

**SB2899**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2899**

Introduced 1/20/2006, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

See Index

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

LRB094 15274 NHT 50465 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

**A BILL FOR**

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

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

6 Section 1. Nature of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (1) Establish less stringent compliance or reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Universities having employees who are totally compensated

1 out of the following funds:

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

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

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

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

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

17 (5 ILCS 410/15)

18 Sec. 15. Reported information.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

10 Sec. 50-15. Department accountability reports.

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

27 (b) (Blank).

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

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

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

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

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

12 (15 ILCS 322/20)

13 Sec. 20. Illinois Literacy Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 In addition, each month the comptroller shall prepare a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (20 ILCS 230/10)

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

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

1 infrastructure development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14          (20 ILCS 405/405-500)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

12 The Department shall submit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by the child care program; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (20 ILCS 605/605-415)

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 structured for continuing service with voluntary  
2 membership.

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

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

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

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

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

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

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

19 Illinois Department of Labor

20 Economic development agencies

21 Planning agencies

22 Colleges, universities, and community colleges

23 U.S. Department of Labor

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

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

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

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

1 development efforts as appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (20 ILCS 605/605-865)

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

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

21 (2) flexible work hours and schedules;

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

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

24 (5) dependent care referral services; and

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

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

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

34 Section 90. The Business Assistance and Regulatory Reform

1 Act is amended by changing Section 10 as follows:

2 (20 ILCS 608/10)

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

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

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

20 (20 ILCS 609/2)

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

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

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

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

33 (1) Develop and disseminate materials to promote

1 effective business ownership succession and employee  
2 ownership strategies.

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

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

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

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

16 (c) (Blank).

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

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

20 (20 ILCS 611/10)

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 value of real property in said area;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) The coordinator shall:

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

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

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

14 (4) Perform general program marketing and monitoring  
15 functions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 unless authorized by law to make rules or regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Sec. 15. Definitions. In this Act:

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

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

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

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

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

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

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

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

3 (20 ILCS 662/10)

4 Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

22 (20 ILCS 665/4b)

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (20 ILCS 687/6-3)

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

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

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

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

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

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

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

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

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

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

25 (20 ILCS 687/6-6)

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

27 Sec. 6-6. Energy efficiency program.

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

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

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

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

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

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

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

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

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

31 (20 ILCS 688/10)

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

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

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

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

4 (20 ILCS 689/10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 Economic Opportunity ~~Community Affairs~~.

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

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

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

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

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

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

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

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

11 (20 ILCS 692/5)

12 Sec. 5. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 contain voting rights in the possession of the Department.

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

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

5 (20 ILCS 701/10)

6 Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

28 (20 ILCS 705/5)

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

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

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

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

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

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

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

22 or

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

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

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

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

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

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

27 (20 ILCS 710/7)

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

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

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

3 (20 ILCS 715/5)

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

1 sole proprietorship, or other legally recognized entity.

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

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

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

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

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

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

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

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

9 (20 ILCS 801/1-5)

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

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

28 (20 ILCS 801/80-20)

29 Sec. 80-20. Transfer of powers.

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

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

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

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

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

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

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

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

32 (20 ILCS 801/80-25)

33 Sec. 80-25. Transfer of personnel.

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

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

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

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

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

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

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

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

31 Sec. 80-30. Transfer of property.

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

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

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

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

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

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

29 (20 ILCS 801/80-35)

30 Sec. 80-35. Savings provisions.

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

1 them subject to the provisions of this Act.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

22 Capital Development Board,

23 Department of Agriculture,

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

26 Environmental Protection Agency,

27 Department of Transportation, and

28 Historic Preservation Agency.

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

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

34 (a) Developing rules and regulations for the

1 implementation and administration of this Act.

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

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

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

11 (e) Preparing reports, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Sec. 1. Definitions; transfer of duties.

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

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

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

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

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

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

24 Sec. 8. Illinois Coal Development Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30           (5) (Blank).

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 10. Bond Proceeds.

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

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

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

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

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

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

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

13 Sec. 4. Technical Assistance Programs.

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

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

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

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

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

31 (20 ILCS 1128/5-5)

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

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

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

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

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

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

29           (20 ILCS 1305/1-25)

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

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

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

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

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

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

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

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

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

6 (20 ILCS 1305/80-5)

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

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

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

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

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



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

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

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

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

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

28 (d) The Task Force shall:

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

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

36 (3) review and make recommendations on the

1 consolidation or elimination of fragmented or duplicative  
2 programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (20 ILCS 1510/10)

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

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

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

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

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

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

20 (2) (blank),

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

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

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

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

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

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

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

1 Administration shall exercise the following functions:

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

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

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

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

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

15 (6) Exercise the rights, powers, and duties vested in  
16 the Department by "An Act relating to internal auditing in  
17 State government", approved August 11, 1967 (repealed; now  
18 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

19 (6.5) Exercise the rights, powers, and duties vested in  
20 the Department by the Firearm Owners Identification Card  
21 Act.

22 (7) Exercise other duties that may be assigned by the  
23 Director to fulfill the responsibilities and achieve the  
24 purposes of the Department.

25 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised  
26 8-23-03.)

27 Section 265. The Department of Transportation Law of the  
28 Civil Administrative Code of Illinois is amended by changing  
29 Sections 2705-255, 2705-285, 2705-405, and 2705-435 as  
30 follows:

31 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

32 Sec. 2705-255. Appropriations from Build Illinois Bond  
33 Fund and Build Illinois Purposes Fund. Any expenditure of funds  
34 by the Department for interchanges, for access roads to and

1 from any State or local highway in Illinois, or for other  
2 transportation capital improvements related to an economic  
3 development project pursuant to appropriations to the  
4 Department from the Build Illinois Bond Fund and the Build  
5 Illinois Purposes Fund shall be used for funding improvements  
6 related to existing or planned scientific, research,  
7 manufacturing, or industrial development or expansion in  
8 Illinois. In addition, the Department may use those funds to  
9 encourage and maximize public and private participation in  
10 those improvements. The Department shall consult with the  
11 Department of Commerce and Economic Opportunity ~~Community~~  
12 ~~Affairs~~ prior to expending any funds for those purposes  
13 pursuant to appropriations from the Build Illinois Bond Fund  
14 and the Build Illinois Purposes Fund.

15 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

16 (20 ILCS 2705/2705-285) (was 20 ILCS 2705/49.06b)

17 Sec. 2705-285. Ports and waterways. The Department has the  
18 power to undertake port and waterway development planning and  
19 studies of port and waterway development problems and to  
20 provide technical assistance to port districts and units of  
21 local government in connection with port and waterway  
22 development activities. The Department may provide financial  
23 assistance for the ordinary and contingent expenses of port  
24 districts upon the terms and conditions that the Department  
25 finds necessary to aid in the development of those districts.

26 The Department shall coordinate all its activities under  
27 this Section with the Department of Commerce and Economic  
28 Opportunity ~~Community Affairs~~.

29 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

30 (20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

31 Sec. 2705-405. Preparation of State Rail Plan. In  
32 preparation of the State Rail Plan under Section 2705-400, the  
33 Department shall consult with recognized railroad labor  
34 organizations, the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~, railroad management, affected  
2 units of local government, affected State agencies, and  
3 affected shipping interests.

4 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

5 (20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

6 Sec. 2705-435. Loans, grants, or contracts to  
7 rehabilitate, improve, or construct rail facilities; State  
8 Rail Freight Loan Repayment Fund. In addition to the powers  
9 under Section 105-430, the Department shall have the power to  
10 enter into agreements to loan or grant State funds to any  
11 railroad, unit of local government, rail user, or owner or  
12 lessee of a railroad right of way to rehabilitate, improve, or  
13 construct rail facilities.

14 For each project proposed for funding under this Section  
15 the Department shall, to the extent possible, give preference  
16 to cost effective projects that facilitate continuation of  
17 existing rail freight service. In the exercise of its powers  
18 under this Section, the Department shall coordinate its program  
19 with the industrial retention and attraction programs of the  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~. No funds provided under this Section shall be expended  
22 for the acquisition of a right of way or rolling stock or for  
23 operating subsidies. The costs of a project funded under this  
24 Section shall be apportioned in accordance with the agreement  
25 of the parties for the project. Projects are eligible for a  
26 loan or grant under this Section only when the Department  
27 determines that the transportation, economic, and public  
28 benefits associated with a project are greater than the capital  
29 costs of that project incurred by all parties to the agreement  
30 and that the project would not have occurred without its  
31 participation. In addition, a project to be eligible for  
32 assistance under this Section must be included in a State plan  
33 for rail transportation and local rail service prepared by the  
34 Department. The Department may also expend State funds for  
35 professional engineering services to conduct feasibility

1 studies of projects proposed for funding under this Section, to  
2 estimate the costs and material requirements for those  
3 projects, to provide for the design of those projects,  
4 including plans and specifications, and to conduct  
5 investigations to ensure compliance with the project  
6 agreements.

7 The Department, acting through the Department of Central  
8 Management Services, shall also have the power to let contracts  
9 for the purchase of railroad materials and supplies. The  
10 Department shall also have the power to let contracts for the  
11 rehabilitation, improvement, or construction of rail  
12 facilities. Any such contract shall be let, after due public  
13 advertisement, to the lowest responsible bidder or bidders,  
14 upon terms and conditions to be fixed by the Department. With  
15 regard to rehabilitation, improvement, or construction  
16 contracts, the Department shall also require the successful  
17 bidder or bidders to furnish good and sufficient bonds to  
18 ensure proper and prompt completion of the work in accordance  
19 with the provisions of the contracts.

20 In the case of an agreement under which State funds are  
21 loaned under this Section, the agreement shall provide the  
22 terms and conditions of repayment. The agreement shall provide  
23 for the security that the Department shall determine to protect  
24 the State's interest. The funds may be loaned with or without  
25 interest. Loaned funds that are repaid to the Department shall  
26 be deposited in a special fund in the State treasury to be  
27 known as the State Rail Freight Loan Repayment Fund. In the  
28 case of repaid funds deposited in the State Rail Freight Loan  
29 Repayment Fund, the Department shall, subject to  
30 appropriation, have the reuse of those funds and the interest  
31 accrued thereon, which shall also be deposited by the State  
32 Treasurer in the Fund, as the State share in other eligible  
33 projects under this Section. However, no expenditures from the  
34 State Rail Freight Loan Repayment Fund for those projects shall  
35 at any time exceed the total sum of funds repaid and deposited  
36 in the State Rail Freight Loan Repayment Fund and interest

1 earned by investment by the State Treasurer which the State  
2 Treasurer shall have deposited in that Fund.

3 For the purposes of promoting efficient rail freight  
4 service, the Department may also provide technical assistance  
5 to railroads, units of local government or rail users, or  
6 owners or lessees of railroad rights-of-way.

7 The Department shall take whatever actions are necessary or  
8 appropriate to protect the State's interest in the event of  
9 bankruptcy, default, foreclosure, or noncompliance with the  
10 terms and conditions of financial assistance or participation  
11 provided hereunder, including the power to sell, dispose,  
12 lease, or rent, upon terms and conditions determined by the  
13 Secretary to be appropriate, real or personal property that the  
14 Department may receive as a result thereof.

15 The Department is authorized to make reasonable rules and  
16 regulations consistent with law necessary to carry out the  
17 provisions of this Section.

18 (Source: P.A. 91-239, eff. 1-1-00; revised 12-6-03.)

19 Section 270. The Illinois Capital Budget Act is amended by  
20 changing Sections 1 and 4 as follows:

21 (20 ILCS 3010/1) (from Ch. 127, par. 3101)

22 Sec. 1. The Governor's Office of Management and Budget  
23 ~~Bureau of the Budget~~ shall coordinate the preparation of  
24 annually updated 5 year capital improvement programs and yearly  
25 capital budgets based on those programs, in cooperation with  
26 all State agencies requesting a capital appropriation.

27 (Source: P.A. 84-838; revised 8-23-03.)

28 (20 ILCS 3010/4) (from Ch. 127, par. 3104)

29 Sec. 4. (a) The Governor's Office of Management and Budget  
30 ~~Bureau of the Budget~~ shall be responsible for integrating the  
31 long range program plans of State agencies which request  
32 capital appropriations into capital plans. The Capital  
33 Development Board shall be responsible for developing needs



1 based physical plant plans and technical review and survey of  
2 facilities. The Governor's Office of Management and Budget  
3 ~~Bureau of the Budget~~ shall also be responsible for providing  
4 funding and expenditure projections.

5 (b) The Capital Development Board shall be responsible for  
6 development and maintenance of a facility inventory of each  
7 State agency which requests a capital appropriation.

8 (c) Recommendations for capital funding shall be included  
9 in the annual budget based on the capital improvement project.

10 (d) The capital improvement program shall be submitted to  
11 the General Assembly by the Governor as part of the annual  
12 State budget.

13 (Source: P.A. 84-838; revised 8-23-03.)

14 Section 275. The Capital Development Board Act is amended  
15 by changing Section 10.09-5 as follows:

16 (20 ILCS 3105/10.09-5)

17 Sec. 10.09-5. Standards for an energy code. To adopt rules,  
18 by January 1, 2004, implementing a statewide energy code for  
19 the construction or repair of State facilities described in  
20 Section 4.01. The energy code adopted by the Board shall  
21 incorporate standards promulgated by the American Society of  
22 Heating, Refrigerating and Air-conditioning Engineers, Inc.,  
23 (ASHRAE). In proposing rules, the Board shall consult with the  
24 Department of Commerce and Economic Opportunity ~~Community~~  
25 ~~Affairs~~.

26 (Source: P.A. 93-190, eff. 7-14-03; revised 12-6-03.)

27 Section 280. The Historic Preservation Agency Act is  
28 amended by changing Section 20 as follows:

29 (20 ILCS 3405/20)

30 Sec. 20. Freedom Trail Commission.

31 (a) Creation. The Freedom Trail Commission is created  
32 within the Agency. The budgeting, procurement, and related

1 functions of the commission and administrative  
2 responsibilities for the staff of the commission shall be  
3 performed under the direction and supervision of the Agency.

4 (b) Membership. The commission shall consist of 16 members,  
5 appointed as soon as possible after the effective date of this  
6 amendatory Act of the 93rd General Assembly. The members shall  
7 be appointed as follows:

8 (1) one member appointed by the President of the  
9 Senate;

10 (2) one member appointed by the Senate Minority Leader;

11 (3) one member appointed by the Speaker of the House;

12 (4) one member appointed by the House Minority Leader;

13 (5) 9 members appointed by the Governor as follows:

14 (i) 3 members from the academic community who are  
15 knowledgeable concerning African-American history;

16 (ii) one public member who is actively involved in  
17 civil rights issues; (iii) one public member who is  
18 knowledgeable in the field of historic preservation;

19 (iv) one public member who represents local  
20 communities in which the underground railroad had a  
21 significant presence; and (v) 3 members at large, one  
22 of whom shall be a representative of the DuSable Museum  
23 and one of whom shall be a representative of the  
24 Chicago Historical Society;

25 (6) the Director of Commerce and Economic Opportunity  
26 ~~Community Affairs~~, ex officio, or a designee of the  
27 Director;

28 (7) the State Librarian, ex officio, or a designee of  
29 the State Library; and

30 (8) the Director of the Historic Preservation Agency,  
31 ex officio, or a designee of that Agency.

32 Appointed members shall serve at the pleasure of the  
33 appointing authority.

34 (c) Election of chairperson; meetings. At its first  
35 meeting, the commission shall elect from among its members a  
36 chairperson and other officers it considers necessary or

1 appropriate. After its first meeting, the commission shall meet  
2 at least quarterly, or more frequently at the call of the  
3 chairperson or if requested by 7 or more members.

4 (d) Quorum. A majority of the members of the commission  
5 constitute a quorum for the transaction of business at a  
6 meeting of the commission. A majority of the members present  
7 and serving is required for official action of the commission.

8 (e) Public meeting. The business that the commission may  
9 perform shall be conducted at a public meeting of the  
10 commission held in compliance with the Open Meetings Act.

11 (f) Freedom of information. A writing prepared, owned,  
12 used, in the possession of, or retained by the commission in  
13 the performance of an official function is subject to the  
14 Freedom of Information Act.

15 (g) Compensation. Members of the commission shall serve  
16 without compensation. However, members of the commission may be  
17 reimbursed for their actual and necessary expenses incurred in  
18 the performance of their official duties as members of the  
19 commission.

20 (h) Duties. The commission shall do the following:

21 (1) Prepare a master plan to promote and preserve the  
22 history of the freedom trail and underground railroad in  
23 the State.

24 (2) Work in conjunction with State and federal  
25 authorities to sponsor commemorations, linkages, seminars,  
26 and public forums on the freedom trail and underground  
27 railroad in the State and in neighboring states.

28 (3) Assist in and promote the making of applications  
29 for inclusion in the national and State registers of  
30 historic places for significant historic places related to  
31 the freedom trail and the underground railroad in the  
32 State.

33 (4) Assist in developing and develop partnerships to  
34 seek public and private funds to carry out activities to  
35 protect, preserve, and promote the legacy of the freedom  
36 trail and the underground railroad in the State.

1           (5) Work with the Illinois State Board of Education to  
2 evaluate, conduct research concerning, and develop a  
3 curriculum for use in Illinois public schools regarding the  
4 underground railroad, with emphasis on the activities of  
5 the underground railroad within the State.

6           (i) Report. The commission shall report its activities and  
7 findings to the General Assembly by February 1, 2004.

8           (Source: P.A. 93-487, eff. 8-8-03; revised 12-6-03.)

9           Section 285. The Small Business Surety Bond Guaranty Act is  
10 amended by changing Section 5 as follows:

11           (20 ILCS 3520/5)

12           Sec. 5. Definitions.

13           "Contract term" means the term of the private sector,  
14 government, or utility contract, including a maintenance or  
15 warranty period of up to 2 years from the date on which final  
16 payment under the contract is due.

17           "Department" means the Illinois Department of Commerce and  
18 Economic Opportunity ~~Community Affairs~~.

19           "Fund" means the Small Business Surety Bond Guaranty Fund.

20           "Principal" means (i) in the case of a bid bond, a person  
21 bidding for the award of a contract, or (ii) the person  
22 primarily liable to complete a contract for the obligee, or to  
23 make payments to other persons in respect of the contract, and  
24 for whose performance of his obligation the surety is bound  
25 under the terms of a payment or performance bond. A principal  
26 may be a prime contractor or a subcontractor.

27           "Program" means the Small Business Surety Bond Guaranty  
28 Program created by this Act.

29           (Source: P.A. 88-407; 88-665, eff. 9-16-94; revised 12-6-03.)

30           Section 290. The Illinois Investment and Development  
31 Authority Act is amended by changing Section 15 as follows:

32           (20 ILCS 3820/15)

1           Sec. 15. Creation of Illinois Investment and Development  
2 Authority; members.

3           (a) There is created a political subdivision, body politic  
4 and corporate, to be known as the Illinois Investment and  
5 Development Authority. The exercise by the Authority of the  
6 powers conferred by law shall be an essential public function.  
7 The governing powers of the Authority shall be vested in a body  
8 consisting of 11 members, including, as ex officio members, the  
9 Commissioner of Banks and Real Estate and the Director of  
10 Commerce and Economic Opportunity ~~Community Affairs~~ or their  
11 designees. The other 9 members of the Authority shall be  
12 appointed by the Governor, with the advice and consent of the  
13 Senate, and shall be designated "public members". The public  
14 members shall include representatives from banks and other  
15 private financial services industries, community development  
16 finance experts, small business development experts, and other  
17 community leaders. Not more than 6 members of the Authority may  
18 be of the same political party. The Chairperson of the  
19 Authority shall be designated by the Governor from among its  
20 public members.

21           (b) Six members of the Authority shall constitute a quorum.  
22 However, when a quorum of members of the Authority is  
23 physically present at the meeting site, other Authority members  
24 may participate in and act at any meeting through the use of a  
25 conference telephone or other communications equipment by  
26 means of which all persons participating in the meeting can  
27 hear each other. Participation in such meeting shall constitute  
28 attendance and presence in person at the meeting of the person  
29 or persons so participating. All official acts of the Authority  
30 shall require the approval of at least 5 members.

31           (c) Of the members initially appointed by the Governor  
32 pursuant to this Act, 3 shall serve until the third Monday in  
33 January, 2004, 3 shall serve until the third Monday in January,  
34 2005, and 3 shall serve until the third Monday in January, 2006  
35 and all shall serve until their successors are appointed and  
36 qualified. All successors shall hold office for a term of 3

1 years commencing on the third Monday in January of the year in  
2 which their term commences, except in case of an appointment to  
3 fill a vacancy. Each member appointed under this Section who is  
4 confirmed by the Senate shall hold office during the specified  
5 term and until his or her successor is appointed and qualified.  
6 In case of vacancy in the office when the Senate is not in  
7 session, the Governor may make a temporary appointment until  
8 the next meeting of the Senate, when the Governor shall  
9 nominate such person to fill the office, and any person so  
10 nominated who is confirmed by the Senate, shall hold his or her  
11 office during the remainder of the term and until his or her  
12 successor is appointed and qualified.

13 (d) Members of the Authority shall not be entitled to  
14 compensation for their services as members, but shall be  
15 entitled to reimbursement for all necessary expenses incurred  
16 in connection with the performance of their duties as members.

17 (e) The Governor may remove any public member of the  
18 Authority in case of incompetency, neglect of duty, or  
19 malfeasance in office, after service on the member of a copy of  
20 the written charges against him or her and an opportunity to be  
21 publicly heard in person or by counsel in his or her own  
22 defense upon not less than 10 days notice.

23 (Source: P.A. 92-864, eff. 6-1-03; revised 12-6-03.)

24 Section 295. The Illinois Building Commission Act is  
25 amended by changing Section 35 as follows:

26 (20 ILCS 3918/35)

27 Sec. 35. Administration and enforcement of State building  
28 requirements. The Commission shall also suggest a long-term  
29 plan to improve administration and enforcement of State  
30 building requirements statewide. The plan shall include (i)  
31 recommendations for ways the Department of Commerce and  
32 Economic Opportunity ~~Community Affairs~~ could create a  
33 consolidated clearinghouse on all information concerning  
34 existing State building requirements, (ii) recommendations for

1 a consistent format for State building requirements, (iii)  
2 recommendations for a system or procedure for updating existing  
3 State building requirements that shall include a procedure for  
4 input from the public, (iv) recommendations for a system or  
5 procedure for the review, approval, and appeal of building  
6 plans, and (v) recommendations for a system or procedure to  
7 enforce the State building requirements. The Commission shall  
8 submit its suggestions for creating the consolidated  
9 clearinghouse to the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~ as soon as practical after the  
11 effective date of this Act.

12 (Source: P.A. 90-269, eff. 1-1-98; revised 12-6-03.)

13 Section 300. The Government Buildings Energy Cost  
14 Reduction Act of 1991 is amended by changing Sections 10 and 15  
15 as follows:

16 (20 ILCS 3953/10) (from Ch. 96 1/2, par. 9810)

17 Sec. 10. Definitions. "Energy conservation project" and  
18 "project designed to reduce energy consumption and costs" mean  
19 any improvement, repair, alteration or betterment of any  
20 building or facility or any equipment, fixture or furnishing to  
21 be added to or used in any building or facility that the  
22 Director of Commerce and Economic Opportunity ~~Community~~  
23 ~~Affairs~~ has determined will be a cost effective energy related  
24 project that will lower energy or utility costs in connection  
25 with the operation or maintenance of such building or facility,  
26 and will achieve energy cost savings sufficient to cover bond  
27 debt service and other project costs within 7 years from the  
28 date of project installation.

29 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

30 (20 ILCS 3953/15) (from Ch. 96 1/2, par. 9815)

31 Sec. 15. Creation. There is created within State government  
32 the Interagency Energy Conservation Committee, hereinafter  
33 referred to as the Committee. The Committee shall be composed

1 of the Secretary of Human Services and the Directors of the  
2 Department of Commerce and Economic Opportunity Community  
3 ~~Affairs~~, the Department of Central Management Services, the  
4 Department of Corrections, the Illinois Board of Higher  
5 Education, and the Capital Development Board, or their  
6 designees. The Director of ~~the Department of~~ Commerce and  
7 Economic Opportunity Community ~~Affairs~~ shall serve as  
8 Committee chairman, and the Committee's necessary staff and  
9 resources shall be drawn from the Department of Commerce and  
10 Economic Opportunity Community ~~Affairs~~.

11 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97; revised  
12 12-6-03.)

13 Section 305. The Illinois Economic Development Board Act is  
14 amended by changing Sections 2, 3, and 4.5 as follows:

15 (20 ILCS 3965/2) (from Ch. 127, par. 3952)

16 Sec. 2. The Illinois Economic Development Board, referred  
17 to in this Act as the board, is hereby created within the  
18 Department of Commerce and Economic Opportunity Community  
19 ~~Affairs~~. The board is charged with the responsibility of  
20 assisting the Department with creating a long-term economic  
21 development strategy for the State, designed to spur economic  
22 growth, enhance opportunities for core Illinois industries,  
23 encourage new job creation and investment, that is consistent  
24 with the preservation of the State's quality of life and  
25 environment.

26 (Source: P.A. 86-1430; revised 12-6-03.)

27 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

28 Sec. 3. The board shall be composed of citizens from both  
29 the private and public sectors who are actively engaged in  
30 organizations and businesses that support economic expansion,  
31 industry enhancement and job creation. The board shall be  
32 composed of the following persons:

33 (a) the Governor or his or her designee;



1 (b) four members of the General Assembly, one each  
2 appointed by the President of the Senate, the Speaker of  
3 the House of Representatives, and the minority leaders of  
4 the Senate and House of Representatives;

5 (c) 20 members appointed by the Governor including  
6 representatives of small business, minority owned  
7 companies, women owned companies, manufacturing, economic  
8 development professionals, and citizens at large.

9 (d) (blank);

10 (e) (blank);

11 (f) (blank);

12 (g) (blank);

13 (h) (blank);

14 (i) (blank);

15 (j) (blank);

16 (k) (blank);

17 (l) (blank);

18 (m) (blank).

19 The Director of ~~the Department of~~ Commerce and Economic  
20 Opportunity ~~Community Affairs~~ shall serve as an ex officio  
21 member of the board.

22 The Governor shall appoint the members of the board  
23 specified in subsections (c) through (m) of this Section,  
24 subject to the advice and consent of the Senate, within 30 days  
25 after the effective date of this Act. The first meeting of the  
26 board shall occur within 60 days after the effective date of  
27 this Act.

28 The Governor shall appoint a chairperson and a vice  
29 chairperson of the board. Members shall serve 2-year terms. The  
30 position of a legislative member shall become vacant if the  
31 member ceases to be a member of the General Assembly. A vacancy  
32 in a board position shall be filled by the original appointing  
33 authority.

34 The board shall include representation from each of the  
35 State's geographic areas.

36 The board shall meet quarterly or at the call of the chair

1 and shall create subcommittees as needed to deal with specific  
2 issues and concerns. Members shall serve without compensation  
3 but may be reimbursed for expenses.

4 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

5 (20 ILCS 3965/4.5)

6 Sec. 4.5. Additional duties. In addition to those duties  
7 granted under Section 4, the Illinois Economic Development  
8 Board shall:

9 (1) Establish a Business Investment Location  
10 Development Committee for the purpose of making  
11 recommendations for designated economic development  
12 projects. At the request of the Board, the Director of  
13 Commerce and Economic Opportunity ~~Community Affairs~~ or his  
14 or her designee; the Director of the Governor's Office of  
15 Management and Budget ~~Bureau of the Budget~~, or his or her  
16 designee; the Director of Revenue, or his or her designee;  
17 the Director of Employment Security, or his or her  
18 designee; and an elected official of the affected locality,  
19 such as the chair of the county board or the mayor, may  
20 serve as members of the Committee to assist with its  
21 analysis and deliberations.

22 (2) Establish a Business Regulatory Review Committee  
23 to generate private sector analysis, input, and guidance on  
24 methods of regulatory assistance and review. At the  
25 determination of the Board, individual small business  
26 owners and operators; national, State, and regional  
27 organizations representative of small firms; and  
28 representatives of existing State or regional councils of  
29 business may be designated as members of this Business  
30 Regulatory Review Committee.

31 (Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

32 Section 310. The Illinois Business Regulatory Review Act is  
33 amended by changing Sections 15-30 and 15-35 as follows:

1 (20 ILCS 3966/15-30)

2 Sec. 15-30. Advisory responsibilities of the Business  
3 Regulatory Review Committee. At the direction and request of  
4 the Board, the Committee shall provide the following advisory  
5 assistance:

6 (1) To advise the Office of the Governor regarding  
7 agency rulemaking and to offer recommendations that  
8 improve the State rulemaking process, which may include  
9 alternative standards that might be set for enforcement by  
10 regulatory agencies.

11 (2) To advise the General Assembly about whether the  
12 State should adopt small business regulatory enforcement  
13 fairness legislation modeled after the equivalent federal  
14 legislation and regarding how Illinois laws compare with  
15 those of other states and how Illinois might implement  
16 reforms adopting the better or best practices of these  
17 other states.

18 (3) To advise the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ with the operations of the  
20 First Stop, small business regulatory review, and similar  
21 department programs.

22 (4) To advise relevant State agencies on the  
23 formulation of federally required State rules.

24 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

25 (20 ILCS 3966/15-35)

26 Sec. 15-35. Support for Committee. The Committee shall be  
27 provided staff support services by the Department of Commerce  
28 and Economic Opportunity ~~Community Affairs~~, the Office of the  
29 Governor, and various regulatory agencies. Members of the  
30 Committee shall serve without compensation, but may be  
31 reimbursed for expenses.

32 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

33 Section 315. The Illinois River Watershed Restoration Act  
34 is amended by changing Section 15 as follows:

1 (20 ILCS 3967/15)

2 Sec. 15. Illinois River Coordinating Council.

3 (a) There is established the Illinois River Coordinating  
4 Council, consisting of 13 voting members to be appointed by the  
5 Governor. One member shall be the Lieutenant Governor who shall  
6 serve as a voting member and as chairperson of the Council. The  
7 Agency members of the Council shall include the Director, or  
8 his or her designee, of each of the following agencies: the  
9 Department of Agriculture, the Department of Commerce and  
10 Economic Opportunity ~~Community Affairs~~, the Illinois  
11 Environmental Protection Agency, the Department of Natural  
12 Resources, and the Department of Transportation. In addition,  
13 the Council shall include one member representing Soil and  
14 Water Conservation Districts located within the Watershed of  
15 the Illinois River and its tributaries and 6 members  
16 representing local communities, not-for-profit organizations  
17 working to protect the Illinois River Watershed, business,  
18 agriculture, recreation, conservation, and the environment.  
19 The Governor may, at his or her discretion, appoint individuals  
20 representing federal agencies to serve as ex officio,  
21 non-voting members.

22 (b) Members of the Council shall serve 2-year terms, except  
23 that of the initial appointments, 5 members shall be appointed  
24 to serve 3-year terms and 4 members to serve one-year terms.

25 (c) The Council shall meet at least quarterly.

26 (d) The Office of the Lieutenant Governor shall be  
27 responsible for the operations of the Council. The Office may  
28 reimburse members of the Council for ordinary and contingent  
29 expenses incurred in the performance of Council duties.

30 (e) This Section is subject to the provisions of Section  
31 405-500 of the Department of Central Management Services Law  
32 (20 ILCS 405/405-500).

33 (Source: P.A. 90-120, eff. 7-16-97; 90-609, eff. 6-30-98;  
34 91-239, eff. 1-1-00; revised 12-6-03.)

1 Section 320. The Interagency Coordinating Committee on  
2 Transportation Act is amended by changing Section 15 as  
3 follows:

4 (20 ILCS 3968/15)

5 Sec. 15. Committee. The Illinois Coordinating Committee on  
6 Transportation is created and shall consist of the following  
7 members:

8 (1) The Governor or his or her designee.

9 (2) The Secretary of Transportation or his or her designee.

10 (3) The Secretary of Human Services or his or her designee.

11 (4) The Director of Aging or his or her designee.

12 (5) The Director of Public Aid or his or her designee.

13 (6) The Director of Commerce and Economic Opportunity  
14 ~~Community Affairs~~ or his or her designee.

15 (7) A representative of the Illinois Rural Transit  
16 Assistance Center.

17 (8) A person who is a member of a recognized statewide  
18 organization representing older residents of Illinois.

19 (9) A representative of centers for independent living.

20 (10) A representative of the Illinois Public  
21 Transportation Association.

22 (11) A representative of an existing transportation system  
23 that coordinates and provides transit services in a  
24 multi-county area for the Department of Transportation,  
25 Department of Human Services, Department of Commerce and  
26 Economic Opportunity ~~Community Affairs~~, or Department on  
27 Aging.

28 (12) A representative of a statewide organization of  
29 rehabilitation facilities or other providers of services for  
30 persons with one or more disabilities.

31 (13) A representative of a community-based organization.

32 (14) A representative of the Department of Public Health.

33 (15) A representative of the Rural Partners.

34 (16) The Director of Employment Security or his or her  
35 designee.

1 (17) A representative of a statewide business association.

2 (18) A representative of the Illinois Council on  
3 Developmental Disabilities.

4 The Governor shall appoint the members of the Committee  
5 other than those named in paragraphs (1) through (6) and  
6 paragraph (16) of this Section. The Governor or his or her  
7 designee shall serve as chairperson of the Committee and shall  
8 convene the meetings of the Committee. The Secretary of  
9 Transportation and a representative of a community-based  
10 organization involved in transportation or their designees,  
11 shall serve as co-vice-chairpersons and shall be responsible  
12 for staff support for the committee.

13 (Source: P.A. 93-185, eff. 7-11-03; revised 12-6-03.)

14 Section 325. The Interagency Coordinating Council Act is  
15 amended by changing Section 2 as follows:

16 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

17 Sec. 2. Interagency Coordinating Council. There is hereby  
18 created an Interagency Coordinating Council which shall be  
19 composed of the Directors, or their designees, of the Illinois  
20 Department of Children and Family Services, Illinois  
21 Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~, Illinois Department of Corrections, Illinois  
23 Department of Employment Security, and Illinois Department of  
24 Public Aid; the Secretary of Human Services or his or her  
25 designee; the Executive Director, or a designee, of the  
26 Illinois Community College Board, the Board of Higher  
27 Education, and the Illinois Planning Council on Developmental  
28 Disabilities; the State Superintendent of Education, or a  
29 designee; and a designee representing the University of  
30 Illinois - Division of Specialized Care for Children. The  
31 Secretary of Human Services (or the member who is the designee  
32 for the Secretary of Human Services) and the State  
33 Superintendent of Education (or the member who is the designee  
34 for the State Superintendent of Education) shall be co-chairs

1 of the Council. The co-chairs shall be responsible for ensuring  
2 that the functions described in Section 3 of this Act are  
3 carried out.

4 (Source: P.A. 92-452, eff. 8-21-01; revised 12-6-03.)

5 Section 330. The Illinois Manufacturing Technology  
6 Alliance Act is amended by changing Sections 4 and 15 as  
7 follows:

8 (20 ILCS 3990/4) (from Ch. 48, par. 2604)

9 Sec. 4. Board of Directors.

10 (a) The Illinois Manufacturing Technology Alliance shall  
11 be governed and operated by a Board of Directors consisting of  
12 11 members: 5 public members who shall be representative of  
13 industries to be served by the Alliance; 2 public members who  
14 shall be researchers in manufacturing technologies; and 4 ex  
15 officio members who shall be the Director of ~~the Department of~~  
16 Commerce and Economic Opportunity ~~Community Affairs~~, the Chief  
17 Executive Officer of the Prairie State 2000 Authority, the  
18 Executive Director of the Board of Higher Education and the  
19 Executive Director of the Illinois Community College Board. An  
20 ex officio member may designate a representative to serve as a  
21 substitute when such member is unable to attend a meeting of  
22 the Board.

23 (b) The Governor, by and with the advice and consent of the  
24 Senate, shall appoint the 5 public members who are  
25 representative of industries to be served by the Alliance and  
26 the 2 public members who are researchers in manufacturing  
27 technologies. To the extent possible, 4 members of the 5 public  
28 members who are representatives of industries to be served by  
29 the Alliance shall be members of trade associations that are  
30 Alliance Partners.

31 A vacancy in the position of Board member shall occur upon  
32 resignation, death, conviction of a felony, or removal from  
33 office of a Director. The Governor may remove any public member  
34 from office on a formal finding of incompetence, neglect of

1 duty or malfeasance in office. Within 30 days after the office  
2 of any appointed member becomes vacant for any reason, the  
3 Governor shall fill the vacancy for the unexpired term in the  
4 same manner as that in which appointments are made. If the  
5 Senate is not in session when the first appointments are made  
6 or when the Governor fills a vacancy, the Governor shall make  
7 temporary appointments until the next meeting of the Senate,  
8 when he shall nominate persons to be confirmed by the Senate.

9 (c) No more than 4 public members shall be of the same  
10 political party.

11 (d) Of those public members initially appointed to the  
12 Board, 4 Directors, no more than 2 of the same political party,  
13 shall be appointed to serve until July 1, 1993, and 3  
14 Directors, not more than 2 of the same political party, shall  
15 be appointed to serve until July 1, 1991. Thereafter, each  
16 public member shall be appointed for a 4 year term, or until  
17 his successor is appointed and qualified. The terms of the  
18 public members initially appointed shall commence upon the  
19 appointment of all 7 public members.

20 (e) No public member may serve as a Director for an  
21 aggregate of more than 10 years.

22 (Source: P.A. 86-1015; revised 12-6-03.)

23 (20 ILCS 3990/15) (from Ch. 48, par. 2615)

24 Sec. 15. Relationship with other Agencies. The Alliance  
25 shall cooperate with the Department of Commerce and Economic  
26 Opportunity ~~Community Affairs~~, the Board of Higher Education,  
27 the Illinois Community College Board, the Prairie State 2000  
28 Authority and any other agency or authority of the State on any  
29 project or program that improves the competitiveness of small  
30 and medium size Illinois manufacturers. The policies and  
31 programs of the Alliance shall be consistent with economic  
32 development policies of this State.

33 (Source: P.A. 86-1015; revised 12-6-03.)

34 Section 335. The Illinois Council on Developmental



1 Disabilities Law is amended by changing Sections 2004 and  
2 2004.5 as follows:

3 (20 ILCS 4010/2004) (from Ch. 91 1/2, par. 1954)

4 Sec. 2004. Council membership.

5 (a) The council shall be composed of 38 voting members, 27  
6 of whom shall be appointed by the Governor from residents of  
7 the State so as to ensure that the membership reasonably  
8 represents consumers of services to persons with developmental  
9 disabilities.

10 (b) Eleven voting members shall be the Directors of Public  
11 Aid, Public Health, Aging, Children and Family Services, the  
12 Guardianship and Advocacy Commission, the State protection and  
13 advocacy agency, the State Board of Education, the Division of  
14 Specialized Care for Children of the University of Illinois,  
15 and the State University Affiliated Program, or their  
16 designees, plus the Secretary of Human Services (or his or her  
17 designee) and one additional representative of the Department  
18 of Human Services designated by the Secretary.

19 (c) Nineteen voting members shall be persons with  
20 developmental disabilities, parents or guardians of such  
21 persons, or immediate relatives or guardians of persons with  
22 mentally impairing developmental disabilities. None of these  
23 members shall be employees of a State agency which receives  
24 funds or provides services under the federal Developmental  
25 Disabilities Assistance and Bill of Rights Act Amendments of  
26 1987, managing employees of any other entity which services  
27 funds or provides services under the federal Developmental  
28 Disabilities Assistance and Bill of Rights Act Amendments of  
29 1987, or persons with an ownership or control interest in such  
30 an entity. Of these members:

31 (1) At least 6 shall be persons with developmental  
32 disabilities and at least 6 shall be immediate relatives or  
33 guardians of persons with mentally impairing developmental  
34 disabilities; and

35 (2) One member shall be an immediate relative or

1 guardian of an institutionalized or previously  
2 institutionalized person with a developmental disability.

3 (d) Eight voting members shall be representatives of local  
4 agencies, nongovernmental agencies and groups concerned with  
5 services to persons with developmental disabilities.

6 (e) The Governor shall consider nominations made by  
7 advocacy and community-based organizations.

8 (f) Of the initial members appointed by the Governor, 8  
9 shall be appointed for terms of one year, 9 shall be appointed  
10 for terms of 2 years, and 9 shall be appointed for terms of 3  
11 years. Thereafter, all members shall be appointed for terms of  
12 3 years. No member shall serve more than 2 successive terms.

13 (g) Individual terms of office shall be chosen by lot at  
14 the initial meeting of the council.

15 (h) Vacancies in the membership shall be filled in the same  
16 manner as initial appointments. Appointments to fill vacancies  
17 occurring before the expiration of a term shall be for the  
18 remainder of the unexpired term.

19 (i) Members shall not receive compensation for their  
20 services, but shall be reimbursed for their actual expenses  
21 plus up to \$50 a day for any loss of wages incurred in the  
22 performance of their duties.

23 (j) Total membership consists of the number of voting  
24 members, as defined in this Section, excluding any vacant  
25 positions. A quorum shall consist of a simple majority of total  
26 membership and shall be sufficient to constitute the  
27 transaction of business of the council unless stipulated  
28 otherwise in the bylaws of the council.

29 (k) The council shall meet at least quarterly.

30 (l) The Director of the Governor's Office of Management and  
31 Budget ~~Bureau of the Budget~~, or his or her designee, shall  
32 serve as a nonvoting member of the council.

33 (Source: P.A. 89-507, eff. 7-1-97; revised 8-23-03.)

34 (20 ILCS 4010/2004.5)

35 Sec. 2004.5. Council membership. The General Assembly

1 intends that the reduction in the membership of the Council  
2 shall occur through attrition between the effective date of  
3 this amendatory Act of the 91st General Assembly and January 1,  
4 2001. In the event that the terms of 10 voting members have not  
5 expired by January 1, 2001, members of the Council serving on  
6 that date shall continue to serve until their terms expire.

7 (a) The membership of the Council must reasonably represent  
8 the diversity of this State. Not less than 60% of the Council's  
9 membership must be individuals with developmental  
10 disabilities, parents or guardians of children with  
11 developmental disabilities, or immediate relatives or  
12 guardians of adults with developmental disabilities who cannot  
13 advocate for themselves.

14 The Council must also include representatives of State  
15 agencies that administer moneys under federal laws that relate  
16 to individuals with developmental disabilities; the State  
17 University Center for Excellence in Developmental Disabilities  
18 Education, Research, and Service; the State protection and  
19 advocacy system; and representatives of local and  
20 non-governmental agencies and private non-profit groups  
21 concerned with services for individuals with developmental  
22 disabilities. The members described in this paragraph must have  
23 sufficient authority to engage in policy-making, planning, and  
24 implementation on behalf of the department, agency, or program  
25 that they represent. Those members may not take part in any  
26 discussion of grants or contracts for which their departments,  
27 agencies, or programs are grantees, contractors, or applicants  
28 and must comply with any other relevant conflict of interest  
29 provisions in the Council's policies or bylaws.

30 (b) Seventeen voting members, appointed by the Governor,  
31 must be persons with developmental disabilities, parents or  
32 guardians of persons with developmental disabilities, or  
33 immediate relatives or guardians of persons with  
34 mentally-impairing developmental disabilities. None of these  
35 members may be employees of a State agency that receives funds  
36 or provides services under the federal Developmental

1 Disabilities Assistance and Bill of Rights Act of 1996 (42  
2 U.S.C. 6000 et seq.), as now or hereafter amended, managing  
3 employees of any other entity that receives moneys or provides  
4 services under the federal Developmental Disabilities  
5 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et  
6 seq.), as now or hereafter amended, or persons with an  
7 ownership interest in or a controlling interest in such an  
8 entity. Of the members appointed under this subsection (b):

9 (1) at least 6 must be persons with developmental  
10 disabilities;

11 (2) at least 6 must be parents, immediate relatives, or  
12 guardians of children and adults with developmental  
13 disabilities, including individuals with  
14 mentally-impairing developmental disabilities who cannot  
15 advocate for themselves; and

16 (3) 5 members must be a combination of persons  
17 described in paragraphs (1) and (2); at least one of whom  
18 must be (i) an immediate relative or guardian of an  
19 individual with a developmental disability who resides or  
20 who previously resided in an institution or (ii) an  
21 individual with a developmental disability who resides or  
22 who previously resided in an institution.

23 (c) Two voting members, appointed by the Governor, must be  
24 representatives of local and non-governmental agencies and  
25 private non-profit groups concerned with services for  
26 individuals with developmental disabilities.

27 (d) Nine voting members shall be the Director of Public  
28 Aid, or his or her designee; the Director of Aging, or his or  
29 her designee; the Director of Children and Family Services, or  
30 his or her designee; a representative of the State Board of  
31 Education; a representative of the State protection and  
32 advocacy system; a representative of the State University  
33 Center for Excellence in Developmental Disabilities Education,  
34 Research, and Service; representatives of the Office of  
35 Developmental Disabilities and the Office of Community Health  
36 and Prevention of the Department of Human Services (as the

1 State's lead agency for Title V of the Social Security Act, 42  
2 U.S.C. 701 et seq.) designated by the Secretary of Human  
3 Services; and a representative of the State entity that  
4 administers federal moneys under the federal Rehabilitation  
5 Act.

6 (e) The Director of the Governor's Office of Management and  
7 Budget ~~Bureau of the Budget~~, or his or her designee, shall be a  
8 non-voting member of the Council.

9 (f) The Governor must provide for the timely rotation of  
10 members.

11 Appointments to the Council shall be for terms of 3 years.  
12 Appointments to fill vacancies occurring before the expiration  
13 of a term shall be for the remainder of the term. Members shall  
14 serve until their successors are appointed.

15 The Council, at the discretion of the Governor, may  
16 coordinate and provide recommendations for new members to the  
17 Governor based upon their review of the Council's composition  
18 and on input received from other organizations and individuals  
19 representing persons with developmental disabilities,  
20 including the non-State agency members of the Council. The  
21 Council must, at least once each year, advise the Governor on  
22 the Council's membership requirements and vacancies, including  
23 rotation requirements.

24 No member may serve for more than 2 successive terms.

25 (g) Members may not receive compensation for their  
26 services, but shall be reimbursed for their reasonable expenses  
27 plus up to \$50 per day for any loss of wages incurred in the  
28 performance of their duties.

29 (h) The total membership of the Council consists of the  
30 number of voting members, as defined in this Section, excluding  
31 any vacant positions. A quorum is a simple majority of the  
32 total membership and is sufficient to constitute the  
33 transaction of the business of the Council unless otherwise  
34 stipulated in the bylaws of the Council.

35 (i) The Council must meet at least quarterly.

36 (Source: P.A. 91-798, eff. 7-9-00; revised 8-23-03.)

