard or \$3.27 per ton.

26 (2) If more than 100,000 cubic yards but not more than  
27 150,000 cubic yards of non-hazardous waste is permanently  
28 disposed of at a site in a calendar year, the owner or  
29 operator shall pay a fee of \$52,630.

30 (3) If more than 50,000 cubic yards but not more than  
31 100,000 cubic yards of non-hazardous solid waste is  
32 permanently disposed of at a site in a calendar year, the  
33 owner or operator shall pay a fee of \$23,790.

34 (4) If more than 10,000 cubic yards but not more than  
35 50,000 cubic yards of non-hazardous solid waste is  
36 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$7,260.

2 (5) If not more than 10,000 cubic yards of  
3 non-hazardous solid waste is permanently disposed of at a  
4 site in a calendar year, the owner or operator shall pay a  
5 fee of \$1050.

6 (c) (Blank.)

7 (d) The Agency shall establish rules relating to the  
8 collection of the fees authorized by this Section. Such rules  
9 shall include, but not be limited to:

10 (1) necessary records identifying the quantities of  
11 solid waste received or disposed;

12 (2) the form and submission of reports to accompany the  
13 payment of fees to the Agency;

14 (3) the time and manner of payment of fees to the  
15 Agency, which payments shall not be more often than  
16 quarterly; and

17 (4) procedures setting forth criteria establishing  
18 when an owner or operator may measure by weight or volume  
19 during any given quarter or other fee payment period.

20 (e) Pursuant to appropriation, all monies in the Solid  
21 Waste Management Fund shall be used by the Agency and the  
22 Department of Commerce and Economic Opportunity ~~Community~~  
23 ~~Affairs~~ for the purposes set forth in this Section and in the  
24 Illinois Solid Waste Management Act, including for the costs of  
25 fee collection and administration.

26 (f) The Agency is authorized to enter into such agreements  
27 and to promulgate such rules as are necessary to carry out its  
28 duties under this Section and the Illinois Solid Waste  
29 Management Act.

30 (g) On the first day of January, April, July, and October  
31 of each year, beginning on July 1, 1996, the State Comptroller  
32 and Treasurer shall transfer \$500,000 from the Solid Waste  
33 Management Fund to the Hazardous Waste Fund. Moneys transferred  
34 under this subsection (g) shall be used only for the purposes  
35 set forth in item (1) of subsection (d) of Section 22.2.

36 (h) The Agency is authorized to provide financial

1 assistance to units of local government for the performance of  
2 inspecting, investigating and enforcement activities pursuant  
3 to Section 4(r) at nonhazardous solid waste disposal sites.

4 (i) The Agency is authorized to support the operations of  
5 an industrial materials exchange service, and to conduct  
6 household waste collection and disposal programs.

7 (j) A unit of local government, as defined in the Local  
8 Solid Waste Disposal Act, in which a solid waste disposal  
9 facility is located may establish a fee, tax, or surcharge with  
10 regard to the permanent disposal of solid waste. All fees,  
11 taxes, and surcharges collected under this subsection shall be  
12 utilized for solid waste management purposes, including  
13 long-term monitoring and maintenance of landfills, planning,  
14 implementation, inspection, enforcement and other activities  
15 consistent with the Solid Waste Management Act and the Local  
16 Solid Waste Disposal Act, or for any other environment-related  
17 purpose, including but not limited to an environment-related  
18 public works project, but not for the construction of a new  
19 pollution control facility other than a household hazardous  
20 waste facility. However, the total fee, tax or surcharge  
21 imposed by all units of local government under this subsection

22 (j) upon the solid waste disposal facility shall not exceed:

23 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
24 of non-hazardous solid waste is permanently disposed of at  
25 the site in a calendar year, unless the owner or operator  
26 weighs the quantity of the solid waste received with a  
27 device for which certification has been obtained under the  
28 Weights and Measures Act, in which case the fee shall not  
29 exceed \$1.27 per ton of solid waste permanently disposed  
30 of.

31 (2) \$33,350 if more than 100,000 cubic yards, but not  
32 more than 150,000 cubic yards, of non-hazardous waste is  
33 permanently disposed of at the site in a calendar year.

34 (3) \$15,500 if more than 50,000 cubic yards, but not  
35 more than 100,000 cubic yards, of non-hazardous solid waste  
36 is permanently disposed of at the site in a calendar year.

1           (4) \$4,650 if more than 10,000 cubic yards, but not  
2 more than 50,000 cubic yards, of non-hazardous solid waste  
3 is permanently disposed of at the site in a calendar year.

4           (5) \$650 if not more than 10,000 cubic yards of  
5 non-hazardous solid waste is permanently disposed of at the  
6 site in a calendar year.

7           The corporate authorities of the unit of local government  
8 may use proceeds from the fee, tax, or surcharge to reimburse a  
9 highway commissioner whose road district lies wholly or  
10 partially within the corporate limits of the unit of local  
11 government for expenses incurred in the removal of  
12 nonhazardous, nonfluid municipal waste that has been dumped on  
13 public property in violation of a State law or local ordinance.

14           A county or Municipal Joint Action Agency that imposes a  
15 fee, tax, or surcharge under this subsection may use the  
16 proceeds thereof to reimburse a municipality that lies wholly  
17 or partially within its boundaries for expenses incurred in the  
18 removal of nonhazardous, nonfluid municipal waste that has been  
19 dumped on public property in violation of a State law or local  
20 ordinance.

21           If the fees are to be used to conduct a local sanitary  
22 landfill inspection or enforcement program, the unit of local  
23 government must enter into a written delegation agreement with  
24 the Agency pursuant to subsection (r) of Section 4. The unit of  
25 local government and the Agency shall enter into such a written  
26 delegation agreement within 60 days after the establishment of  
27 such fees. At least annually, the Agency shall conduct an audit  
28 of the expenditures made by units of local government from the  
29 funds granted by the Agency to the units of local government  
30 for purposes of local sanitary landfill inspection and  
31 enforcement programs, to ensure that the funds have been  
32 expended for the prescribed purposes under the grant.

33           The fees, taxes or surcharges collected under this  
34 subsection (j) shall be placed by the unit of local government  
35 in a separate fund, and the interest received on the moneys in  
36 the fund shall be credited to the fund. The monies in the fund



1 may be accumulated over a period of years to be expended in  
2 accordance with this subsection.

3 A unit of local government, as defined in the Local Solid  
4 Waste Disposal Act, shall prepare and distribute to the Agency,  
5 in April of each year, a report that details spending plans for  
6 monies collected in accordance with this subsection. The report  
7 will at a minimum include the following:

8 (1) The total monies collected pursuant to this  
9 subsection.

10 (2) The most current balance of monies collected  
11 pursuant to this subsection.

12 (3) An itemized accounting of all monies expended for  
13 the previous year pursuant to this subsection.

14 (4) An estimation of monies to be collected for the  
15 following 3 years pursuant to this subsection.

16 (5) A narrative detailing the general direction and  
17 scope of future expenditures for one, 2 and 3 years.

18 The exemptions granted under Sections 22.16 and 22.16a, and  
19 under subsections (c) and (k) of this Section, shall be  
20 applicable to any fee, tax or surcharge imposed under this  
21 subsection (j); except that the fee, tax or surcharge  
22 authorized to be imposed under this subsection (j) may be made  
23 applicable by a unit of local government to the permanent  
24 disposal of solid waste after December 31, 1986, under any  
25 contract lawfully executed before June 1, 1986 under which more  
26 than 150,000 cubic yards (or 50,000 tons) of solid waste is to  
27 be permanently disposed of, even though the waste is exempt  
28 from the fee imposed by the State under subsection (b) of this  
29 Section pursuant to an exemption granted under Section 22.16.

30 (k) In accordance with the findings and purposes of the  
31 Illinois Solid Waste Management Act, beginning January 1, 1989  
32 the fee under subsection (b) and the fee, tax or surcharge  
33 under subsection (j) shall not apply to:

34 (1) Waste which is hazardous waste; or

35 (2) Waste which is pollution control waste; or

36 (3) Waste from recycling, reclamation or reuse

1 processes which have been approved by the Agency as being  
2 designed to remove any contaminant from wastes so as to  
3 render such wastes reusable, provided that the process  
4 renders at least 50% of the waste reusable; or

5 (4) Non-hazardous solid waste that is received at a  
6 sanitary landfill and composted or recycled through a  
7 process permitted by the Agency; or

8 (5) Any landfill which is permitted by the Agency to  
9 receive only demolition or construction debris or  
10 landscape waste.

11 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised  
12 12-6-03.)

13 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

14 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency  
15 shall assess and collect a fee from the owner or operator of  
16 each new municipal waste incinerator. The fee shall be  
17 calculated by applying the rates established from time to time  
18 for the disposal of solid waste at sanitary landfills under  
19 subdivision (b)(1) of Section 22.15 to the total amount of  
20 municipal waste accepted for incineration at the new municipal  
21 waste incinerator. The exemptions provided by this Act to the  
22 fees imposed under subsection (b) of Section 22.15 shall not  
23 apply to the fee imposed by this Section.

24 The owner or operator of any new municipal waste  
25 incinerator permitted after January 1, 1990, but before July 1,  
26 1990 by the Agency for the development or operation of a new  
27 municipal waste incinerator shall be exempt from this fee, but  
28 shall include the following conditions:

29 (1) The owner or operator shall provide information  
30 programs to those communities serviced by the owner or  
31 operator concerning recycling and separation of waste not  
32 suitable for incineration.

33 (2) The owner or operator shall provide information  
34 programs to those communities serviced by the owner or  
35 operator concerning the Agency's household hazardous waste

1 collection program and participation in that program.

2 For the purposes of this Section, "new municipal waste  
3 incinerator" means a municipal waste incinerator initially  
4 permitted for development or construction on or after January  
5 1, 1990.

6 Amounts collected under this subsection shall be deposited  
7 into the Municipal Waste Incinerator Tax Fund, which is hereby  
8 established as an interest-bearing special fund in the State  
9 Treasury. Monies in the Fund may be used, subject to  
10 appropriation:

11 (1) by the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ to fund its public  
13 information programs on recycling in those communities  
14 served by new municipal waste incinerators; and

15 (2) by the Agency to fund its household hazardous waste  
16 collection activities in those communities served by new  
17 municipal waste incinerators.

18 (b) Any permit issued by the Agency for the development or  
19 operation of a new municipal waste incinerator shall include  
20 the following conditions:

21 (1) The incinerator must be designed to provide  
22 continuous monitoring while in operation, with direct  
23 transmission of the resultant data to the Agency, until the  
24 Agency determines the best available control technology  
25 for monitoring the data. The Agency shall establish the  
26 test methods, procedures and averaging periods, as  
27 certified by the USEPA for solid waste incinerator units,  
28 and the form and frequency of reports containing results of  
29 the monitoring. Compliance and enforcement shall be based  
30 on such reports. Copies of the results of such monitoring  
31 shall be maintained on file at the facility concerned for  
32 one year, and copies shall be made available for inspection  
33 and copying by interested members of the public during  
34 business hours.

35 (2) The facility shall comply with the emission limits  
36 adopted by the Agency under subsection (c).

1           (3) The operator of the facility shall take reasonable  
2 measures to ensure that waste accepted for incineration  
3 complies with all legal requirements for incineration. The  
4 incinerator operator shall establish contractual  
5 requirements or other notification and inspection  
6 procedures sufficient to assure compliance with this  
7 subsection (b) (3) which may include, but not be limited to,  
8 routine inspections of waste, lists of acceptable and  
9 unacceptable waste provided to haulers and notification to  
10 the Agency when the facility operator rejects and sends  
11 loads away. The notification shall contain at least the  
12 name of the hauler and the site from where the load was  
13 hauled.

14           (4) The operator may not accept for incineration any  
15 waste generated or collected in a municipality that has not  
16 implemented a recycling plan or is party to an implemented  
17 county plan, consistent with State goals and objectives.  
18 Such plans shall include provisions for collecting,  
19 recycling or diverting from landfills and municipal  
20 incinerators landscape waste, household hazardous waste  
21 and batteries. Such provisions may be performed at the site  
22 of the new municipal incinerator.

23           The Agency, after careful scrutiny of a permit application  
24 for the construction, development or operation of a new  
25 municipal waste incinerator, shall deny the permit if (i) the  
26 Agency finds in the permit application noncompliance with the  
27 laws and rules of the State or (ii) the application indicates  
28 that the mandated air emissions standards will not be reached  
29 within six months of the proposed municipal waste incinerator  
30 beginning operation.

31           (c) The Agency shall adopt specific limitations on the  
32 emission of mercury, chromium, cadmium and lead, and good  
33 combustion practices, including temperature controls from  
34 municipal waste incinerators pursuant to Section 9.4 of the  
35 Act.

36           (d) The Agency shall establish household hazardous waste

1 collection centers in appropriate places in this State. The  
2 Agency may operate and maintain the centers itself or may  
3 contract with other parties for that purpose. The Agency shall  
4 ensure that the wastes collected are properly disposed of. The  
5 collection centers may charge fees for their services, not to  
6 exceed the costs incurred. Such collection centers shall not  
7 (i) be regulated as hazardous waste facilities under RCRA nor  
8 (ii) be subject to local siting approval under Section 39.2 if  
9 the local governing authority agrees to waive local siting  
10 approval procedures.

11 (Source: P.A. 88-474; 89-101, eff. 7-7-95; 89-445, eff. 2-7-96;  
12 revised 12-6-03.)

13 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

14 Sec. 22.23. Batteries.

15 (a) Beginning September 1, 1990, any person selling  
16 lead-acid batteries at retail or offering lead-acid batteries  
17 for retail sale in this State shall:

18 (1) accept for recycling used lead-acid batteries from  
19 customers, at the point of transfer, in a quantity equal to  
20 the number of new batteries purchased; and

21 (2) post in a conspicuous place a written notice at  
22 least 8.5 by 11 inches in size that includes the universal  
23 recycling symbol and the following statements: "DO NOT put  
24 motor vehicle batteries in the trash."; "Recycle your used  
25 batteries."; and "State law requires us to accept motor  
26 vehicle batteries for recycling, in exchange for new  
27 batteries purchased.".

28 (b) Any person selling lead-acid batteries at retail in  
29 this State may either charge a recycling fee on each new  
30 lead-acid battery sold for which the customer does not return a  
31 used battery to the retailer, or provide a recycling credit to  
32 each customer who returns a used battery for recycling at the  
33 time of purchasing a new one.

34 (c) Beginning September 1, 1990, no lead-acid battery  
35 retailer may dispose of a used lead-acid battery except by

1 delivering it (1) to a battery wholesaler or its agent, (2) to  
2 a battery manufacturer, (3) to a collection or recycling  
3 facility, or (4) to a secondary lead smelter permitted by  
4 either a state or federal environmental agency.

5 (d) Any person selling lead-acid batteries at wholesale or  
6 offering lead-acid batteries for sale at wholesale shall accept  
7 for recycling used lead-acid batteries from customers, at the  
8 point of transfer, in a quantity equal to the number of new  
9 batteries purchased. Such used batteries shall be disposed of  
10 as provided in subsection (c).

11 (e) A person who accepts used lead-acid batteries for  
12 recycling pursuant to subsection (a) or (d) shall not allow  
13 such batteries to accumulate for periods of more than 90 days.

14 (f) Beginning September 1, 1990, no person may knowingly  
15 cause or allow:

16 (1) the placing of a lead-acid battery into any  
17 container intended for collection and disposal at a  
18 municipal waste sanitary landfill; or

19 (2) the disposal of any lead-acid battery in any  
20 municipal waste sanitary landfill or incinerator.

21 (g) The Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ shall identify and assist in developing  
23 alternative processing and recycling options for used  
24 batteries.

25 (h) For the purpose of this Section:

26 "Lead-acid battery" means a battery containing lead and  
27 sulfuric acid that has a nominal voltage of at least 6 volts  
28 and is intended for use in motor vehicles.

29 "Motor vehicle" includes automobiles, vans, trucks,  
30 tractors, motorcycles and motorboats.

31 (i) (Blank.)

32 (j) Knowing violation of this Section shall be a petty  
33 offense punishable by a fine of \$100.

34 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

35 (415 ILCS 5/27) (from Ch. 111 1/2, par. 1027)

1           Sec. 27. Rulemaking.

2           (a) The Board may adopt substantive regulations as  
3 described in this Act. Any such regulations may make different  
4 provisions as required by circumstances for different  
5 contaminant sources and for different geographical areas; may  
6 apply to sources outside this State causing, contributing to,  
7 or threatening environmental damage in Illinois; may make  
8 special provision for alert and abatement standards and  
9 procedures respecting occurrences or emergencies of pollution  
10 or on other short-term conditions constituting an acute danger  
11 to health or to the environment; and may include regulations  
12 specific to individual persons or sites. In promulgating  
13 regulations under this Act, the Board shall take into account  
14 the existing physical conditions, the character of the area  
15 involved, including the character of surrounding land uses,  
16 zoning classifications, the nature of the existing air quality,  
17 or receiving body of water, as the case may be, and the  
18 technical feasibility and economic reasonableness of measuring  
19 or reducing the particular type of pollution. The generality of  
20 this grant of authority shall only be limited by the  
21 specifications of particular classes of regulations elsewhere  
22 in this Act.

23           No charge shall be established or assessed by the Board or  
24 Agency against any person for emission of air contaminants from  
25 any source, for discharge of water contaminants from any  
26 source, or for the sale, offer or use of any article.

27           Any person filing with the Board a written proposal for the  
28 adoption, amendment, or repeal of regulations shall provide  
29 information supporting the requested change and shall at the  
30 same time file a copy of such proposal with the Agency and the  
31 Department of Natural Resources. To aid the Board and to assist  
32 the public in determining which facilities will be affected,  
33 the person filing a proposal shall describe, to the extent  
34 reasonably practicable, the universe of affected sources and  
35 facilities and the economic impact of the proposed rule.