1 Section 340. The Prairie State 2000 Authority Act is  
2 amended by changing Sections 7 and 12 as follows:

3 (20 ILCS 4020/7) (from Ch. 48, par. 1507)

4 Sec. 7. (a) The Prairie State 2000 Authority shall be  
5 governed and operated by a Board of Directors consisting of the  
6 State Treasurer, the Director of ~~the Department of~~ Commerce and  
7 Economic Opportunity ~~Community Affairs~~ and the Director of ~~the~~  
8 ~~Department of~~ Employment Security, or their respective  
9 designees, as ex officio members, and 4 public members who  
10 shall be appointed by the Governor with the advice and consent  
11 of the Senate and who shall be of high moral character and  
12 expert in educational or vocational training matters, employee  
13 benefits, or finance. Each public member shall be appointed for  
14 an initial term as provided in paragraph (b) of this Section.  
15 Thereafter, each public member shall hold office for a term of  
16 4 years and until his successor has been appointed and assumes  
17 office. The Board shall elect a public member to be Chairman. A  
18 vacancy shall occur upon resignation, death, conviction of a  
19 felony, or removal from office of a Director. The Governor may  
20 remove any public member from office on a formal finding of  
21 incompetence, neglect of duty or malfeasance in office. Within  
22 30 days after the office of any appointed member becomes vacant  
23 for any reason, the Governor shall fill the vacancy for the  
24 unexpired term in the same manner as that in which appointments  
25 are made. If the Senate is not in session when the first  
26 appointments are made or when the Governor fills a vacancy, the  
27 Governor shall make temporary appointments until the next  
28 meeting of the Senate, when he shall nominate persons to be  
29 confirmed by the Senate. No more than 2 public members shall be  
30 members of the same political party. Every public member's term  
31 shall commence on July 1, except for the terms of the public  
32 members initially appointed, whose terms shall commence upon  
33 the appointment of all 4 public members.

34 (b) The initial terms of public members shall be as

1 follows:

2 (i) Two Directors not members of the same political party  
3 shall be appointed to serve until July 1, 1987;

4 (ii) Two Directors not members of the same political party  
5 shall be appointed to serve until July 1, 1985.

6 No public member may serve as a Director for an aggregate  
7 of more than 8 years. A Director appointed under this paragraph  
8 (b) shall serve until his successor shall have been appointed  
9 and assumes office.

10 (Source: P.A. 84-1090; revised 12-6-03.)

11 (20 ILCS 4020/12) (from Ch. 48, par. 1512)

12 Sec. 12. General Powers and Duties of the Board. Except as  
13 otherwise limited by this Act, the Board shall have all powers  
14 necessary to meet its responsibilities and to carry out its  
15 purposes, including but not limited to the following powers:

16 (a) To sue and be sued.

17 (b) To establish and maintain petty cash funds as provided  
18 in Section 13.3 of "An Act in relation to State finance",  
19 approved June 10, 1919, as amended.

20 (c) To make, amend and repeal bylaws, rules, regulations  
21 and resolutions consistent with this Act.

22 (d) To make and execute all contracts and instruments  
23 necessary or convenient to the exercise of its powers.

24 (e) To exclusively control and manage the Authority and all  
25 monies donated, paid or appropriated for the relief or benefit  
26 of unemployed or inappropriately skilled workers.

27 (f) To order and direct the issuance of benefit vouchers  
28 provided for by this Act, signed by the Chairman and the Chief  
29 Executive Officer, to persons entitled thereto in amounts to  
30 which such persons are entitled under Section 14. The Board may  
31 designate any of its members, or any officer or employee of the  
32 Authority, to affix the signature of the Chairman and another  
33 to affix the signature of the Chief Executive Officer to the  
34 benefit vouchers.

35 (g) Upon determining that appropriate and sufficient

1 educational or vocational training services are being provided  
2 by a participating educational or vocational training  
3 institution to the bearer of a voucher, to cause prompt payment  
4 of the amount stated on the face of the voucher to such  
5 participating educational or vocational training institution,  
6 on the condition that such amount shall not exceed the benefit  
7 levels to which the bearer is entitled.

8 (h) To undertake such studies with respect to job training  
9 which will assist the Authority in carrying out the purposes of  
10 this Act. The Board shall prepare a report on the feasibility  
11 of individual training accounts.

12 (i) To annually review the Prairie State 2000 Authority  
13 Program and the provisions of this Act and to make  
14 recommendations to the Governor and the General Assembly  
15 regarding changes to this Act or some other Act to make  
16 improvements in the Program.

17 (j) To have an audit of the accounts of the Authority made  
18 annually by persons competent to perform such work and to  
19 provide a copy of such audit to the Auditor General who shall  
20 review such audit and make such other investigations and audits  
21 as he deems necessary, on the condition that the Auditor  
22 General shall each biennium conduct an audit independent of the  
23 audit conducted by the persons retained by the Board. The Board  
24 and the Auditor General shall report the findings revealed by  
25 their audits to the Governor, the President of the Senate, the  
26 Speaker of the House of Representatives and the Minority  
27 Leaders of each house of the General Assembly.

28 (k) To prepare and submit a budget and request for  
29 appropriations for the necessary and contingent operating  
30 expenses of the Authority.

31 (l) To encourage participation in the Program by means of  
32 advertising, incentives, and other marketing devices with  
33 special attention to geographic areas with levels of  
34 unemployment or underemployment which are substantially above  
35 the statewide level of unemployment.

36 (m) To adopt, alter and use a corporate seal.



1 (n) To accept appropriations, grants and funds from the  
2 federal and State governments and any agency thereof and expend  
3 those monies in accordance with, and in furtherance of the  
4 purposes of, this Act.

5 (o) To enter into intergovernmental agreements with other  
6 governmental entities, including the Department of Employment  
7 Security and the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~, in order to implement and  
9 execute the powers and duties set forth in this Section and all  
10 other Sections of this Act.

11 (Source: P.A. 84-1090; revised 12-6-03.)

12 Section 345. The Fiscal Note Act is amended by changing  
13 Section 2 as follows:

14 (25 ILCS 50/2) (from Ch. 63, par. 42.32)

15 Sec. 2. The sponsor of each bill, referred to in Section 1,  
16 shall present a copy of the bill, with his request for a fiscal  
17 note, to the board, commission, department, agency, or other  
18 entity of the State which is to receive or expend the  
19 appropriation proposed or which is responsible for collection  
20 of the revenue proposed to be increased or decreased, or to be  
21 levied or provided for. The sponsor of a bill that amends the  
22 Mental Health and Developmental Disabilities Code or the  
23 Developmental Disability and Mental Disability Services Act  
24 shall present a copy of the bill, with his or her request for a  
25 fiscal note, to the Department of Human Services. The fiscal  
26 note shall be prepared by such board, commission, department,  
27 agency, or other entity and furnished to the sponsor of the  
28 bill within 5 calendar days thereafter; except that whenever,  
29 because of the complexity of the measure, additional time is  
30 required for preparation of the fiscal note, the board,  
31 commission, department, agency, or other entity may so inform  
32 the sponsor of the bill and he may approve an extension of the  
33 time within which the note is to be furnished, not to extend,  
34 however, beyond June 15, following the date of the request.

1 Whenever any measure for which a fiscal note is required  
2 affects more than one State board, commission, department,  
3 agency, or other entity, the board, commission, department,  
4 agency, or other entity most affected by its provisions  
5 according to the sponsor shall be responsible for preparation  
6 of the fiscal note. Whenever any measure for which a fiscal  
7 note is required does not affect a specific board, commission,  
8 department, agency or other such entity, or does not amend the  
9 Mental Health and Developmental Disabilities Code or the  
10 Developmental Disability and Mental Disability Services Act,  
11 the sponsor of the measure shall be responsible for preparation  
12 of the fiscal note.

13 In the case of bills having a potential fiscal impact on  
14 units of local government, the fiscal note shall be prepared by  
15 the Department of Commerce and Economic Opportunity ~~Community~~  
16 ~~Affairs~~. In the case of bills having a potential fiscal impact  
17 on school districts, the fiscal note shall be prepared by the  
18 State Superintendent of Education. In the case of bills having  
19 a potential fiscal impact on community college districts, the  
20 fiscal note shall be prepared by the Illinois Community College  
21 Board.

22 (Source: P.A. 92-567, eff. 1-1-03; revised 12-6-03.)

23 Section 350. The Home Rule Note Act is amended by changing  
24 Sections 10 and 40 as follows:

25 (25 ILCS 75/10) (from Ch. 63, par. 42.91-10)

26 Sec. 10. Preparation of the note. Upon the request of the  
27 sponsor of a bill described in Section 5, the Director of  
28 Commerce and Economic Opportunity ~~Community Affairs~~ or some  
29 person within the Department designated by the Director shall  
30 prepare a written note setting forth the information required  
31 by Section 5. The note shall be designated a home rule note and  
32 shall be furnished to the sponsor within 10 calendar days after  
33 the request, except that whenever, because of the complexity of  
34 the bill, additional time is required for the preparation of

1 the note, the Department may so notify the sponsor and request  
2 an extension of time not to exceed 5 additional days within  
3 which to furnish the note. An extension may not, however, be  
4 beyond June 15 following the date of the request.

5 (Source: P.A. 87-229; revised 12-6-03.)

6 (25 ILCS 75/40) (from Ch. 63, par. 42.91-40)

7 Sec. 40. Confidentiality. The subject matter of bills  
8 submitted to the Director shall be kept in strict confidence by  
9 the Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~, and no information relating to the bill or its home  
11 rule impact shall be divulged by any official or employee of  
12 the Department, except to the bill's sponsor or the sponsor's  
13 designee, before the bill's introduction in the General  
14 Assembly.

15 (Source: P.A. 87-229; revised 12-6-03.)

16 Section 360. The State Finance Act is amended by changing  
17 Sections 6b-3, 6z-39, 6z-54, 8.14, 8.22, 8.23, 9.03, and 9.04  
18 as follows:

19 (30 ILCS 105/6b-3) (from Ch. 127, par. 142b3)

20 Sec. 6b-3. There shall be paid into the State Housing Fund  
21 the moneys recovered from Land Clearance Commissions and  
22 Housing Authorities under the provisions of (1) Section 32 of  
23 the "Housing Authorities Act", approved March 19, 1934, as  
24 amended; (2) Section 9a of "An Act to facilitate the  
25 development and construction of housing, to provide  
26 governmental assistance therefor, and to repeal an Act herein  
27 named," approved July 2, 1947, as amended; and (3) Section 25a  
28 of the "Blighted Areas Redevelopment Act of 1947", approved  
29 July 2, 1947, as amended.

30 The moneys in the State Housing Fund shall be used for  
31 grants in aid of housing, development, redevelopment projects,  
32 and any other programs compatible with the duties and  
33 obligations of the Department of Commerce and Economic

1 ~~Opportunity Community Affairs~~ and local housing authorities or  
2 land clearance commissions and such funds may be allocated to  
3 those authorities and/or programs in accordance with the  
4 judgment of the Department of Commerce and Economic Opportunity  
5 ~~Community Affairs~~ except that no moneys may be retained in the  
6 fund beyond a period 36 months following their deposit. In any  
7 instance where moneys are accumulated in the State Housing Fund  
8 and not distributed in accordance with determination made by  
9 the Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~ within 36 months then such moneys shall be returned to  
11 the General Revenue Fund.

12 (Source: P.A. 81-1509; revised 12-6-03.)

13 (30 ILCS 105/6z-39)

14 Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The  
15 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
16 shall be the State coordinator and representative with the  
17 United States Department of the Treasury for purposes of  
18 implementing the federal Cash Management Improvement Act of  
19 1990.

20 The Governor's Office of Management and Budget ~~Bureau of~~  
21 ~~the Budget~~ shall: negotiate Treasury-State agreements; develop  
22 and file annual reports; establish the net State liability;  
23 determine State agency shares of the net State liability;  
24 direct State agencies to pay or transfer moneys into the  
25 Federal Financing Cost Reimbursement Fund; and initiate  
26 payments of the net State liability to the U.S. Treasury out of  
27 the Federal Financing Cost Reimbursement Fund. Agencies shall  
28 make payments or transfers to the Federal Financing Cost  
29 Reimbursement Fund as directed by the Governor's Office of  
30 Management and Budget ~~Bureau of the Budget~~ and shall otherwise  
31 cooperate with the Governor's Office of Management and Budget  
32 ~~Bureau of the Budget~~ to implement the federal Cash Management  
33 Improvement Act of 1990.

34 (Source: P.A. 89-21, eff. 7-1-95; revised 8-23-03.)

1 (30 ILCS 105/6z-54)

2 Sec. 6z-54. The Energy Infrastructure Fund.

3 (a) The Energy Infrastructure Fund is created as a special  
4 fund in the State treasury.

5 (b) Money in the Energy Infrastructure Fund shall, if and  
6 when the State of Illinois issues any bonded indebtedness for  
7 financial assistance to new electric generating facilities, as  
8 provided in Section 605-332 of the Department of Commerce and  
9 Economic Opportunity ~~Community Affairs~~ Law of the Civil  
10 Administrative Code of Illinois, be set aside and used for the  
11 purpose of paying and discharging annually the principal and  
12 interest on that bonded indebtedness then due and payable, and  
13 for no other purpose.

14 In addition to other transfers to the General Obligation  
15 Bond Retirement and Interest Fund made pursuant to Section 15  
16 of the General Obligation Bond Act, upon each delivery of bonds  
17 issued for financial assistance to new electric generating  
18 facilities under Section 605-332 of the Department of Commerce  
19 and Economic Opportunity ~~Community Affairs~~ Law of the Civil  
20 Administrative Code of Illinois, the State Comptroller shall  
21 compute and certify to the State Treasurer the total amount of  
22 principal and interest, and premium, if any, on such bonds  
23 during the then current and each succeeding fiscal year. On or  
24 before the last day of each month, the State Treasurer and the  
25 State Comptroller shall transfer from the Energy  
26 Infrastructure Fund to the General Obligation Bond Retirement  
27 and Interest Fund an amount sufficient to pay the aggregate of  
28 the principal of, interest on, and premium, if any, on the  
29 bonds payable on their next payment date, divided by the number  
30 of monthly transfers occurring between the last previous  
31 payment date (or the delivery date if no payment date has yet  
32 occurred) and the next succeeding payment date.

33 (c) To the extent that moneys in the Energy Infrastructure  
34 Fund, in the opinion of the Governor and the Director of the  
35 Governor's Office of Management and Budget ~~Bureau of the~~  
36 ~~Budget~~, are in excess of 125% of the maximum debt service in

1 any fiscal year, such surplus shall, subject to appropriation,  
2 be used by the Department of Commerce and Economic Opportunity  
3 ~~Community Affairs~~ for financial assistance under other coal  
4 development programs administered by the Department, in  
5 accordance with the rules of the Department or for other State  
6 purposes subject to appropriation.

7 (Source: P.A. 92-12, eff. 7-1-01; 92-651, eff. 7-11-02; revised  
8 8-23-03.)

9 (30 ILCS 105/8.14) (from Ch. 127, par. 144.14)

10 Sec. 8.14. Appropriations from the Public Utility Fund  
11 shall be made only to the Illinois Commerce Commission for  
12 ordinary and contingent expenses of the Commission in the  
13 administration of the Public Utilities Act, in the  
14 administration of the Electric Supplier Act, and in the  
15 administration of the Illinois Gas Pipeline Safety Act; to the  
16 Department of Natural Resources for the purpose of conducting  
17 studies concerning environmental pollution problems caused or  
18 contributed to by public utilities and the means for  
19 eliminating or abating those problems, in accordance with the  
20 functions of the Department as specified in the Environmental  
21 Protection Act; and to the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ for administration of energy  
23 programs, including those specified in the Comprehensive Solar  
24 Energy Act of 1977 and the Illinois Coal and Energy Development  
25 Bond Act. No money shall be transferred from the Public Utility  
26 Fund to any other fund.

27 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

28 (30 ILCS 105/8.22) (from Ch. 127, par. 144.22)

29 Sec. 8.22. Appropriations for the ordinary and contingent  
30 expenses of the Department of Commerce and Economic Opportunity  
31 ~~Community Affairs~~ may be made from the Intra-Agency Services  
32 Fund, provided that the State Comptroller and the State  
33 Treasurer shall, within a reasonable time after July 1 of each  
34 year, upon the direction of the Governor, transfer from the

1 Intra-Agency Services Fund to the General Revenue Fund such  
2 amounts as the Governor has determined to be in excess of the  
3 amount required to meet the obligations of the Intra-Agency  
4 Services Fund.

5 (Source: P.A. 82-790; revised 12-6-03.)

6 (30 ILCS 105/8.23) (from Ch. 127, par. 144.23)

7 Sec. 8.23. Until October 30, 1983, all moneys held in the  
8 following Federal trust funds as of the effective date of this  
9 amendatory Act of 1982, for expenditures by the Department of  
10 Commerce and Community Affairs (now Department of Commerce and  
11 Economic Opportunity) for general administration, shall be  
12 transferred to the Intra-Agency Services Trust Fund by the  
13 State Comptroller and the State Treasurer at the direction of  
14 the Department and with the approval of the Governor:

15 (1) The Urban Planning Assistance Fund.

16 (2) The Economic Opportunity Fund.

17 (3) The Federal Labor Projects Fund.

18 (4) The Federal Industrial Services Fund.

19 (5) The Federal Energy Administration Fund.

20 (6) The Economic Development Services Fund.

21 (7) The Human Services Support Fund.

22 (8) The Local Government Affairs Federal Trust Fund.

23 (9) The Federal Moderate Rehabilitation Housing Fund.

24 (Source: P.A. 82-790; revised 12-6-03.)

25 (30 ILCS 105/9.03) (from Ch. 127, par. 145d)

26 Sec. 9.03. The certification on every State payroll voucher  
27 shall be as follows:

28 "I certify that the employees named, their respective  
29 indicated positions and service times, and appropriation to be  
30 charged, as shown on the accompanying payroll sheets are true,  
31 complete, correct and according to the provisions of law; that  
32 such employees are involved in decision making or have direct  
33 line responsibility to a person who has decision making  
34 authority concerning the objectives, functions, goals and

1 policies of the organizational unit for which the appropriation  
 2 was made; that the results of the work performed by these  
 3 employees and that substantially all of their working time is  
 4 directly related to the objectives, functions, goals, and  
 5 policies of the organizational unit for which the appropriation  
 6 is made; that all working time was expended in the service of  
 7 the State; and that the employees named are entitled to payment  
 8 in the amounts indicated. If applicable, the reporting  
 9 requirements of Section 5.1 of the Governor's Office of  
 10 Management and Budget Act ~~'an Act to create the Bureau of the~~  
 11 ~~Budget and to define its powers and duties and to make an~~  
 12 ~~appropriation', approved April 16, 1969, as amended,~~ have been  
 13 met.

14 \_\_\_\_\_  
 15 (Date) (Signature)"

16 For departments under the Civil Administrative Code, the  
 17 foregoing certification shall be executed by the Chief  
 18 Executive Officer of the department from whose appropriation  
 19 the payment will be made or his designee, in addition to any  
 20 other certifications or approvals which may be required by law.

21 The foregoing certification shall not be required for  
 22 expenditures from amounts appropriated to the Comptroller for  
 23 payment of the salaries of State officers.

24 (Source: P.A. 82-790; revised 8-23-03.)

25 (30 ILCS 105/9.04) (from Ch. 127, par. 145e)

26 Sec. 9.04. The certification on behalf of the State agency  
 27 on every State voucher for goods and services other than a  
 28 payroll or travel voucher shall be as follows:

29 "I certify that the goods or services specified on this  
 30 voucher were for the use of this agency and that the  
 31 expenditure for such goods or services was authorized and  
 32 lawfully incurred; that such goods or services meet all the  
 33 required standards set forth in the purchase agreement or  
 34 contract to which this voucher relates; and that the amount  
 35 shown on this voucher is correct and is approved for payment.



1 If applicable, the reporting requirements of Section 5.1 of the  
 2 Governor's Office of Management and Budget Act ~~'An Act to~~  
 3 ~~create the Bureau of the Budget and to define its powers and~~  
 4 ~~duties and to make an appropriation', approved April 16, 1969,~~  
 5 ~~as amended,~~ have been met.

6 .....  
 7 (Date) (Signature)"

8 For departments under the Civil Administrative Code, the  
 9 foregoing certification shall be executed by the Chief  
 10 Executive Officer of the department from whose appropriation  
 11 the payment will be made or his designee, in addition to any  
 12 other certifications or approvals which may be required by law.  
 13 (Source: P.A. 82-790; revised 8-23-03.)

14 Section 365. The Federal Commodity Disbursement Act is  
 15 amended by changing Section 1 as follows:

16 (30 ILCS 255/1) (from Ch. 127, par. 176b)

17 Sec. 1. The Governor may receive and disburse funds and  
 18 commodities made available by the federal government, or any  
 19 agency thereof. In any case where such funds or commodities are  
 20 made available to the State but no designation has been made by  
 21 the federal government, or agency thereof, of the officer,  
 22 department or agency of this State who or which shall be the  
 23 receiving agency, the Governor may make such designation, and  
 24 thereupon such officer, department or agency shall be  
 25 authorized to receive and expend such funds and commodities for  
 26 the purpose or purposes for which they are made available  
 27 providing such officer, department or agency complies with the  
 28 applicable requirements of Section 5.1 of the Governor's Office  
 29 of Management and Budget Act ~~"An Act to create a Bureau of the~~  
 30 ~~Budget and to define its powers and duties and to make an~~  
 31 ~~appropriation", approved April 16, 1969, as now or hereafter~~  
 32 ~~amended.~~

33 (Source: P.A. 80-1029; revised 8-23-03.)

1 Section 370. The General Obligation Bond Act is amended by  
2 changing Sections 7, 12, 13, 14, and 15 as follows:

3 (30 ILCS 330/7) (from Ch. 127, par. 657)

4 Sec. 7. Coal and Energy Development. The amount of  
5 \$663,200,000 is authorized to be used by the Department of  
6 Commerce and Economic Opportunity (formerly Department of  
7 Commerce and Community Affairs) for coal and energy development  
8 purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois  
9 Coal and Energy Development Bond Act, for the purposes  
10 specified in Section 8.1 of the Energy Conservation and Coal  
11 Development Act, and for the purposes specified in Section  
12 605-332 of the Department of Commerce and Economic Opportunity  
13 Law ~~Community Affairs~~ of the Civil Administrative Code of  
14 Illinois. Of this amount:

15 (a) \$115,000,000 is for the specific purposes of  
16 acquisition, development, construction, reconstruction,  
17 improvement, financing, architectural and technical planning  
18 and installation of capital facilities consisting of  
19 buildings, structures, durable equipment, and land for the  
20 purpose of capital development of coal resources within the  
21 State and for the purposes specified in Section 8.1 of the  
22 Energy Conservation and Coal Development Act;

23 (b) \$35,000,000 is for the purposes specified in Section  
24 8.1 of the Energy Conservation and Coal Development Act and  
25 making a grant to the owner of a generating station located in  
26 Illinois and having at least three coal-fired generating units  
27 with accredited summer capability greater than 500 megawatts  
28 each at such generating station as provided in Section 6 of  
29 that Bond Act;

30 (c) \$13,200,000 is for research, development and  
31 demonstration of forms of energy other than that derived from  
32 coal, either on or off State property; and

33 (d) \$500,000,000 is for the purpose of providing financial  
34 assistance to new electric generating facilities as provided in  
35 Section 605-332 of the Department of Commerce and Economic

1 Opportunity ~~Community Affairs~~ Law of the Civil Administrative  
2 Code of Illinois.

3 (Source: P.A. 92-13, eff. 6-22-01; revised 12-1-04.)

4 (30 ILCS 330/12) (from Ch. 127, par. 662)

5 Sec. 12. Allocation of Proceeds from Sale of Bonds.

6 (a) Proceeds from the sale of Bonds, authorized by Section  
7 3 of this Act, shall be deposited in the separate fund known as  
8 the Capital Development Fund.

9 (b) Proceeds from the sale of Bonds, authorized by  
10 paragraph (a) of Section 4 of this Act, shall be deposited in  
11 the separate fund known as the Transportation Bond, Series A  
12 Fund.

13 (c) Proceeds from the sale of Bonds, authorized by  
14 paragraphs (b) and (c) of Section 4 of this Act, shall be  
15 deposited in the separate fund known as the Transportation  
16 Bond, Series B Fund.

17 (d) Proceeds from the sale of Bonds, authorized by Section  
18 5 of this Act, shall be deposited in the separate fund known as  
19 the School Construction Fund.

20 (e) Proceeds from the sale of Bonds, authorized by Section  
21 6 of this Act, shall be deposited in the separate fund known as  
22 the Anti-Pollution Fund.

23 (f) Proceeds from the sale of Bonds, authorized by Section  
24 7 of this Act, shall be deposited in the separate fund known as  
25 the Coal Development Fund.

26 (f-2) Proceeds from the sale of Bonds, authorized by  
27 Section 7.2 of this Act, shall be deposited as set forth in  
28 Section 7.2.

29 (f-5) Proceeds from the sale of Bonds, authorized by  
30 Section 7.5 of this Act, shall be deposited as set forth in  
31 Section 7.5.

32 (g) Proceeds from the sale of Bonds, authorized by Section  
33 8 of this Act, shall be deposited in the Capital Development  
34 Fund.

35 (h) Subsequent to the issuance of any Bonds for the

1 purposes described in Sections 2 through 8 of this Act, the  
2 Governor and the Director of the Governor's Office of  
3 Management and Budget ~~Bureau of the Budget~~ may provide for the  
4 reallocation of unspent proceeds of such Bonds to any other  
5 purposes authorized under said Sections of this Act, subject to  
6 the limitations on aggregate principal amounts contained  
7 therein. Upon any such reallocation, such unspent proceeds  
8 shall be transferred to the appropriate funds as determined by  
9 reference to paragraphs (a) through (g) of this Section.

10 (Source: P.A. 92-596, eff. 6-28-02; 93-2, eff. 4-7-03; revised  
11 8-23-03.)

12 (30 ILCS 330/13) (from Ch. 127, par. 663)

13 Sec. 13. Appropriation of Proceeds from Sale of Bonds.

14 (a) At all times, the proceeds from the sale of Bonds  
15 issued pursuant to this Act are subject to appropriation by the  
16 General Assembly and, except as provided in Section 7.2, may be  
17 obligated or expended only with the written approval of the  
18 Governor, in such amounts, at such times, and for such purposes  
19 as the respective State agencies, as defined in Section 1-7 of  
20 the Illinois State Auditing Act, as amended, deem necessary or  
21 desirable for the specific purposes contemplated in Sections 2  
22 through 8 of this Act.

23 (b) Proceeds from the sale of Bonds for the purpose of  
24 development of coal and alternative forms of energy shall be  
25 expended in such amounts and at such times as the Department of  
26 Commerce and Economic Opportunity ~~Community Affairs~~, with the  
27 advice and recommendation of the Illinois Coal Development  
28 Board for coal development projects, may deem necessary and  
29 desirable for the specific purpose contemplated by Section 7 of  
30 this Act. In considering the approval of projects to be funded,  
31 the Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ shall give special consideration to projects designed  
33 to remove sulfur and other pollutants in the preparation and  
34 utilization of coal, and in the use and operation of electric  
35 utility generating plants and industrial facilities which

1 utilize Illinois coal as their primary source of fuel.

2 (c) Any monies received by any officer or employee of the  
3 state representing a reimbursement of expenditures previously  
4 paid from general obligation bond proceeds shall be deposited  
5 into the General Obligation Bond Retirement and Interest Fund  
6 authorized in Section 14 of this Act.

7 (Source: P.A. 93-2, eff. 4-7-03; revised 12-1-04.)

8 (30 ILCS 330/14) (from Ch. 127, par. 664)

9 Sec. 14. Repayment.

10 (a) To provide for the manner of repayment of Bonds, the  
11 Governor shall include an appropriation in each annual State  
12 Budget of monies in such amount as shall be necessary and  
13 sufficient, for the period covered by such budget, to pay the  
14 interest, as it shall accrue, on all Bonds issued under this  
15 Act, to pay and discharge the principal of such Bonds as shall,  
16 by their terms, fall due during such period, and to pay a  
17 premium, if any, on Bonds to be redeemed prior to the maturity  
18 date. Amounts included in such appropriations for the payment  
19 of interest on variable rate bonds shall be the maximum amounts  
20 of interest that may be payable for the period covered by the  
21 budget, after taking into account any credits permitted in the  
22 related indenture or other instrument against the amount of  
23 such interest required to be appropriated for such period.  
24 Amounts included in such appropriations for the payment of  
25 interest shall include the amounts certified by the Director of  
26 the Governor's Office of Management and Budget ~~Bureau of the~~  
27 ~~Budget~~ under subsection (b) of Section 9 of this Act.

28 (b) A separate fund in the State Treasury called the  
29 "General Obligation Bond Retirement and Interest Fund" is  
30 hereby created.

31 (c) The General Assembly shall annually make  
32 appropriations to pay the principal of, interest on, and  
33 premium, if any, on Bonds sold under this Act from the General  
34 Obligation Bond Retirement and Interest Fund. Amounts included  
35 in such appropriations for the payment of interest on variable

1 rate bonds shall be the maximum amounts of interest that may be  
2 payable during the fiscal year, after taking into account any  
3 credits permitted in the related indenture or other instrument  
4 against the amount of such interest required to be appropriated  
5 for such period. Amounts included in such appropriations for  
6 the payment of interest shall include the amounts certified by  
7 the Director of the Governor's Office of Management and Budget  
8 ~~Bureau of the Budget~~ under subsection (b) of Section 9 of this  
9 Act.

10 If for any reason there are insufficient funds in either  
11 the General Revenue Fund or the Road Fund to make transfers to  
12 the General Obligation Bond Retirement and Interest Fund as  
13 required by Section 15 of this Act, or if for any reason the  
14 General Assembly fails to make appropriations sufficient to pay  
15 the principal of, interest on, and premium, if any, on the  
16 Bonds, as the same by their terms shall become due, this Act  
17 shall constitute an irrevocable and continuing appropriation  
18 of all amounts necessary for that purpose, and the irrevocable  
19 and continuing authority for and direction to the State  
20 Treasurer and the Comptroller to make the necessary transfers,  
21 as directed by the Governor, out of and disbursements from the  
22 revenues and funds of the State.

23 (d) If, because of insufficient funds in either the General  
24 Revenue Fund or the Road Fund, monies have been transferred to  
25 the General Obligation Bond Retirement and Interest Fund, as  
26 required by subsection (c) of this Section, this Act shall  
27 constitute the irrevocable and continuing authority for and  
28 direction to the State Treasurer and Comptroller to reimburse  
29 these funds of the State from the General Revenue Fund or the  
30 Road Fund, as appropriate, by transferring, at such times and  
31 in such amounts, as directed by the Governor, an amount to  
32 these funds equal to that transferred from them.

33 (Source: P.A. 93-9, eff. 6-3-03; revised 8-23-03.)

34 (30 ILCS 330/15) (from Ch. 127, par. 665)

35 Sec. 15. Computation of Principal and Interest; transfers.

1 (a) Upon each delivery of Bonds authorized to be issued  
2 under this Act, the Comptroller shall compute and certify to  
3 the Treasurer the total amount of principal of, interest on,  
4 and premium, if any, on Bonds issued that will be payable in  
5 order to retire such Bonds and the amount of principal of,  
6 interest on and premium, if any, on such Bonds that will be  
7 payable on each payment date according to the tenor of such  
8 Bonds during the then current and each succeeding fiscal year.  
9 With respect to the interest payable on variable rate bonds,  
10 such certifications shall be calculated at the maximum rate of  
11 interest that may be payable during the fiscal year, after  
12 taking into account any credits permitted in the related  
13 indenture or other instrument against the amount of such  
14 interest required to be appropriated for such period pursuant  
15 to subsection (c) of Section 14 of this Act. With respect to  
16 the interest payable, such certifications shall include the  
17 amounts certified by the Director of the Governor's Office of  
18 Management and Budget ~~Bureau of the Budget~~ under subsection (b)  
19 of Section 9 of this Act.

20 On or before the last day of each month the State Treasurer  
21 and Comptroller shall transfer from (1) the Road Fund with  
22 respect to Bonds issued under paragraph (a) of Section 4 of  
23 this Act or Bonds issued for the purpose of refunding such  
24 bonds, and from (2) the General Revenue Fund, with respect to  
25 all other Bonds issued under this Act, to the General  
26 Obligation Bond Retirement and Interest Fund an amount  
27 sufficient to pay the aggregate of the principal of, interest  
28 on, and premium, if any, on Bonds payable, by their terms on  
29 the next payment date divided by the number of full calendar  
30 months between the date of such Bonds and the first such  
31 payment date, and thereafter, divided by the number of months  
32 between each succeeding payment date after the first. Such  
33 computations and transfers shall be made for each series of  
34 Bonds issued and delivered. Interest payable on variable rate  
35 bonds shall be calculated at the maximum rate of interest that  
36 may be payable for the relevant period, after taking into

1 account any credits permitted in the related indenture or other  
2 instrument against the amount of such interest required to be  
3 appropriated for such period pursuant to subsection (c) of  
4 Section 14 of this Act. Computations of interest shall include  
5 the amounts certified by the Director of the Governor's Office  
6 of Management and Budget ~~Bureau of the Budget~~ under subsection  
7 (b) of Section 9 of this Act. Interest for which moneys have  
8 already been deposited into the capitalized interest account  
9 within the General Obligation Bond Retirement and Interest Fund  
10 shall not be included in the calculation of the amounts to be  
11 transferred under this subsection.

12 The transfer of monies herein and above directed is not  
13 required if monies in the General Obligation Bond Retirement  
14 and Interest Fund are more than the amount otherwise to be  
15 transferred as herein above provided, and if the Governor or  
16 his authorized representative notifies the State Treasurer and  
17 Comptroller of such fact in writing.

18 (b) After the effective date of this Act, the balance of,  
19 and monies directed to be included in the Capital Development  
20 Bond Retirement and Interest Fund, Anti-Pollution Bond  
21 Retirement and Interest Fund, Transportation Bond, Series A  
22 Retirement and Interest Fund, Transportation Bond, Series B  
23 Retirement and Interest Fund, and Coal Development Bond  
24 Retirement and Interest Fund shall be transferred to and  
25 deposited in the General Obligation Bond Retirement and  
26 Interest Fund. This Fund shall be used to make debt service  
27 payments on the State's general obligation Bonds heretofore  
28 issued which are now outstanding and payable from the Funds  
29 herein listed as well as on Bonds issued under this Act.

30 (c) The unused portion of federal funds received for a  
31 capital facilities project, as authorized by Section 3 of this  
32 Act, for which monies from the Capital Development Fund have  
33 been expended shall be deposited upon completion of the project  
34 in the General Obligation Bond Retirement and Interest Fund.  
35 Any federal funds received as reimbursement for the completed  
36 construction of a capital facilities project, as authorized by



1 Section 3 of this Act, for which monies from the Capital  
2 Development Fund have been expended shall be deposited in the  
3 General Obligation Bond Retirement and Interest Fund.

4 (Source: P.A. 93-2, eff. 4-7-03; 93-9, eff. 6-3-03; revised  
5 8-23-03.)

6 Section 385. The Metropolitan Civic Center Support Act is  
7 amended by changing Sections 2, 5, and 7 as follows:

8 (30 ILCS 355/2) (from Ch. 85, par. 1392)

9 Sec. 2. When used in this Act:

10 "Authority" means the River Forest Metropolitan  
11 Exposition, Auditorium and Office Building Authority, the  
12 Village Board of Trustees of the Village of Rosemont for the  
13 sole purposes of rehabilitating, developing and making  
14 improvements to the O'Hare Exposition Center, or any  
15 Metropolitan Exposition Auditorium and Office Building  
16 Authority, Metropolitan Exposition and Auditorium Authority or  
17 Civic Center Authority created prior to the effective date of  
18 this amendatory Act of 1983 or hereafter created pursuant to  
19 the statutes of the State of Illinois, except those created  
20 pursuant to the Metropolitan Pier and Exposition Authority Act.

21 "Bonds" means any limited obligation revenue bonds issued  
22 by the Department before July 1, 1989 and by the Bureau (now  
23 Office) on or after July 1, 1989 pursuant to Section 7 of this  
24 Act.

25 "Bond Fund" means the Illinois Civic Center Bond Fund, as  
26 provided in this Act.

27 "Bond Retirement Fund" means the Illinois Civic Center Bond  
28 Retirement and Interest Fund, as provided in this Act.

29 "Bond Sale Order" means any order authorizing the issuance  
30 and sale of Bonds, which order shall be approved by the  
31 Director of the Governor's Office of Management and Budget  
32 ~~Bureau of the Budget~~.

33 "Budget Director" means the Director of the Governor's  
34 Office of Management and Budget ~~Bureau of the Budget~~.

1 "Bureau" means the Bureau of the Budget, (now Governor's  
2 Office of Management and Budget).

3 "Department" means the Department of Commerce and Economic  
4 Opportunity ~~Community Affairs~~.

5 "Director" means the Director of Commerce and Economic  
6 Opportunity ~~Community Affairs~~.

7 "Local Bonds" means any bonds subject to State Financial  
8 Support under subparagraph (i) of paragraph (b) of subsection  
9 (3) of Section 4 of this Act.

10 "MEA OB Fund" means the Metropolitan Exposition, Auditorium  
11 and Office Building Fund, as provided in this Act.

12 "Office" means the Governor's Office of Management and  
13 Budget.

14 "State Financial Support" means either the payment of debt  
15 service on bonds issued by an Authority or a unit of local  
16 government or the grant to an Authority of the proceeds of  
17 Bonds issued by the Department before July 1, 1989 and by the  
18 Bureau (now Office) on or after July 1, 1989, all in accordance  
19 with subsection (3) of Section 4 of this Act.

20 (Source: P.A. 86-44; 87-895; revised 8-23-03.)

21 (30 ILCS 355/5) (from Ch. 85, par. 1395)

22 Sec. 5. To the extent that moneys in the MEAOB Fund, in the  
23 opinion of the Governor and the Director of the Governor's  
24 Office of Management and Budget ~~Bureau of the Budget~~, are in  
25 excess of 125% of the maximum debt service in any fiscal year,  
26 the Governor shall notify the Comptroller and the State  
27 Treasurer of that fact, who upon receipt of such notification  
28 shall transfer the excess moneys from the MEAOB Fund to the  
29 General Revenue Fund.

30 (Source: P.A. 84-245; 84-1106; revised 8-23-03.)

31 (30 ILCS 355/7) (from Ch. 85, par. 1397)

32 Sec. 7. The Department before July 1, 1989 and the Bureau  
33 (now Office) on and after July 1, 1989 are authorized to issue  
34 and sell Bonds in the total amount outstanding at any given

1 time of \$200,000,000, herein called "Bonds". Bonds may be  
2 issued for advance refunding of any or all bonds issued prior  
3 to July 1, 1985 by an Authority or a unit of local government  
4 subject to repayment from State financial support pursuant to  
5 subparagraph (i) of paragraph (b) of subsection (3) of Section  
6 4 of this Act and for the purpose of providing State financial  
7 support to Authorities pursuant to subparagraph (ii) of  
8 paragraph (b) of subsection (3) of Section 4 of this Act.  
9 Notwithstanding the foregoing, Bonds shall be issued in a total  
10 amount outstanding at any given time not to exceed \$10,000,000,  
11 which amount is included within and is not in addition to the  
12 \$200,000,000 bond authorization under this Section, for the  
13 purpose of making construction and improvement grants by the  
14 Secretary of State, as State Librarian, to public libraries and  
15 library systems, and the Secretary of State, as State  
16 Librarian, is authorized to make those grants from moneys  
17 appropriated for those purposes. In addition to the  
18 \$200,000,000 of Bonds authorized above, bonds may be issued by  
19 the Bureau (now Office) on and after July 1, 1989 to refund or  
20 advance refund previously issued Bonds if the Budget Director  
21 determines that the refunding or advance refunding of Bonds  
22 results in debt service savings to the State measured on a  
23 present value basis.

24 (Source: P.A. 86-44; 86-1414; revised 8-23-03.)

25 Section 390. The School Construction Bond Act is amended by  
26 changing Sections 4 and 6 as follows:

27 (30 ILCS 390/4) (from Ch. 122, par. 1204)

28 Sec. 4. The Bonds shall be issued and sold from time to  
29 time in such amounts as directed by the Governor, upon  
30 recommendation by the Director of the Governor's Office of  
31 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
32 serial bonds and shall be in such form, in the denomination of  
33 \$5,000 or some multiple thereof, payable within 30 years from  
34 their date, bearing interest payable annually or semi-annually

1 from their date at the rate of not more than 7% per annum, and  
2 be dated as shall be fixed and determined by the Director of  
3 the Governor's Office of Management and Budget ~~Bureau of the~~  
4 ~~Budget~~ in the order authorizing the issuance and sale of the  
5 Bonds, which order shall be approved by the Governor prior to  
6 the giving of notice of the sale of any of the Bonds. Said  
7 Bonds shall be payable as to both principal and interest at  
8 such place or places, within or without the State of Illinois,  
9 and may be made registrable as to either principal or as to  
10 both principal and interest, as shall be fixed and determined  
11 by the Director of the Governor's Office of Management and  
12 Budget ~~Bureau of the Budget~~ in the order authorizing the  
13 issuance and sale of such Bonds. The Bonds may be callable as  
14 fixed and determined by the Director of the Governor's Office  
15 of Management and Budget ~~Bureau of the Budget~~ in the order  
16 authorizing the issuance and sale of the Bonds; provided  
17 however, that the State shall not pay a premium of more than 3%  
18 of the principal of any Bonds so called.

19 (Source: P.A. 78-220; revised 8-23-03.)

20 (30 ILCS 390/6) (from Ch. 122, par. 1206)

21 Sec. 6. The Bonds shall be sold from time to time by the  
22 Director of the Governor's Office of Management and Budget  
23 ~~Bureau of the Budget~~ to the highest and best bidders, for not  
24 less than their par value, upon sealed bids, at not exceeding  
25 the maximum interest rate fixed in the order authorizing the  
26 issuance of the Bonds, provided, that at no one time shall  
27 Bonds in excess of the amount of \$150,000,000 be offered for  
28 sale. The right to reject any and all bids may be reserved. The  
29 Secretary of State shall, from time to time, as the Bonds are  
30 to be sold, advertise in at least two daily newspapers, one of  
31 which is published in the City of Springfield and one in the  
32 City of Chicago, for proposals to purchase the Bonds. Each of  
33 such advertisements for proposals shall be published once at  
34 least 10 days prior to the date of the opening of the bids. The  
35 executed Bonds shall, upon payment therefore, be delivered to

1 the purchaser, and the proceeds of the Bonds shall be paid into  
2 the State Treasury. The proceeds of the Bonds shall be  
3 deposited in a separate fund known as the "School Construction  
4 Fund", which separate fund is hereby created.

5 (Source: P.A. 78-220; revised 8-23-03.)

6 Section 393. The Transportation Bond Act is amended by  
7 changing Section 5 as follows:

8 (30 ILCS 415/5) (from Ch. 127, par. 705)

9 Sec. 5. Prior to January 1, 1972, the proceeds from the  
10 sale of the Bonds shall be used by and under the direction of  
11 the Department of Aeronautics, the Department of Commerce and  
12 Community Affairs (now Department of Commerce and Economic  
13 Opportunity) and the Department of Public Works and Buildings,  
14 and thereafter such department or agency as shall be designated  
15 by law, subject to appropriation by the General Assembly, in  
16 such amounts and at such times as the respective department  
17 deems necessary or desirable for the purposes provided by  
18 Section 2 of this Act.

19 (Source: P.A. 81-1509; revised 12-6-03.)

20 Section 395. The Capital Development Bond Act of 1972 is  
21 amended by changing Sections 4 and 6 as follows:

22 (30 ILCS 420/4) (from Ch. 127, par. 754)

23 Sec. 4. The Bonds shall be issued and sold from time to  
24 time in such amounts as directed by the Governor, upon  
25 recommendation by the Director of the Governor's Office of  
26 Management and Budget ~~Bureau of the Budget~~. The Bonds shall be  
27 serial bonds and shall be in such form, in the denomination of  
28 \$5,000 or some multiple thereof, payable within thirty (30)  
29 years from their date, bearing interest payable annually or  
30 semiannually from their date at the rate of not more than seven  
31 per cent (7%) per annum, and be dated as shall be fixed and  
32 determined by the Director of the Governor's Office of

1 Management and Budget Bureau of the Budget in the order  
2 authorizing the issuance and sale of the Bonds, which order  
3 shall be approved by the Governor prior to the giving of notice  
4 of the sale of any of the Bonds. Said Bonds shall be payable as  
5 to both principal and interest at such place or places, within  
6 or without the State of Illinois, and may be made registrable  
7 as to either principal or as to both principal and interest, as  
8 shall be fixed and determined by the Director of the Governor's  
9 Office of Management and Budget Bureau of the Budget in the  
10 order authorizing the issuance and sale of such Bonds. The  
11 Bonds may be callable as fixed and determined by the Director  
12 of the Governor's Office of Management and Budget Bureau of the  
13 Budget in the order authorizing the issuance and sale of the  
14 Bonds; provided however, that the State shall not pay a premium  
15 of more than 3% of the principal of any Bonds so called.

16 (Source: P.A. 77-1916; revised 8-23-03.)

17 (30 ILCS 420/6) (from Ch. 127, par. 756)

18 Sec. 6. The Bonds shall be sold from time to time by the  
19 Director of the Governor's Office of Management and Budget  
20 Bureau of the Budget to the highest and best bidders, for not  
21 less than their par value, upon sealed bids, at not exceeding  
22 the maximum interest rate fixed in the order authorizing the  
23 issuance of the Bonds, provided, that at no one time shall  
24 Bonds in excess of the amount of \$150,000,000 be offered for  
25 sale. The right to reject any and all bids may be reserved. The  
26 Secretary of State shall, from time to time, as the Bonds are  
27 to be sold, advertise in at least two daily newspapers, one of  
28 which is published in the City of Springfield and one in the  
29 City of Chicago, for proposals to purchase the Bonds. Each of  
30 such advertisements for proposals shall be published once at  
31 least 10 days prior to the date of the opening of the bids. The  
32 executed Bonds shall, upon payment therefor, be delivered to  
33 the purchaser, and the proceeds of the Bonds shall be paid into  
34 the State Treasury. The proceeds of the Bonds shall be  
35 deposited in a separate fund known as the "Capital Development

1 Fund", which separate fund is hereby created.

2 (Source: P.A. 77-1916; revised 8-23-03.)

3 Section 400. The Build Illinois Bond Act is amended by  
4 changing Section 13 as follows:

5 (30 ILCS 425/13) (from Ch. 127, par. 2813)

6 Sec. 13. Computation of Principal and Interest; Transfer  
7 from Build Illinois Bond Account; Payment from Build Illinois  
8 Bond Retirement and Interest Fund. Upon each delivery of Bonds  
9 authorized to be issued under this Act, the trustee under the  
10 Master Indenture shall compute and certify to the Director of  
11 the Governor's Office of Management and Budget ~~Bureau of the~~  
12 ~~Budget~~, the Comptroller and the Treasurer (a) the total amount  
13 of the principal of and the interest and the premium, if any,  
14 on the Bonds then being issued and on Bonds previously issued  
15 and outstanding that will be payable in order to retire such  
16 Bonds at their stated maturities or mandatory sinking fund  
17 payment dates and (b) the amount of principal of and interest  
18 and premium, if any, on such Bonds that will be payable on each  
19 principal, interest and mandatory sinking fund payment date  
20 according to the tenor of such Bonds during the then current  
21 and each succeeding fiscal year. Such certifications shall  
22 include with respect to interest payable on Variable Rate Bonds  
23 the maximum amount of interest which may be payable for the  
24 relevant period after taking into account any credits permitted  
25 in the related indenture against the amount of such interest  
26 required to be appropriated for such period pursuant to  
27 subsection (c) of Section 11 of this Act.

28 On or before June 20, 1993 and on or before each June 20  
29 thereafter so long as Bonds remain outstanding, the trustee  
30 under the Master Indenture shall deliver to the Director of the  
31 Governor's Office of Management and Budget (formerly Bureau of  
32 the Budget), the Comptroller and the Treasurer a certificate  
33 setting forth the "Certified Annual Debt Service Requirement"  
34 (hereinafter defined) for the next succeeding fiscal year. If

1 Bonds are issued subsequent to the delivery of any such  
 2 certificate, upon the issuance of such Bonds the trustee under  
 3 the Master Indenture shall deliver a supplemental certificate  
 4 setting forth the revisions, if any, in the Certified Annual  
 5 Debt Service Requirement resulting from the issuance of such  
 6 Bonds. The "Certified Annual Debt Service Requirement" for any  
 7 fiscal year shall be an amount equal to (a) the aggregate  
 8 amount of principal, interest and premium, if any, payable on  
 9 outstanding Bonds during such fiscal year plus (b) the amount  
 10 required to be deposited into any reserve fund securing such  
 11 Bonds or for the purpose of retiring or defeasing such Bonds  
 12 plus (c) the amount of any deficiencies in required transfers  
 13 of amounts described in clauses (a) and (b) for any prior  
 14 fiscal year, minus (d) the amount, if any, of such interest to  
 15 be paid from Bond proceeds on deposit under any indenture;  
 16 provided, however, that interest payable on Variable Rate Bonds  
 17 shall be calculated at the maximum rate of interest which may  
 18 be payable during such fiscal year after taking into account  
 19 any credits permitted in the related indenture against the  
 20 amount of such interest required to be appropriated for such  
 21 period pursuant to subsection (c) of Section 11 of this Act.

22 In each month during fiscal years 1986 through 1993, the  
 23 State Treasurer and Comptroller shall transfer, on the last day  
 24 of such month, from the Build Illinois Bond Account to the  
 25 Build Illinois Bond Retirement and Interest Fund and shall make  
 26 payment from the Build Illinois Bond Retirement and Interest  
 27 Fund to the trustee under the Master Indenture of an amount  
 28 equal to 1/12 of 150% of the amount set forth below for each  
 29 such fiscal year, plus any cumulative deficiency in such  
 30 transfers and payments for prior months; provided that such  
 31 transfers shall commence in October, 1985 and such amounts for  
 32 fiscal year 1986 shall equal 1/9 of 150% of the amount set  
 33 forth below for such fiscal year:

34 Fiscal Year	Amount
35 1986	\$15,000,000
36 1987	\$25,000,000



1	1988	\$40,000,000
2	1989	\$54,000,000
3	1990	\$85,400,000
4	1991	\$133,600,000
5	1992	\$164,400,000
6	1993	\$188,900,000

7 provided that payments of such amounts from the Build Illinois  
8 Bond Retirement and Interest Fund to the trustee under the  
9 Master Indenture shall commence on the last day of the month in  
10 which Bonds are initially issued under this Act; and, further  
11 provided, that the first such payment to said trustee shall  
12 equal the entire amount then on deposit in the Build Illinois  
13 Bond Retirement and Interest Fund; and, further provided, that  
14 the aggregate amount of transfers and payments for any such  
15 fiscal year shall not exceed the amount set forth above for  
16 such fiscal year.

17 In each month in which Bonds are outstanding during fiscal  
18 year 1994 and each fiscal year thereafter, the State Treasurer  
19 and Comptroller shall transfer, on the last day of such month,  
20 from the Build Illinois Bond Account to the Build Illinois Bond  
21 Retirement and Interest Fund and shall make payment from the  
22 Build Illinois Bond Retirement and Interest Fund to the trustee  
23 under the Master Indenture of an amount equal to the greater of  
24 (a) 1/12th of 150% of the Certified Annual Debt Service  
25 Requirement or (b) the Tax Act Amount (as defined in Section 3  
26 of the "Retailers' Occupation Tax Act", as amended) deposited  
27 in the Build Illinois Bond Account during such month, plus any  
28 cumulative deficiency in such transfers and payments for prior  
29 months; provided that such transfers and payments for any such  
30 fiscal year shall not exceed the greater of (a) the Certified  
31 Annual Debt Service Requirement or (b) the Tax Act Amount.

32 (Source: P.A. 91-53, eff. 6-30-99; revised 8-23-03.)

33 Section 405. The Retirement Savings Act is amended by  
34 changing Sections 4, 5, and 7 as follows:

1 (30 ILCS 430/4) (from Ch. 127, par. 3754)

2 Sec. 4. In order to provide investors with investment  
3 alternatives suitable for retirement purposes, and in  
4 furtherance of the public policy of this Act, bonds authorized  
5 by the provisions of the General Obligation Bond Act, as now or  
6 hereafter amended, in a total aggregate principal amount not to  
7 exceed \$300,000,000, may be issued and sold from time to time,  
8 and as often as practicable, as Retirement Savings Bonds in  
9 such amounts as directed by the Governor, upon recommendation  
10 by the Director of the Governor's Office of Management and  
11 Budget ~~Bureau of the Budget~~. Bonds to be issued and sold as  
12 Retirement Savings Bonds shall be designated by the Governor  
13 and the Director of the Governor's Office of Management and  
14 Budget ~~Bureau of the Budget~~ as "General Obligation Retirement  
15 Savings Bonds" in the proceedings authorizing the issuance of  
16 such Bonds, and shall be subject to all of the terms and  
17 provisions of the General Obligation Bond Act, as now or  
18 hereafter amended, except that Retirement Savings Bonds may  
19 bear interest payable at such time or times and may be sold at  
20 such prices and in such manner as may be determined by the  
21 Governor and the Director of the Governor's Office of  
22 Management and Budget ~~Bureau of the Budget~~. If Retirement  
23 Savings Bonds are sold at public sale, the public sale  
24 procedures shall be as set forth in Section 11 of the General  
25 Obligation Bond Act, as now or hereafter amended. Retirement  
26 Savings Bonds may be sold at negotiated sale if the Director of  
27 the Governor's Office of Management and Budget ~~Bureau of the~~  
28 ~~Budget~~ determines that a negotiated sale will result in either  
29 a more efficient and economic sale of such Bonds or greater  
30 access to such Bonds by investors who are residents of the  
31 State of Illinois. If any Retirement Savings Bonds are sold at  
32 a negotiated sale, the underwriter or underwriters to which  
33 such Bonds are sold shall (a) have an established retail  
34 presence in the State of Illinois or (b) in the judgment of the  
35 Director of the Governor's Office of Management and Budget  
36 ~~Bureau of the Budget~~, have sufficient capability to make a

1 broad distribution of such Bonds to investors resident in the  
2 State of Illinois. In determining the aggregate original  
3 principal amount of Retirement Savings Bonds that has been  
4 issued pursuant to this Act, the aggregate original principal  
5 amount of such Bonds issued and sold shall be taken into  
6 account. Any bond issued under this Act may be payable in one  
7 payment on a fixed date, or as determined appropriate by the  
8 Governor and Director of the Governor's Office of Management  
9 and Budget ~~Bureau of the Budget~~.

10 (Source: P.A. 86-892; revised 8-23-03.)

11 (30 ILCS 430/5) (from Ch. 127, par. 3755)

12 Sec. 5. Security of Retirement Savings Bonds. Any  
13 Retirement Savings Bonds issued under the General Obligation  
14 Bond Act, as now or hereafter amended, in accordance with this  
15 Act shall be direct, general obligations of the State of  
16 Illinois and subject to repayment as provided in the General  
17 Obligation Bond Act, as now or hereafter amended; however in  
18 the proceedings of the Governor and the Director of the  
19 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
20 authorizing the issuance of Retirement Savings Bonds, such  
21 officials may covenant on behalf of the State with or for the  
22 benefit of the holders of such Bonds as to all matters deemed  
23 advisable by such officials, including the terms and conditions  
24 for creating and maintaining sinking funds, reserve funds and  
25 such other special funds as may be created in such proceedings,  
26 separate and apart from all other funds and accounts of the  
27 State, and such officials may make such other covenants as may  
28 be deemed necessary or desirable to assure the prompt payment  
29 of the principal of and interest on such Bonds. The transfers  
30 to and appropriations from the General Obligation Bond  
31 Retirement and Interest Fund required by the General Obligation  
32 Bond Act, as now or hereafter amended, shall be made to and  
33 from any fund or funds created pursuant to this Section for the  
34 payment of the principal of and interest on any Retirement  
35 Savings Bonds.

1 (Source: P.A. 86-892; revised 8-23-03.)

2 (30 ILCS 430/7) (from Ch. 127, par. 3757)

3 Sec. 7. In order to carry out the purposes of this Act, the  
4 Governor and Director of the Governor's Office of Management  
5 and Budget Bureau ~~of the Budget~~ may include within the  
6 proceedings authorizing the issuance of such Bonds, provisions  
7 or features deemed complementary to the purposes herein and to  
8 make such Bonds attractive to investors saving for retirement  
9 purposes. Such features, in the opinion of the Director of the  
10 Governor's Office of Management and Budget Bureau ~~of the~~  
11 ~~Budget~~, shall not adversely impact the State's cost of funds.

12 Since this type of retirement savings bond may not be  
13 appropriate for all persons, any advertisements regarding the  
14 sale of such Bonds, including bond prospectuses shall include  
15 statements to the effect that (a) these bonds may not be  
16 suitable for all investors and, (b) prior to purchase, it is  
17 recommended that all investors consult with a qualified advisor  
18 regarding the suitability of the bonds as investments for  
19 retirement purposes.

20 (Source: P.A. 86-892; revised 8-23-03.)

21 Section 410. The Human Services Provider Bond Reserve  
22 Payment Act is amended by changing Section 25 as follows:

23 (30 ILCS 435/25)

24 Sec. 25. Report. By November 1 of each year, every State  
25 agency shall report to the Governor's Office of Management and  
26 Budget Bureau ~~of the Budget~~ and the Auditor General any direct  
27 payment to a bond paying agent made by the agency under this  
28 Act during the previous fiscal year.

29 (Source: P.A. 88-117; revised 8-23-03.)

30 Section 415. The Business Enterprise for Minorities,  
31 Females, and Persons with Disabilities Act is amended by  
32 changing Section 5 as follows:

1 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

2 (Section scheduled to be repealed on September 6, 2008)

3 Sec. 5. Business Enterprise Council.

4 (1) To help implement, monitor and enforce the goals of  
5 this Act, there is created the Business Enterprise Council for  
6 Minorities, Females, and Persons with Disabilities,  
7 hereinafter referred to as the Council, composed of the  
8 Secretary of Human Services and the Directors of the Department  
9 of Human Rights, the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~, the Department of Central  
11 Management Services, the Department of Transportation and the  
12 Capital Development Board, or their duly appointed  
13 representatives. Ten individuals representing businesses that  
14 are minority or female owned or owned by persons with  
15 disabilities, 2 individuals representing the business  
16 community, and a representative of public universities shall be  
17 appointed by the Governor. These members shall serve 2 year  
18 terms and shall be eligible for reappointment. Any vacancy  
19 occurring on the Council shall also be filled by the Governor.  
20 Any member appointed to fill a vacancy occurring prior to the  
21 expiration of the term for which his predecessor was appointed  
22 shall be appointed for the remainder of such term. Members of  
23 the Council shall serve without compensation but shall be  
24 reimbursed for any ordinary and necessary expenses incurred in  
25 the performance of their duties.

26 The Director of the Department of Central Management  
27 Services shall serve as the Council chairperson and shall  
28 select, subject to approval of the council, a Secretary  
29 responsible for the operation of the program who shall serve as  
30 the Division Manager of the Business Enterprise for Minorities,  
31 Females, and Persons with Disabilities Division of the  
32 Department of Central Management Services.

33 The Director of each State agency and the chief executive  
34 officer of each State university shall appoint a liaison to the  
35 Council. The liaison shall be responsible for submitting to the

1 Council any reports and documents necessary under this Act.

2 (2) The Council's authority and responsibility shall be to:

3 (a) Devise a certification procedure to assure that  
4 businesses taking advantage of this Act are legitimately  
5 classified as businesses owned by minorities, females, or  
6 persons with disabilities.

7 (b) Maintain a list of all businesses legitimately  
8 classified as businesses owned by minorities, females, or  
9 persons with disabilities to provide to State agencies and  
10 State universities.

11 (c) Review rules and regulations for the  
12 implementation of the program for businesses owned by  
13 minorities, females, and persons with disabilities.

14 (d) Review compliance plans submitted by each State  
15 agency and State university pursuant to this Act.

16 (e) Make annual reports as provided in Section 8f to  
17 the Governor and the General Assembly on the status of the  
18 program.

19 (f) Serve as a central clearinghouse for information on  
20 State contracts, including the maintenance of a list of all  
21 pending State contracts upon which businesses owned by  
22 minorities, females, and persons with disabilities may  
23 bid. At the Council's discretion, maintenance of the list  
24 may include 24-hour electronic access to the list along  
25 with the bid and application information.

26 (g) Establish a toll free telephone number to  
27 facilitate information requests concerning the  
28 certification process and pending contracts.

29 (3) No premium bond rate of a surety company for a bond  
30 required of a business owned by a minority, female, or person  
31 with a disability bidding for a State contract shall be higher  
32 than the lowest rate charged by that surety company for a  
33 similar bond in the same classification of work that would be  
34 written for a business not owned by a minority, female, or  
35 person with a disability.

36 (4) Any Council member who has direct financial or personal

1 interest in any measure pending before the Council shall  
2 disclose this fact to the Council and refrain from  
3 participating in the determination upon such measure.

4 (5) The Secretary shall have the following duties and  
5 responsibilities:

6 (a) To be responsible for the day-to-day operation of  
7 the Council.

8 (b) To serve as a coordinator for all of the State's  
9 programs for businesses owned by minorities, females, and  
10 persons with disabilities and as the information and  
11 referral center for all State initiatives for businesses  
12 owned by minorities, females, and persons with  
13 disabilities.

14 (c) To establish an enforcement procedure whereby the  
15 Council may recommend to the appropriate State legal  
16 officer that the State exercise its legal remedies which  
17 shall include (1) termination of the contract involved, (2)  
18 prohibition of participation by the respondent in public  
19 contracts for a period not to exceed one year, (3)  
20 imposition of a penalty not to exceed any profit acquired  
21 as a result of violation, or (4) any combination thereof.  
22 Such procedures shall require prior approval by Council.

23 (d) To devise appropriate policies, regulations and  
24 procedures for including participation by businesses owned  
25 by minorities, females, and persons with disabilities as  
26 prime contractors including, but not limited to, (i)  
27 encouraging the inclusions of qualified businesses owned  
28 by minorities, females, and persons with disabilities on  
29 solicitation lists, (ii) investigating the potential of  
30 blanket bonding programs for small construction jobs,  
31 (iii) investigating and making recommendations concerning  
32 the use of the sheltered market process.

33 (e) To devise procedures for the waiver of the  
34 participation goals in appropriate circumstances.

35 (f) To accept donations and, with the approval of the  
36 Council or the Director of Central Management Services,

1 grants related to the purposes of this Act; to conduct  
2 seminars related to the purpose of this Act and to charge  
3 reasonable registration fees; and to sell directories,  
4 vendor lists and other such information to interested  
5 parties, except that forms necessary to become eligible for  
6 the program shall be provided free of charge to a business  
7 or individual applying for the program.

8 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff.  
9 7-1-97; revised 11-3-04.)

10 Section 420. The Rural Economic Development Act is amended  
11 by changing Sections 2-2, 2-3, and 2-4 as follows:

12 (30 ILCS 710/2-2) (from Ch. 5, par. 2202-2)

13 Sec. 2-2. The Department of Commerce and Economic  
14 Opportunity ~~Community Affairs~~ shall administer programs  
15 providing financial assistance in the form of interest  
16 subsidies or other forms as allowed by federal law or  
17 regulation, court order, or federal administrative order, to  
18 individuals and small businesses in rural areas served by rural  
19 electric cooperatives for weatherization and energy  
20 conservation purposes.

21 For purposes of this Act, weatherization shall include, but  
22 not be limited to, insulation, caulking, or weather stripping,  
23 adding storm doors or storm windows, repairing or replacing  
24 broken windows or doors, cleaning and minor repairs of heating  
25 systems, and installation of set-back thermostats.

26 The Department of Commerce and Economic Opportunity  
27 ~~Community Affairs~~ shall administer the interest subsidy  
28 program directed to assist individual consumers. The financial  
29 assistance for individuals shall not exceed \$2,000 and may be  
30 extended to individuals whose household gross income does not  
31 exceed 150 percent of the area median income as defined by the  
32 U.S. Department of Housing and Urban Development.

33 Each Department administering a program under this Section  
34 shall develop the application procedures and terms of the



1 assistance. Each Department shall make use of existing  
2 administrative procedures where such procedures are  
3 applicable.

4 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

5 (30 ILCS 710/2-3) (from Ch. 5, par. 2202-3)

6 Sec. 2-3. The Department of Commerce and Economic  
7 Opportunity ~~Community Affairs~~ shall administer a program  
8 demonstrating various alternative energy or energy  
9 conservation technologies appropriate for the rural areas of  
10 the State. Alternative energy shall include, but not be limited  
11 to, solar heating and cooling systems, photovoltaic systems,  
12 bioconversion, geothermal recycling and reuse of waste heat or  
13 energy, utilization of methane gas derived from industrial and  
14 agricultural by-products and other technologies identified by  
15 the Department.

16 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

17 (30 ILCS 710/2-4) (from Ch. 5, par. 2202-4)

18 Sec. 2-4. The Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ shall provide educational  
20 materials, information and technical assistance to support  
21 energy conservation education programs designed to assist  
22 Illinois' rural population in dealing with economic problems  
23 due to high energy costs.

24 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

25 Section 425. The Industrial Development Assistance Law is  
26 amended by changing Sections 2 and 3 as follows:

27 (30 ILCS 720/2) (from Ch. 85, par. 892)

28 Sec. 2. Declaration of policy. The General Assembly finds  
29 and declares as follows:

30 (A) That the health, safety, morals and general welfare of  
31 the people of this State are directly dependent upon the  
32 continual encouragement, development, growth and expansion of

1 business, industry and commerce within the State.

2 (B) That unemployment, the spread of indigency, the heavy  
3 burden of public assistance and unemployment compensation can  
4 best be avoided by the promotion, attraction, stimulation,  
5 development and expansion of business, industry and commerce in  
6 the State.

7 Therefore, it is declared to be the policy of this State to  
8 promote the health, safety, morals and general welfare of its  
9 inhabitants through its Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~ by means of grants to be made to  
11 industrial development agencies which are or may be engaged in  
12 planning and promoting programs designed to stimulate the  
13 establishment of new or enlarged industrial, commercial and  
14 manufacturing enterprises within the counties served by such  
15 agencies.

16 (Source: P.A. 81-1509; revised 12-6-03.)

17 (30 ILCS 720/3) (from Ch. 85, par. 893)

18 Sec. 3. Definitions. "Department" means the Department of  
19 Commerce and Economic Opportunity ~~Community Affairs~~.

20 "Governing bodies" means, as to any county, municipality or  
21 township, the body empowered to enact ordinances or to adopt  
22 resolutions for the governance of such county, municipality or  
23 township.

24 "Industrial development agency" means any nonprofit  
25 corporation, organization, association or agency which shall  
26 be designated by proper resolution of the governing body of any  
27 county, concurred in by resolution of the governing bodies of  
28 municipalities or townships within said county having in the  
29 aggregate over 50% of the population of said county, as  
30 determined by the last preceding decennial United States  
31 Census, as the agency authorized to make application to and  
32 receive grants from the Department of Commerce and Economic  
33 Opportunity ~~Community Affairs~~ for the purposes specified in  
34 this Act. Any two or more counties may, by the procedures  
35 provided in this Act, designate a single industrial development

1 agency to represent such counties for the purposes of this Act.  
2 (Source: P.A. 81-1509; revised 12-6-03.)

3 Section 430. The Comprehensive Solar Energy Act of 1977 is  
4 amended by changing Section 1.2 as follows:

5 (30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)

6 Sec. 1.2. Definitions. As used in this Act:

7 (a) "Solar Energy" means radiant energy received from the  
8 sun at wave lengths suitable for heat transfer, photosynthetic  
9 use, or photovoltaic use.

10 (b) "Solar collector" means

11 (1) An assembly, structure, or design, including  
12 passive elements, used for gathering, concentrating, or  
13 absorbing direct or indirect solar energy, specially  
14 designed for holding a substantial amount of useful thermal  
15 energy and to transfer that energy to a gas, solid, or  
16 liquid or to use that energy directly; or

17 (2) A mechanism that absorbs solar energy and converts  
18 it into electricity; or

19 (3) A mechanism or process used for gathering solar  
20 energy through wind or thermal gradients; or

21 (4) A component used to transfer thermal energy to a  
22 gas, solid, or liquid, or to convert it into electricity.

23 (c) "Solar storage mechanism" means equipment or elements  
24 (such as piping and transfer mechanisms, containers, heat  
25 exchangers, or controls thereof, and gases, solids, liquids, or  
26 combinations thereof) that are utilized for storing solar  
27 energy, gathered by a solar collector, for subsequent use.

28 (d) "Solar energy system" means

29 (1) (a) A complete assembly, structure, or design of a  
30 solar collector, or a solar storage mechanism, which uses  
31 solar energy for generating electricity or for heating or  
32 cooling gases, solids, liquids, or other materials;

33 (b) The design, materials, or elements of a system and  
34 its maintenance, operation, and labor components, and the

1 necessary components, if any, of supplemental conventional  
2 energy systems designed or constructed to interface with a  
3 solar energy system; and

4 (c) Any legal, financial, or institutional orders,  
5 certificates, or mechanisms, including easements, leases,  
6 and agreements, required to ensure continued access to  
7 solar energy, its source, or its use in a solar energy  
8 system, and including monitoring and educational elements  
9 of a demonstration project.

10 (2) "Solar energy system" does not include

11 (a) Distribution equipment that is equally usable  
12 in a conventional energy system except for such  
13 components of such equipment as are necessary for  
14 meeting the requirements of efficient solar energy  
15 utilization; and

16 (b) Components of a solar energy system that serve  
17 structural, insulating, protective, shading,  
18 aesthetic, or other non-solar energy utilization  
19 purposes, as defined in the regulations of the  
20 Department; and

21 (c) Any facilities of a public utility used to  
22 transmit or distribute gas or electricity.

23 (e) "Solar Skyspace" means

24 (1) The maximum three dimensional space extending from  
25 a solar energy collector to all positions of the sun  
26 necessary for efficient use of the collector.

27 (2) Where a solar energy system is used for heating  
28 purposes only, "solar skyspace" means the maximum three  
29 dimensional space extending from a solar energy collector  
30 to all positions of the sun between 9 a.m. and 3 p.m. Local  
31 Apparent Time from September 22 through March 22 of each  
32 year.

33 (3) Where a solar energy system is used for cooling  
34 purposes only, "solar skyspace" means the maximum three  
35 dimensional space extending from a solar energy collector  
36 to all positions of the sun between 8 a.m. and 4 p.m. Local

1 Apparent Time from March 23 through September 21.

2 (f) "Solar skyspace easement" means

3 (1) a right, whether or not stated in the form of a  
4 restriction, easement, covenant, or condition, in any  
5 deed, will, or other instrument executed by or on behalf of  
6 any owner of land or solar skyspace or in any order of  
7 taking, appropriate to protect the solar skyspace of a  
8 solar collector at a particularly described location to  
9 forbid or limit any or all of the following where  
10 detrimental to access to solar energy.

11 (a) structures on or above ground;

12 (b) vegetation on or above the ground; or

13 (c) other activity;

14 (2) and which shall specifically describe a solar  
15 skyspace in three dimensional terms in which the activity,  
16 structures, or vegetation are forbidden or limited or in  
17 which such an easement shall set performance criteria for  
18 adequate collection of solar energy at a particular  
19 location.

20 (g) "Conventional Energy System" shall mean an energy  
21 system utilizing fossil fuel, nuclear or hydroelectric energy  
22 and the components of such system, including transmission  
23 lines, burners, furnaces, tanks, boilers, related controls,  
24 distribution systems, room or area units and other components.

25 (h) "Supplemental Conventional Energy System" shall mean a  
26 conventional energy system utilized for providing energy in  
27 conjunction with a solar energy system that provides not less  
28 than ten percent of the energy for the particular end use.  
29 "Supplemental Conventional Energy System" does not include any  
30 facilities of a public utility used to produce, transmit,  
31 distribute or store gas or electricity.

32 (i) "Joint Solar Energy System" shall mean a solar energy  
33 system that supplies energy for structures or processes on more  
34 than one lot or in more than one condominium unit or leasehold,  
35 but not to the general public and involving at least two owners  
36 or users.

1 (j) "Unit of Local Government" shall mean county,  
2 municipality, township, special districts, including school  
3 districts, and units designated as units of local government by  
4 law, which exercise limited governmental powers.

5 (k) "Department" means the Illinois Department of Commerce  
6 and Economic Opportunity ~~Community Affairs~~ or its successor  
7 agency.

8 (l) "Public Energy Supplier" shall mean

9 (1) A public utility as defined in an Act concerning  
10 Public Utilities, approved June 29, 1921, as amended; or

11 (2) A public utility that is owned or operated by any  
12 political subdivision or municipal corporation of this  
13 State, or owned by such political subdivision or municipal  
14 corporation and operated by any of its lessees or operating  
15 agents; or

16 (3) An electric cooperative as defined in Section 10.19  
17 of An Act concerning Public Utilities, approved June 29,  
18 1921, as amended.

19 (m) "Energy Use Sites" shall mean sites where energy is or  
20 may be used or consumed for generating electricity or for  
21 heating or cooling gases, solids, liquids, or other materials  
22 and where solar energy may be used cost effectively, as defined  
23 in the regulations of the Department, consistent with the  
24 purposes of this Act.

25 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

26 Section 435. The Illinois Coal Technology Development  
27 Assistance Act is amended by changing Section 2 as follows:

28 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

29 Sec. 2. As used in this Act:

30 (a) "coal" or "coal resources" means Illinois coal or coal  
31 products extracted from the ground or reclaimed from the waste  
32 material produced by coal extraction operations;

33 (b) "coal demonstration and commercialization" means  
34 projects for the construction and operation of facilities to

1 prove the scientific and engineering validity or the commercial  
2 application of a coal extraction, preparation, combustion,  
3 gasification, liquefaction or other synthetic process,  
4 environmental control, or transportation method;

5 (c) "coal research" means scientific investigations  
6 conducted for the purpose of increasing the utilization of coal  
7 resources and includes investigations in the areas of  
8 extraction, preparation, characterization, combustion,  
9 gasification, liquefaction and other synthetic processes,  
10 environmental control, marketing, transportation, procurement  
11 of sites, and environmental impacts;

12 (d) "Fund" means the Coal Technology Development  
13 Assistance Fund;

14 (e) "Board" means the Illinois Coal Development Board or  
15 its successor;

16 (f) "Department" means the Department of Commerce and  
17 Economic Opportunity ~~Community Affairs~~;

18 (g) "public awareness and education" means programs of  
19 education, curriculum development, public service  
20 announcements, informational advertising and informing the  
21 news media on issues related to the use of Illinois coal, the  
22 coal industry and related developments. Public awareness and  
23 education shall be directed toward school age residents of the  
24 State, the citizens of the State and other interested parties.

25 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

26 Section 440. The Build Illinois Act is amended by changing  
27 Sections 8-2, 9-2, 9-4.1, 9-5.1, 9-11, 10-2, and 11-2 as  
28 follows:

29 (30 ILCS 750/8-2) (from Ch. 127, par. 2708-2)

30 Sec. 8-2. Definitions. As used in this Article:

31 (a) "Department" means the Illinois Department of Commerce  
32 and Economic Opportunity ~~Community Affairs~~.

33 (b) "Local government" means any unit of local government  
34 as defined in Article VII, Section 1 of the 1970 Illinois

1 Constitution.

2 (c) "Business retention, development or expansion project"  
3 means the expansion of an existing, for-profit commercial,  
4 industrial, manufacturing, scientific, agricultural or service  
5 business within Illinois, or the establishment of a new such  
6 business on a site within Illinois, so long as the business to  
7 be established is not relocating from another site within the  
8 State, unless the relocation of such a business will result in  
9 a substantial increase in employment or retention of an  
10 existing such business.

11 (d) "Public infrastructure" means local roads and streets,  
12 access roads, bridges, and sidewalks; waste disposal systems;  
13 water and sewer line extensions and water distribution and  
14 purification facilities, and sewage treatment facilities; rail  
15 or air or water port improvements; gas and electric utility  
16 facilities; transit capital facilities; development and  
17 improvement of publicly owned industrial and commercial sites,  
18 or other public capital improvements which are an essential  
19 precondition to a business retention, development or expansion  
20 project for the purposes of the Business Development Public  
21 Infrastructure Loan and Grant Program. "Public Infrastructure"  
22 also means capital acquisitions, construction, and  
23 improvements to other local facilities and sites, and  
24 associated permanent furnishings and equipment that are a  
25 necessary precondition to local health, safety and economic  
26 development for purposes of the Affordable Financing of Public  
27 Infrastructure Loan and Grant Program.

28 (e) "Local public entity" means any entity as defined by  
29 Section 1-206 of the Local Governmental and Governmental  
30 Employees Tort Immunity Act.

31 (f) "Medical facility" and "public health clinic" mean any  
32 entity as defined by subsections (a) and (c), respectively, of  
33 Section 6-101 of the Local Governmental and Governmental  
34 Employees Tort Immunity Act.

35 (Source: P.A. 88-453; revised 12-6-03.)



1 (30 ILCS 750/9-2) (from Ch. 127, par. 2709-2)

2 Sec. 9-2. Definitions. The following terms, whenever used  
3 or referred to in this Article, shall have the following  
4 meanings ascribed to them, except where the context clearly  
5 requires otherwise:

6 (a) "Financial intermediary" means a community development  
7 corporation, a state development credit corporation, a  
8 development authority authorized to do business by an act of  
9 this State, or other public or private financing institution  
10 approved by the Department whose purpose includes financing,  
11 promoting, or encouraging economic development.

12 (b) "Participating lender" means any trust company, bank,  
13 savings bank, credit union, merchant bank, investment bank,  
14 broker, investment trust, pension fund, building and loan  
15 association, savings and loan association, insurance company,  
16 venture capital company or other institution approved by the  
17 Department which assumes a portion of the financing for a  
18 business project.

19 (c) "Department" means the Illinois Department of Commerce  
20 and Economic Opportunity ~~Community Affairs~~.

21 (d) "Small business" means any for-profit business in  
22 Illinois including, but not limited to, any sole  
23 proprietorship, partnership, corporation, joint venture,  
24 association or cooperative, which has, including its  
25 affiliates, less than 500 full time employees, or is determined  
26 by the Department to be not dominant in its field.

27 Business concerns are affiliates of one another when either  
28 directly or indirectly (i) one concern controls or has the  
29 power to control the other, or (ii) a third party or parties  
30 controls or has the power to control both. Control can be  
31 exercised through common ownership, common management and  
32 contractual relationships.

33 (e) "Qualified security" means any note, stock,  
34 convertible security, treasury stock, bond, debenture,  
35 evidence of indebtedness, limited partnership interest,  
36 certificate of interest or participation in any profit-sharing

1 agreement, preorganization certificate or subscription,  
2 transferable share, investment contract, certificate of  
3 deposit for a security, certificate of interest or  
4 participation in a patent or application therefor, or in  
5 royalty or other payments under such a patent or application,  
6 or, in general, any interest or instrument commonly known as a  
7 "security" or any certificate for, receipt for, guarantee of,  
8 or option, warrant or right to subscribe to or purchase any of  
9 the foregoing, but not including any instrument which contains  
10 voting rights or can be converted to contain voting rights in  
11 the possession of the Department.

12 (f) "Loan agreement" means an agreement or contract to  
13 provide a loan or accept a mortgage or to purchase qualified  
14 securities or other means whereby financial aid is made  
15 available to a start-up, expanding, or mature, moderate risk  
16 small business.

17 (g) "Loan" means a loan or acceptance of a mortgage or the  
18 purchase of qualified securities or other means whereby  
19 financial aid is made to a start-up, expanding, or mature,  
20 moderate risk small business.

21 (h) "Equity investment agreement" means an agreement or  
22 contract to provide a loan or accept a mortgage or to purchase  
23 qualified securities or other means whereby financial aid is  
24 made available to or on behalf of a young, high risk,  
25 technology based small business.

26 (i) "Equity investment" means a loan or acceptance of a  
27 mortgage or the purchase of qualified securities or other means  
28 whereby financial aid is made to or on behalf of a young, high  
29 risk, technology based small business.

30 (j) "Project" means any specific economic development  
31 activity of a commercial, industrial, manufacturing,  
32 agricultural, scientific, service or other business, the  
33 result of which is expected to yield an increase in or  
34 retention of jobs or the modernization or improvement of  
35 competitiveness of firms and may include working capital  
36 financing, the purchase or lease of machinery and equipment, or

1 the lease or purchase of real property but does not include  
2 refinancing current debt.

3 (k) "Technical assistance agreement" means an agreement or  
4 contract or other means whereby financial aid is made available  
5 to not-for-profit organizations for the purposes outlined in  
6 Section 9-6 of this Article.

7 (l) "Financial intermediary agreement" means an agreement  
8 or contract to provide a loan, investment, or other financial  
9 aid to a financial intermediary for the purposes outlined in  
10 Section 9-4.4 of this Article.

11 (m) "Equity intermediary agreement" means an agreement or  
12 contract to provide a loan, investment, or other financial aid  
13 to a financial intermediary for the purposes outlined in  
14 Section 9-5.3 of this Article.

15 (n) "Other investor" means a venture capital organization  
16 or association; an investment partnership, trust or bank; an  
17 individual, accounting partnership or corporation that invests  
18 funds, or any other entity which provides debt or equity  
19 financing for a business project.

20 (Source: P.A. 88-422; revised 12-6-03.)

21 (30 ILCS 750/9-4.1) (from Ch. 127, par. 2709-4.1)

22 Sec. 9-4.1. Applications for loans. All applications for  
23 loans to small businesses shall be submitted to the Department  
24 on forms and subject to filing fees prescribed by the  
25 Department. The Department shall conduct such investigation  
26 and obtain such information concerning the application as it  
27 considers necessary and diligent. Complete applications  
28 received by the Department shall be forwarded to a credit  
29 review committee consisting of persons experienced in business  
30 financing, and the Director of the Governor's Office of  
31 Management and Budget ~~Bureau of the Budget~~ or his designee, for  
32 a review and report concerning the advisability of approving  
33 the proposed loan. The review and report shall include facts  
34 about the company's history, job opportunities, stability of  
35 employment, past and present condition and structure, actual

1 and pro-forma income statements, present and future market  
2 prospects and management qualifications, and any other facts  
3 deemed material to the financing request. The report shall  
4 include a reasoned opinion as to whether providing the  
5 financing would tend to fulfill the purposes of the Article.  
6 The report shall be advisory in nature only. The credit review  
7 committee shall be of such composition, act for such time, and  
8 have such powers as shall be specified by the Department.

9 After consideration of such report and after such other  
10 action as is deemed appropriate, the Department shall approve  
11 or deny the application. If the Department approves the  
12 application, its approval shall specify the amount of funds to  
13 be provided by the Department loan agreement provisions. The  
14 business applicant shall be promptly notified of such action by  
15 the Department.

16 (Source: P.A. 88-422; revised 8-23-03.)

17 (30 ILCS 750/9-5.1) (from Ch. 127, par. 2709-5.1)

18 Sec. 9-5.1. Applications for Illinois Equity Investments.

19 (a) All applications for the Illinois Equity Investments to  
20 or on behalf of small businesses shall be submitted to the  
21 Department on forms and subject to filing fees prescribed by  
22 the Department. For business project applications, the  
23 Department shall conduct such investigation and obtain such  
24 information concerning the application as it deems necessary  
25 and diligent. Complete applications received by the Department  
26 shall be forwarded to an outside credit review committee  
27 consisting of persons experienced in new venture equity  
28 financing and the Director of the Governor's Office of  
29 Management and Budget ~~Bureau of the Budget~~, or his or her  
30 designee, for small business for a review and report concerning  
31 the advisability of approving the proposed investment. The  
32 review and report shall include facts about the company's  
33 history, job opportunities, stability of employment, past and  
34 present condition and structure, actual and pro-forma income  
35 statements, present and future market prospects and management

1 qualifications, and any other facts deemed material to the  
2 financing request. The report shall be advisory in nature only  
3 and shall include a reasoned opinion as to whether providing  
4 the financing would tend to fulfill this purpose of the Act.  
5 Except for the Director of the Governor's Office of Management  
6 and Budget ~~Bureau of the Budget~~ or his or her designee, the  
7 Department may utilize the services of existing outside  
8 organizations as the credit review committee.

9 (b) For equity intermediary agreements, applications may  
10 include, but shall not be limited to, history and mission of  
11 the applicant; needs to be served, which shall be consistent  
12 with the purpose of this subsection; products, services, and  
13 results expected from the effort; staffing, management, and  
14 operational procedures; and budget request and capitalization  
15 of the effort. The Department shall review the intermediary  
16 applications to determine the viability of the applicant, the  
17 consistency of the proposed project with the purposes of this  
18 Article, the economic benefits expected to be derived  
19 therefrom, the prospects for continuation of the project after  
20 Departmental assistance has been provided, and other issues  
21 that may be considered necessary.

22 (c) The Department shall, on the basis of the application,  
23 the report of the credit review committee, and any other  
24 appropriate information, prepare a report concerning the  
25 credit-worthiness of the proposed borrower or intermediary,  
26 the financial commitment of the participating lender or other  
27 investor, the manner in which the proposed small business or  
28 intermediary project will advance the economy of the State, and  
29 the soundness of the proposed equity investment or intermediary  
30 agreement.

31 After consideration of such report and after such other  
32 action as it deems appropriate, the Department shall approve or  
33 deny the application. If the Department approves the  
34 application, its approval shall specify the amount of funds to  
35 be provided and the Department equity investment agreement  
36 provisions. The small business or intermediary applicant shall

1 be promptly notified of such action by the Department.

2 (Source: P.A. 88-422; revised 8-23-03.)

3 (30 ILCS 750/9-11)

4 Sec. 9-11. Port Development Revolving Loan Program.

5 (1) There is created in the State Treasury the Port  
6 Development Revolving Loan Fund, referred to in this Section as  
7 the Fund. Moneys in the Fund may be appropriated for the  
8 purposes of the Port Development Revolving Loan Program created  
9 by this Section to be administered by the Department of  
10 Commerce and Economic Opportunity ~~Community Affairs~~ in order to  
11 facilitate and enhance the utilization of Illinois' navigable  
12 waterways or the development of inland intermodal freight  
13 facilities or both. The Department may adopt rules for the  
14 administration of the Program.

15 The General Assembly may make appropriations for the  
16 purposes of the Program. Repayment of loans made to individual  
17 port districts shall be paid back into the Fund to establish an  
18 ongoing revolving loan fund to facilitate continuing port  
19 development activities in the State.

20 (2) Loan funds from the Program shall be made available to  
21 Illinois port districts on a competitive basis. In order to  
22 obtain assistance under the Program, a port district must  
23 submit a comprehensive application to the Department for  
24 consideration.

25 Projects eligible for funding under the Program must be  
26 intermodal facilities and within the scope of powers and  
27 responsibilities as granted in each port district's enabling  
28 legislation. Loan funds shall not be used for working capital  
29 or administrative purposes by the port district.

30 (3) The maximum amount which may be loaned from the Program  
31 to fund any one project is \$3,000,000. Program funds may be  
32 used for up to 50% of an individual project financing. The  
33 balance of financing for an individual project must be secured  
34 by the respective district.

35 The maximum loan term shall be for 20 years with an

1 interest rate of 5% per annum. Principal and interest payments  
2 shall be made on a semi-annual basis.

3 (4) In order to receive a loan from the Program, a port  
4 district must:

5 (a) demonstrate that the proposed project shall  
6 generate sufficient revenue to support amortization of the  
7 loan and be willing to pledge revenues from the project to  
8 loan repayment or

9 (b) demonstrate that the port district can financially  
10 support debt service payments through general revenue  
11 sources of the port district and pledge the full faith and  
12 credit of the port district to loan repayment.

13 In order to achieve the requirement of paragraph (a) of  
14 this subsection (4), the port district may use guarantees  
15 provided under facility operating agreements or guaranteed  
16 facility use agreements from private concerns to demonstrate  
17 loan repayment ability.

18 Certain infrastructure facilities developed under the  
19 Program may be general use public facilities where there is not  
20 a definitive and guaranteed revenue stream to support the  
21 project, nevertheless the facilities are important to  
22 facilitate overall long term port development objectives. In  
23 such cases, the full faith and credit of the port district may  
24 be used as loan collateral.

25 (5) A loan agreement shall be executed between the port  
26 district and the State stipulating all of the terms and  
27 conditions of the loan. The Department shall release funds on a  
28 reimbursement basis for eligible costs of the project as  
29 incurred. The port district shall certify to the Department  
30 that expenses incurred during construction are in accordance  
31 with plans and specifications as approved by the Department.  
32 Funds may be drawn once per month during construction of the  
33 project.

34 (6) The loan agreement shall contain customary and usual  
35 loan default provisions in the event the port district fails to  
36 make the required payments. The loan agreement shall stipulate

1 the State's recourse in curing any default.

2 In the event a port district becomes delinquent in payments  
3 to the State, that port district shall not be eligible for any  
4 future loans until the delinquency is remedied.

5 (7) Individual port district project applications shall  
6 include the following:

7 (a) Statement of purpose. A description of the project  
8 shall be submitted along with the project's anticipated  
9 overall effect on meeting port district objectives.

10 (b) Project impact. The anticipated net effects of the  
11 project shall be enumerated. These impacts may include the  
12 economic impact to the State, employment impact,  
13 intermodal freight impacts, and environmental impacts.

14 (c) Cost estimates and preliminary project layout. The  
15 overall project development cost estimate and general site  
16 and or facility drawings.

17 (d) Proposed loan amount. A statement as to the amount  
18 proposed from the Program and the port district's  
19 intentions as to the source of other financing for the  
20 project.

21 (e) Business Proforma. A detailed business proforma  
22 must be supplied which estimates facility/project revenues  
23 as well as operating costs and debt service.

24 (f) Loan collateral and guarantees. The port  
25 district's intentions as to how it intends to collateralize  
26 the loan amount, including third party guarantees,  
27 pledging of project and facility revenue, or pledging  
28 general revenues of the district.

29 (8) The Department shall annually invite Illinois port  
30 districts to submit projects for consideration under the  
31 Program. The Department shall perform a cost/benefit analysis  
32 of each project to determine if a project meets minimum  
33 requirements for eligibility. Those applications which meet  
34 minimum criteria shall then be ranked by the overall net  
35 positive impact on the State.

36 (a) Minimum criteria shall include:



- 1 (i) positive cost/benefit ratio;
- 2 (ii) demonstrated economic feasibility of the
- 3 project; and
- 4 (iii) the ability of the port district to repay the
- 5 loan.
- 6 (b) Ranking criteria may include:
- 7 (i) a cost/benefit ratio of project in relation to
- 8 other projects;
- 9 (ii) product tonnage to be handled;
- 10 (iii) product value to be handled;
- 11 (iv) soundness of business proposition;
- 12 (v) positive intermodal impacts of Illinois
- 13 transportation system;
- 14 (vi) meets overall State transportation
- 15 objectives;
- 16 (vii) economic impact to the State; or
- 17 (viii) environmental benefits of the project.

18 Projects shall be selected according to their ranking up to

19 the limit of available funds. Selected projects shall be

20 invited to submit detailed plans, specifications, operating

21 agreements, environmental clearances, evidence of property

22 title, and other documentation as necessitated by the project.

23 When the Department determines all necessary requirements are

24 met and the remainder of the project financing is available, a

25 loan agreement shall be executed and project development may

26 commence.

27 (Source: P.A. 90-785, eff. 1-1-99; revised 12-6-03.)

28 (30 ILCS 750/10-2) (from Ch. 127, par. 2710-2)

29 Sec. 10-2. Definitions. Unless the context clearly

30 requires otherwise:

31 (a) "Financial institution" means a trust company, a bank,

32 a savings bank, a credit union, an investment bank, a broker,

33 an investment trust, a pension fund, a building and loan

34 association, a savings and loan association, an insurance

35 company or any venture capital company which is authorized to

1 do business in the State.

2 (b) "Participating lender" means any trust company, bank,  
3 savings bank, credit union, investment bank, broker,  
4 investment trust, pension fund, building and loan association,  
5 savings and loan association, insurance company or venture  
6 capital company approved by the Department which assumes a  
7 portion of the financing for a business project.

8 (c) "Department" means the Illinois Department of Commerce  
9 and Economic Opportunity ~~Community Affairs~~.

10 (d) "Business" means a for-profit, legal entity in Illinois  
11 including, but not limited to, any sole proprietorship,  
12 partnership, corporation, joint venture, association or  
13 cooperative.

14 (e) "Loan" means an agreement or contract to provide a loan  
15 or other financial aid to a business.

16 (f) "Project" means any specific economic development  
17 activity of a commercial, industrial, manufacturing,  
18 agricultural, scientific, service or other business, the  
19 result of which yields an increase in jobs and may include the  
20 purchase or lease of machinery and equipment, the lease or  
21 purchase of real property or funds for infrastructure  
22 necessitated by site preparation, building construction or  
23 related purposes but does not include refinancing current debt.

24 (g) "Fund" means the Large Business Attraction Fund created  
25 in Section 10-4.

26 (Source: P.A. 84-109; revised 12-6-03.)

27 (30 ILCS 750/11-2) (from Ch. 127, par. 2711-2)

28 Sec. 11-2. Definitions. As used in this Article:

29 (a) "Small business incubator" or "Incubator" means a  
30 property described in Sections 11-7 and 11-8.

31 (b) "Community Advisory Board" or "Board" means a board  
32 created pursuant to Section 11-4.

33 (c) "Department" means the Illinois Department of Commerce  
34 and Economic Opportunity ~~Community Affairs~~.

35 (d) "Educational institution" means a local school

1 district, a private junior college or university, or a State  
2 supported community college or university within the State.

3 (e) "Local governmental unit" means a county, township,  
4 city, village or incorporated town within this State.

5 (f) "Non-profit organization" means local chambers of  
6 commerce, business and economic development corporations and  
7 associations, and such other similar organizations so  
8 designated by the Department.

9 (g) "Sponsor" means an educational institution, local  
10 governmental unit or non-profit organization which receives  
11 Department funds under this Article.

12 (h) "Costs of establishment" means the actual costs of  
13 acquisition, whether by lease, purchase or other devices, and  
14 of construction and renovation of the incubator.

15 (i) "Costs of administration" means the costs of wages or  
16 salary for the incubator manager and related clerical and  
17 administrative costs.

18 (Source: P.A. 84-109; revised 12-6-03.)

19 Section 445. The Gang Control Grant Act is amended by  
20 changing Sections 1, 2, and 4 as follows:

21 (30 ILCS 755/1) (from Ch. 127, par. 3301)

22 Sec. 1. The purpose of this Act is to provide for grants to  
23 community groups in order to improve the quality of life in low  
24 and moderate income neighborhoods and to authorize the  
25 Department of Commerce and Economic Opportunity ~~Community~~  
26 ~~Affairs~~ to administer such grants to such community groups.