36           (b) Except as provided below and in Section 28.2, before

1 the adoption of any proposed rules not relating to  
2 administrative procedures within the Agency or the Board, or  
3 amendment to existing rules not relating to administrative  
4 procedures within the Agency or the Board, the Board shall:

5 (1) request that the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~ conduct a study of  
7 the economic impact of the proposed rules. The Department  
8 may within 30 to 45 days of such request produce a study of  
9 the economic impact of the proposed rules. At a minimum,  
10 the economic impact study shall address (A) economic,  
11 environmental, and public health benefits that may be  
12 achieved through compliance with the proposed rules, (B)  
13 the effects of the proposed rules on employment levels,  
14 commercial productivity, the economic growth of small  
15 businesses with 100 or less employees, and the State's  
16 overall economy, and (C) the cost per unit of pollution  
17 reduced and the variability in cost based on the size of  
18 the facility and the percentage of company revenues  
19 expected to be used to implement the proposed rules; and

20 (2) conduct at least one public hearing on the economic  
21 impact of those new rules. At least 20 days before the  
22 hearing, the Board shall notify the public of the hearing  
23 and make the economic impact study, or the Department of  
24 Commerce and Economic Opportunity's ~~Community Affairs'~~  
25 explanation for not producing an economic impact study,  
26 available to the public. Such public hearing may be held  
27 simultaneously or as a part of any Board hearing  
28 considering such new rules.

29 In adopting any such new rule, the Board shall, in its  
30 written opinion, make a determination, based upon the evidence  
31 in the public hearing record, including but not limited to the  
32 economic impact study, as to whether the proposed rule has any  
33 adverse economic impact on the people of the State of Illinois.

34 (c) On proclamation by the Governor, pursuant to Section 8  
35 of the Illinois Emergency Services and Disaster Act of 1975,  
36 that a disaster emergency exists, or when the Board finds that



1 a severe public health emergency exists, the Board may, in  
2 relation to any proposed regulation, order that such regulation  
3 shall take effect without delay and the Board shall proceed  
4 with the hearings and studies required by this Section while  
5 the regulation continues in effect.

6 When the Board finds that a situation exists which  
7 reasonably constitutes a threat to the public interest, safety  
8 or welfare, the Board may adopt regulations pursuant to and in  
9 accordance with Section 5-45 of the Illinois Administrative  
10 Procedure Act.

11 (d) To the extent consistent with any deadline for adoption  
12 of any regulations mandated by State or federal law, prior to  
13 initiating any hearing on a regulatory proposal, the Board may  
14 assign a qualified hearing officer who may schedule a  
15 prehearing conference between the proponents and any or all of  
16 the potentially affected persons. The notice requirements of  
17 Section 28 shall not apply to such prehearing conferences. The  
18 purposes of such conference shall be to maximize understanding  
19 of the intent and application of the proposal, to reach  
20 agreement on aspects of the proposal, if possible, and to  
21 attempt to identify and limit the issues of disagreement among  
22 the participants to promote efficient use of time at hearing.  
23 No record need be kept of the prehearing conference, nor shall  
24 any participant or the Board be bound by any discussions  
25 conducted at the prehearing conference. However, with the  
26 consent of all participants in the prehearing conference, a  
27 prehearing order delineating issues to be heard, agreed facts,  
28 and other matters may be entered by the hearing officer. Such  
29 an order will not be binding on nonparticipants in the  
30 prehearing conference.

31 (Source: P.A. 90-489, eff. 1-1-98; 91-357, eff. 7-29-99;  
32 revised 12-6-03.)

33 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

34 Sec. 55. Prohibited activities.

35 (a) No person shall:

1           (1) Cause or allow the open dumping of any used or  
2 waste tire.

3           (2) Cause or allow the open burning of any used or  
4 waste tire.

5           (3) Except at a tire storage site which contains more  
6 than 50 used tires, cause or allow the storage of any used  
7 tire unless the tire is altered, reprocessed, converted,  
8 covered, or otherwise prevented from accumulating water.

9           (4) Cause or allow the operation of a tire storage site  
10 except in compliance with Board regulations.

11           (5) Abandon, dump or dispose of any used or waste tire  
12 on private or public property, except in a sanitary  
13 landfill approved by the Agency pursuant to regulations  
14 adopted by the Board.

15           (6) Fail to submit required reports, tire removal  
16 agreements, or Board regulations.

17           (b) (Blank.)

18           (b-1) Beginning January 1, 1995, no person shall knowingly  
19 mix any used or waste tire, either whole or cut, with municipal  
20 waste, and no owner or operator of a sanitary landfill shall  
21 accept any used or waste tire for final disposal; except that  
22 used or waste tires, when separated from other waste, may be  
23 accepted if: (1) the sanitary landfill provides and maintains a  
24 means for shredding, slitting, or chopping whole tires and so  
25 treats whole tires and, if approved by the Agency in a permit  
26 issued under this Act, uses the used or waste tires for  
27 alternative uses, which may include on-site practices such as  
28 lining of roadways with tire scraps, alternative daily cover,  
29 or use in a leachate collection system or (2) the sanitary  
30 landfill, by its notification to the Illinois Industrial  
31 Materials Exchange Service, makes available the used or waste  
32 tire to an appropriate facility for reuse, reprocessing, or  
33 converting, including use as an alternate energy fuel. If,  
34 within 30 days after notification to the Illinois Industrial  
35 Materials Exchange Service of the availability of waste tires,  
36 no specific request for the used or waste tires is received by

1 the sanitary landfill, and the sanitary landfill determines it  
2 has no alternative use for those used or waste tires, the  
3 sanitary landfill may dispose of slit, chopped, or shredded  
4 used or waste tires in the sanitary landfill. In the event the  
5 physical condition of a used or waste tire makes shredding,  
6 slitting, chopping, reuse, reprocessing, or other alternative  
7 use of the used or waste tire impractical or infeasible, then  
8 the sanitary landfill, after authorization by the Agency, may  
9 accept the used or waste tire for disposal.

10 Sanitary landfills and facilities for reuse, reprocessing,  
11 or converting, including use as alternative fuel, shall (i)  
12 notify the Illinois Industrial Materials Exchange Service of  
13 the availability of and demand for used or waste tires and (ii)  
14 consult with the Department of Commerce and Economic  
15 Opportunity ~~Community Affairs~~ regarding the status of  
16 marketing of waste tires to facilities for reuse.

17 (c) Any person who sells new or used tires at retail or  
18 operates a tire storage site or a tire disposal site which  
19 contains more than 50 used or waste tires shall give notice of  
20 such activity to the Agency. Any person engaging in such  
21 activity for the first time after January 1, 1990, shall give  
22 notice to the Agency within 30 days after the date of  
23 commencement of the activity. The form of such notice shall be  
24 specified by the Agency and shall be limited to information  
25 regarding the following:

26 (1) the name and address of the owner and operator;

27 (2) the name, address and location of the operation;

28 (3) the type of operations involving used and waste  
29 tires (storage, disposal, conversion or processing); and

30 (4) the number of used and waste tires present at the  
31 location.

32 (d) Beginning January 1, 1992, no person shall cause or  
33 allow the operation of:

34 (1) a tire storage site which contains more than 50  
35 used tires, unless the owner or operator, by January 1,  
36 1992 (or the January 1 following commencement of operation,

1           whichever is later) and January 1 of each year thereafter,  
2           (i) registers the site with the Agency, (ii) certifies to  
3           the Agency that the site complies with any applicable  
4           standards adopted by the Board pursuant to Section 55.2,  
5           (iii) reports to the Agency the number of tires  
6           accumulated, the status of vector controls, and the actions  
7           taken to handle and process the tires, and (iv) pays the  
8           fee required under subsection (b) of Section 55.6; or

9           (2) a tire disposal site, unless the owner or operator  
10          (i) has received approval from the Agency after filing a  
11          tire removal agreement pursuant to Section 55.4, or (ii)  
12          has entered into a written agreement to participate in a  
13          consensual removal action under Section 55.3.

14          The Agency shall provide written forms for the annual  
15          registration and certification required under this subsection  
16          (d).

17          (e) No person shall cause or allow the storage, disposal,  
18          treatment or processing of any used or waste tire in violation  
19          of any regulation or standard adopted by the Board.

20          (f) No person shall arrange for the transportation of used  
21          or waste tires away from the site of generation with a person  
22          known to openly dump such tires.

23          (g) No person shall engage in any operation as a used or  
24          waste tire transporter except in compliance with Board  
25          regulations.

26          (h) No person shall cause or allow the combustion of any  
27          used or waste tire in an enclosed device unless a permit has  
28          been issued by the Agency authorizing such combustion pursuant  
29          to regulations adopted by the Board for the control of air  
30          pollution and consistent with the provisions of Section 9.4 of  
31          this Act.

32          (i) No person shall cause or allow the use of pesticides to  
33          treat tires except as prescribed by Board regulations.

34          (j) No person shall fail to comply with the terms of a tire  
35          removal agreement approved by the Agency pursuant to Section  
36          55.4.

1 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 6-20-03; 93-52,  
2 eff. 6-30-03; revised 12-6-03.)

3 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

4 Sec. 55.3. (a) Upon finding that an accumulation of used or  
5 waste tires creates an immediate danger to health, the Agency  
6 may take action pursuant to Section 34 of this Act.

7 (b) Upon making a finding that an accumulation of used or  
8 waste tires creates a hazard posing a threat to public health  
9 or the environment, the Agency may undertake preventive or  
10 corrective action in accordance with this subsection. Such  
11 preventive or corrective action may consist of any or all of  
12 the following:

13 (1) Treating and handling used or waste tires and other  
14 infested materials within the area for control of  
15 mosquitoes and other disease vectors.

16 (2) Relocation of ignition sources and any used or  
17 waste tires within the area for control and prevention of  
18 tire fires.

19 (3) Removal of used and waste tire accumulations from  
20 the area.

21 (4) Removal of soil and water contamination related to  
22 tire accumulations.

23 (5) Installation of devices to monitor and control  
24 groundwater and surface water contamination related to  
25 tire accumulations.

26 (6) Such other actions as may be authorized by Board  
27 regulations.

28 (c) The Agency may, subject to the availability of  
29 appropriated funds, undertake a consensual removal action for  
30 the removal of up to 1,000 used or waste tires at no cost to the  
31 owner according to the following requirements:

32 (1) Actions under this subsection shall be taken  
33 pursuant to a written agreement between the Agency and the  
34 owner of the tire accumulation.

35 (2) The written agreement shall at a minimum specify:

1 (i) that the owner relinquishes any claim of an  
2 ownership interest in any tires that are removed, or in  
3 any proceeds from their sale;

4 (ii) that tires will no longer be allowed to be  
5 accumulated at the site;

6 (iii) that the owner will hold harmless the Agency  
7 or any employee or contractor utilized by the Agency to  
8 effect the removal, for any damage to property incurred  
9 during the course of action under this subsection,  
10 except for gross negligence or intentional misconduct;  
11 and

12 (iv) any conditions upon or assistance required  
13 from the owner to assure that the tires are so located  
14 or arranged as to facilitate their removal.

15 (3) The Agency may by rule establish conditions and  
16 priorities for removal of used and waste tires under this  
17 subsection.

18 (4) The Agency shall prescribe the form of written  
19 agreements under this subsection.

20 (d) The Agency shall have authority to provide notice to  
21 the owner or operator, or both, of a site where used or waste  
22 tires are located and to the owner or operator, or both, of the  
23 accumulation of tires at the site, whenever the Agency finds  
24 that the used or waste tires pose a threat to public health or  
25 the environment, or that there is no owner or operator  
26 proceeding in accordance with a tire removal agreement approved  
27 under Section 55.4.

28 The notice provided by the Agency shall include the  
29 identified preventive or corrective action, and shall provide  
30 an opportunity for the owner or operator, or both, to perform  
31 such action.

32 For sites with more than 250,000 passenger tire  
33 equivalents, following the notice provided for by this  
34 subsection (d), the Agency may enter into a written  
35 reimbursement agreement with the owner or operator of the site.  
36 The agreement shall provide a schedule for the owner or

1 operator to reimburse the Agency for costs incurred for  
2 preventive or corrective action, which shall not exceed 5 years  
3 in length. An owner or operator making payments under a written  
4 reimbursement agreement pursuant to this subsection (d) shall  
5 not be liable for punitive damages under subsection (h) of this  
6 Section.

7 (e) In accordance with constitutional limitations, the  
8 Agency shall have authority to enter at all reasonable times  
9 upon any private or public property for the purpose of taking  
10 whatever preventive or corrective action is necessary and  
11 appropriate in accordance with the provisions of this Section,  
12 including but not limited to removal, processing or treatment  
13 of used or waste tires, whenever the Agency finds that used or  
14 waste tires pose a threat to public health or the environment.

15 (f) In undertaking preventive, corrective or consensual  
16 removal action under this Section the Agency may consider use  
17 of the following: rubber reuse alternatives, shredding or other  
18 conversion through use of mobile or fixed facilities, energy  
19 recovery through burning or incineration, and landfill  
20 disposal. To the extent practicable, the Agency shall consult  
21 with the Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ regarding the availability of alternatives  
23 to landfilling used and waste tires, and shall make every  
24 reasonable effort to coordinate tire cleanup projects with  
25 applicable programs that relate to such alternative practices.

26 (g) Except as otherwise provided in this Section, the owner  
27 or operator of any site or accumulation of used or waste tires  
28 at which the Agency has undertaken corrective or preventive  
29 action under this Section shall be liable for all costs thereof  
30 incurred by the State of Illinois, including reasonable costs  
31 of collection. Any monies received by the Agency hereunder  
32 shall be deposited into the Used Tire Management Fund. The  
33 Agency may in its discretion store, dispose of or convey the  
34 tires that are removed from an area at which it has undertaken  
35 a corrective, preventive or consensual removal action, and may  
36 sell or store such tires and other items, including but not

1 limited to rims, that are removed from the area. The net  
2 proceeds of any sale shall be credited against the liability  
3 incurred by the owner or operator for the costs of any  
4 preventive or corrective action.

5 (h) Any person liable to the Agency for costs incurred  
6 under subsection (g) of this Section may be liable to the State  
7 of Illinois for punitive damages in an amount at least equal  
8 to, and not more than 2 times, the costs incurred by the State  
9 if such person failed without sufficient cause to take  
10 preventive or corrective action pursuant to notice issued under  
11 subsection (d) of this Section.

12 (i) There shall be no liability under subsection (g) of  
13 this Section for a person otherwise liable who can establish by  
14 a preponderance of the evidence that the hazard created by the  
15 tires was caused solely by:

16 (1) an act of God;

17 (2) an act of war; or

18 (3) an act or omission of a third party other than an  
19 employee or agent, and other than a person whose act or  
20 omission occurs in connection with a contractual  
21 relationship with the person otherwise liable.

22 For the purposes of this subsection, "contractual  
23 relationship" includes, but is not limited to, land contracts,  
24 deeds and other instruments transferring title or possession,  
25 unless the real property upon which the accumulation is located  
26 was acquired by the defendant after the disposal or placement  
27 of used or waste tires on, in or at the property and one or more  
28 of the following circumstances is also established by a  
29 preponderance of the evidence:

30 (A) at the time the defendant acquired the  
31 property, the defendant did not know and had no reason  
32 to know that any used or waste tires had been disposed  
33 of or placed on, in or at the property, and the  
34 defendant undertook, at the time of acquisition, all  
35 appropriate inquiries into the previous ownership and  
36 uses of the property consistent with good commercial or



1 customary practice in an effort to minimize liability;

2 (B) the defendant is a government entity which  
3 acquired the property by escheat or through any other  
4 involuntary transfer or acquisition, or through the  
5 exercise of eminent domain authority by purchase or  
6 condemnation; or

7 (C) the defendant acquired the property by  
8 inheritance or bequest.

9 (j) Nothing in this Section shall affect or modify the  
10 obligations or liability of any person under any other  
11 provision of this Act, federal law, or State law, including the  
12 common law, for injuries, damages or losses resulting from the  
13 circumstances leading to Agency action under this Section.

14 (k) The costs and damages provided for in this Section may  
15 be imposed by the Board in an action brought before the Board  
16 in accordance with Title VIII of this Act, except that  
17 subsection (c) of Section 33 of this Act shall not apply to any  
18 such action.

19 (l) The Agency shall, when feasible, consult with the  
20 Department of Public Health prior to taking any action to  
21 remove or treat an infested tire accumulation for control of  
22 mosquitoes or other disease vectors. The Agency may by contract  
23 or agreement secure the services of the Department of Public  
24 Health, any local public health department, or any other  
25 qualified person in treating any such infestation as part of an  
26 emergency or preventive action.

27 (m) Neither the State, the Agency, the Board, the Director,  
28 nor any State employee shall be liable for any damage or injury  
29 arising out of or resulting from any action taken under this  
30 Section.

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

32 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

33 Sec. 55.7. The Department of Commerce and Economic  
34 Opportunity ~~Community Affairs~~ may adopt regulations as  
35 necessary for the administration of the grant and loan programs

1 funded from the Used Tire Management Fund, including but not  
2 limited to procedures and criteria for applying for,  
3 evaluating, awarding and terminating grants and loans. The  
4 Department of Commerce and Economic Opportunity Community  
5 ~~Affairs~~ may by rule specify criteria for providing grant  
6 assistance rather than loan assistance; such criteria shall  
7 promote the expeditious development of alternatives to the  
8 disposal of used tires, and the efficient use of monies for  
9 assistance. Evaluation criteria may be established by rule,  
10 considering such factors as:

11 (1) the likelihood that a proposal will lead to the  
12 actual collection and processing of used tires and  
13 protection of the environment and public health in  
14 furtherance of the purposes of this Act;

15 (2) the feasibility of the proposal;

16 (3) the suitability of the location for the proposed  
17 activity;

18 (4) the potential of the proposal for encouraging  
19 recycling and reuse of resources; and

20 (5) the potential for development of new technologies  
21 consistent with the purposes of this Act.

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

23 (415 ILCS 5/58.14)

24 Sec. 58.14. Environmental Remediation Tax Credit review.

25 (a) Prior to applying for the Environmental Remediation Tax  
26 Credit under Section 201 of the Illinois Income Tax Act,  
27 Remediation Applicants shall first submit to the Agency an  
28 application for review of remediation costs. The application  
29 and review process shall be conducted in accordance with the  
30 requirements of this Section and the rules adopted under  
31 subsection (g). A preliminary review of the estimated  
32 remediation costs for development and implementation of the  
33 Remedial Action Plan may be obtained in accordance with  
34 subsection (d).

35 (b) No application for review shall be submitted until a No

1 Further Remediation Letter has been issued by the Agency and  
2 recorded in the chain of title for the site in accordance with  
3 Section 58.10. The Agency shall review the application to  
4 determine whether the costs submitted are remediation costs,  
5 and whether the costs incurred are reasonable. The application  
6 shall be on forms prescribed and provided by the Agency. At a  
7 minimum, the application shall include the following:

8 (1) information identifying the Remediation Applicant  
9 and the site for which the tax credit is being sought and  
10 the date of acceptance of the site into the Site  
11 Remediation Program;

12 (2) a copy of the No Further Remediation Letter with  
13 official verification that the letter has been recorded in  
14 the chain of title for the site and a demonstration that  
15 the site for which the application is submitted is the same  
16 site as the one for which the No Further Remediation Letter  
17 is issued;

18 (3) a demonstration that the release of the regulated  
19 substances of concern for which the No Further Remediation  
20 Letter was issued were not caused or contributed to in any  
21 material respect by the Remediation Applicant. After the  
22 Pollution Control Board rules are adopted pursuant to the  
23 Illinois Administrative Procedure Act for the  
24 administration and enforcement of Section 58.9 of the  
25 Environmental Protection Act, determinations as to credit  
26 availability shall be made consistent with those rules;

27 (4) an itemization and documentation, including  
28 receipts, of the remediation costs incurred;

29 (5) a demonstration that the costs incurred are  
30 remediation costs as defined in this Act and its rules;

31 (6) a demonstration that the costs submitted for review  
32 were incurred by the Remediation Applicant who received the  
33 No Further Remediation Letter;

34 (7) an application fee in the amount set forth in  
35 subsection (e) for each site for which review of  
36 remediation costs is requested and, if applicable,

1 certification from the Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~ that the site is located in  
3 an enterprise zone;

4 (8) any other information deemed appropriate by the  
5 Agency.

6 (c) Within 60 days after receipt by the Agency of an  
7 application meeting the requirements of subsection (b), the  
8 Agency shall issue a letter to the applicant approving,  
9 disapproving, or modifying the remediation costs submitted in  
10 the application. If the remediation costs are approved as  
11 submitted, the Agency's letter shall state the amount of the  
12 remediation costs to be applied toward the Environmental  
13 Remediation Tax Credit. If an application is disapproved or  
14 approved with modification of remediation costs, the Agency's  
15 letter shall set forth the reasons for the disapproval or  
16 modification and state the amount of the remediation costs, if  
17 any, to be applied toward the Environmental Remediation Tax  
18 Credit.

19 If a preliminary review of a budget plan has been obtained  
20 under subsection (d), the Remediation Applicant may submit,  
21 with the application and supporting documentation under  
22 subsection (b), a copy of the Agency's final determination  
23 accompanied by a certification that the actual remediation  
24 costs incurred for the development and implementation of the  
25 Remedial Action Plan are equal to or less than the costs  
26 approved in the Agency's final determination on the budget  
27 plan. The certification shall be signed by the Remediation  
28 Applicant and notarized. Based on that submission, the Agency  
29 shall not be required to conduct further review of the costs  
30 incurred for development and implementation of the Remedial  
31 Action Plan and may approve costs as submitted.

32 Within 35 days after receipt of an Agency letter  
33 disapproving or modifying an application for approval of  
34 remediation costs, the Remediation Applicant may appeal the  
35 Agency's decision to the Board in the manner provided for the  
36 review of permits in Section 40 of this Act.

1 (d) (1) A Remediation Applicant may obtain a preliminary  
2 review of estimated remediation costs for the development  
3 and implementation of the Remedial Action Plan by  
4 submitting a budget plan along with the Remedial Action  
5 Plan. The budget plan shall be set forth on forms  
6 prescribed and provided by the Agency and shall include but  
7 shall not be limited to line item estimates of the costs  
8 associated with each line item (such as personnel,  
9 equipment, and materials) that the Remediation Applicant  
10 anticipates will be incurred for the development and  
11 implementation of the Remedial Action Plan. The Agency  
12 shall review the budget plan along with the Remedial Action  
13 Plan to determine whether the estimated costs submitted are  
14 remediation costs and whether the costs estimated for the  
15 activities are reasonable.

16 (2) If the Remedial Action Plan is amended by the  
17 Remediation Applicant or as a result of Agency action, the  
18 corresponding budget plan shall be revised accordingly and  
19 resubmitted for Agency review.

20 (3) The budget plan shall be accompanied by the  
21 applicable fee as set forth in subsection (e).

22 (4) Submittal of a budget plan shall be deemed an  
23 automatic 60-day waiver of the Remedial Action Plan review  
24 deadlines set forth in this Section and its rules.

25 (5) Within the applicable period of review, the Agency  
26 shall issue a letter to the Remediation Applicant  
27 approving, disapproving, or modifying the estimated  
28 remediation costs submitted in the budget plan. If a budget  
29 plan is disapproved or approved with modification of  
30 estimated remediation costs, the Agency's letter shall set  
31 forth the reasons for the disapproval or modification.

32 (6) Within 35 days after receipt of an Agency letter  
33 disapproving or modifying a budget plan, the Remediation  
34 Applicant may appeal the Agency's decision to the Board in  
35 the manner provided for the review of permits in Section 40  
36 of this Act.

1 (e) The fees for reviews conducted under this Section are  
2 in addition to any other fees or payments for Agency services  
3 rendered pursuant to the Site Remediation Program and shall be  
4 as follows:

5 (1) The fee for an application for review of  
6 remediation costs shall be \$1,000 for each site reviewed.

7 (2) The fee for the review of the budget plan submitted  
8 under subsection (d) shall be \$500 for each site reviewed.

9 (3) In the case of a Remediation Applicant submitting  
10 for review total remediation costs of \$100,000 or less for  
11 a site located within an enterprise zone (as set forth in  
12 paragraph (i) of subsection (1) of Section 201 of the  
13 Illinois Income Tax Act), the fee for an application for  
14 review of remediation costs shall be \$250 for each site  
15 reviewed. For those sites, there shall be no fee for review  
16 of a budget plan under subsection (d).

17 The application fee shall be made payable to the State of  
18 Illinois, for deposit into the Hazardous Waste Fund.

19 Pursuant to appropriation, the Agency shall use the fees  
20 collected under this subsection for development and  
21 administration of the review program.

22 (f) The Agency shall have the authority to enter into any  
23 contracts or agreements that may be necessary to carry out its  
24 duties and responsibilities under this Section.

25 (g) Within 6 months after July 21, 1997, the Agency shall  
26 propose rules prescribing procedures and standards for its  
27 administration of this Section. Within 6 months after receipt  
28 of the Agency's proposed rules, the Board shall adopt on second  
29 notice, pursuant to Sections 27 and 28 of this Act and the  
30 Illinois Administrative Procedure Act, rules that are  
31 consistent with this Section. Prior to the effective date of  
32 rules adopted under this Section, the Agency may conduct  
33 reviews of applications under this Section and the Agency is  
34 further authorized to distribute guidance documents on costs  
35 that are eligible or ineligible as remediation costs.

36 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

1 (415 ILCS 5/58.15)

2 Sec. 58.15. Brownfields Programs.

3 (A) Brownfields Redevelopment Loan Program.

4 (a) The Agency shall establish and administer a revolving  
5 loan program to be known as the "Brownfields Redevelopment Loan  
6 Program" for the purpose of providing loans to be used for site  
7 investigation, site remediation, or both, at brownfields  
8 sites. All principal, interest, and penalty payments from loans  
9 made under this subsection (A) shall be deposited into the  
10 Brownfields Redevelopment Fund and reused in accordance with  
11 this Section.

12 (b) General requirements for loans:

13 (1) Loans shall be at or below market interest rates in  
14 accordance with a formula set forth in regulations  
15 promulgated under subdivision (A)(c) of this subsection  
16 (A).

17 (2) Loans shall be awarded subject to availability of  
18 funding based on the order of receipt of applications  
19 satisfying all requirements as set forth in the regulations  
20 promulgated under subdivision (A)(c) of this subsection  
21 (A).

22 (3) The maximum loan amount under this subsection (A)  
23 for any one project is \$1,000,000.

24 (4) In addition to any requirements or conditions  
25 placed on loans by regulation, loan agreements under the  
26 Brownfields Redevelopment Loan Program shall include the  
27 following requirements:

28 (A) the loan recipient shall secure the loan  
29 repayment obligation;

30 (B) completion of the loan repayment shall not  
31 exceed 15 years or as otherwise prescribed by Agency  
32 rule; and

33 (C) loan agreements shall provide for a confession  
34 of judgment by the loan recipient upon default.

35 (5) Loans shall not be used to cover expenses incurred

1 prior to the approval of the loan application.

2 (6) If the loan recipient fails to make timely payments  
3 or otherwise fails to meet its obligations as provided in  
4 this subsection (A) or implementing regulations, the  
5 Agency is authorized to pursue the collection of the  
6 amounts past due, the outstanding loan balance, and the  
7 costs thereby incurred, either pursuant to the Illinois  
8 State Collection Act of 1986 or by any other means provided  
9 by law, including the taking of title, by foreclosure or  
10 otherwise, to any project or other property pledged,  
11 mortgaged, encumbered, or otherwise available as security  
12 or collateral.

13 (c) The Agency shall have the authority to enter into any  
14 contracts or agreements that may be necessary to carry out its  
15 duties or responsibilities under this subsection (A). The  
16 Agency shall have the authority to promulgate regulations  
17 setting forth procedures and criteria for administering the  
18 Brownfields Redevelopment Loan Program. The regulations  
19 promulgated by the Agency for loans under this subsection (A)  
20 shall include, but need not be limited to, the following  
21 elements:

22 (1) loan application requirements;

23 (2) determination of credit worthiness of the loan  
24 applicant;

25 (3) types of security required for the loan;

26 (4) types of collateral, as necessary, that can be  
27 pledged for the loan;

28 (5) special loan terms, as necessary, for securing the  
29 repayment of the loan;

30 (6) maximum loan amounts;

31 (7) purposes for which loans are available;

32 (8) application periods and content of applications;

33 (9) procedures for Agency review of loan applications,  
34 loan approvals or denials, and loan acceptance by the loan  
35 recipient;

36 (10) procedures for establishing interest rates;



1 (11) requirements applicable to disbursement of loans  
2 to loan recipients;

3 (12) requirements for securing loan repayment  
4 obligations;

5 (13) conditions or circumstances constituting default;

6 (14) procedures for repayment of loans and delinquent  
7 loans including, but not limited to, the initiation of  
8 principal and interest payments following loan acceptance;

9 (15) loan recipient responsibilities for work  
10 schedules, work plans, reports, and record keeping;

11 (16) evaluation of loan recipient performance,  
12 including auditing and access to sites and records;

13 (17) requirements applicable to contracting and  
14 subcontracting by the loan recipient, including  
15 procurement requirements;

16 (18) penalties for noncompliance with loan  
17 requirements and conditions, including stop-work orders,  
18 termination, and recovery of loan funds; and

19 (19) indemnification of the State of Illinois and the  
20 Agency by the loan recipient.

21 (d) Moneys in the Brownfields Redevelopment Fund may be  
22 used as a source of revenue or security for the principal and  
23 interest on revenue or general obligation bonds issued by the  
24 State or any political subdivision or instrumentality thereof,  
25 if the proceeds of those bonds will be deposited into the Fund.

26 (B) Brownfields Site Restoration Program.

27 (a) (1) The Agency, with the assistance of the Department  
28 of Commerce and Economic Opportunity ~~Community Affairs~~,  
29 must establish and administer a program for the payment of  
30 remediation costs to be known as the Brownfields Site  
31 Restoration Program. The Agency, through the Program,  
32 shall provide Remediation Applicants with financial  
33 assistance for the investigation and remediation of  
34 abandoned or underutilized properties. The investigation  
35 and remediation shall be performed in accordance with this

1 Title XVII of this Act.

2 (2) For each State fiscal year in which funds are made  
3 available to the Agency for payment under this subsection  
4 (B), the Agency must, subject to the availability of funds,  
5 allocate 20% of the funds to be available to Remediation  
6 Applicants within counties with populations over  
7 2,000,000. The remaining funds must be made available to  
8 all other Remediation Applicants in the State.

9 (3) The Agency must not approve payment in excess of  
10 \$750,000 to a Remediation Applicant for remediation costs  
11 incurred at a remediation site. Eligibility must be  
12 determined based on a minimum capital investment in the  
13 redevelopment of the site, and payment amounts must not  
14 exceed the net economic benefit to the State of the  
15 remediation project. In addition to these limitations, the  
16 total payment to be made to an applicant must not exceed an  
17 amount equal to 20% of the capital investment at the site.

18 (4) Only those remediation projects for which a No  
19 Further Remediation Letter is issued by the Agency after  
20 December 31, 2001 are eligible to participate in the  
21 Brownfields Site Restoration Program. The program does not  
22 apply to any sites that have received a No Further  
23 Remediation Letter prior to December 31, 2001 or for costs  
24 incurred prior to the Department of Commerce and Economic  
25 Opportunity (formerly Department of Commerce and Community  
26 Affairs) approving a site eligible for the Brownfields Site  
27 Restoration Program.

28 (5) Brownfields Site Restoration Program funds shall  
29 be subject to availability of funding and distributed based  
30 on the order of receipt of applications satisfying all  
31 requirements as set forth in this Section.

32 (b) Prior to applying to the Agency for payment, a  
33 Remediation Applicant shall first submit to the Agency its  
34 proposed remediation costs. The Agency shall make a  
35 pre-application assessment, which is not to be binding upon the  
36 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~ or upon future review of the project, relating only to  
2 whether the Agency has adequate funding to reimburse the  
3 applicant for the remediation costs if the applicant is found  
4 to be eligible for reimbursement of remediation costs. If the  
5 Agency determines that it is likely to have adequate funding to  
6 reimburse the applicant for remediation costs, the Remediation  
7 Applicant may then submit to the Department of Commerce and  
8 Economic Opportunity ~~Community Affairs~~ an application for  
9 review of eligibility. The Department must review the  
10 eligibility application to determine whether the Remediation  
11 Applicant is eligible for the payment. The application must be  
12 on forms prescribed and provided by the Department of Commerce  
13 and Economic Opportunity ~~Community Affairs~~. At a minimum, the  
14 application must include the following:

15 (1) Information identifying the Remediation Applicant  
16 and the site for which the payment is being sought and the  
17 date of acceptance into the Site Remediation Program.

18 (2) Information demonstrating that the site for which  
19 the payment is being sought is abandoned or underutilized  
20 property. "Abandoned property" means real property  
21 previously used for, or that has the potential to be used  
22 for, commercial or industrial purposes that reverted to the  
23 ownership of the State, a county or municipal government,  
24 or an agency thereof, through donation, purchase, tax  
25 delinquency, foreclosure, default, or settlement,  
26 including conveyance by deed in lieu of foreclosure; or  
27 privately owned property that has been vacant for a period  
28 of not less than 3 years from the time an application is  
29 made to the Department of Commerce and Economic Opportunity  
30 ~~Community Affairs~~. "Underutilized property" means real  
31 property of which less than 35% of the commercially usable  
32 space of the property and improvements thereon are used for  
33 their most commercially profitable and economically  
34 productive uses.

35 (3) Information demonstrating that remediation of the  
36 site for which the payment is being sought will result in a

1 net economic benefit to the State of Illinois. The "net  
2 economic benefit" must be determined based on factors  
3 including, but not limited to, the capital investment, the  
4 number of jobs created, the number of jobs retained if it  
5 is demonstrated the jobs would otherwise be lost, capital  
6 improvements, the number of construction-related jobs,  
7 increased sales, material purchases, other increases in  
8 service and operational expenditures, and other factors  
9 established by the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~. Priority must be given to  
11 sites located in areas with high levels of poverty, where  
12 the unemployment rate exceeds the State average, where an  
13 enterprise zone exists, or where the area is otherwise  
14 economically depressed as determined by the Department of  
15 Commerce and Economic Opportunity ~~Community Affairs~~.

16 (4) An application fee in the amount set forth in  
17 subdivision (B)(c) for each site for which review of an  
18 application is being sought.

19 (c) The fee for eligibility reviews conducted by the  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~ under this subsection (B) is \$1,000 for each site  
22 reviewed. The application fee must be made payable to the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~ for deposit into the Workforce, Technology, and  
25 Economic Development Fund. These application fees shall be used  
26 by the Department for administrative expenses incurred under  
27 this subsection (B).

28 (d) Within 60 days after receipt by the Department of  
29 Commerce and Economic Opportunity ~~Community Affairs~~ of an  
30 application meeting the requirements of subdivision (B)(b),  
31 the Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ must issue a letter to the applicant approving the  
33 application, approving the application with modifications, or  
34 disapproving the application. If the application is approved or  
35 approved with modifications, the Department of Commerce and  
36 Economic Opportunity's ~~Community Affairs~~ letter must also

1 include its determination of the "net economic benefit" of the  
2 remediation project and the maximum amount of the payment to be  
3 made available to the applicant for remediation costs. The  
4 payment by the Agency under this subsection (B) must not exceed  
5 the "net economic benefit" of the remediation project, as  
6 determined by the Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~.