27 (Source: P.A. 84-1400; revised 12-6-03.)

28 (30 ILCS 755/2) (from Ch. 127, par. 3302)

29 Sec. 2. Definition. As used in this Act, the terms  
30 specified in this Section have the meanings ascribed to them in  
31 this Section.

32 (a) "Community-based organization" means an organization  
33 certified by the Department as an eligible receiver of grants.

1 (b) "Business entity" means a corporation, partnership or  
2 sole proprietorship engaged in producing goods or selling  
3 services or goods for a profit.

4 (c) "Department" means Department of Commerce and Economic  
5 Opportunity ~~Community Affairs~~.

6 (d) "Neighborhood" means the area identified by a  
7 community-based organization as its geographically defined  
8 area containing the following characteristics:

9 (1) a sense of belonging or identity that ties the  
10 residents to a given area;

11 (2) social, cultural, political or economic activities  
12 around which residents of the area organize themselves;

13 (3) the existence of cohesive organizations formed by  
14 residents; and

15 (4) a history of acting or being treated as a distinct  
16 cohesive unit.

17 The term neighborhood may include small municipalities of  
18 less than 10,000 population or rural areas which have these  
19 characteristics.

20 (Source: P.A. 84-1400; revised 12-6-03.)

21 (30 ILCS 755/4) (from Ch. 127, par. 3304)

22 Sec. 4. (a) No grants may be authorized unless the project  
23 for which the grant is made has been approved by the  
24 Department.

25 (b) Any community-based organization seeking to have a  
26 project approved for a grant must submit an application to the  
27 Department describing its potential contributors and the  
28 nature and benefit of the project, such as the number of youth  
29 to be served by the project, performance standards or  
30 benchmarks, and monetary benefits of the project such as  
31 additional non-State funds leveraged or new State or local  
32 taxes generated.

33 The application must also address how the following  
34 criteria will be met:

35 (1) The project must contribute to the self help efforts of

1 the residents of the area involved.

2 (2) The project must involve the residents of the area in  
3 planning and implementing the project.

4 (3) The project must lack sufficient resources.

5 (4) The community-based organization must be fiscally  
6 responsible for the project.

7 (c) The project must provide alternatives to participation  
8 in gangs by juveniles in one of the following ways:

9 (1) by creating permanent jobs;

10 (2) by stimulating neighborhood business activity;

11 (3) by providing job training services;

12 (4) by providing youth recreation and athletic activities;

13 or

14 (5) by strengthening any community-based organizations  
15 whose objectives are similar to those listed in items 1 through  
16 4 above.

17 (d) If the community-based organization demonstrates its  
18 ability to meet the criteria in subsection (b), and will  
19 provide juvenile gang alternatives in 1 of the ways listed in  
20 subsection (c), the Department shall approve the  
21 organization's proposed projects and specify the amount of  
22 grant it is eligible to receive for such project. Comments from  
23 State elected officials representing the districts in which the  
24 project is proposed to be located shall be solicited by the  
25 Department in making the decision.

26 (e) Within 45 days of the receipt of an application, the  
27 Department shall give notice to the applicant as to whether the  
28 application has been approved or disapproved. If the Department  
29 disapproves the application, it shall specify the reasons for  
30 this decision and allow 60 days for the applicant to make  
31 amendments. The Department shall provide assistance upon  
32 request to applicants.

33 (f) On an annual basis, the community-based organization  
34 shall furnish a statement to the Department of Commerce and  
35 Economic Opportunity ~~Community Affairs~~ on the programmatic and  
36 financial status of any approved project and an audited

1 financial statement of the project.

2 (Source: P.A. 85-633; revised 12-6-03.)

3 Section 450. The Eliminate the Digital Divide Law is  
4 amended by changing Section 5-5 as follows:

5 (30 ILCS 780/5-5)

6 Sec. 5-5. Definitions; descriptions. As used in this  
7 Article:

8 "Community-based organization" means a private  
9 not-for-profit organization that is located in an Illinois  
10 community and that provides services to citizens within that  
11 community and the surrounding area.

12 "Community technology centers" provide computer access and  
13 educational services using information technology. Community  
14 technology centers are diverse in the populations they serve  
15 and programs they offer, but similar in that they provide  
16 technology access to individuals, communities, and populations  
17 that typically would not otherwise have places to use computer  
18 and telecommunications technologies.

19 "Department" means the Department of Commerce and Economic  
20 Opportunity Community Affairs.

21 "National school lunch program" means a program  
22 administered by the U.S. Department of Agriculture and state  
23 agencies that provides free or reduced price lunches to  
24 economically disadvantaged children. A child whose family  
25 income is between 130% and 185% of applicable family size  
26 income levels contained in the nonfarm poverty guidelines  
27 prescribed by the Office of Management and Budget is eligible  
28 for a reduced price lunch. A child whose family income is 130%  
29 or less of applicable family size income levels contained in  
30 the nonfarm income poverty guidelines prescribed by the Office  
31 of Management and Budget is eligible for a free lunch.

32 "Telecommunications services" provided by  
33 telecommunications carriers include all commercially available  
34 telecommunications services in addition to all reasonable

1 charges that are incurred by taking such services, such as  
2 state and federal taxes.

3 "Other special services" provided by telecommunications  
4 carriers include Internet access and installation and  
5 maintenance of internal connections in addition to all  
6 reasonable charges that are incurred by taking such services,  
7 such as state and federal taxes.

8 (Source: P.A. 91-704, eff. 7-1-00; revised 12-6-03.)

9 Section 455. The State Mandates Act is amended by changing  
10 Section 8 as follows:

11 (30 ILCS 805/8) (from Ch. 85, par. 2208)

12 Sec. 8. Exclusions, reimbursement application, review,  
13 appeals, and adjudication.

14 (a) Exclusions: Any of the following circumstances  
15 inherent to, or associated with, a mandate shall exclude the  
16 State from reimbursement liability under this Act. If the  
17 mandate (1) accommodates a request from local governments or  
18 organizations thereof; (2) imposes additional duties of a  
19 nature which can be carried out by existing staff and  
20 procedures at no appreciable net cost increase; (3) creates  
21 additional costs but also provides offsetting savings  
22 resulting in no aggregate increase in net costs; (4) imposes a  
23 cost that is wholly or largely recovered from Federal, State or  
24 other external financial aid; (5) imposes additional annual net  
25 costs of less than \$1,000 for each of the several local  
26 governments affected or less than \$50,000, in the aggregate,  
27 for all local governments affected.

28 The failure of the General Assembly to make necessary  
29 appropriations shall relieve the local government of the  
30 obligation to implement any service mandates, tax exemption  
31 mandates, and personnel mandates, as specified in Section 6,  
32 subsections (b), (c), (d) and (e), unless the exclusion  
33 provided for in this Section are explicitly stated in the Act  
34 establishing the mandate. In the event that funding is not

1 provided for a State-mandated program by the General Assembly,  
2 the local government may implement or continue the program upon  
3 approval of its governing body. If the local government  
4 approves the program and funding is subsequently provided, the  
5 State shall reimburse the local governments only for costs  
6 incurred subsequent to the funding.

7 (b) Reimbursement Estimation and Appropriation Procedure.

8 (1) When a bill is introduced in the General Assembly,  
9 the Legislative Reference Bureau, hereafter referred to as  
10 the Bureau, shall determine whether such bill may require  
11 reimbursement to local governments pursuant to this Act.  
12 The Bureau shall make such determination known in the  
13 Legislative Synopsis and Digest.

14 In making the determination required by this  
15 subsection (b) the Bureau shall disregard any provision in  
16 a bill which would make inoperative the reimbursement  
17 requirements of Section 6 above, including an express  
18 exclusion of the applicability of this Act, and shall make  
19 the determination irrespective of any such provision.

20 (2) Any bill or amended bill which creates or expands a  
21 State mandate shall be subject to the provisions of "An Act  
22 requiring fiscal notes in relation to certain bills",  
23 approved June 4, 1965, as amended. The fiscal notes for  
24 such bills or amended bills shall include estimates of the  
25 costs to local government and the costs of any  
26 reimbursement required under this Act. In the case of bills  
27 having a potential fiscal impact on units of local  
28 government, the fiscal note shall be prepared by the  
29 Department. In the case of bills having a potential fiscal  
30 impact on school districts, the fiscal note shall be  
31 prepared by the State Superintendent of Education. In the  
32 case of bills having a potential fiscal impact on community  
33 college districts, the fiscal note shall be prepared by the  
34 Illinois Community College Board. Such fiscal note shall  
35 accompany the bill that requires State reimbursement and  
36 shall be prepared prior to any final action on such a bill



1 by the assigned committee. However, if a fiscal note is not  
2 filed by the appropriate agency within 30 days of  
3 introduction of a bill, the bill can be heard in committee  
4 and advanced to the order of second reading. The bill shall  
5 then remain on second reading until a fiscal note is filed.  
6 A bill discharged from committee shall also remain on  
7 second reading until a fiscal note is provided by the  
8 appropriate agency.

9 (3) The estimate required by paragraph (2) above, shall  
10 include the amount estimated to be required during the  
11 first fiscal year of a bill's operation in order to  
12 reimburse local governments pursuant to Section 6, for  
13 costs mandated by such bill. In the event that the  
14 effective date of such a bill is not the first day of the  
15 fiscal year the estimate shall also include the amount  
16 estimated to be required for reimbursement for the next  
17 following full fiscal year.

18 (4) For the initial fiscal year, reimbursement funds  
19 shall be provided as follows: (i) any statute mandating  
20 such costs shall have a companion appropriation bill, and  
21 (ii) any executive order mandating such costs shall be  
22 accompanied by a bill to appropriate the funds therefor,  
23 or, alternatively an appropriation for such funds shall be  
24 included in the executive budget for the next following  
25 fiscal year.

26 In subsequent fiscal years appropriations for such  
27 costs shall be included in the Governor's budget or  
28 supplemental appropriation bills.

29 (c) Reimbursement Application and Disbursement Procedure.

30 (1) For the initial fiscal year during which  
31 reimbursement is authorized, each local government, or  
32 more than one local government wishing to join in filing a  
33 single claim, believing itself to be entitled to  
34 reimbursement under this Act shall submit to the  
35 Department, State Superintendent of Education or Illinois  
36 Community College Board within 60 days of the effective

1 date of the mandate a claim for reimbursement accompanied  
2 by its estimate of the increased costs required by the  
3 mandate for the balance of the fiscal year. The Department,  
4 State Superintendent of Education or Illinois Community  
5 College Board shall review such claim and estimate, shall  
6 apportion the claim into 3 equal installments and shall  
7 direct the Comptroller to pay the installments at equal  
8 intervals throughout the remainder of the fiscal year from  
9 the funds appropriated for such purposes, provided that the  
10 Department, State Superintendent of Education or Illinois  
11 Community College Board may (i) audit the records of any  
12 local government to verify the actual amount of the  
13 mandated cost, and (ii) reduce any claim determined to be  
14 excessive or unreasonable.

15 (2) For the subsequent fiscal years, local governments  
16 shall submit claims as specified above on or before October  
17 1 of each year. The Department, State Superintendent of  
18 Education or Illinois Community College Board shall  
19 apportion the claims into 3 equal installments and shall  
20 direct the Comptroller to pay the first installment upon  
21 approval of the claims, with subsequent installments to  
22 follow on January 1 and March 1, such claims to be paid  
23 from funds appropriated therefor, provided that the  
24 Department, State Superintendent of Education or Illinois  
25 Community College Board (i) may audit the records of any  
26 local governments to verify the actual amount of the  
27 mandated cost, (ii) may reduce any claim, determined to be  
28 excessive or unreasonable, and (iii) shall adjust the  
29 payment to correct for any underpayments or overpayments  
30 which occurred in the previous fiscal year.

31 (3) Any funds received by a local government pursuant  
32 to this Act may be used for any public purpose.

33 If the funds appropriated for reimbursement of the  
34 costs of local government resulting from the creation or  
35 expansion of a State mandate are less than the total of the  
36 approved claims, the amount appropriated shall be prorated

1 among the local governments having approved claims.

2 (d) Appeals and Adjudication.

3 (1) Local governments may appeal determinations made  
4 by State agencies acting pursuant to subsection (c) above.  
5 The appeal must be submitted to the State Mandates Board of  
6 Review created by Section 9.1 of this Act within 60 days  
7 following the date of receipt of the determination being  
8 appealed. The appeal must include evidence as to the extent  
9 to which the mandate has been carried out in an effective  
10 manner and executed without recourse to standards of  
11 staffing or expenditure higher than specified in the  
12 mandatory statute, if such standards are specified in the  
13 statute. The State Mandates Board of Review, after  
14 reviewing the evidence submitted to it, may increase or  
15 reduce the amount of a reimbursement claim. The decision of  
16 the State Mandates Board of Review shall be final subject  
17 to judicial review. However, if sufficient funds have not  
18 been appropriated, the Department shall notify the General  
19 Assembly of such cost, and appropriations for such costs  
20 shall be included in a supplemental appropriation bill.

21 (2) A local government may also appeal directly to the  
22 State Mandates Board of Review in those situations in which  
23 the Department of Commerce and Economic Opportunity  
24 ~~Community Affairs~~ does not act upon the local government's  
25 application for reimbursement or request for mandate  
26 determination submitted under this Act. The appeal must  
27 include evidence that the application for reimbursement or  
28 request for mandate determination was properly filed and  
29 should have been reviewed by the Department.

30 An appeal may be made to the Board if the Department  
31 does not respond to a local government's application for  
32 reimbursement or request for mandate determination within  
33 120 days after filing the application or request. In no  
34 case, however, may an appeal be brought more than one year  
35 after the application or request is filed with the  
36 Department.

1 (Source: P.A. 89-304, eff. 8-11-95; 89-626, eff. 8-9-96;  
2 revised 12-6-03.)

3 Section 460. The Illinois Income Tax Act is amended by  
4 changing Section 211 as follows:

5 (35 ILCS 5/211)

6 Sec. 211. Economic Development for a Growing Economy Tax  
7 Credit. For tax years beginning on or after January 1, 1999, a  
8 Taxpayer who has entered into an Agreement under the Economic  
9 Development for a Growing Economy Tax Credit Act is entitled to  
10 a credit against the taxes imposed under subsections (a) and  
11 (b) of Section 201 of this Act in an amount to be determined in  
12 the Agreement. If the Taxpayer is a partnership or Subchapter S  
13 corporation, the credit shall be allowed to the partners or  
14 shareholders in accordance with the determination of income and  
15 distributive share of income under Sections 702 and 704 and  
16 subchapter S of the Internal Revenue Code. The Department, in  
17 cooperation with the Department of Commerce and Economic  
18 Opportunity ~~Community Affairs~~, shall prescribe rules to  
19 enforce and administer the provisions of this Section. This  
20 Section is exempt from the provisions of Section 250 of this  
21 Act.

22 The credit shall be subject to the conditions set forth in  
23 the Agreement and the following limitations:

24 (1) The tax credit shall not exceed the Incremental  
25 Income Tax (as defined in Section 5-5 of the Economic  
26 Development for a Growing Economy Tax Credit Act) with  
27 respect to the project.

28 (2) The amount of the credit allowed during the tax  
29 year plus the sum of all amounts allowed in prior years  
30 shall not exceed 100% of the aggregate amount expended by  
31 the Taxpayer during all prior tax years on approved costs  
32 defined by Agreement.

33 (3) The amount of the credit shall be determined on an  
34 annual basis. Except as applied in a carryover year

1           pursuant to Section 211(4) of this Act, the credit may not  
2           be applied against any State income tax liability in more  
3           than 10 taxable years; provided, however, that (i) an  
4           eligible business certified by the Department of Commerce  
5           and Economic Opportunity ~~Community Affairs~~ under the  
6           Corporate Headquarters Relocation Act may not apply the  
7           credit against any of its State income tax liability in  
8           more than 15 taxable years and (ii) credits allowed to that  
9           eligible business are subject to the conditions and  
10          requirements set forth in Sections 5-35 and 5-45 of the  
11          Economic Development for a Growing Economy Tax Credit Act.

12           (4) The credit may not exceed the amount of taxes  
13          imposed pursuant to subsections (a) and (b) of Section 201  
14          of this Act. Any credit that is unused in the year the  
15          credit is computed may be carried forward and applied to  
16          the tax liability of the 5 taxable years following the  
17          excess credit year. The credit shall be applied to the  
18          earliest year for which there is a tax liability. If there  
19          are credits from more than one tax year that are available  
20          to offset a liability, the earlier credit shall be applied  
21          first.

22           (5) No credit shall be allowed with respect to any  
23          Agreement for any taxable year ending after the  
24          Noncompliance Date. Upon receiving notification by the  
25          Department of Commerce and Economic Opportunity ~~Community~~  
26          ~~Affairs~~ of the noncompliance of a Taxpayer with an  
27          Agreement, the Department shall notify the Taxpayer that no  
28          credit is allowed with respect to that Agreement for any  
29          taxable year ending after the Noncompliance Date, as stated  
30          in such notification. If any credit has been allowed with  
31          respect to an Agreement for a taxable year ending after the  
32          Noncompliance Date for that Agreement, any refund paid to  
33          the Taxpayer for that taxable year shall, to the extent of  
34          that credit allowed, be an erroneous refund within the  
35          meaning of Section 912 of this Act.

36           (6) For purposes of this Section, the terms

1 "Agreement", "Incremental Income Tax", and "Noncompliance  
2 Date" have the same meaning as when used in the Economic  
3 Development for a Growing Economy Tax Credit Act.

4 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
5 revised 12-6-03.)

6 Section 465. The Economic Development for a Growing Economy  
7 Tax Credit Act is amended by changing Sections 5-5, 5-25, and  
8 5-45 as follows:

9 (35 ILCS 10/5-5)

10 Sec. 5-5. Definitions. As used in this Act:

11 "Agreement" means the Agreement between a Taxpayer and the  
12 Department under the provisions of Section 5-50 of this Act.

13 "Applicant" means a Taxpayer that is operating a business  
14 located or that the Taxpayer plans to locate within the State  
15 of Illinois and that is engaged in interstate or intrastate  
16 commerce for the purpose of manufacturing, processing,  
17 assembling, warehousing, or distributing products, conducting  
18 research and development, providing tourism services, or  
19 providing services in interstate commerce, office industries,  
20 or agricultural processing, but excluding retail, retail food,  
21 health, or professional services. "Applicant" does not include  
22 a Taxpayer who closes or substantially reduces an operation at  
23 one location in the State and relocates substantially the same  
24 operation to another location in the State. This does not  
25 prohibit a Taxpayer from expanding its operations at another  
26 location in the State, provided that existing operations of a  
27 similar nature located within the State are not closed or  
28 substantially reduced. This also does not prohibit a Taxpayer  
29 from moving its operations from one location in the State to  
30 another location in the State for the purpose of expanding the  
31 operation provided that the Department determines that  
32 expansion cannot reasonably be accommodated within the  
33 municipality in which the business is located, or in the case  
34 of a business located in an incorporated area of the county,

1 within the county in which the business is located, after  
2 conferring with the chief elected official of the municipality  
3 or county and taking into consideration any evidence offered by  
4 the municipality or county regarding the ability to accommodate  
5 expansion within the municipality or county.

6 "Committee" means the Illinois Business Investment  
7 Committee created under Section 5-25 of this Act within the  
8 Illinois Economic Development Board.

9 "Credit" means the amount agreed to between the Department  
10 and Applicant under this Act, but not to exceed the Incremental  
11 Income Tax attributable to the Applicant's project.

12 "Department" means the Department of Commerce and Economic  
13 Opportunity ~~Community Affairs~~.

14 "Director" means the Director of Commerce and Economic  
15 Opportunity ~~Community Affairs~~.

16 "Full-time Employee" means an individual who is employed  
17 for consideration for at least 35 hours each week or who  
18 renders any other standard of service generally accepted by  
19 industry custom or practice as full-time employment.

20 "Incremental Income Tax" means the total amount withheld  
21 during the taxable year from the compensation of New Employees  
22 under Article 7 of the Illinois Income Tax Act arising from  
23 employment at a project that is the subject of an Agreement.

24 "New Employee" means:

25 (a) A Full-time Employee first employed by a Taxpayer  
26 in the project that is the subject of an Agreement and who  
27 is hired after the Taxpayer enters into the tax credit  
28 Agreement.

29 (b) The term "New Employee" does not include:

30 (1) an employee of the Taxpayer who performs a job  
31 that was previously performed by another employee, if  
32 that job existed for at least 6 months before hiring  
33 the employee;

34 (2) an employee of the Taxpayer who was previously  
35 employed in Illinois by a Related Member of the  
36 Taxpayer and whose employment was shifted to the

1 Taxpayer after the Taxpayer entered into the tax credit  
2 Agreement; or

3 (3) a child, grandchild, parent, or spouse, other  
4 than a spouse who is legally separated from the  
5 individual, of any individual who has a direct or an  
6 indirect ownership interest of at least 5% in the  
7 profits, capital, or value of the Taxpayer.

8 (c) Notwithstanding paragraph (1) of subsection (b),  
9 an employee may be considered a New Employee under the  
10 Agreement if the employee performs a job that was  
11 previously performed by an employee who was:

12 (1) treated under the Agreement as a New Employee;  
13 and

14 (2) promoted by the Taxpayer to another job.

15 (d) Notwithstanding subsection (a), the Department may  
16 award Credit to an Applicant with respect to an employee  
17 hired prior to the date of the Agreement if:

18 (1) the Applicant is in receipt of a letter from  
19 the Department stating an intent to enter into a credit  
20 Agreement;

21 (2) the letter described in paragraph (1) is issued  
22 by the Department not later than 15 days after the  
23 effective date of this Act; and

24 (3) the employee was hired after the date the  
25 letter described in paragraph (1) was issued.

26 "Noncompliance Date" means, in the case of a Taxpayer that  
27 is not complying with the requirements of the Agreement or the  
28 provisions of this Act, the day following the last date upon  
29 which the Taxpayer was in compliance with the requirements of  
30 the Agreement and the provisions of this Act, as determined by  
31 the Director, pursuant to Section 5-65.

32 "Pass Through Entity" means an entity that is exempt from  
33 the tax under subsection (b) or (c) of Section 205 of the  
34 Illinois Income Tax Act.

35 "Related Member" means a person that, with respect to the  
36 Taxpayer during any portion of the taxable year, is any one of



1 the following:

2 (1) An individual stockholder, if the stockholder and  
3 the members of the stockholder's family (as defined in  
4 Section 318 of the Internal Revenue Code) own directly,  
5 indirectly, beneficially, or constructively, in the  
6 aggregate, at least 50% of the value of the Taxpayer's  
7 outstanding stock.

8 (2) A partnership, estate, or trust and any partner or  
9 beneficiary, if the partnership, estate, or trust, and its  
10 partners or beneficiaries own directly, indirectly,  
11 beneficially, or constructively, in the aggregate, at  
12 least 50% of the profits, capital, stock, or value of the  
13 Taxpayer.

14 (3) A corporation, and any party related to the  
15 corporation in a manner that would require an attribution  
16 of stock from the corporation to the party or from the  
17 party to the corporation under the attribution rules of  
18 Section 318 of the Internal Revenue Code, if the Taxpayer  
19 owns directly, indirectly, beneficially, or constructively  
20 at least 50% of the value of the corporation's outstanding  
21 stock.

22 (4) A corporation and any party related to that  
23 corporation in a manner that would require an attribution  
24 of stock from the corporation to the party or from the  
25 party to the corporation under the attribution rules of  
26 Section 318 of the Internal Revenue Code, if the  
27 corporation and all such related parties own in the  
28 aggregate at least 50% of the profits, capital, stock, or  
29 value of the Taxpayer.

30 (5) A person to or from whom there is attribution of  
31 stock ownership in accordance with Section 1563(e) of the  
32 Internal Revenue Code, except, for purposes of determining  
33 whether a person is a Related Member under this paragraph,  
34 20% shall be substituted for 5% wherever 5% appears in  
35 Section 1563(e) of the Internal Revenue Code.

36 "Taxpayer" means an individual, corporation, partnership,

1 or other entity that has any Illinois Income Tax liability.

2 (Source: P.A. 91-476, eff. 8-11-99; 92-651, eff. 7-11-02;  
3 revised 12-6-03.)

4 (35 ILCS 10/5-25)

5 Sec. 5-25. Review of Application.

6 (a) In addition to those duties granted under the Illinois  
7 Economic Development Board Act, the Illinois Economic  
8 Development Board shall form a Business Investment Committee  
9 for the purpose of making recommendations for applications. At  
10 the request of the Board, the Director of Commerce and Economic  
11 Opportunity ~~Community Affairs~~ or his or her designee, the  
12 Director of the Governor's Office of Management and Budget  
13 ~~Bureau of the Budget~~ or his or her designee, the Director of  
14 Revenue or his or her designee, the Director of Employment  
15 Security or his or her designee, and an elected official of the  
16 affected locality, such as the chair of the county board or the  
17 mayor, may serve as members of the Committee to assist with its  
18 analysis and deliberations.

19 (b) At the Department's request, the Committee shall  
20 convene, make inquiries, and conduct studies in the manner and  
21 by the methods as it deems desirable, review information with  
22 respect to Applicants, and make recommendations for projects to  
23 benefit the State. In making its recommendation that an  
24 Applicant's application for Credit should or should not be  
25 accepted, which shall occur within a reasonable time frame as  
26 determined by the nature of the application, the Committee  
27 shall determine that all the following conditions exist:

28 (1) The Applicant's project intends, as required by  
29 subsection (b) of Section 5-20 to make the required  
30 investment in the State and intends to hire the required  
31 number of New Employees in Illinois as a result of that  
32 project.

33 (2) The Applicant's project is economically sound and  
34 will benefit the people of the State of Illinois by  
35 increasing opportunities for employment and strengthen the

1 economy of Illinois.

2 (3) That, if not for the Credit, the project would not  
3 occur in Illinois, which may be demonstrated by any means  
4 including, but not limited to, evidence the Applicant has  
5 multi-state location options and could reasonably and  
6 efficiently locate outside of the State, or demonstration  
7 that at least one other state is being considered for the  
8 project, or evidence the receipt of the Credit is a major  
9 factor in the Applicant's decision and that without the  
10 Credit, the Applicant likely would not create new jobs in  
11 Illinois, or demonstration that receiving the Credit is  
12 essential to the Applicant's decision to create or retain  
13 new jobs in the State.

14 (4) A cost differential is identified, using best  
15 available data, in the projected costs for the Applicant's  
16 project compared to the costs in the competing state,  
17 including the impact of the competing state's incentive  
18 programs. The competing state's incentive programs shall  
19 include state, local, private, and federal funds  
20 available.

21 (5) The political subdivisions affected by the project  
22 have committed local incentives with respect to the  
23 project, considering local ability to assist.

24 (6) Awarding the Credit will result in an overall  
25 positive fiscal impact to the State, as certified by the  
26 Committee using the best available data.

27 (7) The Credit is not prohibited by Section 5-35 of  
28 this Act.

29 (Source: P.A. 91-476, eff. 8-11-99; revised 8-23-03.)

30 (35 ILCS 10/5-45)

31 Sec. 5-45. Amount and duration of the credit.

32 (a) The Department shall determine the amount and duration  
33 of the credit awarded under this Act. The duration of the  
34 credit may not exceed 10 taxable years. The credit may be  
35 stated as a percentage of the Incremental Income Tax

1 attributable to the applicant's project and may include a fixed  
2 dollar limitation.

3 (b) Notwithstanding subsection (a), and except as the  
4 credit may be applied in a carryover year pursuant to Section  
5 211(4) of the Illinois Income Tax Act, the credit may be  
6 applied against the State income tax liability in more than 10  
7 taxable years but not in more than 15 taxable years for an  
8 eligible business that (i) qualifies under this Act and the  
9 Corporate Headquarters Relocation Act and has in fact  
10 undertaken a qualifying project within the time frame specified  
11 by the Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ under that Act, and (ii) applies against its  
13 State income tax liability, during the entire 15-year period,  
14 no more than 60% of the maximum credit per year that would  
15 otherwise be available under this Act.

16 (Source: P.A. 91-476, eff. 8-11-99; 92-207, eff. 8-1-01;  
17 revised 12-6-03.)

18 Section 475. The Use Tax Act is amended by changing Section  
19 9 as follows:

20 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

21 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
22 and trailers that are required to be registered with an agency  
23 of this State, each retailer required or authorized to collect  
24 the tax imposed by this Act shall pay to the Department the  
25 amount of such tax (except as otherwise provided) at the time  
26 when he is required to file his return for the period during  
27 which such tax was collected, less a discount of 2.1% prior to  
28 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
29 per calendar year, whichever is greater, which is allowed to  
30 reimburse the retailer for expenses incurred in collecting the  
31 tax, keeping records, preparing and filing returns, remitting  
32 the tax and supplying data to the Department on request. In the  
33 case of retailers who report and pay the tax on a transaction  
34 by transaction basis, as provided in this Section, such

1 discount shall be taken with each such tax remittance instead  
2 of when such retailer files his periodic return. A retailer  
3 need not remit that part of any tax collected by him to the  
4 extent that he is required to remit and does remit the tax  
5 imposed by the Retailers' Occupation Tax Act, with respect to  
6 the sale of the same property.

7 Where such tangible personal property is sold under a  
8 conditional sales contract, or under any other form of sale  
9 wherein the payment of the principal sum, or a part thereof, is  
10 extended beyond the close of the period for which the return is  
11 filed, the retailer, in collecting the tax (except as to motor  
12 vehicles, watercraft, aircraft, and trailers that are required  
13 to be registered with an agency of this State), may collect for  
14 each tax return period, only the tax applicable to that part of  
15 the selling price actually received during such tax return  
16 period.

17 Except as provided in this Section, on or before the  
18 twentieth day of each calendar month, such retailer shall file  
19 a return for the preceding calendar month. Such return shall be  
20 filed on forms prescribed by the Department and shall furnish  
21 such information as the Department may reasonably require.

22 The Department may require returns to be filed on a  
23 quarterly basis. If so required, a return for each calendar  
24 quarter shall be filed on or before the twentieth day of the  
25 calendar month following the end of such calendar quarter. The  
26 taxpayer shall also file a return with the Department for each  
27 of the first two months of each calendar quarter, on or before  
28 the twentieth day of the following calendar month, stating:

- 29 1. The name of the seller;
- 30 2. The address of the principal place of business from  
31 which he engages in the business of selling tangible  
32 personal property at retail in this State;
- 33 3. The total amount of taxable receipts received by him  
34 during the preceding calendar month from sales of tangible  
35 personal property by him during such preceding calendar  
36 month, including receipts from charge and time sales, but

1 less all deductions allowed by law;

2 4. The amount of credit provided in Section 2d of this  
3 Act;

4 5. The amount of tax due;

5 5-5. The signature of the taxpayer; and

6 6. Such other reasonable information as the Department  
7 may require.

8 If a taxpayer fails to sign a return within 30 days after  
9 the proper notice and demand for signature by the Department,  
10 the return shall be considered valid and any amount shown to be  
11 due on the return shall be deemed assessed.

12 Beginning October 1, 1993, a taxpayer who has an average  
13 monthly tax liability of \$150,000 or more shall make all  
14 payments required by rules of the Department by electronic  
15 funds transfer. Beginning October 1, 1994, a taxpayer who has  
16 an average monthly tax liability of \$100,000 or more shall make  
17 all payments required by rules of the Department by electronic  
18 funds transfer. Beginning October 1, 1995, a taxpayer who has  
19 an average monthly tax liability of \$50,000 or more shall make  
20 all payments required by rules of the Department by electronic  
21 funds transfer. Beginning October 1, 2000, a taxpayer who has  
22 an annual tax liability of \$200,000 or more shall make all  
23 payments required by rules of the Department by electronic  
24 funds transfer. The term "annual tax liability" shall be the  
25 sum of the taxpayer's liabilities under this Act, and under all  
26 other State and local occupation and use tax laws administered  
27 by the Department, for the immediately preceding calendar year.  
28 The term "average monthly tax liability" means the sum of the  
29 taxpayer's liabilities under this Act, and under all other  
30 State and local occupation and use tax laws administered by the  
31 Department, for the immediately preceding calendar year  
32 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
33 a tax liability in the amount set forth in subsection (b) of  
34 Section 2505-210 of the Department of Revenue Law shall make  
35 all payments required by rules of the Department by electronic  
36 funds transfer.

1           Before August 1 of each year beginning in 1993, the  
2 Department shall notify all taxpayers required to make payments  
3 by electronic funds transfer. All taxpayers required to make  
4 payments by electronic funds transfer shall make those payments  
5 for a minimum of one year beginning on October 1.

6           Any taxpayer not required to make payments by electronic  
7 funds transfer may make payments by electronic funds transfer  
8 with the permission of the Department.

9           All taxpayers required to make payment by electronic funds  
10 transfer and any taxpayers authorized to voluntarily make  
11 payments by electronic funds transfer shall make those payments  
12 in the manner authorized by the Department.

13           The Department shall adopt such rules as are necessary to  
14 effectuate a program of electronic funds transfer and the  
15 requirements of this Section.

16           Before October 1, 2000, if the taxpayer's average monthly  
17 tax liability to the Department under this Act, the Retailers'  
18 Occupation Tax Act, the Service Occupation Tax Act, the Service  
19 Use Tax Act was \$10,000 or more during the preceding 4 complete  
20 calendar quarters, he shall file a return with the Department  
21 each month by the 20th day of the month next following the  
22 month during which such tax liability is incurred and shall  
23 make payments to the Department on or before the 7th, 15th,  
24 22nd and last day of the month during which such liability is  
25 incurred. On and after October 1, 2000, if the taxpayer's  
26 average monthly tax liability to the Department under this Act,  
27 the Retailers' Occupation Tax Act, the Service Occupation Tax  
28 Act, and the Service Use Tax Act was \$20,000 or more during the  
29 preceding 4 complete calendar quarters, he shall file a return  
30 with the Department each month by the 20th day of the month  
31 next following the month during which such tax liability is  
32 incurred and shall make payment to the Department on or before  
33 the 7th, 15th, 22nd and last day of the month during which such  
34 liability is incurred. If the month during which such tax  
35 liability is incurred began prior to January 1, 1985, each  
36 payment shall be in an amount equal to 1/4 of the taxpayer's

1 actual liability for the month or an amount set by the  
2 Department not to exceed 1/4 of the average monthly liability  
3 of the taxpayer to the Department for the preceding 4 complete  
4 calendar quarters (excluding the month of highest liability and  
5 the month of lowest liability in such 4 quarter period). If the  
6 month during which such tax liability is incurred begins on or  
7 after January 1, 1985, and prior to January 1, 1987, each  
8 payment shall be in an amount equal to 22.5% of the taxpayer's  
9 actual liability for the month or 27.5% of the taxpayer's  
10 liability for the same calendar month of the preceding year. If  
11 the month during which such tax liability is incurred begins on  
12 or after January 1, 1987, and prior to January 1, 1988, each  
13 payment shall be in an amount equal to 22.5% of the taxpayer's  
14 actual liability for the month or 26.25% of the taxpayer's  
15 liability for the same calendar month of the preceding year. If  
16 the month during which such tax liability is incurred begins on  
17 or after January 1, 1988, and prior to January 1, 1989, or  
18 begins on or after January 1, 1996, each payment shall be in an  
19 amount equal to 22.5% of the taxpayer's actual liability for  
20 the month or 25% of the taxpayer's liability for the same  
21 calendar month of the preceding year. If the month during which  
22 such tax liability is incurred begins on or after January 1,  
23 1989, and prior to January 1, 1996, each payment shall be in an  
24 amount equal to 22.5% of the taxpayer's actual liability for  
25 the month or 25% of the taxpayer's liability for the same  
26 calendar month of the preceding year or 100% of the taxpayer's  
27 actual liability for the quarter monthly reporting period. The  
28 amount of such quarter monthly payments shall be credited  
29 against the final tax liability of the taxpayer's return for  
30 that month. Before October 1, 2000, once applicable, the  
31 requirement of the making of quarter monthly payments to the  
32 Department shall continue until such taxpayer's average  
33 monthly liability to the Department during the preceding 4  
34 complete calendar quarters (excluding the month of highest  
35 liability and the month of lowest liability) is less than  
36 \$9,000, or until such taxpayer's average monthly liability to



1 the Department as computed for each calendar quarter of the 4  
2 preceding complete calendar quarter period is less than  
3 \$10,000. However, if a taxpayer can show the Department that a  
4 substantial change in the taxpayer's business has occurred  
5 which causes the taxpayer to anticipate that his average  
6 monthly tax liability for the reasonably foreseeable future  
7 will fall below the \$10,000 threshold stated above, then such  
8 taxpayer may petition the Department for change in such  
9 taxpayer's reporting status. On and after October 1, 2000, once  
10 applicable, the requirement of the making of quarter monthly  
11 payments to the Department shall continue until such taxpayer's  
12 average monthly liability to the Department during the  
13 preceding 4 complete calendar quarters (excluding the month of  
14 highest liability and the month of lowest liability) is less  
15 than \$19,000 or until such taxpayer's average monthly liability  
16 to the Department as computed for each calendar quarter of the  
17 4 preceding complete calendar quarter period is less than  
18 \$20,000. However, if a taxpayer can show the Department that a  
19 substantial change in the taxpayer's business has occurred  
20 which causes the taxpayer to anticipate that his average  
21 monthly tax liability for the reasonably foreseeable future  
22 will fall below the \$20,000 threshold stated above, then such  
23 taxpayer may petition the Department for a change in such  
24 taxpayer's reporting status. The Department shall change such  
25 taxpayer's reporting status unless it finds that such change is  
26 seasonal in nature and not likely to be long term. If any such  
27 quarter monthly payment is not paid at the time or in the  
28 amount required by this Section, then the taxpayer shall be  
29 liable for penalties and interest on the difference between the  
30 minimum amount due and the amount of such quarter monthly  
31 payment actually and timely paid, except insofar as the  
32 taxpayer has previously made payments for that month to the  
33 Department in excess of the minimum payments previously due as  
34 provided in this Section. The Department shall make reasonable  
35 rules and regulations to govern the quarter monthly payment  
36 amount and quarter monthly payment dates for taxpayers who file

1 on other than a calendar monthly basis.

2 If any such payment provided for in this Section exceeds  
3 the taxpayer's liabilities under this Act, the Retailers'  
4 Occupation Tax Act, the Service Occupation Tax Act and the  
5 Service Use Tax Act, as shown by an original monthly return,  
6 the Department shall issue to the taxpayer a credit memorandum  
7 no later than 30 days after the date of payment, which  
8 memorandum may be submitted by the taxpayer to the Department  
9 in payment of tax liability subsequently to be remitted by the  
10 taxpayer to the Department or be assigned by the taxpayer to a  
11 similar taxpayer under this Act, the Retailers' Occupation Tax  
12 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
13 in accordance with reasonable rules and regulations to be  
14 prescribed by the Department, except that if such excess  
15 payment is shown on an original monthly return and is made  
16 after December 31, 1986, no credit memorandum shall be issued,  
17 unless requested by the taxpayer. If no such request is made,  
18 the taxpayer may credit such excess payment against tax  
19 liability subsequently to be remitted by the taxpayer to the  
20 Department under this Act, the Retailers' Occupation Tax Act,  
21 the Service Occupation Tax Act or the Service Use Tax Act, in  
22 accordance with reasonable rules and regulations prescribed by  
23 the Department. If the Department subsequently determines that  
24 all or any part of the credit taken was not actually due to the  
25 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
26 be reduced by 2.1% or 1.75% of the difference between the  
27 credit taken and that actually due, and the taxpayer shall be  
28 liable for penalties and interest on such difference.

29 If the retailer is otherwise required to file a monthly  
30 return and if the retailer's average monthly tax liability to  
31 the Department does not exceed \$200, the Department may  
32 authorize his returns to be filed on a quarter annual basis,  
33 with the return for January, February, and March of a given  
34 year being due by April 20 of such year; with the return for  
35 April, May and June of a given year being due by July 20 of such  
36 year; with the return for July, August and September of a given

1 year being due by October 20 of such year, and with the return  
2 for October, November and December of a given year being due by  
3 January 20 of the following year.

4 If the retailer is otherwise required to file a monthly or  
5 quarterly return and if the retailer's average monthly tax  
6 liability to the Department does not exceed \$50, the Department  
7 may authorize his returns to be filed on an annual basis, with  
8 the return for a given year being due by January 20 of the  
9 following year.

10 Such quarter annual and annual returns, as to form and  
11 substance, shall be subject to the same requirements as monthly  
12 returns.

13 Notwithstanding any other provision in this Act concerning  
14 the time within which a retailer may file his return, in the  
15 case of any retailer who ceases to engage in a kind of business  
16 which makes him responsible for filing returns under this Act,  
17 such retailer shall file a final return under this Act with the  
18 Department not more than one month after discontinuing such  
19 business.

20 In addition, with respect to motor vehicles, watercraft,  
21 aircraft, and trailers that are required to be registered with  
22 an agency of this State, every retailer selling this kind of  
23 tangible personal property shall file, with the Department,  
24 upon a form to be prescribed and supplied by the Department, a  
25 separate return for each such item of tangible personal  
26 property which the retailer sells, except that if, in the same  
27 transaction, (i) a retailer of aircraft, watercraft, motor  
28 vehicles or trailers transfers more than one aircraft,  
29 watercraft, motor vehicle or trailer to another aircraft,  
30 watercraft, motor vehicle or trailer retailer for the purpose  
31 of resale or (ii) a retailer of aircraft, watercraft, motor  
32 vehicles, or trailers transfers more than one aircraft,  
33 watercraft, motor vehicle, or trailer to a purchaser for use as  
34 a qualifying rolling stock as provided in Section 3-55 of this  
35 Act, then that seller may report the transfer of all the  
36 aircraft, watercraft, motor vehicles or trailers involved in

1 that transaction to the Department on the same uniform  
2 invoice-transaction reporting return form. For purposes of  
3 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
4 watercraft as defined in Section 3-2 of the Boat Registration  
5 and Safety Act, a personal watercraft, or any boat equipped  
6 with an inboard motor.

7 The transaction reporting return in the case of motor  
8 vehicles or trailers that are required to be registered with an  
9 agency of this State, shall be the same document as the Uniform  
10 Invoice referred to in Section 5-402 of the Illinois Vehicle  
11 Code and must show the name and address of the seller; the name  
12 and address of the purchaser; the amount of the selling price  
13 including the amount allowed by the retailer for traded-in  
14 property, if any; the amount allowed by the retailer for the  
15 traded-in tangible personal property, if any, to the extent to  
16 which Section 2 of this Act allows an exemption for the value  
17 of traded-in property; the balance payable after deducting such  
18 trade-in allowance from the total selling price; the amount of  
19 tax due from the retailer with respect to such transaction; the  
20 amount of tax collected from the purchaser by the retailer on  
21 such transaction (or satisfactory evidence that such tax is not  
22 due in that particular instance, if that is claimed to be the  
23 fact); the place and date of the sale; a sufficient  
24 identification of the property sold; such other information as  
25 is required in Section 5-402 of the Illinois Vehicle Code, and  
26 such other information as the Department may reasonably  
27 require.

28 The transaction reporting return in the case of watercraft  
29 and aircraft must show the name and address of the seller; the  
30 name and address of the purchaser; the amount of the selling  
31 price including the amount allowed by the retailer for  
32 traded-in property, if any; the amount allowed by the retailer  
33 for the traded-in tangible personal property, if any, to the  
34 extent to which Section 2 of this Act allows an exemption for  
35 the value of traded-in property; the balance payable after  
36 deducting such trade-in allowance from the total selling price;

1 the amount of tax due from the retailer with respect to such  
2 transaction; the amount of tax collected from the purchaser by  
3 the retailer on such transaction (or satisfactory evidence that  
4 such tax is not due in that particular instance, if that is  
5 claimed to be the fact); the place and date of the sale, a  
6 sufficient identification of the property sold, and such other  
7 information as the Department may reasonably require.

8 Such transaction reporting return shall be filed not later  
9 than 20 days after the date of delivery of the item that is  
10 being sold, but may be filed by the retailer at any time sooner  
11 than that if he chooses to do so. The transaction reporting  
12 return and tax remittance or proof of exemption from the tax  
13 that is imposed by this Act may be transmitted to the  
14 Department by way of the State agency with which, or State  
15 officer with whom, the tangible personal property must be  
16 titled or registered (if titling or registration is required)  
17 if the Department and such agency or State officer determine  
18 that this procedure will expedite the processing of  
19 applications for title or registration.

20 With each such transaction reporting return, the retailer  
21 shall remit the proper amount of tax due (or shall submit  
22 satisfactory evidence that the sale is not taxable if that is  
23 the case), to the Department or its agents, whereupon the  
24 Department shall issue, in the purchaser's name, a tax receipt  
25 (or a certificate of exemption if the Department is satisfied  
26 that the particular sale is tax exempt) which such purchaser  
27 may submit to the agency with which, or State officer with  
28 whom, he must title or register the tangible personal property  
29 that is involved (if titling or registration is required) in  
30 support of such purchaser's application for an Illinois  
31 certificate or other evidence of title or registration to such  
32 tangible personal property.

33 No retailer's failure or refusal to remit tax under this  
34 Act precludes a user, who has paid the proper tax to the  
35 retailer, from obtaining his certificate of title or other  
36 evidence of title or registration (if titling or registration

1 is required) upon satisfying the Department that such user has  
2 paid the proper tax (if tax is due) to the retailer. The  
3 Department shall adopt appropriate rules to carry out the  
4 mandate of this paragraph.

5 If the user who would otherwise pay tax to the retailer  
6 wants the transaction reporting return filed and the payment of  
7 tax or proof of exemption made to the Department before the  
8 retailer is willing to take these actions and such user has not  
9 paid the tax to the retailer, such user may certify to the fact  
10 of such delay by the retailer, and may (upon the Department  
11 being satisfied of the truth of such certification) transmit  
12 the information required by the transaction reporting return  
13 and the remittance for tax or proof of exemption directly to  
14 the Department and obtain his tax receipt or exemption  
15 determination, in which event the transaction reporting return  
16 and tax remittance (if a tax payment was required) shall be  
17 credited by the Department to the proper retailer's account  
18 with the Department, but without the 2.1% or 1.75% discount  
19 provided for in this Section being allowed. When the user pays  
20 the tax directly to the Department, he shall pay the tax in the  
21 same amount and in the same form in which it would be remitted  
22 if the tax had been remitted to the Department by the retailer.

23 Where a retailer collects the tax with respect to the  
24 selling price of tangible personal property which he sells and  
25 the purchaser thereafter returns such tangible personal  
26 property and the retailer refunds the selling price thereof to  
27 the purchaser, such retailer shall also refund, to the  
28 purchaser, the tax so collected from the purchaser. When filing  
29 his return for the period in which he refunds such tax to the  
30 purchaser, the retailer may deduct the amount of the tax so  
31 refunded by him to the purchaser from any other use tax which  
32 such retailer may be required to pay or remit to the  
33 Department, as shown by such return, if the amount of the tax  
34 to be deducted was previously remitted to the Department by  
35 such retailer. If the retailer has not previously remitted the  
36 amount of such tax to the Department, he is entitled to no

1 deduction under this Act upon refunding such tax to the  
2 purchaser.

3 Any retailer filing a return under this Section shall also  
4 include (for the purpose of paying tax thereon) the total tax  
5 covered by such return upon the selling price of tangible  
6 personal property purchased by him at retail from a retailer,  
7 but as to which the tax imposed by this Act was not collected  
8 from the retailer filing such return, and such retailer shall  
9 remit the amount of such tax to the Department when filing such  
10 return.

11 If experience indicates such action to be practicable, the  
12 Department may prescribe and furnish a combination or joint  
13 return which will enable retailers, who are required to file  
14 returns hereunder and also under the Retailers' Occupation Tax  
15 Act, to furnish all the return information required by both  
16 Acts on the one form.

17 Where the retailer has more than one business registered  
18 with the Department under separate registration under this Act,  
19 such retailer may not file each return that is due as a single  
20 return covering all such registered businesses, but shall file  
21 separate returns for each such registered business.

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the State and Local Sales Tax Reform Fund, a special  
24 fund in the State Treasury which is hereby created, the net  
25 revenue realized for the preceding month from the 1% tax on  
26 sales of food for human consumption which is to be consumed off  
27 the premises where it is sold (other than alcoholic beverages,  
28 soft drinks and food which has been prepared for immediate  
29 consumption) and prescription and nonprescription medicines,  
30 drugs, medical appliances and insulin, urine testing  
31 materials, syringes and needles used by diabetics.

32 Beginning January 1, 1990, each month the Department shall  
33 pay into the County and Mass Transit District Fund 4% of the  
34 net revenue realized for the preceding month from the 6.25%  
35 general rate on the selling price of tangible personal property  
36 which is purchased outside Illinois at retail from a retailer

1 and which is titled or registered by an agency of this State's  
2 government.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the State and Local Sales Tax Reform Fund, a special  
5 fund in the State Treasury, 20% of the net revenue realized for  
6 the preceding month from the 6.25% general rate on the selling  
7 price of tangible personal property, other than tangible  
8 personal property which is purchased outside Illinois at retail  
9 from a retailer and which is titled or registered by an agency  
10 of this State's government.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund 100% of the  
13 net revenue realized for the preceding month from the 1.25%  
14 rate on the selling price of motor fuel and gasohol.

15 Beginning January 1, 1990, each month the Department shall  
16 pay into the Local Government Tax Fund 16% of the net revenue  
17 realized for the preceding month from the 6.25% general rate on  
18 the selling price of tangible personal property which is  
19 purchased outside Illinois at retail from a retailer and which  
20 is titled or registered by an agency of this State's  
21 government.

22 Of the remainder of the moneys received by the Department  
23 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
24 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
25 and after July 1, 1989, 3.8% thereof shall be paid into the  
26 Build Illinois Fund; provided, however, that if in any fiscal  
27 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
28 may be, of the moneys received by the Department and required  
29 to be paid into the Build Illinois Fund pursuant to Section 3  
30 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
31 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
32 Service Occupation Tax Act, such Acts being hereinafter called  
33 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
34 may be, of moneys being hereinafter called the "Tax Act  
35 Amount", and (2) the amount transferred to the Build Illinois  
36 Fund from the State and Local Sales Tax Reform Fund shall be



1 less than the Annual Specified Amount (as defined in Section 3  
2 of the Retailers' Occupation Tax Act), an amount equal to the  
3 difference shall be immediately paid into the Build Illinois  
4 Fund from other moneys received by the Department pursuant to  
5 the Tax Acts; and further provided, that if on the last  
6 business day of any month the sum of (1) the Tax Act Amount  
7 required to be deposited into the Build Illinois Bond Account  
8 in the Build Illinois Fund during such month and (2) the amount  
9 transferred during such month to the Build Illinois Fund from  
10 the State and Local Sales Tax Reform Fund shall have been less  
11 than 1/12 of the Annual Specified Amount, an amount equal to  
12 the difference shall be immediately paid into the Build  
13 Illinois Fund from other moneys received by the Department  
14 pursuant to the Tax Acts; and, further provided, that in no  
15 event shall the payments required under the preceding proviso  
16 result in aggregate payments into the Build Illinois Fund  
17 pursuant to this clause (b) for any fiscal year in excess of  
18 the greater of (i) the Tax Act Amount or (ii) the Annual  
19 Specified Amount for such fiscal year; and, further provided,  
20 that the amounts payable into the Build Illinois Fund under  
21 this clause (b) shall be payable only until such time as the  
22 aggregate amount on deposit under each trust indenture securing  
23 Bonds issued and outstanding pursuant to the Build Illinois  
24 Bond Act is sufficient, taking into account any future  
25 investment income, to fully provide, in accordance with such  
26 indenture, for the defeasance of or the payment of the  
27 principal of, premium, if any, and interest on the Bonds  
28 secured by such indenture and on any Bonds expected to be  
29 issued thereafter and all fees and costs payable with respect  
30 thereto, all as certified by the Director of the Bureau of the  
31 Budget (now Governor's Office of Management and Budget). If on  
32 the last business day of any month in which Bonds are  
33 outstanding pursuant to the Build Illinois Bond Act, the  
34 aggregate of the moneys deposited in the Build Illinois Bond  
35 Account in the Build Illinois Fund in such month shall be less  
36 than the amount required to be transferred in such month from

1 the Build Illinois Bond Account to the Build Illinois Bond  
 2 Retirement and Interest Fund pursuant to Section 13 of the  
 3 Build Illinois Bond Act, an amount equal to such deficiency  
 4 shall be immediately paid from other moneys received by the  
 5 Department pursuant to the Tax Acts to the Build Illinois Fund;  
 6 provided, however, that any amounts paid to the Build Illinois  
 7 Fund in any fiscal year pursuant to this sentence shall be  
 8 deemed to constitute payments pursuant to clause (b) of the  
 9 preceding sentence and shall reduce the amount otherwise  
 10 payable for such fiscal year pursuant to clause (b) of the  
 11 preceding sentence. The moneys received by the Department  
 12 pursuant to this Act and required to be deposited into the  
 13 Build Illinois Fund are subject to the pledge, claim and charge  
 14 set forth in Section 12 of the Build Illinois Bond Act.

15 Subject to payment of amounts into the Build Illinois Fund  
 16 as provided in the preceding paragraph or in any amendment  
 17 thereto hereafter enacted, the following specified monthly  
 18 installment of the amount requested in the certificate of the  
 19 Chairman of the Metropolitan Pier and Exposition Authority  
 20 provided under Section 8.25f of the State Finance Act, but not  
 21 in excess of the sums designated as "Total Deposit", shall be  
 22 deposited in the aggregate from collections under Section 9 of  
 23 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 24 9 of the Service Occupation Tax Act, and Section 3 of the  
 25 Retailers' Occupation Tax Act into the McCormick Place  
 26 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
28	1993	\$0
29	1994	53,000,000
30	1995	58,000,000
31	1996	61,000,000
32	1997	64,000,000
33	1998	68,000,000
34	1999	71,000,000
35	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023 and	275,000,000

24           each fiscal year  
 25           thereafter that bonds  
 26           are outstanding under  
 27           Section 13.2 of the  
 28           Metropolitan Pier and  
 29           Exposition Authority Act,  
 30           but not after fiscal year 2042.

31           Beginning July 20, 1993 and in each month of each fiscal  
 32           year thereafter, one-eighth of the amount requested in the  
 33           certificate of the Chairman of the Metropolitan Pier and  
 34           Exposition Authority for that fiscal year, less the amount  
 35           deposited into the McCormick Place Expansion Project Fund by  
 36           the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition  
2 Authority Act, plus cumulative deficiencies in the deposits  
3 required under this Section for previous months and years,  
4 shall be deposited into the McCormick Place Expansion Project  
5 Fund, until the full amount requested for the fiscal year, but  
6 not in excess of the amount specified above as "Total Deposit",  
7 has been deposited.

8 Subject to payment of amounts into the Build Illinois Fund  
9 and the McCormick Place Expansion Project Fund pursuant to the  
10 preceding paragraphs or in any amendments thereto hereafter  
11 enacted, beginning July 1, 1993, the Department shall each  
12 month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
13 the net revenue realized for the preceding month from the 6.25%  
14 general rate on the selling price of tangible personal  
15 property.

16 Subject to payment of amounts into the Build Illinois Fund  
17 and the McCormick Place Expansion Project Fund pursuant to the  
18 preceding paragraphs or in any amendments thereto hereafter  
19 enacted, beginning with the receipt of the first report of  
20 taxes paid by an eligible business and continuing for a 25-year  
21 period, the Department shall each month pay into the Energy  
22 Infrastructure Fund 80% of the net revenue realized from the  
23 6.25% general rate on the selling price of Illinois-mined coal  
24 that was sold to an eligible business. For purposes of this  
25 paragraph, the term "eligible business" means a new electric  
26 generating facility certified pursuant to Section 605-332 of  
27 the Department of Commerce and Economic Opportunity ~~Community~~  
28 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

29 Of the remainder of the moneys received by the Department  
30 pursuant to this Act, 75% thereof shall be paid into the State  
31 Treasury and 25% shall be reserved in a special account and  
32 used only for the transfer to the Common School Fund as part of  
33 the monthly transfer from the General Revenue Fund in  
34 accordance with Section 8a of the State Finance Act.

35 As soon as possible after the first day of each month, upon  
36 certification of the Department of Revenue, the Comptroller

1 shall order transferred and the Treasurer shall transfer from  
2 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
3 equal to 1.7% of 80% of the net revenue realized under this Act  
4 for the second preceding month. Beginning April 1, 2000, this  
5 transfer is no longer required and shall not be made.

6 Net revenue realized for a month shall be the revenue  
7 collected by the State pursuant to this Act, less the amount  
8 paid out during that month as refunds to taxpayers for  
9 overpayment of liability.

10 For greater simplicity of administration, manufacturers,  
11 importers and wholesalers whose products are sold at retail in  
12 Illinois by numerous retailers, and who wish to do so, may  
13 assume the responsibility for accounting and paying to the  
14 Department all tax accruing under this Act with respect to such  
15 sales, if the retailers who are affected do not make written  
16 objection to the Department to this arrangement.

17 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,  
18 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;  
19 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;  
20 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;  
21 92-651, eff. 7-11-02; revised 10-15-03.)

22 Section 480. The Service Use Tax Act is amended by changing  
23 Section 9 as follows:

24 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

25 Sec. 9. Each serviceman required or authorized to collect  
26 the tax herein imposed shall pay to the Department the amount  
27 of such tax (except as otherwise provided) at the time when he  
28 is required to file his return for the period during which such  
29 tax was collected, less a discount of 2.1% prior to January 1,  
30 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
31 year, whichever is greater, which is allowed to reimburse the  
32 serviceman for expenses incurred in collecting the tax, keeping  
33 records, preparing and filing returns, remitting the tax and  
34 supplying data to the Department on request. A serviceman need

1 not remit that part of any tax collected by him to the extent  
2 that he is required to pay and does pay the tax imposed by the  
3 Service Occupation Tax Act with respect to his sale of service  
4 involving the incidental transfer by him of the same property.

5 Except as provided hereinafter in this Section, on or  
6 before the twentieth day of each calendar month, such  
7 serviceman shall file a return for the preceding calendar month  
8 in accordance with reasonable Rules and Regulations to be  
9 promulgated by the Department. Such return shall be filed on a  
10 form prescribed by the Department and shall contain such  
11 information as the Department may reasonably require.

12 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter. The  
16 taxpayer shall also file a return with the Department for each  
17 of the first two months of each calendar quarter, on or before  
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from  
21 which he engages in business as a serviceman in this State;

22 3. The total amount of taxable receipts received by him  
23 during the preceding calendar month, including receipts  
24 from charge and time sales, but less all deductions allowed  
25 by law;

26 4. The amount of credit provided in Section 2d of this  
27 Act;

28 5. The amount of tax due;

29 5-5. The signature of the taxpayer; and

30 6. Such other reasonable information as the Department  
31 may require.

32 If a taxpayer fails to sign a return within 30 days after  
33 the proper notice and demand for signature by the Department,  
34 the return shall be considered valid and any amount shown to be  
35 due on the return shall be deemed assessed.

36 Beginning October 1, 1993, a taxpayer who has an average

1 monthly tax liability of \$150,000 or more shall make all  
2 payments required by rules of the Department by electronic  
3 funds transfer. Beginning October 1, 1994, a taxpayer who has  
4 an average monthly tax liability of \$100,000 or more shall make  
5 all payments required by rules of the Department by electronic  
6 funds transfer. Beginning October 1, 1995, a taxpayer who has  
7 an average monthly tax liability of \$50,000 or more shall make  
8 all payments required by rules of the Department by electronic  
9 funds transfer. Beginning October 1, 2000, a taxpayer who has  
10 an annual tax liability of \$200,000 or more shall make all  
11 payments required by rules of the Department by electronic  
12 funds transfer. The term "annual tax liability" shall be the  
13 sum of the taxpayer's liabilities under this Act, and under all  
14 other State and local occupation and use tax laws administered  
15 by the Department, for the immediately preceding calendar year.  
16 The term "average monthly tax liability" means the sum of the  
17 taxpayer's liabilities under this Act, and under all other  
18 State and local occupation and use tax laws administered by the  
19 Department, for the immediately preceding calendar year  
20 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
21 a tax liability in the amount set forth in subsection (b) of  
22 Section 2505-210 of the Department of Revenue Law shall make  
23 all payments required by rules of the Department by electronic  
24 funds transfer.

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make payments  
27 by electronic funds transfer. All taxpayers required to make  
28 payments by electronic funds transfer shall make those payments  
29 for a minimum of one year beginning on October 1.

30 Any taxpayer not required to make payments by electronic  
31 funds transfer may make payments by electronic funds transfer  
32 with the permission of the Department.

33 All taxpayers required to make payment by electronic funds  
34 transfer and any taxpayers authorized to voluntarily make  
35 payments by electronic funds transfer shall make those payments  
36 in the manner authorized by the Department.

1           The Department shall adopt such rules as are necessary to  
2           effectuate a program of electronic funds transfer and the  
3           requirements of this Section.

4           If the serviceman is otherwise required to file a monthly  
5           return and if the serviceman's average monthly tax liability to  
6           the Department does not exceed \$200, the Department may  
7           authorize his returns to be filed on a quarter annual basis,  
8           with the return for January, February and March of a given year  
9           being due by April 20 of such year; with the return for April,  
10          May and June of a given year being due by July 20 of such year;  
11          with the return for July, August and September of a given year  
12          being due by October 20 of such year, and with the return for  
13          October, November and December of a given year being due by  
14          January 20 of the following year.

15          If the serviceman is otherwise required to file a monthly  
16          or quarterly return and if the serviceman's average monthly tax  
17          liability to the Department does not exceed \$50, the Department  
18          may authorize his returns to be filed on an annual basis, with  
19          the return for a given year being due by January 20 of the  
20          following year.

21          Such quarter annual and annual returns, as to form and  
22          substance, shall be subject to the same requirements as monthly  
23          returns.

24          Notwithstanding any other provision in this Act concerning  
25          the time within which a serviceman may file his return, in the  
26          case of any serviceman who ceases to engage in a kind of  
27          business which makes him responsible for filing returns under  
28          this Act, such serviceman shall file a final return under this  
29          Act with the Department not more than 1 month after  
30          discontinuing such business.

31          Where a serviceman collects the tax with respect to the  
32          selling price of property which he sells and the purchaser  
33          thereafter returns such property and the serviceman refunds the  
34          selling price thereof to the purchaser, such serviceman shall  
35          also refund, to the purchaser, the tax so collected from the  
36          purchaser. When filing his return for the period in which he



1 refunds such tax to the purchaser, the serviceman may deduct  
2 the amount of the tax so refunded by him to the purchaser from  
3 any other Service Use Tax, Service Occupation Tax, retailers'  
4 occupation tax or use tax which such serviceman may be required  
5 to pay or remit to the Department, as shown by such return,  
6 provided that the amount of the tax to be deducted shall  
7 previously have been remitted to the Department by such  
8 serviceman. If the serviceman shall not previously have  
9 remitted the amount of such tax to the Department, he shall be  
10 entitled to no deduction hereunder upon refunding such tax to  
11 the purchaser.

12 Any serviceman filing a return hereunder shall also include  
13 the total tax upon the selling price of tangible personal  
14 property purchased for use by him as an incident to a sale of  
15 service, and such serviceman shall remit the amount of such tax  
16 to the Department when filing such return.

17 If experience indicates such action to be practicable, the  
18 Department may prescribe and furnish a combination or joint  
19 return which will enable servicemen, who are required to file  
20 returns hereunder and also under the Service Occupation Tax  
21 Act, to furnish all the return information required by both  
22 Acts on the one form.

23 Where the serviceman has more than one business registered  
24 with the Department under separate registration hereunder,  
25 such serviceman shall not file each return that is due as a  
26 single return covering all such registered businesses, but  
27 shall file separate returns for each such registered business.

28 Beginning January 1, 1990, each month the Department shall  
29 pay into the State and Local Tax Reform Fund, a special fund in  
30 the State Treasury, the net revenue realized for the preceding  
31 month from the 1% tax on sales of food for human consumption  
32 which is to be consumed off the premises where it is sold  
33 (other than alcoholic beverages, soft drinks and food which has  
34 been prepared for immediate consumption) and prescription and  
35 nonprescription medicines, drugs, medical appliances and  
36 insulin, urine testing materials, syringes and needles used by

1     diabetics.

2           Beginning January 1, 1990, each month the Department shall  
3     pay into the State and Local Sales Tax Reform Fund 20% of the  
4     net revenue realized for the preceding month from the 6.25%  
5     general rate on transfers of tangible personal property, other  
6     than tangible personal property which is purchased outside  
7     Illinois at retail from a retailer and which is titled or  
8     registered by an agency of this State's government.

9           Beginning August 1, 2000, each month the Department shall  
10    pay into the State and Local Sales Tax Reform Fund 100% of the  
11    net revenue realized for the preceding month from the 1.25%  
12    rate on the selling price of motor fuel and gasohol.

13           Of the remainder of the moneys received by the Department  
14    pursuant to this Act, (a) 1.75% thereof shall be paid into the  
15    Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
16    and after July 1, 1989, 3.8% thereof shall be paid into the  
17    Build Illinois Fund; provided, however, that if in any fiscal  
18    year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
19    may be, of the moneys received by the Department and required  
20    to be paid into the Build Illinois Fund pursuant to Section 3  
21    of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
22    Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
23    Service Occupation Tax Act, such Acts being hereinafter called  
24    the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
25    may be, of moneys being hereinafter called the "Tax Act  
26    Amount", and (2) the amount transferred to the Build Illinois  
27    Fund from the State and Local Sales Tax Reform Fund shall be  
28    less than the Annual Specified Amount (as defined in Section 3  
29    of the Retailers' Occupation Tax Act), an amount equal to the  
30    difference shall be immediately paid into the Build Illinois  
31    Fund from other moneys received by the Department pursuant to  
32    the Tax Acts; and further provided, that if on the last  
33    business day of any month the sum of (1) the Tax Act Amount  
34    required to be deposited into the Build Illinois Bond Account  
35    in the Build Illinois Fund during such month and (2) the amount  
36    transferred during such month to the Build Illinois Fund from

1 the State and Local Sales Tax Reform Fund shall have been less  
2 than 1/12 of the Annual Specified Amount, an amount equal to  
3 the difference shall be immediately paid into the Build  
4 Illinois Fund from other moneys received by the Department  
5 pursuant to the Tax Acts; and, further provided, that in no  
6 event shall the payments required under the preceding proviso  
7 result in aggregate payments into the Build Illinois Fund  
8 pursuant to this clause (b) for any fiscal year in excess of  
9 the greater of (i) the Tax Act Amount or (ii) the Annual  
10 Specified Amount for such fiscal year; and, further provided,  
11 that the amounts payable into the Build Illinois Fund under  
12 this clause (b) shall be payable only until such time as the  
13 aggregate amount on deposit under each trust indenture securing  
14 Bonds issued and outstanding pursuant to the Build Illinois  
15 Bond Act is sufficient, taking into account any future  
16 investment income, to fully provide, in accordance with such  
17 indenture, for the defeasance of or the payment of the  
18 principal of, premium, if any, and interest on the Bonds  
19 secured by such indenture and on any Bonds expected to be  
20 issued thereafter and all fees and costs payable with respect  
21 thereto, all as certified by the Director of the Bureau of the  
22 Budget (now Governor's Office of Management and Budget). If on  
23 the last business day of any month in which Bonds are  
24 outstanding pursuant to the Build Illinois Bond Act, the  
25 aggregate of the moneys deposited in the Build Illinois Bond  
26 Account in the Build Illinois Fund in such month shall be less  
27 than the amount required to be transferred in such month from  
28 the Build Illinois Bond Account to the Build Illinois Bond  
29 Retirement and Interest Fund pursuant to Section 13 of the  
30 Build Illinois Bond Act, an amount equal to such deficiency  
31 shall be immediately paid from other moneys received by the  
32 Department pursuant to the Tax Acts to the Build Illinois Fund;  
33 provided, however, that any amounts paid to the Build Illinois  
34 Fund in any fiscal year pursuant to this sentence shall be  
35 deemed to constitute payments pursuant to clause (b) of the  
36 preceding sentence and shall reduce the amount otherwise

1 payable for such fiscal year pursuant to clause (b) of the  
 2 preceding sentence. The moneys received by the Department  
 3 pursuant to this Act and required to be deposited into the  
 4 Build Illinois Fund are subject to the pledge, claim and charge  
 5 set forth in Section 12 of the Build Illinois Bond Act.

6 Subject to payment of amounts into the Build Illinois Fund  
 7 as provided in the preceding paragraph or in any amendment  
 8 thereto hereafter enacted, the following specified monthly  
 9 installment of the amount requested in the certificate of the  
 10 Chairman of the Metropolitan Pier and Exposition Authority  
 11 provided under Section 8.25f of the State Finance Act, but not  
 12 in excess of the sums designated as "Total Deposit", shall be  
 13 deposited in the aggregate from collections under Section 9 of  
 14 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 15 9 of the Service Occupation Tax Act, and Section 3 of the  
 16 Retailers' Occupation Tax Act into the McCormick Place  
 17 Expansion Project Fund in the specified fiscal years.

18	Fiscal Year	Total
		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 All remaining moneys received by the Department pursuant to  
21 this Act shall be paid into the General Revenue Fund of the  
22 State Treasury.

23 As soon as possible after the first day of each month, upon  
24 certification of the Department of Revenue, the Comptroller  
25 shall order transferred and the Treasurer shall transfer from  
26 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
27 equal to 1.7% of 80% of the net revenue realized under this Act  
28 for the second preceding month. Beginning April 1, 2000, this  
29 transfer is no longer required and shall not be made.

30 Net revenue realized for a month shall be the revenue  
31 collected by the State pursuant to this Act, less the amount  
32 paid out during that month as refunds to taxpayers for  
33 overpayment of liability.

34 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
35 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;  
36 revised 10-15-03.)

1 Section 490. The Retailers' Occupation Tax Act is amended  
2 by changing Sections 1d, 1f, 1i, 1j.1, 1k, 1o, and 5l as  
3 follows:

4 (35 ILCS 120/1d) (from Ch. 120, par. 440d)

5 Sec. 1d. Subject to the provisions of Section 1f, all  
6 tangible personal property to be used or consumed within an  
7 enterprise zone established pursuant to the "Illinois  
8 Enterprise Zone Act", as amended, or subject to the provisions  
9 of Section 5.5 of the Illinois Enterprise Zone Act, all  
10 tangible personal property to be used or consumed by any High  
11 Impact Business, in the process of the manufacturing or  
12 assembly of tangible personal property for wholesale or retail  
13 sale or lease or in the process of graphic arts production if  
14 used or consumed at a facility which is a Department of  
15 Commerce and Economic Opportunity ~~Community Affairs~~ certified  
16 business and located in a county of more than 4,000 persons and  
17 less than 45,000 persons is exempt from the tax imposed by this  
18 Act. This exemption includes repair and replacement parts for  
19 machinery and equipment used primarily in the process of  
20 manufacturing or assembling tangible personal property or in  
21 the process of graphic arts production if used or consumed at a  
22 facility which is a Department of Commerce and Economic  
23 Opportunity ~~Community Affairs~~ certified business and located  
24 in a county of more than 4,000 persons and less than 45,000  
25 persons for wholesale or retail sale, or lease, and equipment,  
26 manufacturing or graphic arts fuels, material and supplies for  
27 the maintenance, repair or operation of such manufacturing or  
28 assembling or graphic arts machinery or equipment.

29 (Source: P.A. 85-1182; 86-1456; revised 12-6-03.)

30 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

31 Sec. 1f. Except for High Impact Businesses, the exemption  
32 stated in Sections 1d and 1e of this Act shall only apply to  
33 business enterprises which:

1           (1) either (i) make investments which cause the  
2           creation of a minimum of 200 full-time equivalent jobs in  
3           Illinois or (ii) make investments which cause the retention  
4           of a minimum of 2000 full-time jobs in Illinois or (iii)  
5           make investments of a minimum of \$40,000,000 and retain at  
6           least 90% of the jobs in place on the date on which the  
7           exemption is granted and for the duration of the exemption;  
8           and

9           (2) are located in an Enterprise Zone established  
10          pursuant to the Illinois Enterprise Zone Act; and

11          (3) are certified by the Department of Commerce and  
12          Economic Opportunity ~~Community Affairs~~ as complying with  
13          the requirements specified in clauses (1), (2) and (3).

14          Any business enterprise seeking to avail itself of the  
15          exemptions stated in Sections 1d or 1e, or both, shall make  
16          application to the Department of Commerce and Economic  
17          Opportunity ~~Community Affairs~~ in such form and providing such  
18          information as may be prescribed by the Department of Commerce  
19          and Economic Opportunity ~~Community Affairs~~. However, no  
20          business enterprise shall be required, as a condition for  
21          certification under clause (4) of this Section, to attest that  
22          its decision to invest under clause (1) of this Section and to  
23          locate under clause (2) of this Section is predicated upon the  
24          availability of the exemptions authorized by Sections 1d or 1e.

25          The Department of Commerce and Economic Opportunity  
26          ~~Community Affairs~~ shall determine whether the business  
27          enterprise meets the criteria prescribed in this Section. If  
28          the Department of Commerce and Economic Opportunity ~~Community~~  
29          ~~Affairs~~ determines that such business enterprise meets the  
30          criteria, it shall issue a certificate of eligibility for  
31          exemption to the business enterprise in such form as is  
32          prescribed by the Department of Revenue. The Department of  
33          Commerce and Economic Opportunity ~~Community Affairs~~ shall act  
34          upon such certification requests within 60 days after receipt  
35          of the application, and shall file with the Department of  
36          Revenue a copy of each certificate of eligibility for



1 exemption.

2 The Department of Commerce and Economic Opportunity  
3 ~~Community Affairs~~ shall have the power to promulgate rules and  
4 regulations to carry out the provisions of this Section  
5 including the power to define the amounts and types of eligible  
6 investments not specified in this Section which business  
7 enterprises must make in order to receive the exemptions stated  
8 in Sections 1d and 1e of this Act; and to require that any  
9 business enterprise that is granted a tax exemption repay the  
10 exempted tax if the business enterprise fails to comply with  
11 the terms and conditions of the certification.

12 Such certificate of eligibility for exemption shall be  
13 presented by the business enterprise to its supplier when  
14 making the initial purchase of tangible personal property for  
15 which an exemption is granted by Section 1d or Section 1e, or  
16 both, together with a certification by the business enterprise  
17 that such tangible personal property is exempt from taxation  
18 under Section 1d or Section 1e and by indicating the exempt  
19 status of each subsequent purchase on the face of the purchase  
20 order.

21 The Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ shall determine the period during which such  
23 exemption from the taxes imposed under this Act is in effect  
24 which shall not exceed 20 years.

25 (Source: P.A. 86-44; 86-1456; revised 12-6-03.)

26 (35 ILCS 120/1i) (from Ch. 120, par. 440i)

27 Sec. 1i. High Impact Service Facility means a facility used  
28 primarily for the sorting, handling and redistribution of mail,  
29 freight, cargo, or other parcels received from agents or  
30 employees of the handler or shipper for processing at a common  
31 location and redistribution to other employees or agents for  
32 delivery to an ultimate destination on an item-by-item basis,  
33 and which: (1) will make an investment in a business enterprise  
34 project of \$100,000,000 dollars or more; (2) will cause the  
35 creation of at least 750 to 1,000 jobs or more in an enterprise

1 zone established pursuant to the Illinois Enterprise Zone Act;  
2 and (3) is certified by the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~ as contractually obligated to  
4 meet the requirements specified in divisions (1) and (2) of  
5 this paragraph within the time period as specified by the  
6 certification. Any business enterprise project applying for  
7 the exemption stated in this Section shall make application to  
8 the Department of Commerce and Economic Opportunity ~~Community~~  
9 ~~Affairs~~ in such form and providing such information as may be  
10 prescribed by the Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~.

12 The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ shall determine whether the business  
14 enterprise project meets the criteria prescribed in this  
15 Section. If the Department of Commerce and Economic Opportunity  
16 ~~Community Affairs~~ determines that such business enterprise  
17 project meets the criteria, it shall issue a certificate of  
18 eligibility for exemption to the business enterprise in such  
19 form as is prescribed by the Department of Revenue. The  
20 Department of Commerce and Economic Opportunity ~~Community~~  
21 ~~Affairs~~ shall act upon such certification requests within 60  
22 days after receipt of the application, and shall file with the  
23 Department of Revenue a copy of each certificate of eligibility  
24 for exemption.

25 The Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~ shall have the power to promulgate rules and  
27 regulations to carry out the provisions of this Section and to  
28 require that any business enterprise that is granted a tax  
29 exemption repay the exempted tax if the business enterprise  
30 fails to comply with the terms and conditions of the  
31 certification.

32 The certificate of eligibility for exemption shall be  
33 presented by the business enterprise to its supplier when  
34 making the initial purchase of machinery and equipment for  
35 which an exemption is granted by Section 1j of this Act,  
36 together with a certification by the business enterprise that

1 such machinery and equipment is exempt from taxation under  
2 Section 1j of this Act and by indicating the exempt status of  
3 each subsequent purchase on the face of the purchase order.

4 The certification of eligibility for exemption shall be  
5 presented by the business enterprise to its supplier when  
6 making the purchase of jet fuel and petroleum products for  
7 which an exemption is granted by Section 1j.1 of this Act,  
8 together with a certification by the business enterprise that  
9 such jet fuel and petroleum product, are exempt from taxation  
10 under Section 1j.1 of this Act, and by indicating the exempt  
11 status of each subsequent purchase on the face of the purchase  
12 order.

13 The Department of Commerce and Economic Opportunity  
14 ~~Community Affairs~~ shall determine the period during which such  
15 exemption from the taxes imposed under this Act will remain in  
16 effect.

17 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

18 (35 ILCS 120/1j.1)

19 Sec. 1j.1. Exemption; jet fuel used in the operation of  
20 high impact service facilities. Subject to the provisions of  
21 Section 1i of this Act, jet fuel and petroleum products sold to  
22 and used in the conduct of its business of sorting, handling  
23 and redistribution of mail, freight, cargo or other parcels in  
24 the operation of a high impact service facility, as defined in  
25 Section 1i of this Act, located within an enterprise zone  
26 established pursuant to the Illinois Enterprise Zone Act shall  
27 be exempt from the tax imposed by this Act, provided that the  
28 business enterprise has waived its right to a tax exemption of  
29 the charges imposed under Section 9-222.1 of the Public  
30 Utilities Act. The Department of Commerce and Economic  
31 Opportunity ~~Community Affairs~~ shall promulgate rules necessary  
32 to further define jet fuel and petroleum products sold to,  
33 used, and eligible for exemption in a high impact service  
34 facility. The minimum period for which an exemption from taxes  
35 is granted by this Section is 10 years, regardless of the

1 duration of the enterprise zone in which the project is  
2 located.

3 (Source: P.A. 90-42, eff. 1-1-98; revised 12-6-03.)

4 (35 ILCS 120/1k) (from Ch. 120, par. 440k)

5 Sec. 1k. Aircraft maintenance facility means a facility  
6 operated by an interstate carrier for hire that is used  
7 primarily for the maintenance, rebuilding or repair of  
8 aircraft, aircraft parts and auxiliary equipment owned or  
9 leased by that carrier and used by that carrier as rolling  
10 stock moving in interstate commerce, and which: (1) will make  
11 an investment by the interstate carrier for hire of  
12 \$400,000,000 or more in an enterprise zone; (2) will cause the  
13 creation of at least 5,000 full-time jobs in that enterprise  
14 zone; (3) is located in a county with population not less than  
15 150,000 and not more than 200,000 and that contains 3  
16 enterprise zones as of December 31, 1990; (4) enters into a  
17 legally binding agreement with the Department of Commerce and  
18 Economic Opportunity ~~Community Affairs~~ to comply with clauses  
19 (1) and (2) of this paragraph within a time period specified in  
20 the rules and regulations promulgated pursuant to this Section;  
21 and (5) is certified by the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ to be in compliance with clauses  
23 (1), (2), (3) and (4) of this Section. Any aircraft maintenance  
24 facility applying for the exemption stated in this Section  
25 shall make application to the Department of Commerce and  
26 Economic Opportunity ~~Community Affairs~~ in such form and  
27 providing such information as may be prescribed by the  
28 Department of Commerce and Economic Opportunity ~~Community~~  
29 ~~Affairs~~.

30 The Department of Commerce and Economic Opportunity  
31 ~~Community Affairs~~ shall determine whether the facility meets  
32 the criteria prescribed in this Section. If the Department of  
33 Commerce and Economic Opportunity ~~Community Affairs~~ determines  
34 that the facility meets the criteria, it shall issue a  
35 certificate of eligibility for exemption in the form prescribed

1 by the Department of Revenue to the business enterprise  
2 operating the facility. The Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~ shall act upon certification  
4 request within 60 days after receipt of application, and shall  
5 file with the Department of Revenue a copy of each certificate  
6 of eligibility for exemption.

7 The Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~ shall promulgate rules and regulations to  
9 carry out the provisions of this Section, and to require that  
10 any business enterprise that is granted a tax exemption pay the  
11 exempted tax to the Department of Revenue if the business  
12 enterprise fails to comply with the terms and conditions of the  
13 certification, and pay all penalties and interest on that  
14 exempted tax as determined by the Department of Revenue.

15 The certificate of eligibility for exemption shall be  
16 presented by the business enterprise to its supplier when  
17 making the initial purchase of machinery and equipment for  
18 which an exemption is granted by Section 1m or Section 1n of  
19 this Act, or both, together with a certification by the  
20 business enterprise that the machinery and equipment is exempt  
21 from taxation under Section 1m or 1n of this Act. The exempt  
22 status, if any, of each subsequent purchase shall be indicated  
23 on the face of the purchase order.

24 (Source: P.A. 86-1490; revised 12-6-03.)

25 (35 ILCS 120/1o)

26 Sec. 1o. Aircraft support center exemption.

27 (a) For the purposes of this Act, "aircraft support center"  
28 means a support center operated by a carrier for hire that is  
29 used primarily for the maintenance, rebuilding, or repair of  
30 aircraft, aircraft parts, and auxiliary equipment, and which  
31 carrier:

32 (1) will make an investment of \$30,000,000 or more at a  
33 federal Air Force Base located in this State;

34 (2) will cause the creation of at least 750 full-time  
35 jobs at a joint use military and civilian airport at that

1 federal Air Force Base;

2 (3) enters into a legally binding agreement with the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~ to comply with paragraphs (1) and (2) within a time  
5 period specified in the rules and regulations promulgated  
6 by the Department of Commerce and Economic Opportunity  
7 ~~Community Affairs~~ pursuant to this subsection; and

8 (4) is certified by the Department of Commerce and  
9 Economic Opportunity ~~Community Affairs~~ to be in compliance  
10 with paragraphs (1), (2), and (3).

11 Any aircraft support center applying for an exemption stated in  
12 this Section shall make application to the Department of  
13 Commerce and Economic Opportunity ~~Community Affairs~~ in such  
14 form and providing such information as may be prescribed by  
15 that Department. The Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~ shall determine whether the  
17 aircraft support center meets the criteria prescribed in this  
18 subsection. If the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~ determines that the aircraft  
20 support center meets the criteria, it shall issue a certificate  
21 of eligibility for exemption in the form prescribed by the  
22 Department of Revenue to the carrier operating the aircraft  
23 support center. The Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~ shall act upon certification  
25 request within 60 days after receipt of application and shall  
26 file with the Department of Revenue a copy of each certificate  
27 of eligibility for exemption.

28 The Department of Commerce and Economic Opportunity  
29 ~~Community Affairs~~ shall promulgate rules and regulations to  
30 carry out the provisions of this subsection and to require that  
31 any business operating an aircraft support center that is  
32 granted a tax exemption pay the exempted tax to the Department  
33 of Revenue if the business fails to comply with the terms and  
34 conditions of the certification and pay all penalties and  
35 interest on that exempted tax as determined by the Department  
36 of Revenue.

1           The certificate of eligibility for exemption shall be  
2 presented by the carrier operating an aircraft support center  
3 to its supplier when making the initial purchase of items for  
4 which an exemption is granted by this Section together with a  
5 certification by the business that the items are exempt from  
6 taxation under this Act. The exempt status, if any, of each  
7 subsequent purchase shall be indicated on the face of the  
8 purchase order.

9           (b) Subject to the provisions of this subsection, jet fuel  
10 and petroleum products used or consumed by any aircraft support  
11 center directly in the process of maintaining, rebuilding, or  
12 repairing aircraft is exempt from the tax imposed by this Act.  
13 The Department of Revenue shall promulgate any rules necessary  
14 to further define the items eligible for exemption.

15           (c) This Section is exempt from the provisions of Section  
16 2-70.

17 (Source: P.A. 90-792, eff. 1-1-99; revised 12-6-03.)

18           (35 ILCS 120/51) (from Ch. 120, par. 4441)

19           Sec. 5l. Beginning January 1, 1995, each retailer who makes  
20 a sale of building materials that will be incorporated into a  
21 High Impact Business location as designated by the Department  
22 of Commerce and Economic Opportunity ~~Community Affairs~~ under  
23 Section 5.5 of the Illinois Enterprise Zone Act may deduct  
24 receipts from such sales when calculating only the 6.25% State  
25 rate of tax imposed by this Act. Beginning on the effective  
26 date of this amendatory Act of 1995, a retailer may also deduct  
27 receipts from such sales when calculating any applicable local  
28 taxes. However, until the effective date of this amendatory Act  
29 of 1995, a retailer may file claims for credit or refund to  
30 recover the amount of any applicable local tax paid on such  
31 sales. No retailer who is eligible for the deduction or credit  
32 under Section 5k of this Act for making a sale of building  
33 materials to be incorporated into real estate in an enterprise  
34 zone by rehabilitation, remodeling or new construction shall be  
35 eligible for the deduction or credit authorized under this

1 Section.

2 (Source: P.A. 89-89, eff. 6-30-95; revised 12-6-03.)

3 Section 495. The Gas Use Tax Law is amended by changing  
4 Section 5-10 as follows:

5 (35 ILCS 173/5-10)

6 Sec. 5-10. Imposition of tax. Beginning October 1, 2003, a  
7 tax is imposed upon the privilege of using in this State gas  
8 obtained in a purchase of out-of-state gas at the rate of 2.4  
9 cents per therm or 5% of the purchase price for the billing  
10 period, whichever is the lower rate. Such tax rate shall be  
11 referred to as the "self-assessing purchaser tax rate".  
12 Beginning with bills issued by delivering suppliers on and  
13 after October 1, 2003, purchasers may elect an alternative tax  
14 rate of 2.4 cents per therm to be paid under the provisions of  
15 Section 5-15 of this Law to a delivering supplier maintaining a  
16 place of business in this State. Such tax rate shall be  
17 referred to as the "alternate tax rate". The tax imposed under  
18 this Section shall not apply to gas used by business  
19 enterprises certified under Section 9-222.1 of the Public  
20 Utilities Act, as amended, to the extent of such exemption and  
21 during the period of time specified by the Department of  
22 Commerce and Economic Opportunity ~~Community Affairs~~.

23 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

24 Section 500. The Property Tax Code is amended by changing  
25 Sections 10-5, 18-165, 29-10, and 29-15 as follows:

26 (35 ILCS 200/10-5)

27 Sec. 10-5. Solar energy systems; definitions. It is the  
28 policy of this State that the use of solar energy systems  
29 should be encouraged because they conserve nonrenewable  
30 resources, reduce pollution and promote the health and  
31 well-being of the people of this State, and should be valued in  
32 relation to these benefits.



1 (a) "Solar energy" means radiant energy received from the  
2 sun at wave lengths suitable for heat transfer, photosynthetic  
3 use, or photovoltaic use.

4 (b) "Solar collector" means

5 (1) An assembly, structure, or design, including  
6 passive elements, used for gathering, concentrating, or  
7 absorbing direct and indirect solar energy, specially  
8 designed for holding a substantial amount of useful thermal  
9 energy and to transfer that energy to a gas, solid, or  
10 liquid or to use that energy directly; or

11 (2) A mechanism that absorbs solar energy and converts  
12 it into electricity; or

13 (3) A mechanism or process used for gathering solar  
14 energy through wind or thermal gradients; or

15 (4) A component used to transfer thermal energy to a  
16 gas, solid, or liquid, or to convert it into electricity.

17 (c) "Solar storage mechanism" means equipment or elements  
18 (such as piping and transfer mechanisms, containers, heat  
19 exchangers, or controls thereof, and gases, solids, liquids, or  
20 combinations thereof) that are utilized for storing solar  
21 energy, gathered by a solar collector, for subsequent use.

22 (d) "Solar energy system" means

23 (1)(A) A complete assembly, structure, or design of  
24 solar collector, or a solar storage mechanism, which uses  
25 solar energy for generating electricity or for heating or  
26 cooling gases, solids, liquids, or other materials;

27 (B) The design, materials, or elements of a system and  
28 its maintenance, operation, and labor components, and the  
29 necessary components, if any, of supplemental conventional  
30 energy systems designed or constructed to interface with a  
31 solar energy system; and

32 (C) Any legal, financial, or institutional orders,  
33 certificates, or mechanisms, including easements, leases,  
34 and agreements, required to ensure continued access to  
35 solar energy, its source, or its use in a solar energy  
36 system, and including monitoring and educational elements

1 of a demonstration project.

2 (2) "Solar energy system" does not include

3 (A) Distribution equipment that is equally usable  
4 in a conventional energy system except for those  
5 components of the equipment that are necessary for  
6 meeting the requirements of efficient solar energy  
7 utilization; and

8 (B) Components of a solar energy system that serve  
9 structural, insulating, protective, shading,  
10 aesthetic, or other non-solar energy utilization  
11 purposes, as defined in the regulations of the  
12 Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~.

14 (3) The solar energy system shall conform to the  
15 standards for those systems established by regulation of  
16 the Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~.

18 (Source: P.A. 88-455; 89-445, eff. 2-7-96; revised 12-6-03.)

19 (35 ILCS 200/18-165)

20 Sec. 18-165. Abatement of taxes.

21 (a) Any taxing district, upon a majority vote of its  
22 governing authority, may, after the determination of the  
23 assessed valuation of its property, order the clerk of that  
24 county to abate any portion of its taxes on the following types  
25 of property:

26 (1) Commercial and industrial.

27 (A) The property of any commercial or industrial  
28 firm, including but not limited to the property of (i)  
29 any firm that is used for collecting, separating,  
30 storing, or processing recyclable materials, locating  
31 within the taxing district during the immediately  
32 preceding year from another state, territory, or  
33 country, or having been newly created within this State  
34 during the immediately preceding year, or expanding an  
35 existing facility, or (ii) any firm that is used for

1 the generation and transmission of electricity  
2 locating within the taxing district during the  
3 immediately preceding year or expanding its presence  
4 within the taxing district during the immediately  
5 preceding year by construction of a new electric  
6 generating facility that uses natural gas as its fuel,  
7 or any firm that is used for production operations at a  
8 new, expanded, or reopened coal mine within the taxing  
9 district, that has been certified as a High Impact  
10 Business by the Illinois Department of Commerce and  
11 Economic Opportunity ~~Community Affairs~~. The property  
12 of any firm used for the generation and transmission of  
13 electricity shall include all property of the firm used  
14 for transmission facilities as defined in Section 5.5  
15 of the Illinois Enterprise Zone Act. The abatement  
16 shall not exceed a period of 10 years and the aggregate  
17 amount of abated taxes for all taxing districts  
18 combined shall not exceed \$4,000,000.

19 (A-5) Any property in the taxing district of a new  
20 electric generating facility, as defined in Section  
21 605-332 of the Department of Commerce and Economic  
22 Opportunity ~~Community Affairs~~ Law of the Civil  
23 Administrative Code of Illinois. The abatement shall  
24 not exceed a period of 10 years. The abatement shall be  
25 subject to the following limitations:

26 (i) if the equalized assessed valuation of the  
27 new electric generating facility is equal to or  
28 greater than \$25,000,000 but less than  
29 \$50,000,000, then the abatement may not exceed (i)  
30 over the entire term of the abatement, 5% of the  
31 taxing district's aggregate taxes from the new  
32 electric generating facility and (ii) in any one  
33 year of abatement, 20% of the taxing district's  
34 taxes from the new electric generating facility;

35 (ii) if the equalized assessed valuation of  
36 the new electric generating facility is equal to or

1 greater than \$50,000,000 but less than  
2 \$75,000,000, then the abatement may not exceed (i)  
3 over the entire term of the abatement, 10% of the  
4 taxing district's aggregate taxes from the new  
5 electric generating facility and (ii) in any one  
6 year of abatement, 35% of the taxing district's  
7 taxes from the new electric generating facility;

8 (iii) if the equalized assessed valuation of  
9 the new electric generating facility is equal to or  
10 greater than \$75,000,000 but less than  
11 \$100,000,000, then the abatement may not exceed  
12 (i) over the entire term of the abatement, 20% of  
13 the taxing district's aggregate taxes from the new  
14 electric generating facility and (ii) in any one  
15 year of abatement, 50% of the taxing district's  
16 taxes from the new electric generating facility;

17 (iv) if the equalized assessed valuation of  
18 the new electric generating facility is equal to or  
19 greater than \$100,000,000 but less than  
20 \$125,000,000, then the abatement may not exceed  
21 (i) over the entire term of the abatement, 30% of  
22 the taxing district's aggregate taxes from the new  
23 electric generating facility and (ii) in any one  
24 year of abatement, 60% of the taxing district's  
25 taxes from the new electric generating facility;

26 (v) if the equalized assessed valuation of the  
27 new electric generating facility is equal to or  
28 greater than \$125,000,000 but less than  
29 \$150,000,000, then the abatement may not exceed  
30 (i) over the entire term of the abatement, 40% of  
31 the taxing district's aggregate taxes from the new  
32 electric generating facility and (ii) in any one  
33 year of abatement, 60% of the taxing district's  
34 taxes from the new electric generating facility;

35 (vi) if the equalized assessed valuation of  
36 the new electric generating facility is equal to or

1 greater than \$150,000,000, then the abatement may  
2 not exceed (i) over the entire term of the  
3 abatement, 50% of the taxing district's aggregate  
4 taxes from the new electric generating facility  
5 and (ii) in any one year of abatement, 60% of the  
6 taxing district's taxes from the new electric  
7 generating facility.

8 The abatement is not effective unless the owner of  
9 the new electric generating facility agrees to repay to  
10 the taxing district all amounts previously abated,  
11 together with interest computed at the rate and in the  
12 manner provided for delinquent taxes, in the event that  
13 the owner of the new electric generating facility  
14 closes the new electric generating facility before the  
15 expiration of the entire term of the abatement.