8 (e) An application for a review of remediation costs must  
9 not be submitted to the Agency unless the Department of  
10 Commerce and Economic Opportunity ~~Community Affairs~~ has  
11 determined the Remediation Applicant is eligible under  
12 subdivision (B) (d). If the Department of Commerce and Economic  
13 Opportunity ~~Community Affairs~~ has determined that a  
14 Remediation Applicant is eligible under subdivision (B) (d),  
15 the Remediation Applicant may submit an application for payment  
16 to the Agency under this subsection (B). Except as provided in  
17 subdivision (B) (f), an application for review of remediation  
18 costs must not be submitted until a No Further Remediation  
19 Letter has been issued by the Agency and recorded in the chain  
20 of title for the site in accordance with Section 58.10. The  
21 Agency must review the application to determine whether the  
22 costs submitted are remediation costs and whether the costs  
23 incurred are reasonable. The application must be on forms  
24 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 No Further Remediation Letter with  
31 official verification that the letter has been recorded in  
32 the chain of title for the site and a demonstration that  
33 the site for which the application is submitted is the same  
34 site as the one for which the No Further Remediation Letter  
35 is issued.

36 (3) A demonstration that the release of the regulated

1 substances of concern for which the No Further Remediation  
2 Letter was issued was not caused or contributed to in any  
3 material respect by the Remediation Applicant. The Agency  
4 must make determinations as to reimbursement availability  
5 consistent with rules adopted by the Pollution Control  
6 Board for the administration and enforcement of Section  
7 58.9 of this Act.

8 (4) A copy of the Department of Commerce and Economic  
9 Opportunity's ~~Community Affairs'~~ letter approving  
10 eligibility, including the net economic benefit of the  
11 remediation project.

12 (5) An itemization and documentation, including  
13 receipts, of the remediation costs incurred.

14 (6) A demonstration that the costs incurred are  
15 remediation costs as defined in this Act and rules adopted  
16 under this Act.

17 (7) A demonstration that the costs submitted for review  
18 were incurred by the Remediation Applicant who received the  
19 No Further Remediation Letter.

20 (8) An application fee in the amount set forth in  
21 subdivision (B)(j) for each site for which review of  
22 remediation costs is requested.

23 (9) Any other information deemed appropriate by the  
24 Agency.

25 (f) An application for review of remediation costs may be  
26 submitted to the Agency prior to the issuance of a No Further  
27 Remediation Letter if the Remediation Applicant has a Remedial  
28 Action Plan approved by the Agency under the terms of which the  
29 Remediation Applicant will remediate groundwater for more than  
30 one year. The Agency must review the application to determine  
31 whether the costs submitted are remediation costs and whether  
32 the costs incurred are reasonable. The application must be on  
33 forms prescribed and provided by the Agency. At a minimum, the  
34 application must include the following:

35 (1) Information identifying the Remediation Applicant  
36 and the site for which the payment is being sought and the

1 date of acceptance of the site into the Site Remediation  
2 Program.

3 (2) A copy of the Agency letter approving the Remedial  
4 Action Plan.

5 (3) A demonstration that the release of the regulated  
6 substances of concern for which the Remedial Action Plan  
7 was approved was not caused or contributed to in any  
8 material respect by the Remediation Applicant. The Agency  
9 must make determinations as to reimbursement availability  
10 consistent with rules adopted by the Pollution Control  
11 Board for the administration and enforcement of Section  
12 58.9 of this Act.

13 (4) A copy of the Department of Commerce and Economic  
14 Opportunity's ~~Community Affairs'~~ letter approving  
15 eligibility, including the net economic benefit of the  
16 remediation project.

17 (5) An itemization and documentation, including  
18 receipts, of the remediation costs incurred.

19 (6) A demonstration that the costs incurred are  
20 remediation costs as defined in this Act and rules adopted  
21 under this Act.

22 (7) A demonstration that the costs submitted for review  
23 were incurred by the Remediation Applicant who received  
24 approval of the Remediation Action Plan.

25 (8) An application fee in the amount set forth in  
26 subdivision (B)(j) for each site for which review of  
27 remediation costs is requested.

28 (9) Any other information deemed appropriate by the  
29 Agency.

30 (g) For a Remediation Applicant seeking a payment under  
31 subdivision (B)(f), until the Agency issues a No Further  
32 Remediation Letter for the site, no more than 75% of the  
33 allowed payment may be claimed by the Remediation Applicant.  
34 The remaining 25% may be claimed following the issuance by the  
35 Agency of a No Further Remediation Letter for the site. For a  
36 Remediation Applicant seeking a payment under subdivision

1 (B) (e), until the Agency issues a No Further Remediation Letter  
2 for the site, no payment may be claimed by the Remediation  
3 Applicant.

4 (h) (1) Within 60 days after receipt by the Agency of an  
5 application meeting the requirements of subdivision (B) (e)  
6 or (B) (f), the Agency must issue a letter to the applicant  
7 approving, disapproving, or modifying the remediation  
8 costs submitted in the application. If an application is  
9 disapproved or approved with modification of remediation  
10 costs, then the Agency's letter must set forth the reasons  
11 for the disapproval or modification.

12 (2) If a preliminary review of a budget plan has been  
13 obtained under subdivision (B) (i), the Remediation  
14 Applicant may submit, with the application and supporting  
15 documentation under subdivision (B) (e) or (B) (f), a copy of  
16 the Agency's final determination accompanied by a  
17 certification that the actual remediation costs incurred  
18 for the development and implementation of the Remedial  
19 Action Plan are equal to or less than the costs approved in  
20 the Agency's final determination on the budget plan. The  
21 certification must be signed by the Remediation Applicant  
22 and notarized. Based on that submission, the Agency is not  
23 required to conduct further review of the costs incurred  
24 for development and implementation of the Remedial Action  
25 Plan and may approve costs as submitted.

26 (3) Within 35 days after receipt of an Agency letter  
27 disapproving or modifying an application for approval of  
28 remediation costs, the Remediation Applicant may appeal  
29 the Agency's decision to the Board in the manner provided  
30 for the review of permits in Section 40 of this Act.

31 (i) (1) A Remediation Applicant may obtain a preliminary  
32 review of estimated remediation costs for the development  
33 and implementation of the Remedial Action Plan by  
34 submitting a budget plan along with the Remedial Action  
35 Plan. The budget plan must be set forth on forms prescribed  
36 and provided by the Agency and must include, but is not



1 limited to, line item estimates of the costs associated  
2 with each line item (such as personnel, equipment, and  
3 materials) that the Remediation Applicant anticipates will  
4 be incurred for the development and implementation of the  
5 Remedial Action Plan. The Agency must review the budget  
6 plan along with the Remedial Action Plan to determine  
7 whether the estimated costs submitted are remediation  
8 costs and whether the costs estimated for the activities  
9 are reasonable.

10 (2) If the Remedial Action Plan is amended by the  
11 Remediation Applicant or as a result of Agency action, the  
12 corresponding budget plan must be revised accordingly and  
13 resubmitted for Agency review.

14 (3) The budget plan must be accompanied by the  
15 applicable fee as set forth in subdivision (B)(j).

16 (4) Submittal of a budget plan must be deemed an  
17 automatic 60-day waiver of the Remedial Action Plan review  
18 deadlines set forth in this subsection (B) and rules  
19 adopted under this subsection (B).

20 (5) Within the applicable period of review, the Agency  
21 must issue a letter to the Remediation Applicant approving,  
22 disapproving, or modifying the estimated remediation costs  
23 submitted in the budget plan. If a budget plan is  
24 disapproved or approved with modification of estimated  
25 remediation costs, the Agency's letter must set forth the  
26 reasons for the disapproval or modification.

27 (6) Within 35 days after receipt of an Agency letter  
28 disapproving or modifying a budget plan, the Remediation  
29 Applicant may appeal the Agency's decision to the Board in  
30 the manner provided for the review of permits in Section 40  
31 of this Act.

32 (j) The fees for reviews conducted by the Agency under this  
33 subsection (B) are in addition to any other fees or payments  
34 for Agency services rendered pursuant to the Site Remediation  
35 Program and are as follows:

36 (1) The fee for an application for review of

1 remediation costs is \$1,000 for each site reviewed.

2 (2) The fee for the review of the budget plan submitted  
3 under subdivision (B) (i) is \$500 for each site reviewed.

4 The application fee and the fee for the review of the  
5 budget plan must be made payable to the State of Illinois, for  
6 deposit into the Brownfields Redevelopment Fund.

7 (k) Moneys in the Brownfields Redevelopment Fund may be  
8 used for the purposes of this Section, including payment for  
9 the costs of administering this subsection (B). Any moneys  
10 remaining in the Brownfields Site Restoration Program Fund on  
11 the effective date of this amendatory Act of the 92nd General  
12 Assembly shall be transferred to the Brownfields Redevelopment  
13 Fund. Total payments made to all Remediation Applicants by the  
14 Agency for purposes of this subsection (B) must not exceed  
15 \$1,000,000 in State fiscal year 2002.

16 (l) The Department and the Agency are authorized to enter  
17 into any contracts or agreements that may be necessary to carry  
18 out their duties and responsibilities under this subsection  
19 (B).

20 (m) Within 6 months after the effective date of this  
21 amendatory Act of 2002, the Department of Commerce and  
22 Community Affairs (now Department of Commerce and Economic  
23 Opportunity) and the Agency must propose rules prescribing  
24 procedures and standards for the administration of this  
25 subsection (B). Within 9 months after receipt of the proposed  
26 rules, the Board shall adopt on second notice, pursuant to  
27 Sections 27 and 28 of this Act and the Illinois Administrative  
28 Procedures Act, rules that are consistent with this subsection  
29 (B). Prior to the effective date of rules adopted under this  
30 subsection (B), the Department of Commerce and Community  
31 Affairs (now Department of Commerce and Economic Opportunity)  
32 and the Agency may conduct reviews of applications under this  
33 subsection (B) and the Agency is further authorized to  
34 distribute guidance documents on costs that are eligible or  
35 ineligible as remediation costs.

36 (Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01; 92-715,

1 eff. 7-23-02; revised 12-6-03.)

2 Section 780. The Solid Waste Planning and Recycling Act is  
3 amended by changing Section 3 as follows:

4 (415 ILCS 15/3) (from Ch. 85, par. 5953)

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

7 "Agency" means the Illinois Environmental Protection  
8 Agency.

9 "Composting" means the biological process by which  
10 microorganisms decompose the organic fraction of waste,  
11 producing a humus-like material that may be used as a soil  
12 conditioner.

13 "County" means any county of the State and includes the  
14 City of Chicago.

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

17 "Municipal waste" means garbage, general household,  
18 institutional and commercial waste, industrial lunchroom or  
19 office waste, landscape waste, and construction and demolition  
20 debris.

21 "Person" means any individual, partnership, cooperative  
22 enterprise, unit of local government, institution, corporation  
23 or agency, or any other legal entity whatsoever which is  
24 recognized by law as the subject of rights and duties.

25 "Recycling, reclamation or reuse" means a method,  
26 technique or process designed to remove any contaminant from  
27 waste so as to render the waste reusable, or any process by  
28 which materials that would otherwise be disposed of or  
29 discarded are collected, separated or processed and returned to  
30 the economic mainstream in the form of raw materials or  
31 products.

32 "Recycling center" means a facility that accepts only  
33 segregated, nonhazardous, nonspecial, homogeneous,  
34 nonputrescible materials, such as dry paper, glass, cans or

1 plastics, for subsequent use in the secondary materials market.  
2 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

3 Section 785. The Illinois Solid Waste Management Act is  
4 amended by changing Sections 2.1, 3, 3.1, 5, 6, 6a, and 7 as  
5 follows:

6 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

7 Sec. 2.1. Definitions. When used in this Act, unless the  
8 context otherwise requires, the following terms have the  
9 meanings ascribed to them in this Section:

10 "Department", when a particular entity is not specified,  
11 means (i) in the case of a function to be performed on or after  
12 July 1, 1995 (the effective date of the Department of Natural  
13 Resources Act), the Department of Commerce and Community  
14 Affairs (now Department of Commerce and Economic Opportunity),  
15 as successor to the former Department of Energy and Natural  
16 Resources under the Department of Natural Resources Act; or  
17 (ii) in the case of a function required to be performed before  
18 July 1, 1995, the former Illinois Department of Energy and  
19 Natural Resources.

20 "Deinked stock" means paper that has been processed to  
21 remove inks, clays, coatings, binders and other contaminants.

22 "End product" means only those items that are designed to  
23 be used until disposal; items designed to be used in production  
24 of a subsequent item are excluded.

25 "High grade printing and writing papers" includes offset  
26 printing paper, duplicator paper, writing paper (stationery),  
27 office paper, note pads, xerographic paper, envelopes, form  
28 bond including computer paper and carbonless forms, book  
29 papers, bond papers, ledger paper, book stock and cotton fiber  
30 papers.

31 "Paper and paper products" means high grade printing and  
32 writing papers, tissue products, newsprint, unbleached  
33 packaging and recycled paperboard.

34 "Postconsumer material" means only those products

1 generated by a business or consumer which have served their  
2 intended end uses, and which have been separated or diverted  
3 from solid waste; wastes generated during production of an end  
4 product are excluded.

5 "Recovered paper material" means paper waste generated  
6 after the completion of the papermaking process, such as  
7 postconsumer materials, envelope cuttings, bindery trimmings,  
8 printing waste, cutting and other converting waste, butt rolls,  
9 and mill wrappers, obsolete inventories, and rejected unused  
10 stock. "Recovered paper material", however, does not include  
11 fibrous waste generated during the manufacturing process such  
12 as fibers recovered from waste water or trimmings of paper  
13 machine rolls (mill broke), or fibrous byproducts of  
14 harvesting, extraction or woodcutting processes, or forest  
15 residues such as bark.

16 "Recycled paperboard" includes recycled paperboard  
17 products, folding cartons and pad backing.

18 "Recycling" means the process by which solid waste is  
19 collected, separated and processed for reuse as either a raw  
20 material or a product which itself is subject to recycling, but  
21 does not include the combustion of waste for energy recovery or  
22 volume reduction.

23 "Tissue products" includes toilet tissue, paper towels,  
24 paper napkins, facial tissue, paper doilies, industrial  
25 wipers, paper bags and brown papers.

26 "Unbleached packaging" includes corrugated and fiber  
27 boxes.

28 "USEPA Guidelines for federal procurement" means all  
29 minimum recycled content standards recommended by the U.S.  
30 Environmental Protection Agency.

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

32 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

33 Sec. 3. State agency materials recycling program.

34 (a) All State agencies responsible for the maintenance of  
35 public lands in the State shall, to the maximum extent

1 feasible, give due consideration and preference to the use of  
2 compost materials in all land maintenance activities which are  
3 to be paid with public funds.

4 (b) The Department of Central Management Services, in  
5 coordination with the Department of Commerce and Economic  
6 Opportunity ~~Community Affairs~~, shall implement waste reduction  
7 programs, including source separation and collection, for  
8 office wastepaper, corrugated containers, newsprint and mixed  
9 paper, in all State buildings as appropriate and feasible. Such  
10 waste reduction programs shall be designed to achieve waste  
11 reductions of at least 25% of all such waste by December 31,  
12 1995, and at least 50% of all such waste by December 31, 2000.  
13 Any source separation and collection program shall include, at  
14 a minimum, procedures for collecting and storing recyclable  
15 materials, bins or containers for storing materials, and  
16 contractual or other arrangements with buyers of recyclable  
17 materials. If market conditions so warrant, the Department of  
18 Central Management Services, in coordination with the  
19 Department of Commerce and Economic Opportunity ~~Community~~  
20 ~~Affairs~~, may modify programs developed pursuant to this  
21 Section.

22 The Department of Commerce and Community Affairs (now  
23 Department of Commerce and Economic Opportunity) shall conduct  
24 waste categorization studies of all State facilities for  
25 calendar years 1991, 1995 and 2000. Such studies shall be  
26 designed to assist the Department of Central Management  
27 Services to achieve the waste reduction goals established in  
28 this subsection.

29 (c) Each State agency shall, upon consultation with the  
30 Department of Commerce and Economic Opportunity ~~Community~~  
31 ~~Affairs~~, periodically review its procurement procedures and  
32 specifications related to the purchase of products or supplies.  
33 Such procedures and specifications shall be modified as  
34 necessary to require the procuring agency to seek out products  
35 and supplies that contain recycled materials, and to ensure  
36 that purchased products or supplies are reusable, durable or

1 made from recycled materials whenever economically and  
2 practically feasible. In choosing among products or supplies  
3 that contain recycled material, consideration shall be given to  
4 products and supplies with the highest recycled material  
5 content that is consistent with the effective and efficient use  
6 of the product or supply.

7 (d) Wherever economically and practically feasible, the  
8 Department of Central Management Services shall procure  
9 recycled paper and paper products as follows:

10 (1) Beginning July 1, 1989, at least 10% of the total  
11 dollar value of paper and paper products purchased by the  
12 Department of Central Management Services shall be  
13 recycled paper and paper products.

14 (2) Beginning July 1, 1992, at least 25% of the total  
15 dollar value of paper and paper products purchased by the  
16 Department of Central Management Services shall be  
17 recycled paper and paper products.

18 (3) Beginning July 1, 1996, at least 40% of the total  
19 dollar value of paper and paper products purchased by the  
20 Department of Central Management Services shall be  
21 recycled paper and paper products.

22 (4) Beginning July 1, 2000, at least 50% of the total  
23 dollar value of paper and paper products purchased by the  
24 Department of Central Management Services shall be  
25 recycled paper and paper products.