16 The authorization of taxing districts to abate  
17 taxes under this subdivision (a) (1) (A-5) expires on  
18 January 1, 2010.

19 (B) The property of any commercial or industrial  
20 development of at least 500 acres having been created  
21 within the taxing district. The abatement shall not  
22 exceed a period of 20 years and the aggregate amount of  
23 abated taxes for all taxing districts combined shall  
24 not exceed \$12,000,000.

25 (C) The property of any commercial or industrial  
26 firm currently located in the taxing district that  
27 expands a facility or its number of employees. The  
28 abatement shall not exceed a period of 10 years and the  
29 aggregate amount of abated taxes for all taxing  
30 districts combined shall not exceed \$4,000,000. The  
31 abatement period may be renewed at the option of the  
32 taxing districts.

33 (2) Horse racing. Any property in the taxing district  
34 which is used for the racing of horses and upon which  
35 capital improvements consisting of expansion, improvement  
36 or replacement of existing facilities have been made since

1 July 1, 1987. The combined abatements for such property  
2 from all taxing districts in any county shall not exceed  
3 \$5,000,000 annually and shall not exceed a period of 10  
4 years.

5 (3) Auto racing. Any property designed exclusively for  
6 the racing of motor vehicles. Such abatement shall not  
7 exceed a period of 10 years.

8 (4) Academic or research institute. The property of any  
9 academic or research institute in the taxing district that  
10 (i) is an exempt organization under paragraph (3) of  
11 Section 501(c) of the Internal Revenue Code, (ii) operates  
12 for the benefit of the public by actually and exclusively  
13 performing scientific research and making the results of  
14 the research available to the interested public on a  
15 non-discriminatory basis, and (iii) employs more than 100  
16 employees. An abatement granted under this paragraph shall  
17 be for at least 15 years and the aggregate amount of abated  
18 taxes for all taxing districts combined shall not exceed  
19 \$5,000,000.

20 (5) Housing for older persons. Any property in the  
21 taxing district that is devoted exclusively to affordable  
22 housing for older households. For purposes of this  
23 paragraph, "older households" means those households (i)  
24 living in housing provided under any State or federal  
25 program that the Department of Human Rights determines is  
26 specifically designed and operated to assist elderly  
27 persons and is solely occupied by persons 55 years of age  
28 or older and (ii) whose annual income does not exceed 80%  
29 of the area gross median income, adjusted for family size,  
30 as such gross income and median income are determined from  
31 time to time by the United States Department of Housing and  
32 Urban Development. The abatement shall not exceed a period  
33 of 15 years, and the aggregate amount of abated taxes for  
34 all taxing districts shall not exceed \$3,000,000.

35 (6) Historical society. For assessment years 1998  
36 through 2008, the property of an historical society

1           qualifying as an exempt organization under Section  
2           501(c)(3) of the federal Internal Revenue Code.

3           (7) Recreational facilities. Any property in the  
4           taxing district (i) that is used for a municipal airport,  
5           (ii) that is subject to a leasehold assessment under  
6           Section 9-195 of this Code and (iii) which is sublet from a  
7           park district that is leasing the property from a  
8           municipality, but only if the property is used exclusively  
9           for recreational facilities or for parking lots used  
10          exclusively for those facilities. The abatement shall not  
11          exceed a period of 10 years.

12          (8) Relocated corporate headquarters. If approval  
13          occurs within 5 years after the effective date of this  
14          amendatory Act of the 92nd General Assembly, any property  
15          or a portion of any property in a taxing district that is  
16          used by an eligible business for a corporate headquarters  
17          as defined in the Corporate Headquarters Relocation Act.  
18          Instead of an abatement under this paragraph (8), a taxing  
19          district may enter into an agreement with an eligible  
20          business to make annual payments to that eligible business  
21          in an amount not to exceed the property taxes paid directly  
22          or indirectly by that eligible business to the taxing  
23          district and any other taxing districts for premises  
24          occupied pursuant to a written lease and may make those  
25          payments without the need for an annual appropriation. No  
26          school district, however, may enter into an agreement with,  
27          or abate taxes for, an eligible business unless the  
28          municipality in which the corporate headquarters is  
29          located agrees to provide funding to the school district in  
30          an amount equal to the amount abated or paid by the school  
31          district as provided in this paragraph (8). Any abatement  
32          ordered or agreement entered into under this paragraph (8)  
33          may be effective for the entire term specified by the  
34          taxing district, except the term of the abatement or annual  
35          payments may not exceed 20 years.

36          (b) Upon a majority vote of its governing authority, any

1 municipality may, after the determination of the assessed  
2 valuation of its property, order the county clerk to abate any  
3 portion of its taxes on any property that is located within the  
4 corporate limits of the municipality in accordance with Section  
5 8-3-18 of the Illinois Municipal Code.

6 (Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247,  
7 eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03;  
8 revised 12-6-03.)

9 (35 ILCS 200/29-10)

10 Sec. 29-10. State must be party to proceedings. No amount  
11 may be claimed from the State by or on behalf of any unit of  
12 local government for any local improvement made by special  
13 assessment or special tax that benefits, or is alleged to  
14 benefit, abutting property owned by the State unless the State  
15 has been made a party to all proceedings, has been given all  
16 notices, and has been afforded the same opportunities for  
17 hearing and for objecting to the assessment in the same manner  
18 and under the same conditions as provided in the law applicable  
19 to the making of the local improvement by special assessment or  
20 special tax by that unit of local government.

21 For the purposes of this Article, any notices required  
22 under applicable law must be sent by registered or certified  
23 mail to the Director of the Department or the other State  
24 officer having jurisdiction over the State property affected,  
25 to the Director of ~~the Department of~~ Commerce and Economic  
26 Opportunity ~~Community Affairs~~, and to the Attorney General.

27 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

28 (35 ILCS 200/29-15)

29 Sec. 29-15. Payment of assessment. When the Attorney  
30 General has certified to the Director of Commerce and Economic  
31 Opportunity ~~Community Affairs~~ that the amount, in the nature of  
32 a special assessment by which specified abutting State property  
33 has been benefited by a specified local improvement, has been  
34 determined in compliance with this Article, the Director shall,



1 to the extent that appropriations are available for that  
2 purpose, voucher the amount of that assessment, or \$25,000,  
3 whichever is less, for payment to the appropriate unit of local  
4 government. When the amount appropriated in any fiscal year for  
5 those purposes is insufficient to pay a special assessment  
6 totalling \$25,000 or less in full, the balance of that special  
7 assessment shall be vouchered for payment from the  
8 appropriation for those purposes for the next succeeding fiscal  
9 year.

10 If the amount of the assessment exceeds \$25,000, the  
11 Director of the Department or the other State officer having  
12 jurisdiction over the property affected shall include in the  
13 Department's budget for the next succeeding fiscal year a  
14 request for the appropriation of the amount by which the  
15 assessment exceeds \$25,000, plus interest, if any, which shall  
16 be vouchered for payment from that appropriation.

17 (Source: P.A. 86-933; 88-455; revised 12-6-03.)

18 Section 505. The Gas Revenue Tax Act is amended by changing  
19 Section 1 as follows:

20 (35 ILCS 615/1) (from Ch. 120, par. 467.16)

21 Sec. 1. For the purposes of this Act: "Gross receipts"  
22 means the consideration received for gas distributed,  
23 supplied, furnished or sold to persons for use or consumption  
24 and not for resale, and for all services (including the  
25 transportation or storage of gas for an end-user) rendered in  
26 connection therewith, and shall include cash, services and  
27 property of every kind or nature, and shall be determined  
28 without any deduction on account of the cost of the service,  
29 product or commodity supplied, the cost of materials used,  
30 labor or service costs, or any other expense whatsoever.  
31 However, "gross receipts" shall not include receipts from:

32 (i) any minimum or other charge for gas or gas service  
33 where the customer has taken no terms of gas;

34 (ii) any charge for a dishonored check;

1 (iii) any finance or credit charge, penalty or charge  
2 for delayed payment, or discount for prompt payment;

3 (iv) any charge for reconnection of service or for  
4 replacement or relocation of facilities;

5 (v) any advance or contribution in aid of construction;

6 (vi) repair, inspection or servicing of equipment  
7 located on customer premises;

8 (vii) leasing or rental of equipment, the leasing or  
9 rental of which is not necessary to distributing,  
10 furnishing, supplying, selling, transporting or storing  
11 gas;

12 (viii) any sale to a customer if the taxpayer is  
13 prohibited by federal or State constitution, treaty,  
14 convention, statute or court decision from recovering the  
15 related tax liability from such customer;

16 (ix) any charges added to customers' bills pursuant to  
17 the provisions of Section 9-221 or Section 9-222 of the  
18 Public Utilities Act, as amended, or any charges added to  
19 customers' bills by taxpayers who are not subject to rate  
20 regulation by the Illinois Commerce Commission for the  
21 purpose of recovering any of the tax liabilities or other  
22 amounts specified in such provisions of such Act; and

23 (x) prior to October 1, 2003, any charge for gas or gas  
24 services to a customer who acquired contractual rights for  
25 the direct purchase of gas or gas services originating from  
26 an out-of-state supplier or source on or before March 1,  
27 1995, except for those charges solely related to the local  
28 distribution of gas by a public utility. This exemption  
29 includes any charge for gas or gas service, except for  
30 those charges solely related to the local distribution of  
31 gas by a public utility, to a customer who maintained an  
32 account with a public utility (as defined in Section 3-105  
33 of the Public Utilities Act) for the transportation of  
34 customer-owned gas on or before March 1, 1995. The  
35 provisions of this amendatory Act of 1997 are intended to  
36 clarify, rather than change, existing law as to the meaning

1 and scope of this exemption. This exemption (x) expires on  
2 September 30, 2003.

3 In case credit is extended, the amount thereof shall be  
4 included only as and when payments are received.

5 "Gross receipts" shall not include consideration received  
6 from business enterprises certified under Section 9-222.1 of  
7 the Public Utilities Act, as amended, to the extent of such  
8 exemption and during the period of time specified by the  
9 Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~.

11 "Department" means the Department of Revenue of the State  
12 of Illinois.

13 "Director" means the Director of Revenue for the Department  
14 of Revenue of the State of Illinois.

15 "Taxpayer" means a person engaged in the business of  
16 distributing, supplying, furnishing or selling gas for use or  
17 consumption and not for resale.

18 "Person" means any natural individual, firm, trust,  
19 estate, partnership, association, joint stock company, joint  
20 adventure, corporation, limited liability company, or a  
21 receiver, trustee, guardian or other representative appointed  
22 by order of any court, or any city, town, county or other  
23 political subdivision of this State.

24 "Invested capital" means that amount equal to (i) the  
25 average of the balances at the beginning and end of each  
26 taxable period of the taxpayer's total stockholder's equity and  
27 total long-term debt, less investments in and advances to all  
28 corporations, as set forth on the balance sheets included in  
29 the taxpayer's annual report to the Illinois Commerce  
30 Commission for the taxable period; (ii) multiplied by a  
31 fraction determined under Sections 301 and 304(a) of the  
32 "Illinois Income Tax Act" and reported on the Illinois income  
33 tax return for the taxable period ending in or with the taxable  
34 period in question. However, notwithstanding the income tax  
35 return reporting requirement stated above, beginning July 1,  
36 1979, no taxpayer's denominators used to compute the sales,

1 property or payroll factors under subsection (a) of Section 304  
2 of the Illinois Income Tax Act shall include payroll, property  
3 or sales of any corporate entity other than the taxpayer for  
4 the purposes of determining an allocation for the invested  
5 capital tax. This amendatory Act of 1982, Public Act 82-1024,  
6 is not intended to and does not make any change in the meaning  
7 of any provision of this Act, it having been the intent of the  
8 General Assembly in initially enacting the definition of  
9 "invested capital" to provide for apportionment of the invested  
10 capital of each company, based solely upon the sales, property  
11 and payroll of that company.

12 "Taxable period" means each period which ends after the  
13 effective date of this Act and which is covered by an annual  
14 report filed by the taxpayer with the Illinois Commerce  
15 Commission.

16 (Source: P.A. 93-31, eff. 10-1-03; revised 12-6-03.)

17 Section 510. The Public Utilities Revenue Act is amended by  
18 changing Section 1 as follows:

19 (35 ILCS 620/1) (from Ch. 120, par. 468)

20 Sec. 1. For the purposes of this Law:

21 "Consumer Price Index" means the Consumer Price Index For  
22 All Urban Consumers for all items published by the United  
23 States Department of Labor; provided that if this index no  
24 longer exists, the Department of Revenue shall prescribe the  
25 use of a comparable, substitute index.

26 "Gross receipts" means the consideration received for  
27 electricity distributed, supplied, furnished or sold to  
28 persons for use or consumption and not for resale, and for all  
29 services (including the transmission of electricity for an  
30 end-user) rendered in connection therewith, and includes cash,  
31 services and property of every kind or nature, and shall be  
32 determined without any deduction on account of the cost of the  
33 service, product or commodity supplied, the cost of materials  
34 used, labor or service costs, or any other expense whatsoever.

1 However, "gross receipts" shall not include receipts from:

2 (i) any minimum or other charge for electricity or  
3 electric service where the customer has taken no  
4 kilowatt-hours of electricity;

5 (ii) any charge for a dishonored check;

6 (iii) any finance or credit charge, penalty or charge  
7 for delayed payment, or discount for prompt payment;

8 (iv) any charge for reconnection of service or for  
9 replacement or relocation of facilities;

10 (v) any advance or contribution in aid of construction;

11 (vi) repair, inspection or servicing of equipment  
12 located on customer premises;

13 (vii) leasing or rental of equipment, the leasing or  
14 rental of which is not necessary to distributing,  
15 furnishing, supplying, selling or transporting  
16 electricity;

17 (viii) any sale to a customer if the taxpayer is  
18 prohibited by federal or State constitution, treaty,  
19 convention, statute or court decision from recovering the  
20 related tax liability from such customer; and

21 (ix) any charges added to customers' bills pursuant to  
22 the provisions of Section 9-221 or Section 9-222 of the  
23 Public Utilities Act, as amended, or any charges added to  
24 customers' bills by taxpayers who are not subject to rate  
25 regulation by the Illinois Commerce Commission for the  
26 purpose of recovering any of the tax liabilities or other  
27 amount specified in such provisions of such Act. In case  
28 credit is extended, the amount thereof shall be included  
29 only as and when payments are received.

30 "Gross receipts" shall not include consideration received  
31 from business enterprises certified under Section 9-222.1 of  
32 the Public Utilities Act, as amended, to the extent of such  
33 exemption and during the period of time specified by the  
34 Department of Commerce and Economic Opportunity Community  
35 Affairs.

36 "Department" means the Department of Revenue of the State

1 of Illinois.

2 "Director" means the Director of Revenue for the Department  
3 of Revenue of the State of Illinois.

4 "Distributing electricity" means delivering electric  
5 energy to an end user over facilities owned, leased, or  
6 controlled by the taxpayer.

7 "Taxpayer" for purposes of the tax on the distribution of  
8 electricity imposed by this Act means an electric cooperative,  
9 an electric utility, or an alternative retail electric supplier  
10 (other than a person that is an alternative retail electric  
11 supplier solely pursuant to subsection (e) of Section 16-115 of  
12 the Public Utilities Act), as those terms are defined in the  
13 Public Utilities Act, engaged in the business of distributing  
14 electricity in this State for use or consumption and not for  
15 resale.

16 "Taxpayer" for purposes of the Public Utilities Revenue Tax  
17 means a person engaged in the business of distributing,  
18 supplying, furnishing or selling electricity for use or  
19 consumption and not for resale.

20 "Person" means any natural individual, firm, trust,  
21 estate, partnership, association, joint stock company, joint  
22 adventure, corporation, limited liability company, or a  
23 receiver, trustee, guardian or other representative appointed  
24 by order of any court, or any city, town, county or other  
25 political subdivision of this State.

26 "Invested capital" in the case of an electric cooperative  
27 subject to the tax imposed by Section 2a.1 means an amount  
28 equal to the product determined by multiplying, (i) the average  
29 of the balances at the beginning and end of the taxable period  
30 of the taxpayer's total equity (including memberships,  
31 patronage capital, operating margins, non-operating margins,  
32 other margins and other equities), as set forth on the balance  
33 sheets included in the taxpayer's annual report to the United  
34 States Department of Agriculture Rural Utilities Services  
35 (established pursuant to the federal Rural Electrification Act  
36 of 1936, as amended), by (ii) the fraction determined under

1 Sections 301 and 304(a) of the Illinois Income Tax Act, as  
2 amended, for the taxable period.

3 "Taxable period" means each calendar year which ends after  
4 the effective date of this Act. In the case of an electric  
5 cooperative subject to the tax imposed by Section 2a.1,  
6 "taxable period" means each calendar year ending after the  
7 effective date of this Act and covered by an annual report  
8 filed by the taxpayer with the United States Department of  
9 Agriculture Rural Utilities Services.

10 (Source: P.A. 90-561, eff. 1-1-98; revised 12-6-03.)

11 Section 515. The Telecommunications Excise Tax Act is  
12 amended by changing Section 2 as follows:

13 (35 ILCS 630/2) (from Ch. 120, par. 2002)

14 Sec. 2. As used in this Article, unless the context clearly  
15 requires otherwise:

16 (a) "Gross charge" means the amount paid for the act or  
17 privilege of originating or receiving telecommunications in  
18 this State and for all services and equipment provided in  
19 connection therewith by a retailer, valued in money whether  
20 paid in money or otherwise, including cash, credits, services  
21 and property of every kind or nature, and shall be determined  
22 without any deduction on account of the cost of such  
23 telecommunications, the cost of materials used, labor or  
24 service costs or any other expense whatsoever. In case credit  
25 is extended, the amount thereof shall be included only as and  
26 when paid. "Gross charges" for private line service shall  
27 include charges imposed at each channel termination point  
28 within this State, charges for the channel mileage between each  
29 channel termination point within this State, and charges for  
30 that portion of the interstate inter-office channel provided  
31 within Illinois. Charges for that portion of the interstate  
32 inter-office channel provided in Illinois shall be determined  
33 by the retailer as follows: (i) for interstate inter-office  
34 channels having 2 channel termination points, only one of which

1 is in Illinois, 50% of the total charge imposed; or (ii) for  
2 interstate inter-office channels having more than 2 channel  
3 termination points, one or more of which are in Illinois, an  
4 amount equal to the total charge multiplied by a fraction, the  
5 numerator of which is the number of channel termination points  
6 within Illinois and the denominator of which is the total  
7 number of channel termination points. Prior to January 1, 2004,  
8 any method consistent with this paragraph or other method that  
9 reasonably apportions the total charges for interstate  
10 inter-office channels among the states in which channel  
11 terminations points are located shall be accepted as a  
12 reasonable method to determine the charges for that portion of  
13 the interstate inter-office channel provided within Illinois  
14 for that period. However, "gross charges" shall not include any  
15 of the following:

16 (1) Any amounts added to a purchaser's bill because of  
17 a charge made pursuant to (i) the tax imposed by this  
18 Article; (ii) charges added to customers' bills pursuant to  
19 the provisions of Sections 9-221 or 9-222 of the Public  
20 Utilities Act, as amended, or any similar charges added to  
21 customers' bills by retailers who are not subject to rate  
22 regulation by the Illinois Commerce Commission for the  
23 purpose of recovering any of the tax liabilities or other  
24 amounts specified in such provisions of such Act; (iii) the  
25 tax imposed by Section 4251 of the Internal Revenue Code;  
26 (iv) 911 surcharges; or (v) the tax imposed by the  
27 Simplified Municipal Telecommunications Tax Act.

28 (2) Charges for a sent collect telecommunication  
29 received outside of the State.

30 (3) Charges for leased time on equipment or charges for  
31 the storage of data or information for subsequent retrieval  
32 or the processing of data or information intended to change  
33 its form or content. Such equipment includes, but is not  
34 limited to, the use of calculators, computers, data  
35 processing equipment, tabulating equipment or accounting  
36 equipment and also includes the usage of computers under a



1 time-sharing agreement.

2 (4) Charges for customer equipment, including such  
3 equipment that is leased or rented by the customer from any  
4 source, wherein such charges are disaggregated and  
5 separately identified from other charges.

6 (5) Charges to business enterprises certified under  
7 Section 9-222.1 of the Public Utilities Act, as amended, to  
8 the extent of such exemption and during the period of time  
9 specified by the Department of Commerce and Economic  
10 Opportunity ~~Community Affairs~~.

11 (6) Charges for telecommunications and all services  
12 and equipment provided in connection therewith between a  
13 parent corporation and its wholly owned subsidiaries or  
14 between wholly owned subsidiaries when the tax imposed  
15 under this Article has already been paid to a retailer and  
16 only to the extent that the charges between the parent  
17 corporation and wholly owned subsidiaries or between  
18 wholly owned subsidiaries represent expense allocation  
19 between the corporations and not the generation of profit  
20 for the corporation rendering such service.

21 (7) Bad debts. Bad debt means any portion of a debt  
22 that is related to a sale at retail for which gross charges  
23 are not otherwise deductible or excludable that has become  
24 worthless or uncollectable, as determined under applicable  
25 federal income tax standards. If the portion of the debt  
26 deemed to be bad is subsequently paid, the retailer shall  
27 report and pay the tax on that portion during the reporting  
28 period in which the payment is made.

29 (8) Charges paid by inserting coins in coin-operated  
30 telecommunication devices.

31 (9) Amounts paid by telecommunications retailers under  
32 the Telecommunications Municipal Infrastructure  
33 Maintenance Fee Act.

34 (10) Charges for nontaxable services or  
35 telecommunications if (i) those charges are aggregated  
36 with other charges for telecommunications that are

1 taxable, (ii) those charges are not separately stated on  
2 the customer bill or invoice, and (iii) the retailer can  
3 reasonably identify the nontaxable charges on the  
4 retailer's books and records kept in the regular course of  
5 business. If the nontaxable charges cannot reasonably be  
6 identified, the gross charge from the sale of both taxable  
7 and nontaxable services or telecommunications billed on a  
8 combined basis shall be attributed to the taxable services  
9 or telecommunications. The burden of proving nontaxable  
10 charges shall be on the retailer of the telecommunications.

11 (b) "Amount paid" means the amount charged to the  
12 taxpayer's service address in this State regardless of where  
13 such amount is billed or paid.

14 (c) "Telecommunications", in addition to the meaning  
15 ordinarily and popularly ascribed to it, includes, without  
16 limitation, messages or information transmitted through use of  
17 local, toll and wide area telephone service; private line  
18 services; channel services; telegraph services;  
19 teletypewriter; computer exchange services; cellular mobile  
20 telecommunications service; specialized mobile radio;  
21 stationary two way radio; paging service; or any other form of  
22 mobile and portable one-way or two-way communications; or any  
23 other transmission of messages or information by electronic or  
24 similar means, between or among points by wire, cable,  
25 fiber-optics, laser, microwave, radio, satellite or similar  
26 facilities. As used in this Act, "private line" means a  
27 dedicated non-traffic sensitive service for a single customer,  
28 that entitles the customer to exclusive or priority use of a  
29 communications channel or group of channels, from one or more  
30 specified locations to one or more other specified locations.  
31 The definition of "telecommunications" shall not include value  
32 added services in which computer processing applications are  
33 used to act on the form, content, code and protocol of the  
34 information for purposes other than transmission.  
35 "Telecommunications" shall not include purchases of  
36 telecommunications by a telecommunications service provider

1 for use as a component part of the service provided by him to  
2 the ultimate retail consumer who originates or terminates the  
3 taxable end-to-end communications. Carrier access charges,  
4 right of access charges, charges for use of inter-company  
5 facilities, and all telecommunications resold in the  
6 subsequent provision of, used as a component of, or integrated  
7 into end-to-end telecommunications service shall be  
8 non-taxable as sales for resale.

9 (d) "Interstate telecommunications" means all  
10 telecommunications that either originate or terminate outside  
11 this State.

12 (e) "Intrastate telecommunications" means all  
13 telecommunications that originate and terminate within this  
14 State.

15 (f) "Department" means the Department of Revenue of the  
16 State of Illinois.

17 (g) "Director" means the Director of Revenue for the  
18 Department of Revenue of the State of Illinois.

19 (h) "Taxpayer" means a person who individually or through  
20 his agents, employees or permittees engages in the act or  
21 privilege of originating or receiving telecommunications in  
22 this State and who incurs a tax liability under this Article.

23 (i) "Person" means any natural individual, firm, trust,  
24 estate, partnership, association, joint stock company, joint  
25 venture, corporation, limited liability company, or a  
26 receiver, trustee, guardian or other representative appointed  
27 by order of any court, the Federal and State governments,  
28 including State universities created by statute or any city,  
29 town, county or other political subdivision of this State.

30 (j) "Purchase at retail" means the acquisition,  
31 consumption or use of telecommunication through a sale at  
32 retail.

33 (k) "Sale at retail" means the transmitting, supplying or  
34 furnishing of telecommunications and all services and  
35 equipment provided in connection therewith for a consideration  
36 to persons other than the Federal and State governments, and

1 State universities created by statute and other than between a  
2 parent corporation and its wholly owned subsidiaries or between  
3 wholly owned subsidiaries for their use or consumption and not  
4 for resale.

5 (l) "Retailer" means and includes every person engaged in  
6 the business of making sales at retail as defined in this  
7 Article. The Department may, in its discretion, upon  
8 application, authorize the collection of the tax hereby imposed  
9 by any retailer not maintaining a place of business within this  
10 State, who, to the satisfaction of the Department, furnishes  
11 adequate security to insure collection and payment of the tax.  
12 Such retailer shall be issued, without charge, a permit to  
13 collect such tax. When so authorized, it shall be the duty of  
14 such retailer to collect the tax upon all of the gross charges  
15 for telecommunications in this State in the same manner and  
16 subject to the same requirements as a retailer maintaining a  
17 place of business within this State. The permit may be revoked  
18 by the Department at its discretion.

19 (m) "Retailer maintaining a place of business in this  
20 State", or any like term, means and includes any retailer  
21 having or maintaining within this State, directly or by a  
22 subsidiary, an office, distribution facilities, transmission  
23 facilities, sales office, warehouse or other place of business,  
24 or any agent or other representative operating within this  
25 State under the authority of the retailer or its subsidiary,  
26 irrespective of whether such place of business or agent or  
27 other representative is located here permanently or  
28 temporarily, or whether such retailer or subsidiary is licensed  
29 to do business in this State.

30 (n) "Service address" means the location of  
31 telecommunications equipment from which the telecommunications  
32 services are originated or at which telecommunications  
33 services are received by a taxpayer. In the event this may not  
34 be a defined location, as in the case of mobile phones, paging  
35 systems, maritime systems, service address means the  
36 customer's place of primary use as defined in the Mobile

1 Telecommunications Sourcing Conformity Act. For air-to-ground  
2 systems and the like, service address shall mean the location  
3 of a taxpayer's primary use of the telecommunications equipment  
4 as defined by telephone number, authorization code, or location  
5 in Illinois where bills are sent.

6 (o) "Prepaid telephone calling arrangements" mean the  
7 right to exclusively purchase telephone or telecommunications  
8 services that must be paid for in advance and enable the  
9 origination of one or more intrastate, interstate, or  
10 international telephone calls or other telecommunications  
11 using an access number, an authorization code, or both, whether  
12 manually or electronically dialed, for which payment to a  
13 retailer must be made in advance, provided that, unless  
14 recharged, no further service is provided once that prepaid  
15 amount of service has been consumed. Prepaid telephone calling  
16 arrangements include the recharge of a prepaid calling  
17 arrangement. For purposes of this subsection, "recharge" means  
18 the purchase of additional prepaid telephone or  
19 telecommunications services whether or not the purchaser  
20 acquires a different access number or authorization code.  
21 "Prepaid telephone calling arrangement" does not include an  
22 arrangement whereby a customer purchases a payment card and  
23 pursuant to which the service provider reflects the amount of  
24 such purchase as a credit on an invoice issued to that customer  
25 under an existing subscription plan.

26 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,  
27 eff. 1-1-04; 93-286, 1-1-04; revised 12-6-03.)

28 Section 520. The Telecommunications Infrastructure  
29 Maintenance Fee Act is amended by changing Section 10 as  
30 follows:

31 (35 ILCS 635/10)

32 Sec. 10. Definitions.

33 (a) "Gross charges" means the amount paid to a  
34 telecommunications retailer for the act or privilege of

1 originating or receiving telecommunications in this State and  
2 for all services rendered in connection therewith, valued in  
3 money whether paid in money or otherwise, including cash,  
4 credits, services, and property of every kind or nature, and  
5 shall be determined without any deduction on account of the  
6 cost of such telecommunications, the cost of the materials  
7 used, labor or service costs, or any other expense whatsoever.  
8 In case credit is extended, the amount thereof shall be  
9 included only as and when paid. "Gross charges" for private  
10 line service shall include charges imposed at each channel  
11 termination point within this State, charges for the channel  
12 mileage between each channel termination point within this  
13 State, and charges for that portion of the interstate  
14 inter-office channel provided within Illinois. Charges for  
15 that portion of the interstate inter-office channel provided in  
16 Illinois shall be determined by the retailer as follows: (i)  
17 for interstate inter-office channels having 2 channel  
18 termination points, only one of which is in Illinois, 50% of  
19 the total charge imposed; or (ii) for interstate inter-office  
20 channels having more than 2 channel termination points, one or  
21 more of which are in Illinois, an amount equal to the total  
22 charge multiplied by a fraction, the numerator of which is the  
23 number of channel termination points within Illinois and the  
24 denominator of which is the total number of channel termination  
25 points. Prior to January 1, 2004, any method consistent with  
26 this paragraph or other method that reasonably apportions the  
27 total charges for interstate inter-office channels among the  
28 states in which channel terminations points are located shall  
29 be accepted as a reasonable method to determine the charges for  
30 that portion of the interstate inter-office channel provided  
31 within Illinois for that period. However, "gross charges" shall  
32 not include any of the following:

- 33 (1) Any amounts added to a purchaser's bill because of  
34 a charge made under: (i) the fee imposed by this Section,  
35 (ii) additional charges added to a purchaser's bill under  
36 Section 9-221 or 9-222 of the Public Utilities Act, (iii)

1 the tax imposed by the Telecommunications Excise Tax Act,  
2 (iv) 911 surcharges, (v) the tax imposed by Section 4251 of  
3 the Internal Revenue Code, or (vi) the tax imposed by the  
4 Simplified Municipal Telecommunications Tax Act.

5 (2) Charges for a sent collect telecommunication  
6 received outside of this State.

7 (3) Charges for leased time on equipment or charges for  
8 the storage of data or information or subsequent retrieval  
9 or the processing of data or information intended to change  
10 its form or content. Such equipment includes, but is not  
11 limited to, the use of calculators, computers, data  
12 processing equipment, tabulating equipment, or accounting  
13 equipment and also includes the usage of computers under a  
14 time-sharing agreement.

15 (4) Charges for customer equipment, including such  
16 equipment that is leased or rented by the customer from any  
17 source, wherein such charges are disaggregated and  
18 separately identified from other charges.

19 (5) Charges to business enterprises certified under  
20 Section 9-222.1 of the Public Utilities Act to the extent  
21 of such exemption and during the period of time specified  
22 by the Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~.

24 (6) Charges for telecommunications and all services  
25 and equipment provided in connection therewith between a  
26 parent corporation and its wholly owned subsidiaries or  
27 between wholly owned subsidiaries, and only to the extent  
28 that the charges between the parent corporation and wholly  
29 owned subsidiaries or between wholly owned subsidiaries  
30 represent expense allocation between the corporations and  
31 not the generation of profit other than a regulatory  
32 required profit for the corporation rendering such  
33 services.

34 (7) Bad debts ("bad debt" means any portion of a debt  
35 that is related to a sale at retail for which gross charges  
36 are not otherwise deductible or excludable that has become

1           worthless or uncollectible, as determined under applicable  
2           federal income tax standards; if the portion of the debt  
3           deemed to be bad is subsequently paid, the retailer shall  
4           report and pay the tax on that portion during the reporting  
5           period in which the payment is made).

6           (8) Charges paid by inserting coins in coin-operated  
7           telecommunication devices.

8           (9) Charges for nontaxable services or  
9           telecommunications if (i) those charges are aggregated  
10          with other charges for telecommunications that are  
11          taxable, (ii) those charges are not separately stated on  
12          the customer bill or invoice, and (iii) the retailer can  
13          reasonably identify the nontaxable charges on the  
14          retailer's books and records kept in the regular course of  
15          business. If the nontaxable charges cannot reasonably be  
16          identified, the gross charge from the sale of both taxable  
17          and nontaxable services or telecommunications billed on a  
18          combined basis shall be attributed to the taxable services  
19          or telecommunications. The burden of proving nontaxable  
20          charges shall be on the retailer of the telecommunications.

21          (a-5) "Department" means the Illinois Department of  
22          Revenue.

23          (b) "Telecommunications" includes, but is not limited to,  
24          messages or information transmitted through use of local, toll,  
25          and wide area telephone service, channel services, telegraph  
26          services, teletypewriter service, computer exchange services,  
27          private line services, specialized mobile radio services, or  
28          any other transmission of messages or information by electronic  
29          or similar means, between or among points by wire, cable, fiber  
30          optics, laser, microwave, radio, satellite, or similar  
31          facilities. Unless the context clearly requires otherwise,  
32          "telecommunications" shall also include wireless  
33          telecommunications as hereinafter defined.

34          "Telecommunications" shall not include value added services in  
35          which computer processing applications are used to act on the  
36          form, content, code, and protocol of the information for



1 purposes other than transmission. "Telecommunications" shall  
2 not include purchase of telecommunications by a  
3 telecommunications service provider for use as a component part  
4 of the service provided by him or her to the ultimate retail  
5 consumer who originates or terminates the end-to-end  
6 communications. Retailer access charges, right of access  
7 charges, charges for use of intercompany facilities, and all  
8 telecommunications resold in the subsequent provision and used  
9 as a component of, or integrated into, end-to-end  
10 telecommunications service shall not be included in gross  
11 charges as sales for resale. "Telecommunications" shall not  
12 include the provision of cable services through a cable system  
13 as defined in the Cable Communications Act of 1984 (47 U.S.C.  
14 Sections 521 and following) as now or hereafter amended or  
15 through an open video system as defined in the Rules of the  
16 Federal Communications Commission (47 C.D.F. 76.1550 and  
17 following) as now or hereafter amended. Beginning January 1,  
18 2001, prepaid telephone calling arrangements shall not be  
19 considered "telecommunications" subject to the tax imposed  
20 under this Act. For purposes of this Section, "prepaid  
21 telephone calling arrangements" means that term as defined in  
22 Section 2-27 of the Retailers' Occupation Tax Act.

23 (c) "Wireless telecommunications" includes cellular mobile  
24 telephone services, personal wireless services as defined in  
25 Section 704(C) of the Telecommunications Act of 1996 (Public  
26 Law No. 104-104) as now or hereafter amended, including all  
27 commercial mobile radio services, and paging services.

28 (d) "Telecommunications retailer" or "retailer" or  
29 "carrier" means and includes every person engaged in the  
30 business of making sales of telecommunications at retail as  
31 defined in this Section. The Department may, in its discretion,  
32 upon applications, authorize the collection of the fee hereby  
33 imposed by any retailer not maintaining a place of business  
34 within this State, who, to the satisfaction of the Department,  
35 furnishes adequate security to insure collection and payment of  
36 the fee. When so authorized, it shall be the duty of such

1 retailer to pay the fee upon all of the gross charges for  
2 telecommunications in the same manner and subject to the same  
3 requirements as a retailer maintaining a place of business  
4 within this State.

5 (e) "Retailer maintaining a place of business in this  
6 State", or any like term, means and includes any retailer  
7 having or maintaining within this State, directly or by a  
8 subsidiary, an office, distribution facilities, transmission  
9 facilities, sales office, warehouse, or other place of  
10 business, or any agent or other representative operating within  
11 this State under the authority of the retailer or its  
12 subsidiary, irrespective of whether such place of business or  
13 agent or other representative is located here permanently or  
14 temporarily, or whether such retailer or subsidiary is licensed  
15 to do business in this State.

16 (f) "Sale of telecommunications at retail" means the  
17 transmitting, supplying, or furnishing of telecommunications  
18 and all services rendered in connection therewith for a  
19 consideration, other than between a parent corporation and its  
20 wholly owned subsidiaries or between wholly owned  
21 subsidiaries, when the gross charge made by one such  
22 corporation to another such corporation is not greater than the  
23 gross charge paid to the retailer for their use or consumption  
24 and not for sale.

25 (g) "Service address" means the location of  
26 telecommunications equipment from which telecommunications  
27 services are originated or at which telecommunications  
28 services are received. If this is not a defined location, as in  
29 the case of wireless telecommunications, paging systems,  
30 maritime systems, service address means the customer's place of  
31 primary use as defined in the Mobile Telecommunications  
32 Sourcing Conformity Act. For air-to-ground systems, and the  
33 like, "service address" shall mean the location of the  
34 customer's primary use of the telecommunications equipment as  
35 defined by the location in Illinois where bills are sent.

36 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878,

1 eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)

2 Section 525. The Simplified Municipal Telecommunications  
3 Tax Act is amended by changing Section 5-7 as follows:

4 (35 ILCS 636/5-7)

5 Sec. 5-7. Definitions. For purposes of the taxes authorized  
6 by this Act:

7 "Amount paid" means the amount charged to the taxpayer's  
8 service address in such municipality regardless of where such  
9 amount is billed or paid.

10 "Department" means the Illinois Department of Revenue.

11 "Gross charge" means the amount paid for the act or  
12 privilege of originating or receiving telecommunications in  
13 such municipality and for all services and equipment provided  
14 in connection therewith by a retailer, valued in money whether  
15 paid in money or otherwise, including cash, credits, services  
16 and property of every kind or nature, and shall be determined  
17 without any deduction on account of the cost of such  
18 telecommunications, the cost of the materials used, labor or  
19 service costs or any other expense whatsoever. In case credit  
20 is extended, the amount thereof shall be included only as and  
21 when paid. "Gross charges" for private line service shall  
22 include charges imposed at each channel termination point  
23 within a municipality that has imposed a tax under this Section  
24 and charges for the portion of the inter-office channels  
25 provided within that municipality. Charges for that portion of  
26 the inter-office channel connecting 2 or more channel  
27 termination points, one or more of which is located within the  
28 jurisdictional boundary of such municipality, shall be  
29 determined by the retailer by multiplying an amount equal to  
30 the total charge for the inter-office channel by a fraction,  
31 the numerator of which is the number of channel termination  
32 points that are located within the jurisdictional boundary of  
33 the municipality and the denominator of which is the total  
34 number of channel termination points connected by the

1 inter-office channel. Prior to January 1, 2004, any method  
2 consistent with this paragraph or other method that reasonably  
3 apportions the total charges for inter-office channels among  
4 the municipalities in which channel termination points are  
5 located shall be accepted as a reasonable method to determine  
6 the taxable portion of an inter-office channel provided within  
7 a municipality for that period. However, "gross charge" shall  
8 not include any of the following:

9 (1) Any amounts added to a purchaser's bill because of  
10 a charge made pursuant to: (i) the tax imposed by this Act,  
11 (ii) the tax imposed by the Telecommunications Excise Tax  
12 Act, (iii) the tax imposed by Section 4251 of the Internal  
13 Revenue Code, (iv) 911 surcharges, or (v) charges added to  
14 customers' bills pursuant to the provisions of Section  
15 9-221 or 9-222 of the Public Utilities Act, as amended, or  
16 any similar charges added to customers' bills by retailers  
17 who are not subject to rate regulation by the Illinois  
18 Commerce Commission for the purpose of recovering any of  
19 the tax liabilities or other amounts specified in those  
20 provisions of the Public Utilities Act.

21 (2) Charges for a sent collect telecommunication  
22 received outside of such municipality.

23 (3) Charges for leased time on equipment or charges for  
24 the storage of data or information for subsequent retrieval  
25 or the processing of data or information intended to change  
26 its form or content. Such equipment includes, but is not  
27 limited to, the use of calculators, computers, data  
28 processing equipment, tabulating equipment or accounting  
29 equipment and also includes the usage of computers under a  
30 time-sharing agreement.

31 (4) Charges for customer equipment, including such  
32 equipment that is leased or rented by the customer from any  
33 source, wherein such charges are disaggregated and  
34 separately identified from other charges.

35 (5) Charges to business enterprises certified as  
36 exempt under Section 9-222.1 of the Public Utilities Act to

1 the extent of such exemption and during the period of time  
2 specified by the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~.

4 (6) Charges for telecommunications and all services  
5 and equipment provided in connection therewith between a  
6 parent corporation and its wholly owned subsidiaries or  
7 between wholly owned subsidiaries when the tax imposed  
8 under this Act has already been paid to a retailer and only  
9 to the extent that the charges between the parent  
10 corporation and wholly owned subsidiaries or between  
11 wholly owned subsidiaries represent expense allocation  
12 between the corporations and not the generation of profit  
13 for the corporation rendering such service.

14 (7) Bad debts ("bad debt" means any portion of a debt  
15 that is related to a sale at retail for which gross charges  
16 are not otherwise deductible or excludable that has become  
17 worthless or uncollectible, as determined under applicable  
18 federal income tax standards; if the portion of the debt  
19 deemed to be bad is subsequently paid, the retailer shall  
20 report and pay the tax on that portion during the reporting  
21 period in which the payment is made).

22 (8) Charges paid by inserting coins in coin-operated  
23 telecommunication devices.

24 (9) Amounts paid by telecommunications retailers under  
25 the Telecommunications Infrastructure Maintenance Fee Act.

26 (10) Charges for nontaxable services or  
27 telecommunications if (i) those charges are aggregated  
28 with other charges for telecommunications that are  
29 taxable, (ii) those charges are not separately stated on  
30 the customer bill or invoice, and (iii) the retailer can  
31 reasonably identify the nontaxable charges on the  
32 retailer's books and records kept in the regular course of  
33 business. If the nontaxable charges cannot reasonably be  
34 identified, the gross charge from the sale of both taxable  
35 and nontaxable services or telecommunications billed on a  
36 combined basis shall be attributed to the taxable services

1 or telecommunications. The burden of proving nontaxable  
2 charges shall be on the retailer of the telecommunications.

3 "Interstate telecommunications" means all  
4 telecommunications that either originate or terminate outside  
5 this State.

6 "Intrastate telecommunications" means all  
7 telecommunications that originate and terminate within this  
8 State.

9 "Person" means any natural individual, firm, trust,  
10 estate, partnership, association, joint stock company, joint  
11 venture, corporation, limited liability company, or a  
12 receiver, trustee, guardian, or other representative appointed  
13 by order of any court, the Federal and State governments,  
14 including State universities created by statute, or any city,  
15 town, county, or other political subdivision of this State.

16 "Purchase at retail" means the acquisition, consumption or  
17 use of telecommunications through a sale at retail.

18 "Retailer" means and includes every person engaged in the  
19 business of making sales at retail as defined in this Section.  
20 The Department may, in its discretion, upon application,  
21 authorize the collection of the tax hereby imposed by any  
22 retailer not maintaining a place of business within this State,  
23 who, to the satisfaction of the Department, furnishes adequate  
24 security to insure collection and payment of the tax. Such  
25 retailer shall be issued, without charge, a permit to collect  
26 such tax. When so authorized, it shall be the duty of such  
27 retailer to collect the tax upon all of the gross charges for  
28 telecommunications in this State in the same manner and subject  
29 to the same requirements as a retailer maintaining a place of  
30 business within this State. The permit may be revoked by the  
31 Department at its discretion.

32 "Retailer maintaining a place of business in this State",  
33 or any like term, means and includes any retailer having or  
34 maintaining within this State, directly or by a subsidiary, an  
35 office, distribution facilities, transmission facilities,  
36 sales office, warehouse or other place of business, or any

1 agent or other representative operating within this State under  
2 the authority of the retailer or its subsidiary, irrespective  
3 of whether such place of business or agent or other  
4 representative is located here permanently or temporarily, or  
5 whether such retailer or subsidiary is licensed to do business  
6 in this State.

7 "Sale at retail" means the transmitting, supplying or  
8 furnishing of telecommunications and all services and  
9 equipment provided in connection therewith for a  
10 consideration, to persons other than the Federal and State  
11 governments, and State universities created by statute and  
12 other than between a parent corporation and its wholly owned  
13 subsidiaries or between wholly owned subsidiaries for their use  
14 or consumption and not for resale.

15 "Service address" means the location of telecommunications  
16 equipment from which telecommunications services are  
17 originated or at which telecommunications services are  
18 received by a taxpayer. In the event this may not be a defined  
19 location, as in the case of mobile phones, paging systems, and  
20 maritime systems, service address means the customer's place of  
21 primary use as defined in the Mobile Telecommunications  
22 Sourcing Conformity Act. For air-to-ground systems and the  
23 like, "service address" shall mean the location of a taxpayer's  
24 primary use of the telecommunications equipment as defined by  
25 telephone number, authorization code, or location in Illinois  
26 where bills are sent.

27 "Taxpayer" means a person who individually or through his  
28 or her agents, employees, or permittees engages in the act or  
29 privilege of originating or receiving telecommunications in a  
30 municipality and who incurs a tax liability as authorized by  
31 this Act.

32 "Telecommunications", in addition to the meaning  
33 ordinarily and popularly ascribed to it, includes, without  
34 limitation, messages or information transmitted through use of  
35 local, toll, and wide area telephone service, private line  
36 services, channel services, telegraph services,

1 teletypewriter, computer exchange services, cellular mobile  
2 telecommunications service, specialized mobile radio,  
3 stationary two-way radio, paging service, or any other form of  
4 mobile and portable one-way or two-way communications, or any  
5 other transmission of messages or information by electronic or  
6 similar means, between or among points by wire, cable, fiber  
7 optics, laser, microwave, radio, satellite, or similar  
8 facilities. As used in this Act, "private line" means a  
9 dedicated non-traffic sensitive service for a single customer,  
10 that entitles the customer to exclusive or priority use of a  
11 communications channel or group of channels, from one or more  
12 specified locations to one or more other specified locations.  
13 The definition of "telecommunications" shall not include value  
14 added services in which computer processing applications are  
15 used to act on the form, content, code, and protocol of the  
16 information for purposes other than transmission.  
17 "Telecommunications" shall not include purchases of  
18 telecommunications by a telecommunications service provider  
19 for use as a component part of the service provided by such  
20 provider to the ultimate retail consumer who originates or  
21 terminates the taxable end-to-end communications. Carrier  
22 access charges, right of access charges, charges for use of  
23 inter-company facilities, and all telecommunications resold in  
24 the subsequent provision of, used as a component of, or  
25 integrated into, end-to-end telecommunications service shall  
26 be non-taxable as sales for resale. Prepaid telephone calling  
27 arrangements shall not be considered "telecommunications"  
28 subject to the tax imposed under this Act. For purposes of this  
29 Section, "prepaid telephone calling arrangements" means that  
30 term as defined in Section 2-27 of the Retailers' Occupation  
31 Tax Act.

32 (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286,  
33 eff. 1-1-04; revised 12-6-03.)

34 Section 530. The Electricity Excise Tax Law is amended by  
35 changing Sections 2-3 and 2-4 as follows:



1 (35 ILCS 640/2-3)

2 Sec. 2-3. Definitions. As used in this Law, unless the  
3 context clearly requires otherwise:

4 (a) "Department" means the Department of Revenue of the  
5 State of Illinois.