26 (e) Paper and paper products purchased from private vendors  
27 pursuant to printing contracts are not considered paper  
28 products for the purposes of subsection (d). However, the  
29 Department of Central Management Services shall report to the  
30 General Assembly on an annual basis the total dollar value of  
31 printing contracts awarded to private sector vendors that  
32 included the use of recycled paper.

33 (f) (1) Wherever economically and practically feasible, the  
34 recycled paper and paper products referred to in subsection  
35 (d) shall contain postconsumer or recovered paper  
36 materials as specified by paper category in this

1 subsection:

2 (i) Recycled high grade printing and writing paper  
3 shall contain at least 50% recovered paper material.  
4 Such recovered paper material, until July 1, 1994,  
5 shall consist of at least 20% deinked stock or  
6 postconsumer material; and beginning July 1, 1994,  
7 shall consist of at least 25% deinked stock or  
8 postconsumer material; and beginning July 1, 1996,  
9 shall consist of at least 30% deinked stock or  
10 postconsumer material; and beginning July 1, 1998,  
11 shall consist of at least 40% deinked stock or  
12 postconsumer material; and beginning July 1, 2000,  
13 shall consist of at least 50% deinked stock or  
14 postconsumer material.

15 (ii) Recycled tissue products, until July 1, 1994,  
16 shall contain at least 25% postconsumer material; and  
17 beginning July 1, 1994, shall contain at least 30%  
18 postconsumer material; and beginning July 1, 1996,  
19 shall contain at least 35% postconsumer material; and  
20 beginning July 1, 1998, shall contain at least 40%  
21 postconsumer material; and beginning July 1, 2000,  
22 shall contain at least 45% postconsumer material.

23 (iii) Recycled newsprint, until July 1, 1994,  
24 shall contain at least 40% postconsumer material; and  
25 beginning July 1, 1994, shall contain at least 50%  
26 postconsumer material; and beginning July 1, 1996,  
27 shall contain at least 60% postconsumer material; and  
28 beginning July 1, 1998, shall contain at least 70%  
29 postconsumer material; and beginning July 1, 2000,  
30 shall contain at least 80% postconsumer material.

31 (iv) Recycled unbleached packaging, until July 1,  
32 1994, shall contain at least 35% postconsumer  
33 material; and beginning July 1, 1994, shall contain at  
34 least 40% postconsumer material; and beginning July 1,  
35 1996, shall contain at least 45% postconsumer  
36 material; and beginning July 1, 1998, shall contain at



1 least 50% postconsumer material; and beginning July 1,  
2 2000, shall contain at least 55% postconsumer  
3 material.

4 (v) Recycled paperboard, until July 1, 1994, shall  
5 contain at least 80% postconsumer material; and  
6 beginning July 1, 1994, shall contain at least 85%  
7 postconsumer material; and beginning July 1, 1996,  
8 shall contain at least 90% postconsumer material; and  
9 beginning July 1, 1998, shall contain at least 95%  
10 postconsumer material.

11 (2) For the purposes of this Section, "postconsumer  
12 material" includes:

13 (i) paper, paperboard, and fibrous wastes from  
14 retail stores, office buildings, homes, and so forth,  
15 after the waste has passed through its end usage as a  
16 consumer item, including used corrugated boxes, old  
17 newspapers, mixed waste paper, tabulating cards, and  
18 used cordage; and

19 (ii) all paper, paperboard, and fibrous wastes  
20 that are diverted or separated from the municipal solid  
21 waste stream.

22 (3) For the purposes of this Section, "recovered paper  
23 material" includes:

24 (i) postconsumer material;

25 (ii) dry paper and paperboard waste generated  
26 after completion of the papermaking process (that is,  
27 those manufacturing operations up to and including the  
28 cutting and trimming of the paper machine reel into  
29 smaller rolls or rough sheets), including envelope  
30 cuttings, bindery trimmings, and other paper and  
31 paperboard waste resulting from printing, cutting,  
32 forming, and other converting operations, or from bag,  
33 box and carton manufacturing, and butt rolls, mill  
34 wrappers, and rejected unused stock; and

35 (iii) finished paper and paperboard from obsolete  
36 inventories of paper and paperboard manufacturers,

1 merchants, wholesalers, dealers, printers, converters,  
2 or others.

3 (g) The Department of Central Management Services may adopt  
4 regulations to carry out the provisions and purposes of this  
5 Section.

6 (h) Every State agency shall, in its procurement documents,  
7 specify that, whenever economically and practically feasible,  
8 a product to be procured must consist, wholly or in part, of  
9 recycled materials, or be recyclable or reusable in whole or in  
10 part. When applicable, if state guidelines are not already  
11 prescribed, State agencies shall follow USEPA guidelines for  
12 federal procurement.

13 (i) All State agencies shall cooperate with the Department  
14 of Central Management Services in carrying out this Section.  
15 The Department of Central Management Services may enter into  
16 cooperative purchasing agreements with other governmental  
17 units in order to obtain volume discounts, or for other reasons  
18 in accordance with the Governmental Joint Purchasing Act, or in  
19 accordance with the Intergovernmental Cooperation Act if  
20 governmental units of other states or the federal government  
21 are involved.

22 (j) The Department of Central Management Services shall  
23 submit an annual report to the General Assembly concerning its  
24 implementation of the State's collection and recycled paper  
25 procurement programs. This report shall include a description  
26 of the actions that the Department of Central Management  
27 Services has taken in the previous fiscal year to implement  
28 this Section. This report shall be submitted on or before  
29 November 1 of each year.

30 (k) The Department of Central Management Services, in  
31 cooperation with all other appropriate departments and  
32 agencies of the State, shall institute whenever economically  
33 and practically feasible the use of re-refined motor oil in all  
34 State-owned motor vehicles and the use of remanufactured and  
35 retread tires whenever such use is practical, beginning no  
36 later than July 1, 1992.

1 (l) (Blank).

2 (m) The Department of Central Management Services, in  
3 coordination with the Department of Commerce and Community  
4 Affairs (now Department of Commerce and Economic Opportunity),  
5 shall implement an aluminum can recycling program in all State  
6 buildings within 270 days of the effective date of this  
7 amendatory Act of 1997. The program shall provide for (1) the  
8 collection and storage of used aluminum cans in bins or other  
9 appropriate containers made reasonably available to occupants  
10 and visitors of State buildings and (2) the sale of used  
11 aluminum cans to buyers of recyclable materials.

12 Proceeds from the sale of used aluminum cans shall be  
13 deposited into I-CYCLE accounts maintained in the State Surplus  
14 Property Revolving Fund and, subject to appropriation, shall be  
15 used by the Department of Central Management Services and any  
16 other State agency to offset the costs of implementing the  
17 aluminum can recycling program under this Section.

18 All State agencies having an aluminum can recycling program  
19 in place shall continue with their current plan. If a State  
20 agency has an existing recycling program in place, proceeds  
21 from the aluminum can recycling program may be retained and  
22 distributed pursuant to that program, otherwise all revenue  
23 resulting from these programs shall be forwarded to Central  
24 Management Services, I-CYCLE for placement into the  
25 appropriate account within the State Surplus Property  
26 Revolving Fund, minus any operating costs associated with the  
27 program.

28 (Source: P.A. 89-445, eff. 2-7-96; 90-180, eff. 7-23-97;  
29 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; revised 12-6-03.)

30 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

31 Sec. 3.1. Institutions of higher learning.

32 (a) For purposes of this Section "State-supported  
33 institutions of higher learning" or "institutions" means the  
34 University of Illinois, Southern Illinois University, the  
35 colleges and universities under the jurisdiction of the Board

1 of Governors of State Colleges and Universities, the colleges  
2 and universities under the jurisdiction of the Board of Regents  
3 of Regency Universities, and the public community colleges  
4 subject to the Public Community College Act.

5 (b) Each State-supported institution of higher learning  
6 shall develop a comprehensive waste reduction plan covering a  
7 period of 10 years which addresses the management of solid  
8 waste generated by academic, administrative, student housing  
9 and other institutional functions. The waste reduction plan  
10 shall be developed by January 1, 1995. The initial plan  
11 required under this Section shall be updated by the institution  
12 every 5 years, and any proposed amendments to the plan shall be  
13 submitted for review in accordance with subsection (f).

14 (c) Each waste reduction plan shall address, at a minimum,  
15 the following topics: existing waste generation by volume,  
16 waste composition, existing waste reduction and recycling  
17 activities, waste collection and disposal costs, future waste  
18 management methods, and specific goals to reduce the amount of  
19 waste generated that is subject to landfill disposal.

20 (d) Each waste reduction plan shall provide for recycling  
21 of marketable materials currently present in the institution's  
22 waste stream, including but not limited to landscape waste,  
23 corrugated cardboard, computer paper, and white office paper,  
24 and shall provide for the investigation of potential markets  
25 for other recyclable materials present in the institution's  
26 waste stream. The recycling provisions of the waste reduction  
27 plan shall be designed to achieve, by January 1, 2000, at least  
28 a 40% reduction (referenced to a base year of 1987) in the  
29 amount of solid waste that is generated by the institution and  
30 identified in the waste reduction plan as being subject to  
31 landfill disposal.

32 (e) Each waste reduction plan shall evaluate the  
33 institution's procurement policies and practices to eliminate  
34 procedures which discriminate against items with recycled  
35 content, and to identify products or items which are procured  
36 by the institution on a frequent or repetitive basis for which

1 products with recycled content may be substituted. Each waste  
2 reduction plan shall prescribe that it will be the policy of  
3 the institution to purchase products with recycled content  
4 whenever such products have met specifications and standards of  
5 equivalent products which do not contain recycled content.

6 (f) Each waste reduction plan developed in accordance with  
7 this Section shall be submitted to the Department of Commerce  
8 and Economic Opportunity ~~Community Affairs~~ for review and  
9 approval. The Department's review shall be conducted in  
10 cooperation with the Board of Higher Education and the Illinois  
11 Community College Board.

12 (g) The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ shall provide technical assistance,  
14 technical materials, workshops and other information necessary  
15 to assist in the development and implementation of the waste  
16 reduction plans. The Department shall develop guidelines and  
17 funding criteria for providing grant assistance to  
18 institutions for the implementation of approved waste  
19 reduction plans.

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

21 (415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

22 Sec. 5. Informational Clearinghouse. The Department of  
23 Commerce and Economic Opportunity ~~Community Affairs~~, in  
24 cooperation with the Environmental Protection Agency, shall  
25 maintain a central clearinghouse of information regarding the  
26 implementation of this Act. In particular, this clearinghouse  
27 shall include data regarding solid waste research and planning,  
28 solid waste management practices, markets for recyclable  
29 materials and intergovernmental cooperation.

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

31 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

32 Sec. 6. The Department of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ shall be the lead agency for implementation  
34 of this Act and shall have the following powers:

1           (a) To provide technical and educational assistance for  
2 applications of technologies and practices which will minimize  
3 the land disposal of non-hazardous solid waste; economic  
4 feasibility of implementation of solid waste management  
5 alternatives; analysis of markets for recyclable materials and  
6 energy products; application of the Geographic Information  
7 System to provide analysis of natural resource, land use, and  
8 environmental impacts; evaluation of financing and ownership  
9 options; and evaluation of plans prepared by units of local  
10 government pursuant to Section 22.15 of the Environmental  
11 Protection Act.

12           (b) To provide technical assistance in siting pollution  
13 control facilities, defined as any waste storage site, sanitary  
14 landfill, waste disposal site, waste transfer station or waste  
15 incinerator.

16           (c) To provide loans or recycling and composting grants to  
17 businesses and not-for-profit and governmental organizations  
18 for the purposes of increasing the quantity of materials  
19 recycled or composted in Illinois; developing and implementing  
20 innovative recycling methods and technologies; developing and  
21 expanding markets for recyclable materials; and increasing the  
22 self-sufficiency of the recycling industry in Illinois. The  
23 Department shall work with and coordinate its activities with  
24 existing for-profit and not-for-profit collection and  
25 recycling systems to encourage orderly growth in the supply of  
26 and markets for recycled materials and to assist existing  
27 collection and recycling efforts.

28           The Department shall develop a public education program  
29 concerning the importance of both composting and recycling in  
30 order to preserve landfill space in Illinois.

31           (d) To establish guidelines and funding criteria for the  
32 solicitation of projects under this Act, and to receive and  
33 evaluate applications for loans or grants for solid waste  
34 management projects based upon such guidelines and criteria.  
35 Funds may be loaned with or without interest. Loan repayments  
36 shall be deposited into the Solid Waste Management Revolving

1 Loan Fund.

2 (e) To support and coordinate solid waste research in  
3 Illinois, and to approve the annual solid waste research agenda  
4 prepared by the University of Illinois.

5 (f) To provide loans or grants for research, development  
6 and demonstration of innovative technologies and practices,  
7 including but not limited to pilot programs for collection and  
8 disposal of household wastes.

9 (g) To promulgate such rules and regulations as are  
10 necessary to carry out the purposes of subsections (c), (d) and  
11 (f) of this Section.

12 (h) To cooperate with the Environmental Protection Agency  
13 for the purposes specified herein.

14 There is hereby created the Solid Waste Management  
15 Revolving Loan Fund, a special fund in the State Treasury,  
16 hereinafter referred to as the "Fund". The Department is  
17 authorized to accept any and all grants, repayments of interest  
18 and principal on loans, matching funds, reimbursements,  
19 appropriations, income derived from investments, or other  
20 things of value from the federal or state governments or from  
21 any institution, person, partnership, joint venture,  
22 corporation, public or private, for deposit in the Fund. Any  
23 moneys collected as a result of foreclosures of loans or other  
24 financing agreements, or the violation of any terms thereof,  
25 shall also be deposited in the Fund.

26 The Department is authorized to use moneys deposited in the  
27 Fund, subject to appropriation, expressly for the purpose of  
28 implementing a revolving loan program according to procedures  
29 established pursuant to this Act. Moneys in the Fund shall be  
30 used by the Department for the purpose of financing additional  
31 projects and for the Department's administrative expenses  
32 related thereto.

33 (Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96;  
34 revised 12-6-03.)

35 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

1           Sec. 6a. The Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~ shall:

3           (1) Work with nationally based consumer groups and trade  
4 associations to develop nationally recognized logos which may  
5 be used to indicate whether a container is recyclable, made of  
6 recycled materials, or both.

7           (2) Work with nationally based consumer groups and trade  
8 associations to develop nationally recognized criteria for  
9 determining under what conditions the logos may be used.

10          (3) Develop and conduct a public education and awareness  
11 campaign to encourage the public to look for and buy products  
12 in containers which are recyclable or made of recycled  
13 materials.

14          (4) Develop and prepare educational materials describing  
15 the benefits and methods of recycling for distribution to  
16 elementary schools in Illinois.

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

18          (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

19          Sec. 7. It is the intent of this Act to provide the  
20 framework for a comprehensive solid waste management program in  
21 Illinois.

22          The Department shall prepare and submit to the Governor and  
23 the General Assembly on or before January 1, 1992, a report  
24 evaluating the effectiveness of the programs provided under  
25 this Act and Section 22.14 of the Environmental Protection Act;  
26 assessing the need for a continuation of existing programs,  
27 development and implementation of new programs and appropriate  
28 funding mechanisms; and recommending legislative and  
29 administrative action to fully implement a comprehensive solid  
30 waste management program in Illinois.

31          The Department shall investigate the suitability and  
32 advisability of providing tax incentives for Illinois  
33 businesses to use recycled products and purchase or lease  
34 recycling equipment, and shall report to the Governor and the  
35 General Assembly by January 1, 1987, on the results of this



1 investigation.

2 By July 1, 1989, the Department shall submit to the  
3 Governor and members of the General Assembly a waste reduction  
4 report:

5 (a) that describes various mechanisms that could be  
6 utilized to stimulate and enhance the reduction of  
7 industrial and post-consumer waste in the State, including  
8 their advantages and disadvantages. The mechanisms to be  
9 analyzed shall include, but not be limited to, incentives  
10 for prolonging product life, methods for ensuring product  
11 recyclability, taxes for excessive packaging, tax  
12 incentives, prohibitions on the use of certain products,  
13 and performance standards for products; and

14 (b) that includes specific recommendations to  
15 stimulate and enhance waste reduction in the industrial and  
16 consumer sector, including, but not limited to,  
17 legislation, financial incentives and disincentives, and  
18 public education.

19 The Department of Commerce and Economic Opportunity  
20 ~~Community Affairs~~, with the cooperation of the State Board of  
21 Education, the Illinois Environmental Protection Agency, and  
22 others as needed, shall develop, coordinate and conduct an  
23 education program for solid waste management and recycling. The  
24 program shall include, but not be limited to, education for the  
25 general public, businesses, government, educators and  
26 students.

27 The education program shall address, at a minimum, the  
28 following topics: the solid waste management alternatives of  
29 recycling, composting, and source reduction; resource  
30 allocation and depletion; solid waste planning; reuse of  
31 materials; pollution prevention; and household hazardous  
32 waste.

33 The Department of Commerce and Economic Opportunity  
34 ~~Community Affairs~~ shall cooperate with municipal and county  
35 governments, regional school superintendents, education  
36 service centers, local school districts, and planning agencies

1 and committees to coordinate local and regional education  
2 programs and workshops and to expedite the exchange of  
3 technical information.

4 By March 1, 1989, the Department shall prepare a report on  
5 strategies for distributing and marketing landscape waste  
6 compost from centralized composting sites operated by units of  
7 local government. The report shall, at a minimum, evaluate the  
8 effects of product quality, assured supply, cost and public  
9 education on the availability of compost, free delivery, and  
10 public sales composting program. The evaluation of public sales  
11 programs shall focus on direct retail sale of bagged compost at  
12 the site or special distribution centers and bulk sale of  
13 finished compost to wholesalers for resale.

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

15 Section 790. The Illinois Groundwater Protection Act is  
16 amended by changing Section 4 as follows:

17 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

18 Sec. 4. (a) There shall be established within State  
19 government an interagency committee which shall be known as the  
20 Interagency Coordinating Committee on Groundwater. The  
21 Committee shall be composed of the Director, or his designee,  
22 of the following agencies:

23 (1) The Illinois Environmental Protection Agency, who  
24 shall chair the Committee.

25 (2) The Illinois Department of Natural Resources.

26 (3) The Illinois Department of Public Health.

27 (4) The Office of Mines and Minerals within the  
28 Department of Natural Resources.

29 (5) The Office of the State Fire Marshal.

30 (6) The Division of Water Resources of the Department  
31 of Natural Resources.

32 (7) The Illinois Department of Agriculture.

33 (8) The Illinois Emergency Management Agency.

34 (9) The Illinois Department of Nuclear Safety.

1 (10) The Illinois Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~.

3 (b) The Committee shall meet not less than twice each  
4 calendar year and shall:

5 (1) Review and coordinate the State's policy on  
6 groundwater protection.

7 (2) Review and evaluate State laws, regulations and  
8 procedures that relate to groundwater protection.

9 (3) Review and evaluate the status of the State's  
10 efforts to improve the quality of the groundwater and of  
11 the State enforcement efforts for protection of the  
12 groundwater and make recommendations on improving the  
13 State efforts to protect the groundwater.

14 (4) Recommend procedures for better coordination among  
15 State groundwater programs and with local programs related  
16 to groundwater protection.

17 (5) Review and recommend procedures to coordinate the  
18 State's response to specific incidents of groundwater  
19 pollution and coordinate dissemination of information  
20 between agencies responsible for the State's response.

21 (6) Make recommendations for and prioritize the  
22 State's groundwater research needs.

23 (7) Review, coordinate and evaluate groundwater data  
24 collection and analysis.

25 (8) Beginning on January 1, 1990, report biennially to  
26 the Governor and the General Assembly on groundwater  
27 quality, quantity, and the State's enforcement efforts.

28 (c) The Chairman of the Committee shall propose a  
29 groundwater protection regulatory agenda for consideration by  
30 the Committee and the Council. The principal purpose of the  
31 agenda shall be to systematically consider the groundwater  
32 protection aspects of relevant federal and State regulatory  
33 programs and to identify any areas where improvements may be  
34 warranted. To the extent feasible, the agenda may also serve to  
35 facilitate a more uniform and coordinated approach toward  
36 protection of groundwaters in Illinois. Upon adoption of the

1 final agenda by the Committee, the Chairman of the Committee  
2 shall assign a lead agency and any support agencies to prepare  
3 a regulatory assessment report for each item on the agenda.  
4 Each regulatory assessment report shall specify the nature of  
5 the groundwater protection provisions being implemented and  
6 shall evaluate the results achieved therefrom. Special  
7 attention shall be given to any preventive measures being  
8 utilized for protection of groundwaters. The reports shall be  
9 completed in a timely manner. After review and consideration by  
10 the Committee, the reports shall become the basis for  
11 recommending further legislative or regulatory action.

12 (d) No later than January 1, 1992, the Interagency  
13 Coordinating Committee on Groundwater shall provide a  
14 comprehensive status report to the Governor and the General  
15 Assembly concerning implementation of this Act.

16 (e) The Committee shall consider findings and  
17 recommendations that are provided by the Council, and respond  
18 in writing regarding such matters. The Chairman of the  
19 Committee shall designate a liaison person to serve as a  
20 facilitator of communications with the Council.

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

22 Section 795. The Degradable Plastic Act is amended by  
23 changing Section 2 as follows:

24 (415 ILCS 80/2) (from Ch. 111 1/2, par. 7902)

25 Sec. 2. Definitions. As used in this Act, the following  
26 terms shall have the meanings indicated, unless the context  
27 otherwise requires:

28 "Agency" means the Illinois Environmental Protection  
29 Agency.

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

32 "Degradable" means capable of disintegrating, by naturally  
33 occurring biological or physical processes in the environment  
34 within a period of 3 years after disposal, into fragments that

1 are small relative to the original size, or into particles of a  
2 molecular weight that is low when compared to the molecular  
3 weight of the original material.

4 "Plastic container" means a package, bag, bottle, cup,  
5 wrapping, blister-pack or other device that is made of plastic,  
6 plastic-coated paper, or other synthetic polymeric material,  
7 and is used to contain or protect merchandise ultimately  
8 intended for retail sale, or to contain waste for disposal.

9 "Recyclable plastic container" means a container composed  
10 entirely (exclusive of any readily detachable lid, closure,  
11 handle or label) of one type of plastic for which the  
12 Department finds that there exists an effective recycling  
13 market in this State.

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

15 Section 800. The Recycled Newsprint Use Act is amended by  
16 changing Section 2002.50 as follows:

17 (415 ILCS 110/2002.50) (from Ch. 96 1/2, par. 9752.50)

18 Sec. 2002.50. "Department" means the Department of  
19 Commerce and Economic Opportunity ~~Community Affairs~~.

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

21 Section 805. The Alternate Fuels Act is amended by changing  
22 Sections 15, 21, 25, 31, 32, and 40 as follows:

23 (415 ILCS 120/15)

24 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
25 dedicate sufficient resources to implement the purposes of  
26 Section 30 of this Act. Such rules shall be consistent with the  
27 provisions of the Clean Air Act Amendments of 1990 and any  
28 regulations promulgated pursuant thereto. The Secretary of  
29 State may promulgate rules to implement Section 35 of this Act.  
30 The Department of Commerce and Economic Opportunity ~~Community~~  
31 ~~Affairs~~ may promulgate rules to implement Section 25 of this  
32 Act.

1 (Source: P.A. 89-410; 90-726, eff. 8-7-98; revised 12-6-03.)

2 (415 ILCS 120/21)

3 Sec. 21. Alternate Fuel Infrastructure Advisory Board. The  
4 Governor shall appoint an Alternate Fuel Infrastructure  
5 Advisory Board. The Advisory Board shall be chaired by the  
6 Director of ~~the Department of~~ Commerce and Economic Opportunity  
7 ~~Community Affairs~~, who may be represented at all meetings by a  
8 designee. Other members appointed by the Governor shall consist  
9 of one representative from the ethanol industry, one  
10 representative from the natural gas industry, one  
11 representative from the auto manufacturing industry, one  
12 representative from the liquid petroleum gas industry, one  
13 representative from the Agency, one representative from the  
14 heavy duty engine manufacturing industry, one representative  
15 from Illinois private fleet operators, and one representative  
16 of local government from the Chicago nonattainment area.

17 The Advisory Board shall (1) prepare and recommend to the  
18 Department of Commerce and Economic Opportunity (formerly  
19 Department of Commerce and Community Affairs) a program  
20 implementing Section 31 of this Act and (2) recommend criteria  
21 and procedures to be followed in awarding grants.

22 Members of the Advisory Board shall not be reimbursed their  
23 costs and expenses of participation. All decisions of the  
24 Advisory Board shall be decided on a one vote per member basis  
25 with a majority of the Advisory Board membership to rule.

26 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

27 (415 ILCS 120/25)

28 Sec. 25. Ethanol fuel research program. The Department of  
29 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
30 administer a research program to reduce the costs of producing  
31 ethanol fuels and increase the viability of ethanol fuels, new  
32 ethanol engine technologies, and ethanol refueling  
33 infrastructure. This research shall be funded from the  
34 Alternate Fuels Fund. The research program shall remain in

1 effect, subject to appropriation after calendar year 2004, or  
2 until funds are no longer available.

3 (Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03;  
4 revised 12-6-03.)

5 (415 ILCS 120/31)

6 Sec. 31. Alternate Fuel Infrastructure Program. Subject to  
7 appropriation, the Department of Commerce and Community  
8 Affairs (now Department of Commerce and Economic Opportunity)  
9 shall establish a grant program to provide funding for the  
10 building of E85 blend, propane, and compressed natural gas  
11 (CNG) fueling facilities, including private on-site fueling  
12 facilities, to be built within the covered area or in Illinois  
13 metropolitan areas over 100,000 in population. The Department  
14 of Commerce and Economic Opportunity ~~Community Affairs~~ shall be  
15 responsible for reviewing the proposals and awarding the  
16 grants.

17 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

18 (415 ILCS 120/32)

19 Sec. 32. Clean Fuel Education Program. Subject to  
20 appropriation, the Department of Commerce and Economic  
21 Opportunity ~~Community Affairs~~, in cooperation with the Agency  
22 and Chicago Area Clean Cities, shall administer the Clean Fuel  
23 Education Program, the purpose of which is to educate fleet  
24 administrators and Illinois' citizens about the benefits of  
25 using alternate fuels. The program shall include a media  
26 campaign.

27 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

28 (415 ILCS 120/40)

29 Sec. 40. Appropriations from the Alternate Fuels Fund.

30 (a) User Fees Funds. The Agency shall estimate the amount  
31 of user fees expected to be collected under Section 35 of this  
32 Act for each fiscal year. User fee funds shall be deposited  
33 into and distributed from the Alternate Fuels Fund in the

1 following manner:

2 (1) In each of fiscal years 1999, 2000, 2001, 2002, and  
3 2003, an amount not to exceed \$200,000, and beginning in  
4 fiscal year 2004 an annual amount not to exceed \$225,000,  
5 may be appropriated to the Agency from the Alternate Fuels  
6 Fund to pay its costs of administering the programs  
7 authorized by Section 30 of this Act. Up to \$200,000 may be  
8 appropriated to the Office of the Secretary of State in  
9 each of fiscal years 1999, 2000, 2001, 2002, and 2003 from  
10 the Alternate Fuels Fund to pay the Secretary of State's  
11 costs of administering the programs authorized under this  
12 Act. Beginning in fiscal year 2004 and in each fiscal year  
13 thereafter, an amount not to exceed \$225,000 may be  
14 appropriated to the Secretary of State from the Alternate  
15 Fuels Fund to pay the Secretary of State's costs of  
16 administering the programs authorized under this Act.

17 (2) In fiscal years 1999, 2000, 2001, and 2002, after  
18 appropriation of the amounts authorized by item (1) of  
19 subsection (a) of this Section, the remaining moneys  
20 estimated to be collected during each fiscal year shall be  
21 appropriated as follows: 80% of the remaining moneys shall  
22 be appropriated to fund the programs authorized by Section  
23 30, and 20% shall be appropriated to fund the programs  
24 authorized by Section 25. In fiscal year 2004 and each  
25 fiscal year thereafter, after appropriation of the amounts  
26 authorized by item (1) of subsection (a) of this Section,  
27 the remaining moneys estimated to be collected during each  
28 fiscal year shall be appropriated as follows: 70% of the  
29 remaining moneys shall be appropriated to fund the programs  
30 authorized by Section 30 and 30% shall be appropriated to  
31 fund the programs authorized by Section 31.

32 (3) (Blank).

33 (4) Moneys appropriated to fund the programs  
34 authorized in Sections 25 and 30 shall be expended only  
35 after they have been collected and deposited into the  
36 Alternate Fuels Fund.



1 (b) General Revenue Fund Appropriations. General Revenue  
2 Fund amounts appropriated to and deposited into the Alternate  
3 Fuels Fund shall be distributed from the Alternate Fuels Fund  
4 in the following manner:

5 (1) In each of fiscal years 2003 and 2004, an amount  
6 not to exceed \$50,000 may be appropriated to the Department  
7 of Commerce and Community Affairs (now Department of  
8 Commerce and Economic Opportunity) from the Alternate  
9 Fuels Fund to pay its costs of administering the programs  
10 authorized by Sections 31 and 32.

11 (2) In each of fiscal years 2003 and 2004, an amount  
12 not to exceed \$50,000 may be appropriated to the Department  
13 of Commerce and Community Affairs (now Department of  
14 Commerce and Economic Opportunity) to fund the programs  
15 authorized by Section 32.

16 (3) In each of fiscal years 2003 and 2004, after  
17 appropriation of the amounts authorized in items (1) and  
18 (2) of subsection (b) of this Section, the remaining moneys  
19 received from the General Revenue Fund shall be  
20 appropriated as follows: 52.632% of the remaining moneys  
21 shall be appropriated to fund the programs authorized by  
22 Sections 25 and 30 and 47.368% of the remaining moneys  
23 shall be appropriated to fund the programs authorized by  
24 Section 31. The moneys appropriated to fund the programs  
25 authorized by Sections 25 and 30 shall be used as follows:  
26 20% shall be used to fund the programs authorized by  
27 Section 25, and 80% shall be used to fund the programs  
28 authorized by Section 30.

29 Moneys appropriated to fund the programs authorized in  
30 Section 31 shall be expended only after they have been  
31 deposited into the Alternate Fuels Fund.

32 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised  
33 12-6-03.)

34 Section 810. The Interstate Ozone Transport Oversight Act  
35 is amended by changing Section 20 as follows:

1 (415 ILCS 130/20)

2 Sec. 20. Legislative referral and public hearings.

3 (a) Not later than 10 days after the development of any  
4 proposed memorandum of understanding by the Ozone Transport  
5 Assessment Group potentially requiring the State of Illinois to  
6 undertake emission reductions in addition to those specified by  
7 the Clean Air Act Amendments of 1990, or subsequent to the  
8 issuance of a request made by the United States Environmental  
9 Protection Agency on or after June 1, 1997 for submission of a  
10 State Implementation Plan for Illinois relating to ozone  
11 attainment and before submission of the Plan, the Director  
12 shall submit the proposed memorandum of understanding or State  
13 Implementation Plan to the House Committee and the Senate  
14 Committee for their consideration. At that time, the Director  
15 shall also submit information detailing any alternate  
16 strategies.

17 (b) To assist the legislative review required by this Act,  
18 the Department of Natural Resources and the Department of  
19 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
20 conduct a joint study of the impacts on the State's economy  
21 which may result from implementation of the emission reduction  
22 strategies contained within any proposed memorandum of  
23 understanding or State Implementation Plan relating to ozone  
24 and from implementation of any alternate strategies. The study  
25 shall include, but not be limited to, the impacts on economic  
26 development, employment, utility costs and rates, personal  
27 income, and industrial competitiveness which may result from  
28 implementation of the emission reduction strategies contained  
29 within any proposed memorandum of agreement or State  
30 Implementation Plan relating to ozone and from implementation  
31 of any alternate strategies. The study shall be submitted to  
32 the House Committee and Senate Committee not less than 10 days  
33 prior to any scheduled hearing conducted pursuant to subsection  
34 (c) of this Section.

35 (c) Upon receipt of the information required by subsections

1 (a) and (b) of this Section, the House Committee and Senate  
2 Committee shall each convene one or more public hearings to  
3 receive comments from agencies of government and other  
4 interested parties on the memorandum of understanding's or  
5 State Implementation Plan's prospective economic and  
6 environmental impacts, including its impacts on energy use,  
7 economic development, utility costs and rates, and  
8 competitiveness. Additionally, comments shall be received on  
9 the prospective economic and environmental impacts, including  
10 impacts on energy use, economic development, utility costs and  
11 rates, and competitiveness, which may result from  
12 implementation of any alternate strategies.

13 (Source: P.A. 89-566, eff. 7-26-96; 90-500, eff. 8-19-97;  
14 revised 12-6-03.)

15 Section 815. The Illinois Poison Prevention Packaging Act  
16 is amended by changing Section 6 as follows:

17 (430 ILCS 40/6) (from Ch. 111 1/2, par. 296)

18 Sec. 6. (a) For the purpose of assisting in carrying out  
19 the purposes of this Act, the Director may appoint a technical  
20 advisory committee, designating a member thereof to be a  
21 chairman, composed of not more than 18 members who are  
22 representative of (1) the Department of Public Health, (2) the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~, (3) manufacturers of household substances subject to  
25 this Act, (4) scientists with expertise related to this Act and  
26 licensed practitioners in the medical field, (5) consumers, and  
27 (6) manufacturers of packages and closures for household  
28 substances. The Director may consult with the technical  
29 advisory committee in making findings and in establishing  
30 standards pursuant to this Act.

31 (b) Members of the technical advisory committee who are not  
32 regular full-time employees of the State of Illinois shall,  
33 while attending meetings of such committee, be entitled to  
34 receive compensation at a rate fixed by the Director, but not

1 exceeding \$100 per diem, including travel time, and while so  
2 serving away from their homes or regular places of business,  
3 they may be allowed travel expenses.

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

5 Section 820. The Agricultural Areas Conservation and  
6 Protection Act is amended by changing Section 20.1 as follows:

7 (505 ILCS 5/20.1) (from Ch. 5, par. 1020.1)

8 Sec. 20.1. Report to General Assembly and State Agencies.

9 The Department of Agriculture shall make an annual report to  
10 the General Assembly on the location and size of all  
11 agricultural areas created or dissolved during the past year  
12 and of any other alterations of agricultural areas. For the  
13 purpose of planning project alternatives, the Department of  
14 Agriculture shall provide a description of all agricultural  
15 areas to the following agencies and shall notify the following  
16 agencies of the creation, alteration, or dissolution of  
17 agricultural areas: the Governor's Office of Management and  
18 Budget Bureau ~~of the Budget~~, the Department of Natural  
19 Resources, the Illinois Commerce Commission, the Department of  
20 Commerce and Economic Opportunity ~~Community Affairs~~, the  
21 Environmental Protection Agency, the Capital Development  
22 Board, and the Department of Transportation.