6 (b) "Director" means the Director of the Department of  
7 Revenue of the State of Illinois.

8 (c) "Person" means any natural individual, firm, trust,  
9 estate, partnership, association, joint stock company, joint  
10 venture, corporation, limited liability company, or a  
11 receiver, trustee, guardian, or other representative appointed  
12 by order of any court, or any city, town, village, county, or  
13 other political subdivision of this State.

14 (d) "Purchase price" means the consideration paid for the  
15 distribution, supply, furnishing, sale, transmission or  
16 delivery of electricity to a person for non-residential use or  
17 consumption (and for both residential and non-residential use  
18 or consumption in the case of electricity purchased from a  
19 municipal system or electric cooperative described in  
20 subsection (b) of Section 2-4) and not for resale, and for all  
21 services directly related to the production, transmission or  
22 distribution of electricity distributed, supplied, furnished,  
23 sold, transmitted or delivered for non-residential use or  
24 consumption, and includes transition charges imposed in  
25 accordance with Article XVI of the Public Utilities Act and  
26 instrument funding charges imposed in accordance with Article  
27 XVIII of the Public Utilities Act, as well as cash, services  
28 and property of every kind or nature, and shall be determined  
29 without any deduction on account of the cost of the service,  
30 product or commodity supplied, the cost of materials used,  
31 labor or service costs, or any other expense whatsoever.  
32 However, "purchase price" shall not include consideration paid  
33 for:

34 (i) any charge for a dishonored check;

35 (ii) any finance or credit charge, penalty or charge

1 for delayed payment, or discount for prompt payment;

2 (iii) any charge for reconnection of service or for  
3 replacement or relocation of facilities;

4 (iv) any advance or contribution in aid of  
5 construction;

6 (v) repair, inspection or servicing of equipment  
7 located on customer premises;

8 (vi) leasing or rental of equipment, the leasing or  
9 rental of which is not necessary to furnishing, supplying  
10 or selling electricity;

11 (vii) any purchase by a purchaser if the supplier is  
12 prohibited by federal or State constitution, treaty,  
13 convention, statute or court decision from recovering the  
14 related tax liability from such purchaser; and

15 (viii) any amounts added to purchasers' bills because  
16 of charges made pursuant to the tax imposed by this Law.

17 In case credit is extended, the amount thereof shall be  
18 included only as and when payments are made.

19 "Purchase price" shall not include consideration received  
20 from business enterprises certified under Section 9-222.1 or  
21 9-222.1A of the Public Utilities Act, as amended, to the extent  
22 of such exemption and during the period of time specified by  
23 the Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~.

25 (e) "Purchaser" means any person who acquires electricity  
26 for use or consumption and not for resale, for a valuable  
27 consideration.

28 (f) "Non-residential electric use" means any use or  
29 consumption of electricity which is not residential electric  
30 use.

31 (g) "Residential electric use" means electricity used or  
32 consumed at a dwelling of 2 or fewer units, or electricity for  
33 household purposes used or consumed at a building with multiple  
34 dwelling units where the electricity is registered by a  
35 separate meter for each dwelling unit.

36 (h) "Self-assessing purchaser" means a purchaser for

1 non-residential electric use who elects to register with and to  
2 pay tax directly to the Department in accordance with Sections  
3 2-10 and 2-11 of this Law.

4 (i) "Delivering supplier" means any person engaged in the  
5 business of delivering electricity to persons for use or  
6 consumption and not for resale, but not an entity engaged in  
7 the practice of resale and redistribution of electricity within  
8 a building prior to January 2, 1957, and who, in any case where  
9 more than one person participates in the delivery of  
10 electricity to a specific purchaser, is the last of the  
11 suppliers engaged in delivering the electricity prior to its  
12 receipt by the purchaser.

13 (j) "Delivering supplier maintaining a place of business in  
14 this State", or any like term, means any delivering supplier  
15 having or maintaining within this State, directly or by a  
16 subsidiary, an office, generation facility, transmission  
17 facility, distribution facility, sales office or other place of  
18 business, or any employee, agent or other representative  
19 operating within this State under the authority of such  
20 delivering supplier or such delivering supplier's subsidiary,  
21 irrespective of whether such place of business or agent or  
22 other representative is located in this State permanently or  
23 temporarily, or whether such delivering supplier or such  
24 delivering supplier's subsidiary is licensed to do business in  
25 this State.

26 (k) "Use" means the exercise by any person of any right or  
27 power over electricity incident to the ownership of that  
28 electricity, except that it does not include the generation,  
29 production, transmission, distribution, delivery or sale of  
30 electricity in the regular course of business or the use of  
31 electricity for such purposes.

32 (Source: P.A. 91-914, eff. 7-7-00; 92-310, eff. 8-9-01; revised  
33 12-6-03.)

34 (35 ILCS 640/2-4)

35 Sec. 2-4. Tax imposed.

1 (a) Except as provided in subsection (b), a tax is imposed  
2 on the privilege of using in this State electricity purchased  
3 for use or consumption and not for resale, other than by  
4 municipal corporations owning and operating a local  
5 transportation system for public service, at the following  
6 rates per kilowatt-hour delivered to the purchaser:

7 (i) For the first 2000 kilowatt-hours used or consumed  
8 in a month: 0.330 cents per kilowatt-hour;

9 (ii) For the next 48,000 kilowatt-hours used or  
10 consumed in a month: 0.319 cents per kilowatt-hour;

11 (iii) For the next 50,000 kilowatt-hours used or  
12 consumed in a month: 0.303 cents per kilowatt-hour;

13 (iv) For the next 400,000 kilowatt-hours used or  
14 consumed in a month: 0.297 cents per kilowatt-hour;

15 (v) For the next 500,000 kilowatt-hours used or  
16 consumed in a month: 0.286 cents per kilowatt-hour;

17 (vi) For the next 2,000,000 kilowatt-hours used or  
18 consumed in a month: 0.270 cents per kilowatt-hour;

19 (vii) For the next 2,000,000 kilowatt-hours used or  
20 consumed in a month: 0.254 cents per kilowatt-hour;

21 (viii) For the next 5,000,000 kilowatt-hours used or  
22 consumed in a month: 0.233 cents per kilowatt-hour;

23 (ix) For the next 10,000,000 kilowatt-hours used or  
24 consumed in a month: 0.207 cents per kilowatt-hour;

25 (x) For all electricity in excess of 20,000,000  
26 kilowatt-hours used or consumed in a month: 0.202 cents per  
27 kilowatt-hour.

28 Provided, that in lieu of the foregoing rates, the tax is  
29 imposed on a self-assessing purchaser at the rate of 5.1% of  
30 the self-assessing purchaser's purchase price for all  
31 electricity distributed, supplied, furnished, sold,  
32 transmitted and delivered to the self-assessing purchaser in a  
33 month.

34 (b) A tax is imposed on the privilege of using in this  
35 State electricity purchased from a municipal system or electric  
36 cooperative, as defined in Article XVII of the Public Utilities

1 Act, which has not made an election as permitted by either  
2 Section 17-200 or Section 17-300 of such Act, at the lesser of  
3 0.32 cents per kilowatt hour of all electricity distributed,  
4 supplied, furnished, sold, transmitted, and delivered by such  
5 municipal system or electric cooperative to the purchaser or 5%  
6 of each such purchaser's purchase price for all electricity  
7 distributed, supplied, furnished, sold, transmitted, and  
8 delivered by such municipal system or electric cooperative to  
9 the purchaser, whichever is the lower rate as applied to each  
10 purchaser in each billing period.

11 (c) The tax imposed by this Section 2-4 is not imposed with  
12 respect to any use of electricity by business enterprises  
13 certified under Section 9-222.1 or 9-222.1A of the Public  
14 Utilities Act, as amended, to the extent of such exemption and  
15 during the time specified by the Department of Commerce and  
16 Economic Opportunity ~~Community Affairs~~; or with respect to any  
17 transaction in interstate commerce, or otherwise, to the extent  
18 to which such transaction may not, under the Constitution and  
19 statutes of the United States, be made the subject of taxation  
20 by this State.

21 (Source: P.A. 90-561, eff. 8-1-98; 91-914, eff. 7-7-00; revised  
22 12-6-03.)

23 Section 535. The Illinois Pension Code is amended by  
24 changing Sections 14-108.4 and 14-134 as follows:

25 (40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)

26 Sec. 14-108.4. State police early retirement incentives.

27 (a) To be eligible for the benefits provided in this  
28 Section, a person must:

29 (1) be a member of this System who, on any day during  
30 October, 1992, is in active payroll status in a position of  
31 employment with the Department of State Police for which  
32 eligible creditable service is being earned under Section  
33 14-110;

34 (2) have not previously retired under this Article;

1           (3) file a written application requesting the benefits  
2 provided in this Section with the Director of State Police  
3 and the Board on or before January 20, 1993;

4           (4) establish eligibility to receive a retirement  
5 annuity under Section 14-110 by January 31, 1993 (for which  
6 purpose any age enhancement or creditable service received  
7 under this Section may be used) and elect to receive the  
8 retirement annuity beginning not earlier than January 1,  
9 1993 and not later than February 1, 1993, except that with  
10 the written permission of the Director of State Police, the  
11 effective date of the retirement annuity may be postponed  
12 to no later than July 1, 1993.

13           (b) An eligible person may establish up to 5 years of  
14 creditable service under this Article, in increments of one  
15 month, by making the contributions specified in subsection (c).  
16 In addition, for each month of creditable service established  
17 under this Section, a person's age at retirement shall be  
18 deemed to be one month older than it actually is.

19           The creditable service established under this Section  
20 shall be deemed eligible creditable service as defined in  
21 Section 14-110, and may be used for all purposes under this  
22 Article and the Retirement Systems Reciprocal Act, except for  
23 the computation of final average compensation under Section  
24 14-103.12, or the determination of compensation under this or  
25 any other Article of this Code.

26           The age enhancement established under this Section may be  
27 used for all purposes under this Article (including calculation  
28 of a proportionate annuity payable by this System under the  
29 Retirement Systems Reciprocal Act), except for purposes of the  
30 level income option in Section 14-112, the reversionary annuity  
31 under Section 14-113, and the required distributions under  
32 Section 14-121.1. However, age enhancement established under  
33 this Section shall not be used in determining benefits payable  
34 under other Articles of this Code under the Retirement Systems  
35 Reciprocal Act.

36           (c) For all creditable service established under this

1 Section, a person must pay to the System an employee  
2 contribution to be determined by the System, based on the  
3 member's final rate of compensation and one-half of the total  
4 retirement contribution rate in effect for the member under  
5 subdivision (a) (3) of Section 14-133 on the date of withdrawal.

6 If the member receives a lump sum payment for accumulated  
7 vacation, sick leave and personal leave upon withdrawal from  
8 service, and the net amount of that lump sum payment is at  
9 least as great as the amount of the contribution required under  
10 this Section, the entire contribution (or so much of it as does  
11 not exceed the contribution limitations of Section 415 of the  
12 Internal Revenue Code of 1986) must be paid by the employee  
13 before the retirement annuity may become payable. If there is  
14 no such lump sum payment, or if it is less than the  
15 contribution required under this Section, the member may either  
16 pay the entire contribution before the retirement annuity  
17 becomes payable, or may instead make an initial payment before  
18 the retirement annuity becomes payable, equal to the net amount  
19 of the lump sum payment for accumulated vacation, sick leave  
20 and personal leave (or so much of it as does not exceed the  
21 contribution limitations of Section 415 of the Internal Revenue  
22 Code of 1986), and have the remaining amount due deducted from  
23 the retirement annuity in 24 equal monthly installments  
24 beginning in the month in which the retirement annuity takes  
25 effect.

26 However, if the net amount of the lump sum payment for  
27 accumulated vacation, sick leave and personal leave equals or  
28 exceeds the contribution required under this Section, but the  
29 required contribution exceeds an applicable contribution  
30 limitation contained in Section 415 of the Internal Revenue  
31 Code of 1986, then the amount of the contribution in excess of  
32 the Section 415 limitation shall instead be paid by the  
33 annuitant in January of 1994. If this additional amount is not  
34 paid as required, the retirement annuity shall be suspended  
35 until the required contribution is received.

36 (d) Notwithstanding Section 14-111, an annuitant who has

1 received any age enhancement or creditable service under this  
2 Section and who reenters service under this Article other than  
3 as a temporary employee shall thereby forfeit such age  
4 enhancement and creditable service, and become entitled to a  
5 refund of the contributions made pursuant to this Section.

6 (e) The Board shall determine the unfunded accrued  
7 liability created by the granting of early retirement benefits  
8 to State policemen under this Section, and shall certify the  
9 amount of that liability to the Department of State Police, the  
10 State Comptroller, the State Treasurer, and the Bureau of the  
11 Budget (now Governor's Office of Management and Budget) by June  
12 1, 1993, or as soon thereafter as is practical. In addition to  
13 any other payments to the System required under this Code, the  
14 Department of State Police shall pay to the System the amount  
15 of that unfunded accrued liability, out of funds appropriated  
16 to the Department for that purpose, over a period of 7 years at  
17 the rate of 14.3% of the certified amount per year, plus  
18 interest on the unpaid balance at the actuarial rate as  
19 calculated and certified annually by the Board. Beginning in  
20 State fiscal year 1996, the liability created under this  
21 subsection (e) shall be included in the calculation of the  
22 required State contribution under Section 14-131 and no  
23 additional payments need be made under this subsection.

24 (Source: P.A. 87-1265; 88-593, eff. 8-22-94; revised 8-23-03.)

25 (40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)

26 Sec. 14-134. Board created. The retirement system created  
27 by this Article shall be a trust, separate and distinct from  
28 all other entities. The responsibility for the operation of the  
29 system and for making effective this Article is vested in a  
30 board of trustees.

31 The board shall consist of 7 trustees, as follows:

32 (a) the Director of the Governor's Office of Management and  
33 Budget ~~Bureau of the Budget~~; (b) the Comptroller; (c) one  
34 trustee, not a State employee, who shall be Chairman, to be  
35 appointed by the Governor for a 5 year term; (d) two members of



1 the system, one of whom shall be an annuitant age 60 or over,  
2 having at least 8 years of creditable service, to be appointed  
3 by the Governor for terms of 5 years; (e) one member of the  
4 system having at least 8 years of creditable service, to be  
5 elected from the contributing membership of the system by the  
6 contributing members as provided in Section 14-134.1; (f) one  
7 annuitant of the system who has been an annuitant for at least  
8 one full year, to be elected from and by the annuitants of the  
9 system, as provided in Section 14-134.1. The Director of the  
10 Governor's Office of Management and Budget ~~Bureau of the Budget~~  
11 and the Comptroller shall be ex-officio members and shall serve  
12 as trustees during their respective terms of office, except  
13 that each of them may designate another officer or employee  
14 from the same agency to serve in his or her place. However, no  
15 ex-officio member may designate a different proxy within one  
16 year after designating a proxy unless the person last so  
17 designated has become ineligible to serve in that capacity.  
18 Except for the elected trustees, any vacancy in the office of  
19 trustee shall be filled in the same manner as the office was  
20 filled previously.

21 A trustee shall serve until a successor qualifies, except  
22 that a trustee who is a member of the system shall be  
23 disqualified as a trustee immediately upon terminating service  
24 with the State.

25 Each trustee is entitled to one vote on the board, and 4  
26 trustees shall constitute a quorum for the transaction of  
27 business. The affirmative votes of a majority of the trustees  
28 present, but at least 3 trustees, shall be necessary for action  
29 by the board at any meeting. The board's action of July 22,  
30 1986, by which it amended the bylaws of the system to increase  
31 the number of affirmative votes required for board action from  
32 3 to 4 (in response to Public Act 84-1028, which increased the  
33 number of trustees from 5 to 7), and the board's rejection,  
34 between that date and the effective date of this amendatory Act  
35 of 1993, of proposed actions not receiving at least 4  
36 affirmative votes, are hereby validated.

1 The trustees shall serve without compensation, but shall be  
2 reimbursed from the funds of the system for all necessary  
3 expenses incurred through service on the board.

4 Each trustee shall take an oath of office that he or she  
5 will diligently and honestly administer the affairs of the  
6 system, and will not knowingly violate or willfully permit the  
7 violation of any of the provisions of law applicable to the  
8 system. The oath shall be subscribed to by the trustee making  
9 it, certified by the officer before whom it is taken, and filed  
10 with the Secretary of State. A trustee shall qualify for  
11 membership on the board when the oath has been approved by the  
12 board.

13 (Source: P.A. 87-1265; revised 8-23-03.)

14 Section 540. The Regional Planning Commission Act is  
15 amended by changing Section 1 as follows:

16 (50 ILCS 15/1) (from Ch. 85, par. 1021)

17 Sec. 1. Governing bodies of counties, cities, or other  
18 local governmental units, when authorized by the Department of  
19 Commerce and Economic Opportunity ~~Community Affairs~~, may  
20 cooperate with the governing bodies of the counties and cities  
21 or other governing bodies of any adjoining state or states in  
22 the creation of a joint planning commission where such  
23 cooperation has been authorized by law by the adjoining state  
24 or states. Such a joint planning commission may be designated  
25 to be a regional or metropolitan planning commission and shall  
26 have powers, duties and functions as authorized by "An Act to  
27 provide for regional planning and for the creation,  
28 organization and powers of regional planning commissions",  
29 approved June 25, 1929, as heretofore or hereafter amended,  
30 and, as agreed among the governing bodies. Such a planning  
31 commission shall be a legal entity for all purposes.

32 (Source: P.A. 81-1509; revised 12-6-03.)

33 Section 545. The Local Government Financial Planning and

1 Supervision Act is amended by changing Sections 5 and 12 as  
2 follows:

3 (50 ILCS 320/5) (from Ch. 85, par. 7205)

4 Sec. 5. Establishment of commission.

5 (a) This subsection (a) applies through December 31, 1992.

6 (1) Upon receipt of a petition for establishment of a  
7 financial planning and supervision commission, the  
8 Governor may direct the establishment of such a commission  
9 if the Governor determines that a fiscal emergency exists.

10 (2) Prior to making such determination, the Governor  
11 shall give reasonable notice and opportunity for a hearing  
12 to all creditors of the petitioning unit of local  
13 government who are subject to the stay provisions of  
14 Section 7 of this Act. The determination shall be entered  
15 not less than 60 days after the filing of the petition. A  
16 determination of fiscal emergency by the Governor shall be  
17 a final administrative decision subject to the provisions  
18 of the Administrative Review Law. The court on such review  
19 may grant exceptions to the stay provisions of Section 7 of  
20 this Act as adequate protection of creditors' interests or  
21 equity may require. The commission shall convene within 30  
22 days of the entry by the Governor of his or her  
23 determination of the fiscal emergency.

24 (3) (A) The Commission shall consist of 7 Directors.

25 (B) One Director shall be appointed by the chief  
26 executive officer of the unit of local government.

27 (C) One Director shall be appointed by the majority  
28 vote of the governing body of the unit of local  
29 government.

30 (D) Five Directors shall be appointed by the  
31 Governor, with the advice and consent of the Senate.  
32 The Governor shall select one of the Directors to serve  
33 as Chairperson during the term of his or her  
34 appointment. Of the initial Directors so appointed, 3  
35 shall be appointed to serve for terms expiring 3 years

1 from the date of their appointment, and 2 shall be  
2 appointed to serve for terms expiring 2 years from the  
3 date of their appointment. Thereafter, each Director  
4 appointed by the Governor shall be appointed to hold  
5 office for a term of 3 years and until his or her  
6 successor has been appointed as provided in Section  
7 8-12-7 of the Illinois Municipal Code. Directors shall  
8 be eligible for reappointment. Any vacancy which shall  
9 arise shall be filled by appointment by the Governor,  
10 with the advice and consent of the Senate, for the  
11 unexpired term and until a successor Director has been  
12 appointed as provided in Section 8-12-7 of the Illinois  
13 Municipal Code. A vacancy shall occur upon  
14 resignation, death, conviction of a felony, or removal  
15 from office of a Director. A Director may be removed  
16 for incompetency, malfeasance, or neglect of duty at  
17 the instance of the Governor. If the Senate is not in  
18 session or is in recess when appointments subject to  
19 its confirmation are made, the Governor shall make  
20 temporary appointments which shall be subject to  
21 subsequent Senate approval.

22 (b) This subsection (b) applies on and after January 1,  
23 1993.

24 (1) Upon receipt of a petition for establishment of a  
25 financial planning and supervision commission, the  
26 Governor may direct the establishment of such a commission  
27 if the Governor determines that a fiscal emergency exists.

28 (2) Prior to making such determination, the Governor  
29 shall give reasonable notice and opportunity for a hearing  
30 to all creditors of the petitioning unit of local  
31 government. The determination shall be entered not less  
32 than 60 days after the filing of the petition. A  
33 determination of fiscal emergency by the Governor shall be  
34 a final administrative decision subject to the provisions  
35 of the Administrative Review Law. The court on such review  
36 may grant exceptions to the stay provisions of Section 7 of

1 this Act as adequate protection of creditors' interests or  
2 equity may require. The commission shall convene within 30  
3 days of the entry by the Governor of his or her  
4 determination of the fiscal emergency.

5 (3) A commission shall consist of 11 members:

6 (A) Eight members as follows: the Governor, the  
7 State Comptroller, the Director of Revenue, the  
8 Director of the Governor's Office of Management and  
9 Budget ~~Bureau of the Budget~~, the State Treasurer, the  
10 Executive Director of the Illinois Finance Authority,  
11 the Director of the Department of Commerce and Economic  
12 Opportunity ~~Community Affairs~~ and the presiding  
13 officer of the governing body of the unit of local  
14 government, or their respective designees. A designee,  
15 when present, shall be counted in determining whether a  
16 quorum is present at any meeting of the commission and  
17 may vote and participate in all proceedings and actions  
18 of the commission. The designations shall be in  
19 writing, executed by the member making the  
20 designation, and filed with the secretary of the  
21 commission. The designations may be changed from time  
22 to time in like manner, but due regard shall be given  
23 to the need for continuity. The Governor shall appoint  
24 a chairman of the commission from among the 8 members  
25 described in this subparagraph (A).

26 (B) Three members nominated and appointed as  
27 follows: the governing body and chief governing  
28 officer of the unit of local government shall submit in  
29 writing to the chairman of the commission the  
30 nomination of 5 persons agreed to by them and meeting  
31 the qualifications set forth in this Act. Nominations  
32 shall accompany the petition for establishment of the  
33 financial planning and supervision commission. If the  
34 chairman is not satisfied that at least 3 of the  
35 nominees are well qualified, he shall notify the  
36 governing body of the unit of local government to

1 submit in writing, within 5 days, additional nominees,  
2 not exceeding 3. The chairman shall appoint 3 members  
3 from all the nominees so submitted or a lesser number  
4 that he considers well qualified. Each of the 3  
5 appointed members shall serve for a term of one year,  
6 subject to removal by the chairman for misfeasance,  
7 nonfeasance or malfeasance in office. Upon the  
8 expiration of the term of an appointed member, or in  
9 the event of the death, resignation, incapacity or  
10 removal, or other ineligibility to serve of an  
11 appointed member, the chairman shall appoint a  
12 successor pursuant to the process of original  
13 appointment.

14 Each of the 3 appointed members shall be an  
15 individual:

16 (i) Who has knowledge and experience in  
17 financial matters, financial management, or  
18 business organization or operations, including  
19 experience in the private sector in management of  
20 business or financial enterprise, or in management  
21 consulting, public accounting, or other  
22 professional activity; and

23 (ii) Who has not at any time during the 2 years  
24 preceding the date of appointment held any elected  
25 public office.

26 The governing body and chief governing officer of the  
27 unit of local government, to the extent possible, shall  
28 nominate members whose residency, office, or principal  
29 place of professional or business activity is situated  
30 within the unit of local government.

31 An appointed member of the commission shall not  
32 become a candidate for elected public office while  
33 serving as a member of the commission.

34 (4) Immediately after his appointment of the initial 3  
35 appointed members of the commission, the chairman shall  
36 call the first meeting of the commission and shall cause

1 written notice of the time, date and place of the first  
2 meeting to be given to each member of the commission at  
3 least 48 hours in advance of the meeting.

4 (5) The commission members shall select one of their  
5 number to serve as treasurer of the commission.

6 (Source: P.A. 93-205, eff. 1-1-04; revised 8-23-03.)

7 (50 ILCS 320/12) (from Ch. 85, par. 7212)

8 Sec. 12. Expenses incurred by commission. Any expense or  
9 obligation incurred by the financial planning and supervision  
10 commission under this Act shall be payable solely from  
11 appropriations made for that purpose by the General Assembly.

12 The commission is authorized to maintain monies  
13 appropriated for its use in a local account for such purposes  
14 to be held outside the State Treasury. Disbursements from this  
15 account shall require the approval and signatures of the  
16 chairman of the commission and the treasurer of the commission.  
17 The commission shall be authorized to request the State  
18 Comptroller and State Treasurer to issue State warrants against  
19 appropriations made for its use, in anticipation of commission  
20 expenses, for deposit into the local account.

21 The compensation and expenses of a financial advisor  
22 retained by the commission shall be paid from monies  
23 appropriated to the Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~ for that purpose. Those  
25 appropriations shall only be committed, obligated, and  
26 expended by the Department of Commerce and Economic Opportunity  
27 ~~Community Affairs~~ as the result of an order signed by the  
28 chairman of the commission identifying the selected "financial  
29 advisor" pursuant to subsection (c) of Section 6 of this Act  
30 and stating the maximum compensation awarded to the financial  
31 advisor under the contract. A copy of the order shall be filed  
32 with the State Comptroller prior to any disbursement of funds.

33 (Source: P.A. 86-1211; revised 12-6-03.)

34 Section 550. The Illinois Municipal Budget Law is amended

1 by changing Section 2 as follows:

2 (50 ILCS 330/2) (from Ch. 85, par. 802)

3 Sec. 2. The following terms, unless the context otherwise  
4 indicates, have the following meaning:

5 (1) "Municipality" means and includes all municipal  
6 corporations and political subdivisions of this State, or any  
7 such unit or body hereafter created by authority of law, except  
8 the following: (a) The State of Illinois; (b) counties; (c)  
9 cities, villages and incorporated towns; (d) sanitary  
10 districts created under "An Act to create sanitary districts  
11 and to remove obstructions in the Des Plaines and Illinois  
12 Rivers", approved May 29, 1889, as amended; (e) forest preserve  
13 districts having a population of 500,000 or more, created under  
14 "An Act to provide for the creation and management of forest  
15 preserve districts and repealing certain Acts therein named",  
16 approved June 27, 1913, as amended; (f) school districts; (g)  
17 the Chicago Park District created under "An Act in relation to  
18 the creation, maintenance, operation and improvement of the  
19 Chicago Park District", approved, June 10, 1933, as amended;  
20 (h) park districts created under "The Park District Code",  
21 approved July 8, 1947, as amended; (i) the Regional  
22 Transportation Authority created under the "Regional  
23 Transportation Authority Act", enacted by the 78th General  
24 Assembly; and (j) the Illinois Sports Facilities Authority.

25 (2) "Governing body" means the corporate authorities,  
26 body, or other officer of the municipality authorized by law to  
27 raise revenue, appropriate funds, or levy taxes for the  
28 operation and maintenance thereof.

29 (3) "Department" means the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~.

31 (Source: P.A. 85-1034; revised 12-6-03.)

32 Section 555. The Emergency Telephone System Act is amended  
33 by changing Section 13 as follows:



1 (50 ILCS 750/13) (from Ch. 134, par. 43)

2 Sec. 13. On or before February 16, 1979, and again on or  
3 before February 16, 1981, the Commission shall report to the  
4 General Assembly the progress in the implementation of systems  
5 required by this Act. Such reports shall contain his  
6 recommendations for additional legislation.

7 In December of 1979 and in December of 1980 the Commission,  
8 with the advice and assistance of the Attorney General, shall  
9 submit recommendations to the Bureau of the Budget (now  
10 Governor's Office of Management and Budget) and to the Governor  
11 specifying amounts necessary to further implement the  
12 organization of telephone systems specified in this Act during  
13 the succeeding fiscal year. The report specified in this  
14 paragraph shall contain, in addition, an estimate of the fiscal  
15 impact to local public agencies which will be caused by  
16 implementation of this Act.

17 By March 1 in 1979 and every even-numbered year thereafter,  
18 each telephone company shall file a report with the Commission  
19 and the General Assembly specifying, in such detail as the  
20 Commission has by rule or regulation required, the extent to  
21 which it has implemented a planned emergency telephone system  
22 and its projected further implementation of such a system.

23 The requirement for reporting to the General Assembly shall  
24 be satisfied by filing copies of the report with the Speaker,  
25 the Minority Leader and the Clerk of the House of  
26 Representatives and the President, the Minority Leader and the  
27 Secretary of the Senate and the Legislative Research Unit, as  
28 required by Section 3.1 of "An Act to revise the law in  
29 relation to the General Assembly", approved February 25, 1874,  
30 as amended, and filing such additional copies with the State  
31 Government Report Distribution Center for the General Assembly  
32 as is required under paragraph (t) of Section 7 of the State  
33 Library Act.

34 (Source: P.A. 84-1438; revised 8-23-03.)

35 Section 560. The Local Land Resource Management Planning

1 Act is amended by changing Sections 3 and 8 as follows:

2 (50 ILCS 805/3) (from Ch. 85, par. 5803)

3 Sec. 3. Definitions. As used in this Act, the following  
4 words and phrases have the following meanings:

5 A. "Department" means the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~.

7 B. "Local Land Resource Management Plan" means a map of  
8 existing and generalized proposed land use and a policy  
9 statement in the form of words, numbers, illustrations, or  
10 other symbols of communication adopted by the municipal and  
11 county governing bodies. The Local Land Resource Management  
12 Plan may interrelate functional, visual and natural systems and  
13 activities relating to the use of land. It shall include but  
14 not be limited to sewer and water systems, energy distribution  
15 systems, recreational facilities, public safety facilities and  
16 their relationship to natural resources, air, water and land  
17 quality management or conservation programs within its  
18 jurisdiction. Such a plan shall be deemed to be "joint or  
19 compatible" when so declared by joint resolution of the  
20 affected municipality and county, or when separate plans have  
21 been referred to the affected municipality or county for review  
22 and suggestions, and such suggestions have been duly considered  
23 by the adopting jurisdiction and a reasonable basis for  
24 provisions of a plan that are contrary to the suggestions is  
25 stated in a resolution of the adopting jurisdiction.

26 C. "Land" means the earth, water and air, above, below or  
27 on the surface, and including any improvements or structures  
28 customarily regarded as land.

29 D. "Municipality" means any city, village or incorporated  
30 town.

31 E. "Unit of local government" means any county,  
32 municipality, township or special district which exercises  
33 limited governmental functions or provides services in respect  
34 to limited governmental subjects.

35 (Source: P.A. 84-865; revised 12-6-03.)

1 (50 ILCS 805/8) (from Ch. 85, par. 5808)

2 Sec. 8. Planning Grants. (a) The Department of Commerce and  
3 Economic Opportunity ~~Community Affairs~~ may make annual grants  
4 to counties and municipalities to develop, update, administer  
5 and implement Local Land Resource Management Plans, as defined  
6 in this Act.

7 (b) A recipient local government may receive an initial  
8 grant to develop a plan after filing a resolution of intent to  
9 develop a plan. The plan shall be completed within 18 months of  
10 the receipt of the grant.

11 (c) The amount of the initial grant and the annual grant to  
12 be received by the recipient shall be based on the most recent  
13 updated U. S. Census at a rate of one dollar per person, but  
14 shall not be less than \$20,000 and shall not exceed \$100,000  
15 per fiscal year.

16 (d) The Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ may promulgate such rules and regulations  
18 establishing procedures for determining entitlement and  
19 eligible uses of such grants as it deems necessary for the  
20 purposes of this Act.

21 (Source: P.A. 84-865; revised 12-6-03.)

22 Section 565. The County Economic Development Project Area  
23 Property Tax Allocation Act is amended by changing Section 3 as  
24 follows:

25 (55 ILCS 85/3) (from Ch. 34, par. 7003)

26 Sec. 3. Definitions. In this Act, words or terms shall have  
27 the following meanings unless the context usage clearly  
28 indicates that another meaning is intended.

29 (a) "Department" means the Department of Commerce and  
30 Economic Opportunity ~~Community Affairs~~.

31 (b) "Economic development plan" means the written plan of a  
32 county which sets forth an economic development program for an  
33 economic development project area. Each economic development

1 plan shall include but not be limited to (1) estimated economic  
2 development project costs, (2) the sources of funds to pay such  
3 costs, (3) the nature and term of any obligations to be issued  
4 by the county to pay such costs, (4) the most recent equalized  
5 assessed valuation of the economic development project area,  
6 (5) an estimate of the equalized assessed valuation of the  
7 economic development project area after completion of the  
8 economic development plan, (6) the estimated date of completion  
9 of any economic development project proposed to be undertaken,  
10 (7) a general description of any proposed developer, user, or  
11 tenant of any property to be located or improved within the  
12 economic development project area, (8) a description of the  
13 type, structure and general character of the facilities to be  
14 developed or improved in the economic development project area,  
15 (9) a description of the general land uses to apply in the  
16 economic development project area, (10) a description of the  
17 type, class and number of employees to be employed in the  
18 operation of the facilities to be developed or improved in the  
19 economic development project area and (11) a commitment by the  
20 county to fair employment practices and an affirmative action  
21 plan with respect to any economic development program to be  
22 undertaken by the county.

23 (c) "Economic development project" means any development  
24 project in furtherance of the objectives of this Act.

25 (d) "Economic development project area" means any improved  
26 or vacant area which is located within the corporate limits of  
27 a county and which (1) is within the unincorporated area of  
28 such county, or, with the consent of any affected municipality,  
29 is located partially within the unincorporated area of such  
30 county and partially within one or more municipalities, (2) is  
31 contiguous, (3) is not less in the aggregate than 100 acres,  
32 (4) is suitable for siting by any commercial, manufacturing,  
33 industrial, research or transportation enterprise of  
34 facilities to include but not be limited to commercial  
35 businesses, offices, factories, mills, processing plants,  
36 assembly plants, packing plants, fabricating plants,

1 industrial or commercial distribution centers, warehouses,  
2 repair overhaul or service facilities, freight terminals,  
3 research facilities, test facilities or transportation  
4 facilities, whether or not such area has been used at any time  
5 for such facilities and whether or not the area has been used  
6 or is suitable for such facilities and whether or not the area  
7 has been used or is suitable for other uses, including  
8 commercial agricultural purposes, and (5) which has been  
9 certified by the Department pursuant to this Act.

10 (e) "Economic development project costs" means and  
11 includes the sum total of all reasonable or necessary costs  
12 incurred by a county incidental to an economic development  
13 project, including, without limitation, the following:

14 (1) Costs of studies, surveys, development of plans and  
15 specifications, implementation and administration of an  
16 economic development plan, personnel and professional  
17 service costs for architectural, engineering, legal,  
18 marketing, financial, planning, sheriff, fire, public  
19 works or other services, provided that no charges for  
20 professional services may be based on a percentage of  
21 incremental tax revenue;

22 (2) Property assembly costs within an economic  
23 development project area, including but not limited to  
24 acquisition of land and other real or personal property or  
25 rights or interests therein, and specifically including  
26 payments to developers or other non-governmental persons  
27 as reimbursement for property assembly costs incurred by  
28 such developer or other non-governmental person;

29 (3) Site preparation costs, including but not limited  
30 to clearance of any area within an economic development  
31 project area by demolition or removal of any existing  
32 buildings, structures, fixtures, utilities and  
33 improvements and clearing and grading; and including  
34 installation, repair, construction, reconstruction, or  
35 relocation of public streets, public utilities, and other  
36 public site improvements within or without an economic

1 development project area which are essential to the  
2 preparation of the economic development project area for  
3 use in accordance with an economic development plan; and  
4 specifically including payments to developers or other  
5 non-governmental persons as reimbursement for site  
6 preparation costs incurred by such developer or  
7 non-governmental person;

8 (4) Costs of renovation, rehabilitation,  
9 reconstruction, relocation, repair or remodeling of any  
10 existing buildings, improvements, and fixtures within an  
11 economic development project area, and specifically  
12 including payments to developers or other non-governmental  
13 persons as reimbursement for such costs incurred by such  
14 developer or non-governmental person;

15 (5) Costs of construction within an economic  
16 development project area of public improvements, including  
17 but not limited to, buildings, structures, works,  
18 improvements, utilities or fixtures;

19 (6) Financing costs, including but not limited to all  
20 necessary and incidental expenses related to the issuance  
21 of obligations, payment of any interest on any obligations  
22 issued hereunder which accrues during the estimated period  
23 of construction of any economic development project for  
24 which such obligations are issued and for not exceeding 36  
25 months thereafter, and any reasonable reserves related to  
26 the issuance of such obligations;

27 (7) All or a portion of a taxing district's capital  
28 costs resulting from an economic development project  
29 necessarily incurred or estimated to be incurred by a  
30 taxing district in the furtherance of the objectives of an  
31 economic development project, to the extent that the county  
32 by written agreement accepts, approves and agrees to incur  
33 or to reimburse such costs;

34 (8) Relocation costs to the extent that a county  
35 determines that relocation costs shall be paid or is  
36 required to make payment of relocation costs by federal or

1 State law;

2 (9) The estimated tax revenues from real property in an  
3 economic development project area acquired by a county  
4 which, according to the economic development plan, is to be  
5 used for a private use and which any taxing district would  
6 have received had the county not adopted property tax  
7 allocation financing for an economic development project  
8 area and which would result from such taxing district's  
9 levies made after the time of the adoption by the county of  
10 property tax allocation financing to the time the current  
11 equalized assessed value of real property in the economic  
12 development project area exceeds the total initial  
13 equalized value of real property in that area;

14 (10) Costs of rebating ad valorem taxes paid by any  
15 developer or other nongovernmental person in whose name the  
16 general taxes were paid for the last preceding year on any  
17 lot, block, tract or parcel of land in the economic  
18 development project area, provided that:

19 (i) such economic development project area is  
20 located in an enterprise zone created pursuant to the  
21 Illinois Enterprise Zone Act;

22 (ii) such ad valorem taxes shall be rebated only in  
23 such amounts and for such tax year or years as the  
24 county and any one or more affected taxing districts  
25 shall have agreed by prior written agreement;

26 (iii) any amount of rebate of taxes shall not  
27 exceed the portion, if any, of taxes levied by the  
28 county or such taxing district or districts which is  
29 attributable to the increase in the current equalized  
30 assessed valuation of each taxable lot, block, tract or  
31 parcel of real property in the economic development  
32 project area over and above the initial equalized  
33 assessed value of each property existing at the time  
34 property tax allocation financing was adopted for said  
35 economic development project area; and

36 (iv) costs of rebating ad valorem taxes shall be

1           paid by a county solely from the special tax allocation  
2           fund established pursuant to this Act and shall be paid  
3           from the proceeds of any obligations issued by a  
4           county.

5           (11) Costs of job training, advanced vocational  
6           education or career education programs, including but not  
7           limited to courses in occupational, semi-technical or  
8           technical fields leading directly to employment, incurred  
9           by one or more taxing districts, provided that such costs  
10          are related to the establishment and maintenance of  
11          additional job training, advanced vocational education or  
12          career education programs for persons employed or to be  
13          employed by employers located in an economic development  
14          project area, and further provided, that when such costs  
15          are incurred by a taxing district or taxing districts other  
16          than the county, they shall be set forth in a written  
17          agreement by or among the county and the taxing district or  
18          taxing districts, which agreement describes the program to  
19          be undertaken, including, but not limited to, the number of  
20          employees to be trained, a description of the training and  
21          services to be provided, the number and type of positions  
22          available or to be available, itemized costs of the program  
23          and sources of funds to pay the same, and the term of the  
24          agreement. Such costs include, specifically, the payment  
25          by community college districts of costs pursuant to Section  
26          3-37, 3-38, 3-40 and 3-40.1 of the Public Community College  
27          Act and by school districts of costs pursuant to Sections  
28          10-22.20 and 10-23.3a of the School Code;

29          (12) Private financing costs incurred by developers or  
30          other non-governmental persons in connection with an  
31          economic development project, and specifically including  
32          payments to developers or other non-governmental persons  
33          as reimbursement for such costs incurred by such developer  
34          or other non-governmental persons provided that:

35                 (A) private financing costs shall be paid or  
36                 reimbursed by a county only pursuant to the prior



1 official action of the county evidencing an intent to  
2 pay such private financing costs;

3 (B) except as provided in subparagraph (D) of this  
4 Section, the aggregate amount of such costs paid or  
5 reimbursed by a county in any one year shall not exceed  
6 30% of such costs paid or incurred by such developer or  
7 other non-governmental person in that year;

8 (C) private financing costs shall be paid or  
9 reimbursed by a county solely from the special tax  
10 allocation fund established pursuant to this Act and  
11 shall not be paid or reimbursed from the proceeds of  
12 any obligations issued by a county;

13 (D) if there are not sufficient funds available in  
14 the special tax allocation fund in any year to make  
15 such payment or reimbursement in full, any amount of  
16 such private financing costs remaining to be paid or  
17 reimbursed by a county shall accrue and be payable when  
18 funds are available in the special tax allocation fund  
19 to make such payment; and

20 (E) in connection with its approval and  
21 certification of an economic development project  
22 pursuant to Section 5 of this Act, the Department shall  
23 review any agreement authorizing the payment or  
24 reimbursement by a county of private financing costs in  
25 its consideration of the impact on the revenues of the  
26 county and the affected taxing districts of the use of  
27 property tax allocation financing.

28 (f) "Obligations" means any instrument evidencing the  
29 obligation of a county to pay money, including without  
30 limitation, bonds, notes, installment or financing contracts,  
31 certificates, tax anticipation warrants or notes, vouchers,  
32 and any other evidence of indebtedness.

33 (g) "Taxing districts" means municipalities, townships,  
34 counties, and school, road, park, sanitary, mosquito  
35 abatement, forest preserve, public health, fire protection,  
36 river conservancy, tuberculosis sanitarium and any other

1 county corporations or districts with the power to levy taxes  
2 on real property.

3 (Source: P.A. 90-655, eff. 7-30-98; revised 12-6-03.)

4 Section 570. The Illinois Municipal Code is amended by  
5 changing Sections 8-11-2, 11-31.1-14, 11-48.3-29, 11-74.4-6,  
6 11-74.4-8a, and 11-74.6-10 as follows:

7 (65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

8 Sec. 8-11-2. The corporate authorities of any municipality  
9 may tax any or all of the following occupations or privileges:

10 1. (Blank).

11 2. Persons engaged in the business of distributing,  
12 supplying, furnishing, or selling gas for use or  
13 consumption within the corporate limits of a municipality  
14 of 500,000 or fewer population, and not for resale, at a  
15 rate not to exceed 5% of the gross receipts therefrom.

16 2a. Persons engaged in the business of distributing,  
17 supplying, furnishing, or selling gas for use or  
18 consumption within the corporate limits of a municipality  
19 of over 500,000 population, and not for resale, at a rate  
20 not to exceed 8% of the gross receipts therefrom. If  
21 imposed, this tax shall be paid in monthly payments.

22 3. The privilege of using or consuming electricity  
23 acquired in a purchase at retail and used or consumed  
24 within the corporate limits of the municipality at rates  
25 not to exceed the following maximum rates, calculated on a  
26 monthly basis for each purchaser:

27 (i) For the first 2,000 kilowatt-hours used or consumed  
28 in a month; 0.61 cents per kilowatt-hour;

29 (ii) For the next 48,000 kilowatt-hours used or  
30 consumed in a month; 0.40 cents per kilowatt-hour;

31 (iii) For the next 50,000 kilowatt-hours used or  
32 consumed in a month; 0.36 cents per kilowatt-hour;

33 (iv) For the next 400,000 kilowatt-hours used or  
34 consumed in a month; 0.35 cents per kilowatt-hour;

1 (v) For the next 500,000 kilowatt-hours used or  
2 consumed in a month; 0.34 cents per kilowatt-hour;

3 (vi) For the next 2,000,000 kilowatt-hours used or  
4 consumed in a month; 0.32 cents per kilowatt-hour;

5 (vii) For the next 2,000,000 kilowatt-hours used or  
6 consumed in a month; 0.315 cents per kilowatt-hour;

7 (viii) For the next 5,000,000 kilowatt-hours used or  
8 consumed in a month; 0.31 cents per kilowatt-hour;

9 (ix) For the next 10,000,000 kilowatt-hours used or  
10 consumed in a month; 0.305 cents per kilowatt-hour; and

11 (x) For all electricity used or consumed in excess of  
12 20,000,000 kilowatt-hours in a month, 0.30 cents per  
13 kilowatt-hour.

14 If a municipality imposes a tax at rates lower than  
15 either the maximum rates specified in this Section or the  
16 alternative maximum rates promulgated by the Illinois  
17 Commerce Commission, as provided below, the tax rates shall  
18 be imposed upon the kilowatt hour categories set forth  
19 above with the same proportional relationship as that which  
20 exists among such maximum rates. Notwithstanding the  
21 foregoing, until December 31, 2008, no municipality shall  
22 establish rates that are in excess of rates reasonably  
23 calculated to produce revenues that equal the maximum total  
24 revenues such municipality could have received under the  
25 tax authorized by this subparagraph in the last full  
26 calendar year prior to the effective date of Section 65 of  
27 this amendatory Act of 1997; provided that this shall not  
28 be a limitation on the amount of tax revenues actually  
29 collected by such municipality.

30 Upon the request of the corporate authorities of a  
31 municipality, the Illinois Commerce Commission shall,  
32 within 90 days after receipt of such request, promulgate  
33 alternative rates for each of these kilowatt-hour  
34 categories that will reflect, as closely as reasonably  
35 practical for that municipality, the distribution of the  
36 tax among classes of purchasers as if the tax were based on

1 a uniform percentage of the purchase price of electricity.  
2 A municipality that has adopted an ordinance imposing a tax  
3 pursuant to subparagraph 3 as it existed prior to the  
4 effective date of Section 65 of this amendatory Act of 1997  
5 may, rather than imposing the tax permitted by this  
6 amendatory Act of 1997, continue to impose the tax pursuant  
7 to that ordinance with respect to gross receipts received  
8 from residential customers through July 31, 1999, and with  
9 respect to gross receipts from any non-residential  
10 customer until the first bill issued to such customer for  
11 delivery services in accordance with Section 16-104 of the  
12 Public Utilities Act but in no case later than the last  
13 bill issued to such customer before December 31, 2000. No  
14 ordinance imposing the tax permitted by this amendatory Act  
15 of 1997 shall be applicable to any non-residential customer  
16 until the first bill issued to such customer for delivery  
17 services in accordance with Section 16-104 of the Public  
18 Utilities Act but in no case later than the last bill  
19 issued to such non-residential customer before December  
20 31, 2000.

21 4. Persons engaged in the business of distributing,  
22 supplying, furnishing, or selling water for use or  
23 consumption within the corporate limits of the  
24 municipality, and not for resale, at a rate not to exceed  
25 5% of the gross receipts therefrom.