23 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

24 Section 825. The County Cooperative Extension Law is  
25 amended by changing Section 2b as follows:

26 (505 ILCS 45/2b) (from Ch. 5, par. 242b)

27 Sec. 2b. The Cooperative Extension Service of the  
28 University of Illinois shall establish a Rural Transition  
29 Program to be operated in cooperation with the Department of  
30 Commerce and Economic Opportunity ~~Community Affairs~~ to provide  
31 assessments, career counseling, on-the-job training, tuition  
32 reimbursements, classroom training, financial management

1 training, work experience opportunities, job search skills,  
2 job placement, youth programs, and support service to farmers  
3 and their families, agriculture-related employees, other rural  
4 residents, and small rural businesses who are being forced out  
5 of farming or other primary means of employment or whose  
6 standard of living or employment has been reduced because of  
7 prevailing economic conditions in the agricultural or rural  
8 economy. Eligible farmers and their families shall include  
9 those who can demonstrate proof of financial stress, proof of  
10 foreclosure, proof of bankruptcy, proof of inability to secure  
11 needed capital, proof of voluntary foreclosure or proof of  
12 income eligibility for assistance programs administered by the  
13 Department of Human Services (acting as successor to the  
14 Department of Public Aid under the Department of Human Services  
15 Act). Eligible agriculture related employees shall mean tenant  
16 farmers or other farm employees and employees of businesses  
17 related to agricultural production who are facing  
18 displacement, unemployment or underemployment due to a closure  
19 or reduction in operation of such business or farm due to poor  
20 economic conditions that prevail in the agricultural or rural  
21 economy. Other eligible rural residents shall include those  
22 residing in rural areas whose employment or standard of living  
23 has been reduced due to the poor economic conditions that  
24 prevail in the agricultural or rural economy. Eligible small  
25 rural businesses shall include those existing or new businesses  
26 established and operating in rural areas that lack access to  
27 other sources of services provided by this Section. In carrying  
28 out the provisions of this Section, the Cooperative Extension  
29 Service may enter into agreements with the Department of  
30 Commerce and Community Affairs, community colleges, vocational  
31 schools, and any other State or local private or public agency  
32 or entity deemed necessary.

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

34 Section 830. The Farmland Preservation Act is amended by  
35 changing Section 3 as follows:

1 (505 ILCS 75/3) (from Ch. 5, par. 1303)

2 Sec. 3. An Inter-Agency Committee on Farmland Preservation  
3 is created. The Directors or Chairpersons of the following  
4 agencies, or their representatives, shall serve as members of  
5 the Committee:

6 (a) the Capital Development Board;

7 (b) the Department of Natural Resources;

8 (c) the Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~;

10 (d) the Environmental Protection Agency;

11 (e) the Department of Transportation;

12 (f) the Governor's Office of Management and Budget Bureau  
13 ~~of the Budget~~;

14 (g) the Illinois Commerce Commission; and

15 (h) the Department of Agriculture.

16 The Director of the Department of Agriculture, or his  
17 representative, shall serve as chairman.

18 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

19 Section 835. The Illinois Forestry Development Act is  
20 amended by changing Section 6a as follows:

21 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

22 (Section scheduled to be repealed on December 31, 2008)

23 Sec. 6a. Illinois Forestry Development Council.

24 (a) The Illinois Forestry Development Council is hereby  
25 re-created by this amendatory Act of the 91st General Assembly.

26 (b) The Council shall consist of 24 members appointed as  
27 follows:

28 (1) four members of the General Assembly, one appointed  
29 by the President of the Senate, one appointed by the Senate  
30 Minority Leader, one appointed by the Speaker of the House  
31 of Representatives, and one appointed by the House Minority  
32 Leader;

33 (2) one member appointed by the Governor to represent

1 the Governor;

2 (3) the Directors of the Departments of Natural  
3 Resources, Agriculture, and Commerce and Economic  
4 Opportunity ~~Community Affairs~~, the Executive Director of  
5 the Illinois Finance Authority, and the Director of the  
6 Office of Rural Affairs, or their designees;

7 (4) the chairman of the Department of Forestry or a  
8 forestry academician, appointed by the Dean of Agriculture  
9 at Southern Illinois University at Carbondale;

10 (5) the head of the Department of Natural Resources and  
11 Environmental Sciences or a forestry academician,  
12 appointed by the Dean of Agriculture at the University of  
13 Illinois;

14 (6) two members, appointed by the Governor, who shall  
15 be private timber growers;

16 (7) one member, appointed by the president of the  
17 Illinois Wood Products Association, who shall be involved  
18 in primary forestry industry;

19 (8) one member, appointed by the president of the  
20 Illinois Wood Products Association, who shall be involved  
21 in secondary forestry industry;

22 (9) one member who is actively involved in  
23 environmental issues, appointed by the Governor;

24 (10) the president of the Association of Illinois Soil  
25 and Water Conservation Districts;

26 (11) two persons who are actively engaged in farming,  
27 appointed by the Governor;

28 (12) one member, appointed by the Governor, whose  
29 primary area of expertise is urban forestry;

30 (13) one member appointed by the President of the  
31 Illinois Arborists Association;

32 (14) the Supervisor of the Shawnee National Forest and  
33 the United States Department of Agriculture Natural  
34 Resource Conservation Service's State Conservationist, ex  
35 officio, or their designees.

36 (c) Members of the Council shall serve without compensation

1 but shall be reimbursed for actual expenses incurred in the  
2 performance of their duties which are not otherwise reimbursed.

3 (d) The Council shall select from its membership a  
4 chairperson and such other officers as it considers necessary.

5 (e) Other individuals, agencies and organizations may be  
6 invited to participate as deemed advisable by the Council.

7 (f) The Council shall study and evaluate the forestry  
8 resources and forestry industry of Illinois. The Council shall:

9 (1) determine the magnitude, nature and extent of the  
10 State's forestry resources;

11 (2) determine current uses and project future demand  
12 for forest products, services and benefits in Illinois;

13 (3) determine and evaluate the ownership  
14 characteristics of the State's forests, the motives for  
15 forest ownership and the success of incentives necessary to  
16 stimulate development of forest resources;

17 (4) determine the economic development and management  
18 opportunities that could result from improvements in local  
19 and regional forest product marketing and from the  
20 establishment of new or additional wood-related businesses  
21 in Illinois;

22 (5) confer with and offer assistance to the Illinois  
23 Finance Authority relating to its implementation of forest  
24 industry assistance programs authorized by the Illinois  
25 Finance Authority Act;

26 (6) determine the opportunities for increasing  
27 employment and economic growth through development of  
28 forest resources;

29 (7) determine the effect of current governmental  
30 policies and regulations on the management of woodlands and  
31 the location of wood products markets;

32 (8) determine the staffing and funding needs for  
33 forestry and other conservation programs to support and  
34 enhance forest resources development;

35 (9) determine the needs of forestry education programs  
36 in this State;



1 (10) confer with and offer assistance to the Department  
2 of Natural Resources relating to the implementation of  
3 urban forestry assistance grants pursuant to the Urban and  
4 Community Forestry Assistance Act; and

5 (11) determine soil and water conservation benefits  
6 and wildlife habitat enhancement opportunities that can be  
7 promoted through approved forestry management plans.

8 (g) The Council shall report (i) its findings and  
9 recommendations for future State action and (ii) its evaluation  
10 of Urban/Community Forestry Assistance Grants to the General  
11 Assembly no later than July 1 of each year.

12 (h) This Section 6a is repealed December 31, 2008.

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

14 Section 840. The Illinois Youth and Young Adult Employment  
15 Act of 1986 is amended by changing Section 5 as follows:

16 (525 ILCS 50/5) (from Ch. 48, par. 2555)

17 Sec. 5. Cooperation. The Department of Natural Resources  
18 shall have the full cooperation of the Department of Commerce  
19 and Economic Opportunity ~~Community Affairs~~, the Illinois State  
20 Job Coordinating Council created by the Federal Job Training  
21 Partnership Act (Public Law 97-300), and the Department of  
22 Employment Security to carry out the purposes of this Act.

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

24 Section 845. The Bikeway Act is amended by changing Section  
25 4 as follows:

26 (605 ILCS 30/4) (from Ch. 121, par. 604)

27 Sec. 4. In expending funds available for purposes of this  
28 Act, the Department shall cooperate with municipalities,  
29 townships, counties, road districts, park districts and other  
30 appropriate agencies and organizations and, where possible and  
31 practicable, shall allocate its expenditures among the several  
32 regions of the State, proportionally to the bicycling

1 population.

2 The Secretary of Transportation shall serve as chairman of  
3 and shall at least quarterly convene an interagency council on  
4 the bikeways program, comprised of the Director of Natural  
5 Resources, the Director of Commerce and Economic Opportunity  
6 ~~Community Affairs~~, the State Superintendent of Education, a  
7 county engineer or county superintendent of highways chosen by  
8 the statewide association of county engineers, a  
9 representative of the Cook County Forest Preserve District, and  
10 the Secretary of Transportation, for the purpose of determining  
11 policy and priorities in effectuating the purposes of this Act.  
12 (Source: P.A. 89-337, eff. 1-1-96; 89-445, eff. 2-7-96; revised  
13 12-6-03.)

14 Section 850. The Illinois Aeronautics Act is amended by  
15 changing Section 34b as follows:

16 (620 ILCS 5/34b)

17 Sec. 34b. Airport Land Loan Program.

18 (a) The Department may make loans to public airport owners  
19 for the purchase of any real estate interests as may be needed  
20 for essential airport purposes, including future needs,  
21 subject to the following conditions:

22 (1) loans may be made only to public airport owners  
23 that are operating an airport as of January 1, 1999; and

24 (2) loans may not be made for airports that provide  
25 scheduled commercial air service in counties of greater  
26 than 5,000,000 population.

27 The loans are payable from the Airport Land Loan Revolving  
28 Fund, subject to appropriation. All repayments of loans made  
29 pursuant to this Section, including interest thereon and  
30 penalties, shall be deposited in the Airport Land Loan  
31 Revolving Fund. The Treasurer shall deposit all investment  
32 earnings arising from balances in the Airport Land Loan  
33 Revolving Fund in that Fund.

34 (b) All loans under this Section shall be made by contract

1 between the Department and the public airport owner, which  
2 contract shall include the following provisions:

3 (1) The annual rate of interest shall be the lesser of

4 (A) 2 percent below the Prime Rate charged by banks, as  
5 published by the Federal Reserve Board, in effect at the  
6 time the Department approves the loan, or (B) a rate  
7 determined by the Department, after consultation with the  
8 Governor's Office of Management and Budget ~~Bureau of the~~  
9 ~~Budget~~, that will not adversely affect the tax-exempt  
10 status of interest on the bonds of the State issued in  
11 whole or in part to make deposits into the Airport Land  
12 Loan Revolving Fund, nor diminish the benefit to the State  
13 of the tax-exempt status of the interest on such bonds.

14 (2) The term of any loan shall not exceed five years,  
15 but it may be for less by mutual agreement.

16 (3) Loan payments shall be scheduled in equal amounts  
17 for the periods determined under paragraph (4) of this  
18 Section. The loan payments shall be calculated so that the  
19 loan is completely repaid, with interest, on outstanding  
20 balances, by the end of the term determined under paragraph  
21 (2) of this Section. There shall be no penalty for early  
22 payment ahead of the payment schedule.

23 (4) The period of loan payments shall be annual, unless  
24 by mutual agreement a period of less than one year is  
25 chosen.

26 (5) The loan shall be secured with the land purchased,  
27 in whole or in part, with the loan and considered as  
28 collateral. The public airport owner shall assign a first  
29 priority interest in the property to the State.

30 (6) If the loan payment is not made within 15 days  
31 after the scheduled date determined under paragraph (3) of  
32 this Section, a penalty of 10% of the payment shall be  
33 assessed. If 30 days after the scheduled payment date no  
34 payment has been received, the loan shall be considered in  
35 default.

36 (7) As soon as a loan is considered in default, the

1 Department shall notify the public airport owner and  
2 attempt to enter into a renegotiation of the loan payment  
3 amounts and schedule determined under paragraph (3) of this  
4 Section. In no case shall the term of the loan be extended  
5 beyond the initial term determined under paragraph (2) of  
6 this Section; nor shall the interest rate be lowered nor  
7 any interest be forgiven. If a renegotiation of loan  
8 payment amounts and schedule is obtained to the  
9 Department's satisfaction within 30 days of notification  
10 of default, then the new payment schedule shall replace the  
11 one determined by paragraph (3) of this Section and shall  
12 be used to measure compliance with the loan for purposes of  
13 default. If after 30 days of notification of default the  
14 Department has not obtained a renegotiation to its  
15 satisfaction, the Department shall declare the loan  
16 balance due and payable immediately. If the public airport  
17 owner cannot immediately pay the balance of the loan, the  
18 Department shall proceed to foreclose.

19 (c) The Department may promulgate any rules that it finds  
20 appropriate to implement this Airport Land Loan Program.

21 (d) The Airport Land Loan Revolving Fund is created in the  
22 State Treasury.

23 (Source: P.A. 91-543, eff. 8-14-99; 91-712, eff. 7-1-00;  
24 revised 8-23-03.)

25 Section 855. The Illinois Vehicle Code is amended by  
26 changing Section 3-1001 as follows:

27 (625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

28 Sec. 3-1001. A tax is hereby imposed on the privilege of  
29 using, in this State, any motor vehicle as defined in Section  
30 1-146 of this Code acquired by gift, transfer, or purchase, and  
31 having a year model designation preceding the year of  
32 application for title by 5 or fewer years prior to October 1,  
33 1985 and 10 or fewer years on and after October 1, 1985 and  
34 prior to January 1, 1988. On and after January 1, 1988, the tax

1 shall apply to all motor vehicles without regard to model year.  
 2 Except that the tax shall not apply

3 (i) if the use of the motor vehicle is otherwise taxed  
 4 under the Use Tax Act;

5 (ii) if the motor vehicle is bought and used by a  
 6 governmental agency or a society, association, foundation  
 7 or institution organized and operated exclusively for  
 8 charitable, religious or educational purposes;

9 (iii) if the use of the motor vehicle is not subject to  
 10 the Use Tax Act by reason of subsection (a), (b), (c), (d),  
 11 (e) or (f) of Section 3-55 of that Act dealing with the  
 12 prevention of actual or likely multistate taxation;

13 (iv) to implements of husbandry;

14 (v) when a junking certificate is issued pursuant to  
 15 Section 3-117(a) of this Code;

16 (vi) when a vehicle is subject to the replacement  
 17 vehicle tax imposed by Section 3-2001 of this Act;

18 (vii) when the transfer is a gift to a beneficiary in  
 19 the administration of an estate and the beneficiary is a  
 20 surviving spouse.

21 Prior to January 1, 1988, the rate of tax shall be 5% of  
 22 the selling price for each purchase of a motor vehicle covered  
 23 by Section 3-1001 of this Code. Except as hereinafter provided,  
 24 beginning January 1, 1988, the rate of tax shall be as follows  
 25 for transactions in which the selling price of the motor  
 26 vehicle is less than \$15,000:

Number of Years Transpired After	Applicable Tax
Model Year of Motor Vehicle	
1 or less	\$390
2	290
3	215
4	165
5	115
6	90
7	80
8	65

1	9	50
2	10	40
3	over 10	25

4 Except as hereinafter provided, beginning January 1, 1988, the  
 5 rate of tax shall be as follows for transactions in which the  
 6 selling price of the motor vehicle is \$15,000 or more:

7	Selling Price	Applicable Tax
8	\$15,000 - \$19,999	\$ 750
9	\$20,000 - \$24,999	\$1,000
10	\$25,000 - \$29,999	\$1,250
11	\$30,000 and over	\$1,500

12 For the following transactions, the tax rate shall be \$15 for  
 13 each motor vehicle acquired in such transaction:

14 (i) when the transferee or purchaser is the spouse,  
 15 mother, father, brother, sister or child of the transferor;

16 (ii) when the transfer is a gift to a beneficiary in  
 17 the administration of an estate and the beneficiary is not  
 18 a surviving spouse;

19 (iii) when a motor vehicle which has once been  
 20 subjected to the Illinois retailers' occupation tax or use  
 21 tax is transferred in connection with the organization,  
 22 reorganization, dissolution or partial liquidation of an  
 23 incorporated or unincorporated business wherein the  
 24 beneficial ownership is not changed.

25 A claim that the transaction is taxable under subparagraph  
 26 (i) shall be supported by such proof of family relationship as  
 27 provided by rules of the Department.

28 For a transaction in which a motorcycle, motor driven cycle  
 29 or motorized pedalcycle is acquired the tax rate shall be \$25.

30 On and after October 1, 1985, 1/12 of \$5,000,000 of the  
 31 moneys received by the Department of Revenue pursuant to this  
 32 Section shall be paid each month into the Build Illinois Fund  
 33 and the remainder into the General Revenue Fund.

34 At the end of any fiscal year in which the moneys received  
 35 by the Department of Revenue pursuant to this Section exceeds  
 36 the Annual Specified Amount, as defined in Section 3 of the

1 Retailers' Occupation Tax Act, the State Comptroller shall  
2 direct the State Treasurer to transfer such excess amount from  
3 the General Revenue Fund to the Build Illinois Purposes Fund.

4 The tax imposed by this Section shall be abated and no  
5 longer imposed when the amount deposited to secure the bonds  
6 issued pursuant to the Build Illinois Bond Act is sufficient to  
7 provide for the payment of the principal of, and interest and  
8 premium, if any, on the bonds, as certified to the State  
9 Comptroller and the Director of Revenue by the Director of the  
10 Governor's Office of Management and Budget ~~Bureau of the~~  
11 ~~Budget~~.

12 (Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

13 Section 860. The Code of Civil Procedure is amended by  
14 changing Section 7-103.3 as follows:

15 (735 ILCS 5/7-103.3)

16 Sec. 7-103.3. Quick-take; coal development purposes.  
17 Quick-take proceedings under Section 7-103 may be used by the  
18 Department of Commerce and Economic Opportunity ~~Community~~  
19 ~~Affairs~~ for the purpose specified in the Illinois Coal  
20 Development Bond Act.

21 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

22 Section 865. The Illinois Human Rights Act is amended by  
23 changing Section 2-105 as follows:

24 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

25 Sec. 2-105. Equal Employment Opportunities; Affirmative  
26 Action.

27 (A) Public Contracts. Every party to a public contract and  
28 every eligible bidder shall:

29 (1) Refrain from unlawful discrimination and  
30 discrimination based on citizenship status in employment  
31 and undertake affirmative action to assure equality of  
32 employment opportunity and eliminate the effects of past

1 discrimination;

2 (2) Comply with the procedures and requirements of the  
3 Department's regulations concerning equal employment  
4 opportunities and affirmative action;

5 (3) Provide such information, with respect to its  
6 employees and applicants for employment, and assistance as  
7 the Department may reasonably request;

8 (4) Have written sexual harassment policies that shall  
9 include, at a minimum, the following information: (i) the  
10 illegality of sexual harassment; (ii) the definition of  
11 sexual harassment under State law; (iii) a description of  
12 sexual harassment, utilizing examples; (iv) the vendor's  
13 internal complaint process including penalties; (v) the  
14 legal recourse, investigative and complaint process  
15 available through the Department and the Commission; (vi)  
16 directions on how to contact the Department and Commission;  
17 and (vii) protection against retaliation as provided by  
18 Section 6-101 of this Act. A copy of the policies shall be  
19 provided to the Department upon request.

20 (B) State Agencies. Every State executive department,  
21 State agency, board, commission, and instrumentality shall:

22 (1) Comply with the procedures and requirements of the  
23 Department's regulations concerning equal employment  
24 opportunities and affirmative action;

25 (2) Provide such information and assistance as the  
26 Department may request.

27 (3) Establish, maintain, and carry out a continuing  
28 affirmative action plan consistent with this Act and the  
29 regulations of the Department designed to promote equal  
30 opportunity for all State residents in every aspect of  
31 agency personnel policy and practice. For purposes of these  
32 affirmative action plans, the race and national origin  
33 categories to be included in the plans are: African  
34 American, Hispanic or Latino, Native American, Asian, and  
35 any other category as required by Department rule. This  
36 plan shall include a current detailed status report:



1 (a) indicating, by each position in State service,  
2 the number, percentage, and average salary of  
3 individuals employed by race, national origin, sex and  
4 disability, and any other category that the Department  
5 may require by rule;

6 (b) identifying all positions in which the  
7 percentage of the people employed by race, national  
8 origin, sex and disability, and any other category that  
9 the Department may require by rule, is less than  
10 four-fifths of the percentage of each of those  
11 components in the State work force;

12 (c) specifying the goals and methods for  
13 increasing the percentage by race, national origin,  
14 sex and disability, and any other category that the  
15 Department may require by rule, in State positions;

16 (d) indicating progress and problems toward  
17 meeting equal employment opportunity goals, including,  
18 if applicable, but not limited to, Department of  
19 Central Management Services recruitment efforts,  
20 publicity, promotions, and use of options designating  
21 positions by linguistic abilities;

22 (e) establishing a numerical hiring goal for the  
23 employment of qualified persons with disabilities in  
24 the agency as a whole, to be based on the proportion of  
25 people with work disabilities in the Illinois labor  
26 force as reflected in the most recent decennial Census.

27 (4) If the agency has 1000 or more employees, appoint a  
28 full-time Equal Employment Opportunity officer, subject to  
29 the Department's approval, whose duties shall include:

30 (a) Advising the head of the particular State  
31 agency with respect to the preparation of equal  
32 employment opportunity programs, procedures,  
33 regulations, reports, and the agency's affirmative  
34 action plan.

35 (b) Evaluating in writing each fiscal year the  
36 sufficiency of the total agency program for equal

1 employment opportunity and reporting thereon to the  
2 head of the agency with recommendations as to any  
3 improvement or correction in recruiting, hiring or  
4 promotion needed, including remedial or disciplinary  
5 action with respect to managerial or supervisory  
6 employees who have failed to cooperate fully or who are  
7 in violation of the program.

8 (c) Making changes in recruitment, training and  
9 promotion programs and in hiring and promotion  
10 procedures designed to eliminate discriminatory  
11 practices when authorized.

12 (d) Evaluating tests, employment policies,  
13 practices and qualifications and reporting to the head  
14 of the agency and to the Department any policies,  
15 practices and qualifications that have unequal impact  
16 by race, national origin as required by Department  
17 rule, sex or disability or any other category that the  
18 Department may require by rule, and to assist in the  
19 recruitment of people in underrepresented  
20 classifications. This function shall be performed in  
21 cooperation with the State Department of Central  
22 Management Services.

23 (e) Making any aggrieved employee or applicant for  
24 employment aware of his or her remedies under this Act.

25 In any meeting, investigation, negotiation,  
26 conference, or other proceeding between a State  
27 employee and an Equal Employment Opportunity officer,  
28 a State employee (1) who is not covered by a collective  
29 bargaining agreement and (2) who is the complaining  
30 party or the subject of such proceeding may be  
31 accompanied, advised and represented by (1) an  
32 attorney licensed to practice law in the State of  
33 Illinois or (2) a representative of an employee  
34 organization whose membership is composed of employees  
35 of the State and of which the employee is a member. A  
36 representative of an employee, other than an attorney,

1           may observe but may not actively participate, or advise  
2           the State employee during the course of such meeting,  
3           investigation, negotiation, conference or other  
4           proceeding. Nothing in this Section shall be construed  
5           to permit any person who is not licensed to practice  
6           law in Illinois to deliver any legal services or  
7           otherwise engage in any activities that would  
8           constitute the unauthorized practice of law. Any  
9           representative of an employee who is present with the  
10          consent of the employee, shall not, during or after  
11          termination of the relationship permitted by this  
12          Section with the State employee, use or reveal any  
13          information obtained during the course of the meeting,  
14          investigation, negotiation, conference or other  
15          proceeding without the consent of the complaining  
16          party and any State employee who is the subject of the  
17          proceeding and pursuant to rules and regulations  
18          governing confidentiality of such information as  
19          promulgated by the appropriate State agency.  
20          Intentional or reckless disclosure of information in  
21          violation of these confidentiality requirements shall  
22          constitute a Class B misdemeanor.

23           (5) Establish, maintain and carry out a continuing  
24          sexual harassment program that shall include the  
25          following:

26           (a) Develop a written sexual harassment policy  
27          that includes at a minimum the following information:  
28          (i) the illegality of sexual harassment; (ii) the  
29          definition of sexual harassment under State law; (iii)  
30          a description of sexual harassment, utilizing  
31          examples; (iv) the agency's internal complaint process  
32          including penalties; (v) the legal recourse,  
33          investigative and complaint process available through  
34          the Department and the Commission; (vi) directions on  
35          how to contact the Department and Commission; and (vii)  
36          protection against retaliation as provided by Section

1           6-101 of this Act. The policy shall be reviewed  
2           annually.

3           (b) Post in a prominent and accessible location and  
4           distribute in a manner to assure notice to all agency  
5           employees without exception the agency's sexual  
6           harassment policy. Such documents may meet, but shall  
7           not exceed, the 6th grade literacy level. Distribution  
8           shall be effectuated within 90 days of the effective  
9           date of this amendatory Act of 1992 and shall occur  
10          annually thereafter.

11          (c) Provide training on sexual harassment  
12          prevention and the agency's sexual harassment policy  
13          as a component of all ongoing or new employee training  
14          programs.

15          (6) Notify the Department 30 days before effecting any  
16          layoff. Once notice is given, the following shall occur:

17           (a) No layoff may be effective earlier than 10  
18           working days after notice to the Department, unless an  
19           emergency layoff situation exists.

20           (b) The State executive department, State agency,  
21           board, commission, or instrumentality in which the  
22           layoffs are to occur must notify each employee targeted  
23           for layoff, the employee's union representative (if  
24           applicable), and the State Dislocated Worker Unit at  
25           the Department of Commerce and Economic Opportunity  
26           ~~Community Affairs~~.

27           (c) The State executive department, State agency,  
28           board, commission, or instrumentality in which the  
29           layoffs are to occur must conform to applicable  
30           collective bargaining agreements.

31           (d) The State executive department, State agency,  
32           board, commission, or instrumentality in which the  
33           layoffs are to occur should notify each employee  
34           targeted for layoff that transitional assistance may  
35           be available to him or her under the Economic  
36           Dislocation and Worker Adjustment Assistance Act

1 administered by the Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~. Failure to  
3 give such notice shall not invalidate the layoff or  
4 postpone its effective date.

5 As used in this subsection (B), "disability" shall be  
6 defined in rules promulgated under the Illinois Administrative  
7 Procedure Act.

8 (C) Civil Rights Violations. It is a civil rights violation  
9 for any public contractor or eligible bidder to:

10 (1) fail to comply with the public contractor's or  
11 eligible bidder's duty to refrain from unlawful  
12 discrimination and discrimination based on citizenship  
13 status in employment under subsection (A)(1) of this  
14 Section; or

15 (2) fail to comply with the public contractor's or  
16 eligible bidder's duties of affirmative action under  
17 subsection (A) of this Section, provided however, that the  
18 Department has notified the public contractor or eligible  
19 bidder in writing by certified mail that the public  
20 contractor or eligible bidder may not be in compliance with  
21 affirmative action requirements of subsection (A). A  
22 minimum of 60 days to comply with the requirements shall be  
23 afforded to the public contractor or eligible bidder before  
24 the Department may issue formal notice of non-compliance.

25 (Source: P.A. 91-178, eff. 1-1-00; revised 12-6-03.)

26 Section 870. The Hot Water Heater Efficiency Act is amended  
27 by changing Section 1 as follows:

28 (815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

29 Sec. 1. (a) No new storage hot water heater which is not  
30 certified as meeting the energy efficiency standards of the  
31 American Society of Heating, Refrigerating and Air  
32 Conditioning Engineers, Inc., as set forth as the current  
33 ASHRAE 90 Standard, shall be purchased for resale or  
34 installation in the State after June 1, 1986; provided,

1 however, that nothing contained herein shall prevent sales from  
2 being made in the State for use outside the State and provided  
3 that the inventory of storage hot water heaters existing on  
4 April 1, 1986 may be sold after June 1, 1986. Upon the  
5 effective date of this Act, no retail seller or distributor  
6 shall increase its inventory of storage hot water heaters which  
7 are not certified as being in compliance with the current  
8 ASHRAE 90 Standard, and all storage hot water heaters sold  
9 after June 1, 1986 shall be certified and labeled by the  
10 manufacturer as being in compliance with the current ASHRAE 90  
11 Standard.

12 (b) The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ shall provide technical assistance and  
14 information to retail sellers and distributors of storage hot  
15 water heaters doing business in Illinois to facilitate  
16 compliance with the provisions of this Act.

17 (c) This Act does not apply to storage hot water heaters  
18 with a capacity of 20 or fewer gallons designed expressly for  
19 use in recreational vehicles.

20 (d) Any violation of subsection (a) shall be a petty  
21 offense; provided a fine of not less than \$50 nor more than  
22 \$500 shall be imposed, and all fines shall be imposed  
23 consecutively. Each storage hot water heater sold in violation  
24 of this Act shall constitute a separate offense.

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

26 Section 875. The Waste Oil Recovery Act is amended by  
27 changing Sections 2.8 and 6 as follows:

28 (815 ILCS 440/2.8) (from Ch. 96 1/2, par. 7702.8)

29 Sec. 2.8. "Department" means the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~.

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

32 (815 ILCS 440/6) (from Ch. 96 1/2, par. 7706)

33 Sec. 6. Any establishment engaged in retail sales of

1 automotive lubricating oils is urged to post a sign clearly  
2 visible to the public in every area where automotive  
3 lubricating oils are sold, indicating the closest used oil  
4 storage facility. The sign shall be a minimum size of 8 1/2  
5 inches by 11 inches and shall be available from the Department  
6 of Commerce and Economic Opportunity ~~Community Affairs~~ upon  
7 request by a retail seller of 500 or more gallons per year of  
8 automotive lubricating oil.

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

10 Section 880. The Unemployment Insurance Act is amended by  
11 changing Section 2103 as follows:

12 (820 ILCS 405/2103) (from Ch. 48, par. 663)

13 Sec. 2103. Unemployment compensation administration and  
14 other workforce development costs. All moneys received by the  
15 State or by the Director from any source for the financing of  
16 the cost of administration of this Act, including all federal  
17 moneys allotted or apportioned to the State or to the Director  
18 for that purpose, including moneys received directly or  
19 indirectly from the federal government under the Job Training  
20 Partnership Act, and including moneys received from the  
21 Railroad Retirement Board as compensation for services or  
22 facilities supplied to said Board, or any moneys made available  
23 by this State or its political subdivisions and matched by  
24 moneys granted to this State pursuant to the provisions of the  
25 Wagner-Peyser Act, shall be received and held by the State  
26 Treasurer as ex-officio custodian thereof, separate and apart  
27 from all other State moneys, in the Title III Social Security  
28 and Employment Fund, and such funds shall be distributed or  
29 expended upon the direction of the Director and, except money  
30 received pursuant to the last paragraph of Section 2100B, shall  
31 be distributed or expended solely for the purposes and in the  
32 amounts found necessary by the Secretary of Labor of the United  
33 States of America, or other appropriate federal agency, for the  
34 proper and efficient administration of this Act.

1 Notwithstanding any provision of this Section, all money  
2 requisitioned and deposited with the State Treasurer pursuant  
3 to the last paragraph of Section 2100B shall remain part of the  
4 unemployment trust fund and shall be used only in accordance  
5 with the conditions specified in the last paragraph of Section  
6 2100B.

7 If any moneys received from the Secretary of Labor, or  
8 other appropriate federal agency, under Title III of the Social  
9 Security Act, or any moneys granted to this State pursuant to  
10 the provisions of the Wagner-Peyser Act, or any moneys made  
11 available by this State or its political subdivisions and  
12 matched by moneys granted to this State pursuant to the  
13 provisions of the Wagner-Peyser Act, are found by the Secretary  
14 of Labor, or other appropriate Federal agency, because of any  
15 action or contingency, to have been lost or expended for  
16 purposes other than, or in amounts in excess of, those found  
17 necessary, by the Secretary of Labor, or other appropriate  
18 Federal agency, for the proper administration of this Act, it  
19 is the policy of this State that such moneys shall be replaced  
20 by moneys appropriated for such purpose from the general funds  
21 of this State for expenditure as provided in the first  
22 paragraph of this Section. The Director shall report to the  
23 Governor's Office of Management and Budget ~~Bureau of the~~  
24 ~~Budget~~, in the same manner as is provided generally for the  
25 submission by State Departments of financial requirements for  
26 the ensuing fiscal year, and the Governor shall include in his  
27 budget report to the next regular session of the General  
28 Assembly, the amount required for such replacement.

29 Moneys in the Title III Social Security and Employment Fund  
30 shall not be commingled with other State funds, but they shall  
31 be deposited as required by law and maintained in a separate  
32 account on the books of a savings and loan association or bank.

33 The State Treasurer shall be liable on his general official  
34 bond for the faithful performance of his duties as custodian of  
35 all moneys in the Title III Social Security and Employment  
36 Fund. Such liability on his official bond shall exist in



1 addition to the liability upon any separate bond given by him.  
2 All sums recovered for losses sustained by the fund herein  
3 described shall be deposited therein.

4 Upon the effective date of this amendatory Act of 1987  
5 (January 1, 1988), the Comptroller shall transfer all  
6 unobligated funds from the Job Training Fund into the Title III  
7 Social Security and Employment Fund.

8 On September 1, 2000, or as soon thereafter as may be  
9 reasonably practicable, the State Comptroller shall transfer  
10 all unobligated moneys from the Job Training Partnership Fund  
11 into the Title III Social Security and Employment Fund. The  
12 moneys transferred pursuant to this amendatory Act may be used  
13 or expended for purposes consistent with the conditions under  
14 which those moneys were received by the State.

15 Beginning on the effective date of this amendatory Act of  
16 the 91st General Assembly, all moneys that would otherwise be  
17 deposited into the Job Training Partnership Fund shall instead  
18 be deposited into the Title III Social Security and Employment  
19 Fund, to be used for purposes consistent with the conditions  
20 under which those moneys are received by the State, except that  
21 any moneys that may be necessary to pay liabilities outstanding  
22 as of June 30, 2000 shall be deposited into the Job Training  
23 Partnership Fund.

24 (Source: P.A. 91-704, eff. 7-1-00; revised 8-23-03.)

25 Section 995. No acceleration or delay. Where this Act makes  
26 changes in a statute that is represented in this Act by text  
27 that is not yet or no longer in effect (for example, a Section  
28 represented by multiple versions), the use of that text does  
29 not accelerate or delay the taking effect of (i) the changes  
30 made by this Act or (ii) provisions derived from any other  
31 Public Act.

32 Section 996. No revival or extension. This Act does not  
33 revive or extend any Section or Act otherwise repealed.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.

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6	430 ILCS 40/6	from Ch. 111 1/2, par. 296
7	505 ILCS 5/20.1	from Ch. 5, par. 1020.1
8	505 ILCS 45/2b	from Ch. 5, par. 242b
9	505 ILCS 75/3	from Ch. 5, par. 1303
10	525 ILCS 15/6a	from Ch. 96 1/2, par. 9106a
11	525 ILCS 50/5	from Ch. 48, par. 2555
12	605 ILCS 30/4	from Ch. 121, par. 604
13	620 ILCS 5/34b	
14	625 ILCS 5/3-1001	from Ch. 95 1/2, par. 3-1001
15	735 ILCS 5/7-103.3	
16	775 ILCS 5/2-105	from Ch. 68, par. 2-105
17	815 ILCS 355/1	from Ch. 96 1/2, par. 9551
18	815 ILCS 440/2.8	from Ch. 96 1/2, par. 7702.8
19	815 ILCS 440/6	from Ch. 96 1/2, par. 7706
20	820 ILCS 405/2103	from Ch. 48, par. 663