26 None of the taxes authorized by this Section may be imposed  
27 with respect to any transaction in interstate commerce or  
28 otherwise to the extent to which the business or privilege may  
29 not, under the constitution and statutes of the United States,  
30 be made the subject of taxation by this State or any political  
31 sub-division thereof; nor shall any persons engaged in the  
32 business of distributing, supplying, furnishing, selling or  
33 transmitting gas, water, or electricity, or using or consuming  
34 electricity acquired in a purchase at retail, be subject to  
35 taxation under the provisions of this Section for those  
36 transactions that are or may become subject to taxation under

1 the provisions of the "Municipal Retailers' Occupation Tax Act"  
2 authorized by Section 8-11-1; nor shall any tax authorized by  
3 this Section be imposed upon any person engaged in a business  
4 or on any privilege unless the tax is imposed in like manner  
5 and at the same rate upon all persons engaged in businesses of  
6 the same class in the municipality, whether privately or  
7 municipally owned or operated, or exercising the same privilege  
8 within the municipality.

9 Any of the taxes enumerated in this Section may be in  
10 addition to the payment of money, or value of products or  
11 services furnished to the municipality by the taxpayer as  
12 compensation for the use of its streets, alleys, or other  
13 public places, or installation and maintenance therein,  
14 thereon or thereunder of poles, wires, pipes or other equipment  
15 used in the operation of the taxpayer's business.

16 (a) If the corporate authorities of any home rule  
17 municipality have adopted an ordinance that imposed a tax on  
18 public utility customers, between July 1, 1971, and October 1,  
19 1981, on the good faith belief that they were exercising  
20 authority pursuant to Section 6 of Article VII of the 1970  
21 Illinois Constitution, that action of the corporate  
22 authorities shall be declared legal and valid, notwithstanding  
23 a later decision of a judicial tribunal declaring the ordinance  
24 invalid. No municipality shall be required to rebate, refund,  
25 or issue credits for any taxes described in this paragraph, and  
26 those taxes shall be deemed to have been levied and collected  
27 in accordance with the Constitution and laws of this State.

28 (b) In any case in which (i) prior to October 19, 1979, the  
29 corporate authorities of any municipality have adopted an  
30 ordinance imposing a tax authorized by this Section (or by the  
31 predecessor provision of the "Revised Cities and Villages Act")  
32 and have explicitly or in practice interpreted gross receipts  
33 to include either charges added to customers' bills pursuant to  
34 the provision of paragraph (a) of Section 36 of the Public  
35 Utilities Act or charges added to customers' bills by taxpayers  
36 who are not subject to rate regulation by the Illinois Commerce

1 Commission for the purpose of recovering any of the tax  
2 liabilities or other amounts specified in such paragraph (a) of  
3 Section 36 of that Act, and (ii) on or after October 19, 1979,  
4 a judicial tribunal has construed gross receipts to exclude all  
5 or part of those charges, then neither those municipality nor  
6 any taxpayer who paid the tax shall be required to rebate,  
7 refund, or issue credits for any tax imposed or charge  
8 collected from customers pursuant to the municipality's  
9 interpretation prior to October 19, 1979. This paragraph  
10 reflects a legislative finding that it would be contrary to the  
11 public interest to require a municipality or its taxpayers to  
12 refund taxes or charges attributable to the municipality's more  
13 inclusive interpretation of gross receipts prior to October 19,  
14 1979, and is not intended to prescribe or limit judicial  
15 construction of this Section. The legislative finding set forth  
16 in this subsection does not apply to taxes imposed after the  
17 effective date of this amendatory Act of 1995.

18 (c) The tax authorized by subparagraph 3 shall be collected  
19 from the purchaser by the person maintaining a place of  
20 business in this State who delivers the electricity to the  
21 purchaser. This tax shall constitute a debt of the purchaser to  
22 the person who delivers the electricity to the purchaser and if  
23 unpaid, is recoverable in the same manner as the original  
24 charge for delivering the electricity. Any tax required to be  
25 collected pursuant to an ordinance authorized by subparagraph 3  
26 and any such tax collected by a person delivering electricity  
27 shall constitute a debt owed to the municipality by such person  
28 delivering the electricity, provided, that the person  
29 delivering electricity shall be allowed credit for such tax  
30 related to deliveries of electricity the charges for which are  
31 written off as uncollectible, and provided further, that if  
32 such charges are thereafter collected, the delivering supplier  
33 shall be obligated to remit such tax. For purposes of this  
34 subsection (c), any partial payment not specifically  
35 identified by the purchaser shall be deemed to be for the  
36 delivery of electricity. Persons delivering electricity shall

1 collect the tax from the purchaser by adding such tax to the  
2 gross charge for delivering the electricity, in the manner  
3 prescribed by the municipality. Persons delivering electricity  
4 shall also be authorized to add to such gross charge an amount  
5 equal to 3% of the tax to reimburse the person delivering  
6 electricity for the expenses incurred in keeping records,  
7 billing customers, preparing and filing returns, remitting the  
8 tax and supplying data to the municipality upon request. If the  
9 person delivering electricity fails to collect the tax from the  
10 purchaser, then the purchaser shall be required to pay the tax  
11 directly to the municipality in the manner prescribed by the  
12 municipality. Persons delivering electricity who file returns  
13 pursuant to this paragraph (c) shall, at the time of filing  
14 such return, pay the municipality the amount of the tax  
15 collected pursuant to subparagraph 3.

16 (d) For the purpose of the taxes enumerated in this  
17 Section:

18 "Gross receipts" means the consideration received for  
19 distributing, supplying, furnishing or selling gas for use or  
20 consumption and not for resale, and the consideration received  
21 for distributing, supplying, furnishing or selling water for  
22 use or consumption and not for resale, and for all services  
23 rendered in connection therewith valued in money, whether  
24 received in money or otherwise, including cash, credit,  
25 services and property of every kind and material and for all  
26 services rendered therewith, and shall be determined without  
27 any deduction on account of the cost of the service, product or  
28 commodity supplied, the cost of materials used, labor or  
29 service cost, or any other expenses whatsoever. "Gross  
30 receipts" shall not include that portion of the consideration  
31 received for distributing, supplying, furnishing, or selling  
32 gas or water to business enterprises described in paragraph (e)  
33 of this Section to the extent and during the period in which  
34 the exemption authorized by paragraph (e) is in effect or for  
35 school districts or units of local government described in  
36 paragraph (f) during the period in which the exemption

1 authorized in paragraph (f) is in effect.

2 For utility bills issued on or after May 1, 1996, but  
3 before May 1, 1997, and for receipts from those utility bills,  
4 "gross receipts" does not include one-third of (i) amounts  
5 added to customers' bills under Section 9-222 of the Public  
6 Utilities Act, or (ii) amounts added to customers' bills by  
7 taxpayers who are not subject to rate regulation by the  
8 Illinois Commerce Commission for the purpose of recovering any  
9 of the tax liabilities described in Section 9-222 of the Public  
10 Utilities Act. For utility bills issued on or after May 1,  
11 1997, but before May 1, 1998, and for receipts from those  
12 utility bills, "gross receipts" does not include two-thirds of  
13 (i) amounts added to customers' bills under Section 9-222 of  
14 the Public Utilities Act, or (ii) amount added to customers'  
15 bills by taxpayers who are not subject to rate regulation by  
16 the Illinois Commerce Commission for the purpose of recovering  
17 any of the tax liabilities described in Section 9-222 of the  
18 Public Utilities Act. For utility bills issued on or after May  
19 1, 1998, and for receipts from those utility bills, "gross  
20 receipts" does not include (i) amounts added to customers'  
21 bills under Section 9-222 of the Public Utilities Act, or (ii)  
22 amounts added to customers' bills by taxpayers who are not  
23 subject to rate regulation by the Illinois Commerce Commission  
24 for the purpose of recovering any of the tax liabilities  
25 described in Section 9-222 of the Public Utilities Act.

26 For purposes of this Section "gross receipts" shall not  
27 include amounts added to customers' bills under Section 9-221  
28 of the Public Utilities Act. This paragraph is not intended to  
29 nor does it make any change in the meaning of "gross receipts"  
30 for the purposes of this Section, but is intended to remove  
31 possible ambiguities, thereby confirming the existing meaning  
32 of "gross receipts" prior to the effective date of this  
33 amendatory Act of 1995.

34 "Person" as used in this Section means any natural  
35 individual, firm, trust, estate, partnership, association,  
36 joint stock company, joint adventure, corporation, limited



1 liability company, municipal corporation, the State or any of  
2 its political subdivisions, any State university created by  
3 statute, or a receiver, trustee, guardian or other  
4 representative appointed by order of any court.

5 "Person maintaining a place of business in this State"  
6 shall mean any person having or maintaining within this State,  
7 directly or by a subsidiary or other affiliate, an office,  
8 generation facility, distribution facility, transmission  
9 facility, sales office or other place of business, or any  
10 employee, agent, or other representative operating within this  
11 State under the authority of the person or its subsidiary or  
12 other affiliate, irrespective of whether such place of business  
13 or agent or other representative is located in this State  
14 permanently or temporarily, or whether such person, subsidiary  
15 or other affiliate is licensed or qualified to do business in  
16 this State.

17 "Public utility" shall have the meaning ascribed to it in  
18 Section 3-105 of the Public Utilities Act and shall include  
19 alternative retail electric suppliers as defined in Section  
20 16-102 of that Act.

21 "Purchase at retail" shall mean any acquisition of  
22 electricity by a purchaser for purposes of use or consumption,  
23 and not for resale, but shall not include the use of  
24 electricity by a public utility directly in the generation,  
25 production, transmission, delivery or sale of electricity.

26 "Purchaser" shall mean any person who uses or consumes,  
27 within the corporate limits of the municipality, electricity  
28 acquired in a purchase at retail.

29 (e) Any municipality that imposes taxes upon public  
30 utilities or upon the privilege of using or consuming  
31 electricity pursuant to this Section whose territory includes  
32 any part of an enterprise zone or federally designated Foreign  
33 Trade Zone or Sub-Zone may, by a majority vote of its corporate  
34 authorities, exempt from those taxes for a period not exceeding  
35 20 years any specified percentage of gross receipts of public  
36 utilities received from, or electricity used or consumed by,

1 business enterprises that:

2 (1) either (i) make investments that cause the creation  
3 of a minimum of 200 full-time equivalent jobs in Illinois,  
4 (ii) make investments of at least \$175,000,000 that cause  
5 the creation of a minimum of 150 full-time equivalent jobs  
6 in Illinois, or (iii) make investments that cause the  
7 retention of a minimum of 1,000 full-time jobs in Illinois;  
8 and

9 (2) are either (i) located in an Enterprise Zone  
10 established pursuant to the Illinois Enterprise Zone Act or  
11 (ii) Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ designated High Impact Businesses  
13 located in a federally designated Foreign Trade Zone or  
14 Sub-Zone; and

15 (3) are certified by the Department of Commerce and  
16 Economic Opportunity ~~Community Affairs~~ as complying with  
17 the requirements specified in clauses (1) and (2) of this  
18 paragraph (e).

19 Upon adoption of the ordinance authorizing the exemption,  
20 the municipal clerk shall transmit a copy of that ordinance to  
21 the Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~. The Department of Commerce and Economic Opportunity  
23 ~~Community Affairs~~ shall determine whether the business  
24 enterprises located in the municipality meet the criteria  
25 prescribed in this paragraph. If the Department of Commerce and  
26 Economic Opportunity ~~Community Affairs~~ determines that the  
27 business enterprises meet the criteria, it shall grant  
28 certification. The Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ shall act upon certification  
30 requests within 30 days after receipt of the ordinance.

31 Upon certification of the business enterprise by the  
32 Department of Commerce and Economic Opportunity ~~Community~~  
33 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
34 ~~Community Affairs~~ shall notify the Department of Revenue of the  
35 certification. The Department of Revenue shall notify the  
36 public utilities of the exemption status of the gross receipts

1 received from, and the electricity used or consumed by, the  
2 certified business enterprises. Such exemption status shall be  
3 effective within 3 months after certification.

4 (f) A municipality that imposes taxes upon public utilities  
5 or upon the privilege of using or consuming electricity under  
6 this Section and whose territory includes part of another unit  
7 of local government or a school district may by ordinance  
8 exempt the other unit of local government or school district  
9 from those taxes.

10 (g) The amendment of this Section by Public Act 84-127  
11 shall take precedence over any other amendment of this Section  
12 by any other amendatory Act passed by the 84th General Assembly  
13 before the effective date of Public Act 84-127.

14 (h) In any case in which, before July 1, 1992, a person  
15 engaged in the business of transmitting messages through the  
16 use of mobile equipment, such as cellular phones and paging  
17 systems, has determined the municipality within which the gross  
18 receipts from the business originated by reference to the  
19 location of its transmitting or switching equipment, then (i)  
20 neither the municipality to which tax was paid on that basis  
21 nor the taxpayer that paid tax on that basis shall be required  
22 to rebate, refund, or issue credits for any such tax or charge  
23 collected from customers to reimburse the taxpayer for the tax  
24 and (ii) no municipality to which tax would have been paid with  
25 respect to those gross receipts if the provisions of this  
26 amendatory Act of 1991 had been in effect before July 1, 1992,  
27 shall have any claim against the taxpayer for any amount of the  
28 tax.

29 (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02;  
30 92-526, eff. 1-1-03; revised 12-6-03.)

31 (65 ILCS 5/11-31.1-14) (from Ch. 24, par. 11-31.1-14)

32 Sec. 11-31.1-14. Application for grants. Any municipality  
33 adopting this Division may make application to the Department  
34 of Commerce and Economic Opportunity ~~Community Affairs~~ for  
35 grants to help defray the cost of establishing and maintaining

1 a code hearing department as provided in this Division. The  
2 application for grants shall be in the manner and form  
3 prescribed by the Department of Commerce and Economic  
4 Opportunity ~~Community Affairs~~.

5 (Source: P.A. 81-1509; revised 12-6-03.)

6 (65 ILCS 5/11-48.3-29) (from Ch. 24, par. 11-48.3-29)

7 Sec. 11-48.3-29. The Authority shall receive financial  
8 support from the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~ in the amounts that may be  
10 appropriated for such purpose.

11 (Source: P.A. 86-279; revised 12-6-03.)

12 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

13 Sec. 11-74.4-6. (a) Except as provided herein, notice of  
14 the public hearing shall be given by publication and mailing.  
15 Notice by publication shall be given by publication at least  
16 twice, the first publication to be not more than 30 nor less  
17 than 10 days prior to the hearing in a newspaper of general  
18 circulation within the taxing districts having property in the  
19 proposed redevelopment project area. Notice by mailing shall be  
20 given by depositing such notice in the United States mails by  
21 certified mail addressed to the person or persons in whose name  
22 the general taxes for the last preceding year were paid on each  
23 lot, block, tract, or parcel of land lying within the project  
24 redevelopment area. Said notice shall be mailed not less than  
25 10 days prior to the date set for the public hearing. In the  
26 event taxes for the last preceding year were not paid, the  
27 notice shall also be sent to the persons last listed on the tax  
28 rolls within the preceding 3 years as the owners of such  
29 property. For redevelopment project areas with redevelopment  
30 plans or proposed redevelopment plans that would require  
31 removal of 10 or more inhabited residential units or that  
32 contain 75 or more inhabited residential units, the  
33 municipality shall make a good faith effort to notify by mail  
34 all residents of the redevelopment project area. At a minimum,

1 the municipality shall mail a notice to each residential  
2 address located within the redevelopment project area. The  
3 municipality shall endeavor to ensure that all such notices are  
4 effectively communicated and shall include (in addition to  
5 notice in English) notice in the predominant language other  
6 than English when appropriate.

7 (b) The notices issued pursuant to this Section shall  
8 include the following:

9 (1) The time and place of public hearing;

10 (2) The boundaries of the proposed redevelopment  
11 project area by legal description and by street location  
12 where possible;

13 (3) A notification that all interested persons will be  
14 given an opportunity to be heard at the public hearing;

15 (4) A description of the redevelopment plan or  
16 redevelopment project for the proposed redevelopment  
17 project area if a plan or project is the subject matter of  
18 the hearing.

19 (5) Such other matters as the municipality may deem  
20 appropriate.

21 (c) Not less than 45 days prior to the date set for  
22 hearing, the municipality shall give notice by mail as provided  
23 in subsection (a) to all taxing districts of which taxable  
24 property is included in the redevelopment project area, project  
25 or plan and to the Department of Commerce and Economic  
26 Opportunity ~~Community Affairs~~, and in addition to the other  
27 requirements under subsection (b) the notice shall include an  
28 invitation to the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ and each taxing district to  
30 submit comments to the municipality concerning the subject  
31 matter of the hearing prior to the date of hearing.

32 (d) In the event that any municipality has by ordinance  
33 adopted tax increment financing prior to 1987, and has complied  
34 with the notice requirements of this Section, except that the  
35 notice has not included the requirements of subsection (b),  
36 paragraphs (2), (3) and (4), and within 90 days of the

1 effective date of this amendatory Act of 1991, that  
2 municipality passes an ordinance which contains findings that:  
3 (1) all taxing districts prior to the time of the hearing  
4 required by Section 11-74.4-5 were furnished with copies of a  
5 map incorporated into the redevelopment plan and project  
6 substantially showing the legal boundaries of the  
7 redevelopment project area; (2) the redevelopment plan and  
8 project, or a draft thereof, contained a map substantially  
9 showing the legal boundaries of the redevelopment project area  
10 and was available to the public at the time of the hearing; and  
11 (3) since the adoption of any form of tax increment financing  
12 authorized by this Act, and prior to June 1, 1991, no objection  
13 or challenge has been made in writing to the municipality in  
14 respect to the notices required by this Section, then the  
15 municipality shall be deemed to have met the notice  
16 requirements of this Act and all actions of the municipality  
17 taken in connection with such notices as were given are hereby  
18 validated and hereby declared to be legally sufficient for all  
19 purposes of this Act.

20 (e) If a municipality desires to propose a redevelopment  
21 plan for a redevelopment project area that would result in the  
22 displacement of residents from 10 or more inhabited residential  
23 units or for a redevelopment project area that contains 75 or  
24 more inhabited residential units, the municipality shall hold a  
25 public meeting before the mailing of the notices of public  
26 hearing as provided in subsection (c) of this Section. The  
27 meeting shall be for the purpose of enabling the municipality  
28 to advise the public, taxing districts having real property in  
29 the redevelopment project area, taxpayers who own property in  
30 the proposed redevelopment project area, and residents in the  
31 area as to the municipality's possible intent to prepare a  
32 redevelopment plan and designate a redevelopment project area  
33 and to receive public comment. The time and place for the  
34 meeting shall be set by the head of the municipality's  
35 Department of Planning or other department official designated  
36 by the mayor or city or village manager without the necessity

1 of a resolution or ordinance of the municipality and may be  
2 held by a member of the staff of the Department of Planning of  
3 the municipality or by any other person, body, or commission  
4 designated by the corporate authorities. The meeting shall be  
5 held at least 14 business days before the mailing of the notice  
6 of public hearing provided for in subsection (c) of this  
7 Section.

8 Notice of the public meeting shall be given by mail. Notice  
9 by mail shall be not less than 15 days before the date of the  
10 meeting and shall be sent by certified mail to all taxing  
11 districts having real property in the proposed redevelopment  
12 project area and to all entities requesting that information  
13 that have registered with a person and department designated by  
14 the municipality in accordance with registration guidelines  
15 established by the municipality pursuant to Section  
16 11-74.4-4.2. The municipality shall make a good faith effort to  
17 notify all residents and the last known persons who paid  
18 property taxes on real estate in a redevelopment project area.  
19 This requirement shall be deemed to be satisfied if the  
20 municipality mails, by regular mail, a notice to each  
21 residential address and the person or persons in whose name  
22 property taxes were paid on real property for the last  
23 preceding year located within the redevelopment project area.  
24 Notice shall be in languages other than English when  
25 appropriate. The notices issued under this subsection shall  
26 include the following:

27 (1) The time and place of the meeting.

28 (2) The boundaries of the area to be studied for  
29 possible designation as a redevelopment project area by  
30 street and location.

31 (3) The purpose or purposes of establishing a  
32 redevelopment project area.

33 (4) A brief description of tax increment financing.

34 (5) The name, telephone number, and address of the  
35 person who can be contacted for additional information  
36 about the proposed redevelopment project area and who

1 should receive all comments and suggestions regarding the  
2 development of the area to be studied.

3 (6) Notification that all interested persons will be  
4 given an opportunity to be heard at the public meeting.

5 (7) Such other matters as the municipality deems  
6 appropriate.

7 At the public meeting, any interested person or  
8 representative of an affected taxing district may be heard  
9 orally and may file, with the person conducting the meeting,  
10 statements that pertain to the subject matter of the meeting.

11 (Source: P.A. 91-478, eff. 11-1-99; revised 12-6-03.)

12 (65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

13 Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality  
14 which has adopted tax increment allocation financing prior to  
15 January 1, 1987, may by ordinance (1) authorize the Department  
16 of Revenue, subject to appropriation, to annually certify and  
17 cause to be paid from the Illinois Tax Increment Fund to such  
18 municipality for deposit in the municipality's special tax  
19 allocation fund an amount equal to the Net State Sales Tax  
20 Increment and (2) authorize the Department of Revenue to  
21 annually notify the municipality of the amount of the Municipal  
22 Sales Tax Increment which shall be deposited by the  
23 municipality in the municipality's special tax allocation  
24 fund. Provided that for purposes of this Section no amendments  
25 adding additional area to the redevelopment project area which  
26 has been certified as the State Sales Tax Boundary shall be  
27 taken into account if such amendments are adopted by the  
28 municipality after January 1, 1987. If an amendment is adopted  
29 which decreases the area of a State Sales Tax Boundary, the  
30 municipality shall update the list required by subsection  
31 (3)(a) of this Section. The Retailers' Occupation Tax  
32 liability, Use Tax liability, Service Occupation Tax liability  
33 and Service Use Tax liability for retailers and servicemen  
34 located within the disconnected area shall be excluded from the  
35 base from which tax increments are calculated and the revenue



1 from any such retailer or serviceman shall not be included in  
2 calculating incremental revenue payable to the municipality. A  
3 municipality adopting an ordinance under this subsection (1) of  
4 this Section for a redevelopment project area which is  
5 certified as a State Sales Tax Boundary shall not be entitled  
6 to payments of State taxes authorized under subsection (2) of  
7 this Section for the same redevelopment project area. Nothing  
8 herein shall be construed to prevent a municipality from  
9 receiving payment of State taxes authorized under subsection  
10 (2) of this Section for a separate redevelopment project area  
11 that does not overlap in any way with the State Sales Tax  
12 Boundary receiving payments of State taxes pursuant to  
13 subsection (1) of this Section.

14 A certified copy of such ordinance shall be submitted by  
15 the municipality to the Department of Commerce and Economic  
16 Opportunity ~~Community Affairs~~ and the Department of Revenue not  
17 later than 30 days after the effective date of the ordinance.  
18 Upon submission of the ordinances, and the information required  
19 pursuant to subsection 3 of this Section, the Department of  
20 Revenue shall promptly determine the amount of such taxes paid  
21 under the Retailers' Occupation Tax Act, Use Tax Act, Service  
22 Use Tax Act, the Service Occupation Tax Act, the Municipal  
23 Retailers' Occupation Tax Act and the Municipal Service  
24 Occupation Tax Act by retailers and servicemen on transactions  
25 at places located in the redevelopment project area during the  
26 base year, and shall certify all the foregoing "initial sales  
27 tax amounts" to the municipality within 60 days of submission  
28 of the list required of subsection (3) (a) of this Section.

29 If a retailer or serviceman with a place of business  
30 located within a redevelopment project area also has one or  
31 more other places of business within the municipality but  
32 outside the redevelopment project area, the retailer or  
33 serviceman shall, upon request of the Department of Revenue,  
34 certify to the Department of Revenue the amount of taxes paid  
35 pursuant to the Retailers' Occupation Tax Act, the Municipal  
36 Retailers' Occupation Tax Act, the Service Occupation Tax Act

1 and the Municipal Service Occupation Tax Act at each place of  
2 business which is located within the redevelopment project area  
3 in the manner and for the periods of time requested by the  
4 Department of Revenue.

5 When the municipality determines that a portion of an  
6 increase in the aggregate amount of taxes paid by retailers and  
7 servicemen under the Retailers' Occupation Tax Act, Use Tax  
8 Act, Service Use Tax Act, or the Service Occupation Tax Act is  
9 the result of a retailer or serviceman initiating retail or  
10 service operations in the redevelopment project area by such  
11 retailer or serviceman with a resulting termination of retail  
12 or service operations by such retailer or serviceman at another  
13 location in Illinois in the standard metropolitan statistical  
14 area of such municipality, the Department of Revenue shall be  
15 notified that the retailers occupation tax liability, use tax  
16 liability, service occupation tax liability, or service use tax  
17 liability from such retailer's or serviceman's terminated  
18 operation shall be included in the base Initial Sales Tax  
19 Amounts from which the State Sales Tax Increment is calculated  
20 for purposes of State payments to the affected municipality;  
21 provided, however, for purposes of this paragraph  
22 "termination" shall mean a closing of a retail or service  
23 operation which is directly related to the opening of the same  
24 retail or service operation in a redevelopment project area  
25 which is included within a State Sales Tax Boundary, but it  
26 shall not include retail or service operations closed for  
27 reasons beyond the control of the retailer or serviceman, as  
28 determined by the Department.

29 If the municipality makes the determination referred to in  
30 the prior paragraph and notifies the Department and if the  
31 relocation is from a location within the municipality, the  
32 Department, at the request of the municipality, shall adjust  
33 the certified aggregate amount of taxes that constitute the  
34 Municipal Sales Tax Increment paid by retailers and servicemen  
35 on transactions at places of business located within the State  
36 Sales Tax Boundary during the base year using the same

1 procedures as are employed to make the adjustment referred to  
2 in the prior paragraph. The adjusted Municipal Sales Tax  
3 Increment calculated by the Department shall be sufficient to  
4 satisfy the requirements of subsection (1) of this Section.

5 When a municipality which has adopted tax increment  
6 allocation financing in 1986 determines that a portion of the  
7 aggregate amount of taxes paid by retailers and servicemen  
8 under the Retailers Occupation Tax Act, Use Tax Act, Service  
9 Use Tax Act, or Service Occupation Tax Act, the Municipal  
10 Retailers' Occupation Tax Act and the Municipal Service  
11 Occupation Tax Act, includes revenue of a retailer or  
12 serviceman which terminated retailer or service operations in  
13 1986, prior to the adoption of tax increment allocation  
14 financing, the Department of Revenue shall be notified by such  
15 municipality that the retailers' occupation tax liability, use  
16 tax liability, service occupation tax liability or service use  
17 tax liability, from such retailer's or serviceman's terminated  
18 operations shall be excluded from the Initial Sales Tax Amounts  
19 for such taxes. The revenue from any such retailer or  
20 serviceman which is excluded from the base year under this  
21 paragraph, shall not be included in calculating incremental  
22 revenues if such retailer or serviceman reestablishes such  
23 business in the redevelopment project area.

24 For State fiscal year 1992, the Department of Revenue shall  
25 budget, and the Illinois General Assembly shall appropriate  
26 from the Illinois Tax Increment Fund in the State treasury, an  
27 amount not to exceed \$18,000,000 to pay to each eligible  
28 municipality the Net State Sales Tax Increment to which such  
29 municipality is entitled.

30 Beginning on January 1, 1993, each municipality's  
31 proportional share of the Illinois Tax Increment Fund shall be  
32 determined by adding the annual Net State Sales Tax Increment  
33 and the annual Net Utility Tax Increment to determine the  
34 Annual Total Increment. The ratio of the Annual Total Increment  
35 of each municipality to the Annual Total Increment for all  
36 municipalities, as most recently calculated by the Department,

1 shall determine the proportional shares of the Illinois Tax  
2 Increment Fund to be distributed to each municipality.

3 Beginning in October, 1993, and each January, April, July  
4 and October thereafter, the Department of Revenue shall certify  
5 to the Treasurer and the Comptroller the amounts payable  
6 quarter annually during the fiscal year to each municipality  
7 under this Section. The Comptroller shall promptly then draw  
8 warrants, ordering the State Treasurer to pay such amounts from  
9 the Illinois Tax Increment Fund in the State treasury.

10 The Department of Revenue shall utilize the same periods  
11 established for determining State Sales Tax Increment to  
12 determine the Municipal Sales Tax Increment for the area within  
13 a State Sales Tax Boundary and certify such amounts to such  
14 municipal treasurer who shall transfer such amounts to the  
15 special tax allocation fund.

16 The provisions of this subsection (1) do not apply to  
17 additional municipal retailers' occupation or service  
18 occupation taxes imposed by municipalities using their home  
19 rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4  
20 and 8-11-1.5 of this Act. A municipality shall not receive from  
21 the State any share of the Illinois Tax Increment Fund unless  
22 such municipality deposits all its Municipal Sales Tax  
23 Increment and the local incremental real property tax revenues,  
24 as provided herein, into the appropriate special tax allocation  
25 fund. If, however, a municipality has extended the estimated  
26 dates of completion of the redevelopment project and retirement  
27 of obligations to finance redevelopment project costs by  
28 municipal ordinance to December 31, 2013 under subsection (n)  
29 of Section 11-74.4-3, then that municipality shall continue to  
30 receive from the State a share of the Illinois Tax Increment  
31 Fund so long as the municipality deposits, from any funds  
32 available, excluding funds in the special tax allocation fund,  
33 an amount equal to the municipal share of the real property tax  
34 increment revenues into the special tax allocation fund during  
35 the extension period. The amount to be deposited by the  
36 municipality in each of the tax years affected by the extension

1 to December 31, 2013 shall be equal to the municipal share of  
2 the property tax increment deposited into the special tax  
3 allocation fund by the municipality for the most recent year  
4 that the property tax increment was distributed. A municipality  
5 located within an economic development project area created  
6 under the County Economic Development Project Area Property Tax  
7 Allocation Act which has abated any portion of its property  
8 taxes which otherwise would have been deposited in its special  
9 tax allocation fund shall not receive from the State the Net  
10 Sales Tax Increment.

11 (2) A municipality which has adopted tax increment  
12 allocation financing with regard to an industrial park or  
13 industrial park conservation area, prior to January 1, 1988,  
14 may by ordinance authorize the Department of Revenue to  
15 annually certify and pay from the Illinois Tax Increment Fund  
16 to such municipality for deposit in the municipality's special  
17 tax allocation fund an amount equal to the Net State Utility  
18 Tax Increment. Provided that for purposes of this Section no  
19 amendments adding additional area to the redevelopment project  
20 area shall be taken into account if such amendments are adopted  
21 by the municipality after January 1, 1988. Municipalities  
22 adopting an ordinance under this subsection (2) of this Section  
23 for a redevelopment project area shall not be entitled to  
24 payment of State taxes authorized under subsection (1) of this  
25 Section for the same redevelopment project area which is within  
26 a State Sales Tax Boundary. Nothing herein shall be construed  
27 to prevent a municipality from receiving payment of State taxes  
28 authorized under subsection (1) of this Section for a separate  
29 redevelopment project area within a State Sales Tax Boundary  
30 that does not overlap in any way with the redevelopment project  
31 area receiving payments of State taxes pursuant to subsection  
32 (2) of this Section.

33 A certified copy of such ordinance shall be submitted to  
34 the Department of Commerce and Economic Opportunity Community  
35 ~~Affairs~~ and the Department of Revenue not later than 30 days  
36 after the effective date of the ordinance.

1           When a municipality determines that a portion of an  
2 increase in the aggregate amount of taxes paid by industrial or  
3 commercial facilities under the Public Utilities Act, is the  
4 result of an industrial or commercial facility initiating  
5 operations in the redevelopment project area with a resulting  
6 termination of such operations by such industrial or commercial  
7 facility at another location in Illinois, the Department of  
8 Revenue shall be notified by such municipality that such  
9 industrial or commercial facility's liability under the Public  
10 Utility Tax Act shall be included in the base from which tax  
11 increments are calculated for purposes of State payments to the  
12 affected municipality.

13           After receipt of the calculations by the public utility as  
14 required by subsection (4) of this Section, the Department of  
15 Revenue shall annually budget and the Illinois General Assembly  
16 shall annually appropriate from the General Revenue Fund  
17 through State Fiscal Year 1989, and thereafter from the  
18 Illinois Tax Increment Fund, an amount sufficient to pay to  
19 each eligible municipality the amount of incremental revenue  
20 attributable to State electric and gas taxes as reflected by  
21 the charges imposed on persons in the project area to which  
22 such municipality is entitled by comparing the preceding  
23 calendar year with the base year as determined by this Section.  
24 Beginning on January 1, 1993, each municipality's proportional  
25 share of the Illinois Tax Increment Fund shall be determined by  
26 adding the annual Net State Utility Tax Increment and the  
27 annual Net Utility Tax Increment to determine the Annual Total  
28 Increment. The ratio of the Annual Total Increment of each  
29 municipality to the Annual Total Increment for all  
30 municipalities, as most recently calculated by the Department,  
31 shall determine the proportional shares of the Illinois Tax  
32 Increment Fund to be distributed to each municipality.

33           A municipality shall not receive any share of the Illinois  
34 Tax Increment Fund from the State unless such municipality  
35 imposes the maximum municipal charges authorized pursuant to  
36 Section 9-221 of the Public Utilities Act and deposits all

1 municipal utility tax incremental revenues as certified by the  
2 public utilities, and all local real estate tax increments into  
3 such municipality's special tax allocation fund.

4 (3) Within 30 days after the adoption of the ordinance  
5 required by either subsection (1) or subsection (2) of this  
6 Section, the municipality shall transmit to the Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
8 Department of Revenue the following:

9 (a) if applicable, a certified copy of the ordinance  
10 required by subsection (1) accompanied by a complete list  
11 of street names and the range of street numbers of each  
12 street located within the redevelopment project area for  
13 which payments are to be made under this Section in both  
14 the base year and in the year preceding the payment year;  
15 and the addresses of persons registered with the Department  
16 of Revenue; and, the name under which each such retailer or  
17 serviceman conducts business at that address, if different  
18 from the corporate name; and the Illinois Business Tax  
19 Number of each such person (The municipality shall update  
20 this list in the event of a revision of the redevelopment  
21 project area, or the opening or closing or name change of  
22 any street or part thereof in the redevelopment project  
23 area, or if the Department of Revenue informs the  
24 municipality of an addition or deletion pursuant to the  
25 monthly updates given by the Department.);

26 (b) if applicable, a certified copy of the ordinance  
27 required by subsection (2) accompanied by a complete list  
28 of street names and range of street numbers of each street  
29 located within the redevelopment project area, the utility  
30 customers in the project area, and the utilities serving  
31 the redevelopment project areas;

32 (c) certified copies of the ordinances approving the  
33 redevelopment plan and designating the redevelopment  
34 project area;

35 (d) a copy of the redevelopment plan as approved by the  
36 municipality;

1 (e) an opinion of legal counsel that the municipality  
2 had complied with the requirements of this Act; and

3 (f) a certification by the chief executive officer of  
4 the municipality that with regard to a redevelopment  
5 project area: (1) the municipality has committed all of the  
6 municipal tax increment created pursuant to this Act for  
7 deposit in the special tax allocation fund, (2) the  
8 redevelopment projects described in the redevelopment plan  
9 would not be completed without the use of State incremental  
10 revenues pursuant to this Act, (3) the municipality will  
11 pursue the implementation of the redevelopment plan in an  
12 expeditious manner, (4) the incremental revenues created  
13 pursuant to this Section will be exclusively utilized for  
14 the development of the redevelopment project area, and (5)  
15 the increased revenue created pursuant to this Section  
16 shall be used exclusively to pay redevelopment project  
17 costs as defined in this Act.

18 (4) The Department of Revenue upon receipt of the  
19 information set forth in paragraph (b) of subsection (3) shall  
20 immediately forward such information to each public utility  
21 furnishing natural gas or electricity to buildings within the  
22 redevelopment project area. Upon receipt of such information,  
23 each public utility shall promptly:

24 (a) provide to the Department of Revenue and the  
25 municipality separate lists of the names and addresses of  
26 persons within the redevelopment project area receiving  
27 natural gas or electricity from such public utility. Such  
28 list shall be updated as necessary by the public utility.  
29 Each month thereafter the public utility shall furnish the  
30 Department of Revenue and the municipality with an itemized  
31 listing of charges imposed pursuant to Sections 9-221 and  
32 9-222 of the Public Utilities Act on persons within the  
33 redevelopment project area.

34 (b) determine the amount of charges imposed pursuant to  
35 Sections 9-221 and 9-222 of the Public Utilities Act on  
36 persons in the redevelopment project area during the base



1 year, both as a result of municipal taxes on electricity  
2 and gas and as a result of State taxes on electricity and  
3 gas and certify such amounts both to the municipality and  
4 the Department of Revenue; and

5 (c) determine the amount of charges imposed pursuant to  
6 Sections 9-221 and 9-222 of the Public Utilities Act on  
7 persons in the redevelopment project area on a monthly  
8 basis during the base year, both as a result of State and  
9 municipal taxes on electricity and gas and certify such  
10 separate amounts both to the municipality and the  
11 Department of Revenue.

12 After the determinations are made in paragraphs (b) and  
13 (c), the public utility shall monthly during the existence of  
14 the redevelopment project area notify the Department of Revenue  
15 and the municipality of any increase in charges over the base  
16 year determinations made pursuant to paragraphs (b) and (c).

17 (5) The payments authorized under this Section shall be  
18 deposited by the municipal treasurer in the special tax  
19 allocation fund of the municipality, which for accounting  
20 purposes shall identify the sources of each payment as:  
21 municipal receipts from the State retailers occupation,  
22 service occupation, use and service use taxes; and municipal  
23 public utility taxes charged to customers under the Public  
24 Utilities Act and State public utility taxes charged to  
25 customers under the Public Utilities Act.

26 (6) Before the effective date of this amendatory Act of the  
27 91st General Assembly, any municipality receiving payments  
28 authorized under this Section for any redevelopment project  
29 area or area within a State Sales Tax Boundary within the  
30 municipality shall submit to the Department of Revenue and to  
31 the taxing districts which are sent the notice required by  
32 Section 6 of this Act annually within 180 days after the close  
33 of each municipal fiscal year the following information for the  
34 immediately preceding fiscal year:

35 (a) Any amendments to the redevelopment plan, the  
36 redevelopment project area, or the State Sales Tax

1 Boundary.

2 (b) Audited financial statements of the special tax  
3 allocation fund.

4 (c) Certification of the Chief Executive Officer of the  
5 municipality that the municipality has complied with all of  
6 the requirements of this Act during the preceding fiscal  
7 year.

8 (d) An opinion of legal counsel that the municipality  
9 is in compliance with this Act.

10 (e) An analysis of the special tax allocation fund  
11 which sets forth:

12 (1) the balance in the special tax allocation fund  
13 at the beginning of the fiscal year;

14 (2) all amounts deposited in the special tax  
15 allocation fund by source;

16 (3) all expenditures from the special tax  
17 allocation fund by category of permissible  
18 redevelopment project cost; and

19 (4) the balance in the special tax allocation fund  
20 at the end of the fiscal year including a breakdown of  
21 that balance by source. Such ending balance shall be  
22 designated as surplus if it is not required for  
23 anticipated redevelopment project costs or to pay debt  
24 service on bonds issued to finance redevelopment  
25 project costs, as set forth in Section 11-74.4-7  
26 hereof.

27 (f) A description of all property purchased by the  
28 municipality within the redevelopment project area  
29 including:

30 1. Street address

31 2. Approximate size or description of property

32 3. Purchase price

33 4. Seller of property.

34 (g) A statement setting forth all activities  
35 undertaken in furtherance of the objectives of the  
36 redevelopment plan, including:

1           1. Any project implemented in the preceding fiscal  
2           year

3           2. A description of the redevelopment activities  
4           undertaken

5           3. A description of any agreements entered into by  
6           the municipality with regard to the disposition or  
7           redevelopment of any property within the redevelopment  
8           project area or the area within the State Sales Tax  
9           Boundary.

10          (h) With regard to any obligations issued by the  
11          municipality:

12                 1. copies of bond ordinances or resolutions

13                 2. copies of any official statements

14                 3. an analysis prepared by financial advisor or  
15          underwriter setting forth: (a) nature and term of  
16          obligation; and (b) projected debt service including  
17          required reserves and debt coverage.

18          (i) A certified audit report reviewing compliance with  
19          this statute performed by an independent public accountant  
20          certified and licensed by the authority of the State of  
21          Illinois. The financial portion of the audit must be  
22          conducted in accordance with Standards for Audits of  
23          Governmental Organizations, Programs, Activities, and  
24          Functions adopted by the Comptroller General of the United  
25          States (1981), as amended. The audit report shall contain a  
26          letter from the independent certified public accountant  
27          indicating compliance or noncompliance with the  
28          requirements of subsection (q) of Section 11-74.4-3. If the  
29          audit indicates that expenditures are not in compliance  
30          with the law, the Department of Revenue shall withhold  
31          State sales and utility tax increment payments to the  
32          municipality until compliance has been reached, and an  
33          amount equal to the ineligible expenditures has been  
34          returned to the Special Tax Allocation Fund.

35          (6.1) After July 29, 1988 and before the effective date of  
36          this amendatory Act of the 91st General Assembly, any funds

1 which have not been designated for use in a specific  
2 development project in the annual report shall be designated as  
3 surplus. No funds may be held in the Special Tax Allocation  
4 Fund for more than 36 months from the date of receipt unless  
5 the money is required for payment of contractual obligations  
6 for specific development project costs. If held for more than  
7 36 months in violation of the preceding sentence, such funds  
8 shall be designated as surplus. Any funds designated as surplus  
9 must first be used for early redemption of any bond  
10 obligations. Any funds designated as surplus which are not  
11 disposed of as otherwise provided in this paragraph, shall be  
12 distributed as surplus as provided in Section 11-74.4-7.

13 (7) Any appropriation made pursuant to this Section for the  
14 1987 State fiscal year shall not exceed the amount of \$7  
15 million and for the 1988 State fiscal year the amount of \$10  
16 million. The amount which shall be distributed to each  
17 municipality shall be the incremental revenue to which each  
18 municipality is entitled as calculated by the Department of  
19 Revenue, unless the requests of the municipality exceed the  
20 appropriation, then the amount to which each municipality shall  
21 be entitled shall be prorated among the municipalities in the  
22 same proportion as the increment to which the municipality  
23 would be entitled bears to the total increment which all  
24 municipalities would receive in the absence of this limitation,  
25 provided that no municipality may receive an amount in excess  
26 of 15% of the appropriation. For the 1987 Net State Sales Tax  
27 Increment payable in Fiscal Year 1989, no municipality shall  
28 receive more than 7.5% of the total appropriation; provided,  
29 however, that any of the appropriation remaining after such  
30 distribution shall be prorated among municipalities on the  
31 basis of their pro rata share of the total increment. Beginning  
32 on January 1, 1993, each municipality's proportional share of  
33 the Illinois Tax Increment Fund shall be determined by adding  
34 the annual Net State Sales Tax Increment and the annual Net  
35 Utility Tax Increment to determine the Annual Total Increment.  
36 The ratio of the Annual Total Increment of each municipality to

1 the Annual Total Increment for all municipalities, as most  
2 recently calculated by the Department, shall determine the  
3 proportional shares of the Illinois Tax Increment Fund to be  
4 distributed to each municipality.

5 (7.1) No distribution of Net State Sales Tax Increment to a  
6 municipality for an area within a State Sales Tax Boundary  
7 shall exceed in any State Fiscal Year an amount equal to 3  
8 times the sum of the Municipal Sales Tax Increment, the real  
9 property tax increment and deposits of funds from other  
10 sources, excluding state and federal funds, as certified by the  
11 city treasurer to the Department of Revenue for an area within  
12 a State Sales Tax Boundary. After July 29, 1988, for those  
13 municipalities which issue bonds between June 1, 1988 and 3  
14 years from July 29, 1988 to finance redevelopment projects  
15 within the area in a State Sales Tax Boundary, the distribution  
16 of Net State Sales Tax Increment during the 16th through 20th  
17 years from the date of issuance of the bonds shall not exceed  
18 in any State Fiscal Year an amount equal to 2 times the sum of  
19 the Municipal Sales Tax Increment, the real property tax  
20 increment and deposits of funds from other sources, excluding  
21 State and federal funds.

22 (8) Any person who knowingly files or causes to be filed  
23 false information for the purpose of increasing the amount of  
24 any State tax incremental revenue commits a Class A  
25 misdemeanor.

26 (9) The following procedures shall be followed to determine  
27 whether municipalities have complied with the Act for the  
28 purpose of receiving distributions after July 1, 1989 pursuant  
29 to subsection (1) of this Section 11-74.4-8a.

30 (a) The Department of Revenue shall conduct a  
31 preliminary review of the redevelopment project areas and  
32 redevelopment plans pertaining to those municipalities  
33 receiving payments from the State pursuant to subsection  
34 (1) of Section 8a of this Act for the purpose of  
35 determining compliance with the following standards:

36 (1) For any municipality with a population of more

1 than 12,000 as determined by the 1980 U.S. Census: (a)  
2 the redevelopment project area, or in the case of a  
3 municipality which has more than one redevelopment  
4 project area, each such area, must be contiguous and  
5 the total of all such areas shall not comprise more  
6 than 25% of the area within the municipal boundaries  
7 nor more than 20% of the equalized assessed value of  
8 the municipality; (b) the aggregate amount of 1985  
9 taxes in the redevelopment project area, or in the case  
10 of a municipality which has more than one redevelopment  
11 project area, the total of all such areas, shall be not  
12 more than 25% of the total base year taxes paid by  
13 retailers and servicemen on transactions at places of  
14 business located within the municipality under the  
15 Retailers' Occupation Tax Act, the Use Tax Act, the  
16 Service Use Tax Act, and the Service Occupation Tax  
17 Act. Redevelopment project areas created prior to 1986  
18 are not subject to the above standards if their  
19 boundaries were not amended in 1986.

20 (2) For any municipality with a population of  
21 12,000 or less as determined by the 1980 U.S. Census:  
22 (a) the redevelopment project area, or in the case of a  
23 municipality which has more than one redevelopment  
24 project area, each such area, must be contiguous and  
25 the total of all such areas shall not comprise more  
26 than 35% of the area within the municipal boundaries  
27 nor more than 30% of the equalized assessed value of  
28 the municipality; (b) the aggregate amount of 1985  
29 taxes in the redevelopment project area, or in the case  
30 of a municipality which has more than one redevelopment  
31 project area, the total of all such areas, shall not be  
32 more than 35% of the total base year taxes paid by  
33 retailers and servicemen on transactions at places of  
34 business located within the municipality under the  
35 Retailers' Occupation Tax Act, the Use Tax Act, the  
36 Service Use Tax Act, and the Service Occupation Tax

1 Act. Redevelopment project areas created prior to 1986  
2 are not subject to the above standards if their  
3 boundaries were not amended in 1986.

4 (3) Such preliminary review of the redevelopment  
5 project areas applying the above standards shall be  
6 completed by November 1, 1988, and on or before  
7 November 1, 1988, the Department shall notify each  
8 municipality by certified mail, return receipt  
9 requested that either (1) the Department requires  
10 additional time in which to complete its preliminary  
11 review; or (2) the Department is issuing either (a) a  
12 Certificate of Eligibility or (b) a Notice of Review.  
13 If the Department notifies a municipality that it  
14 requires additional time to complete its preliminary  
15 investigation, it shall complete its preliminary  
16 investigation no later than February 1, 1989, and by  
17 February 1, 1989 shall issue to each municipality  
18 either (a) a Certificate of Eligibility or (b) a Notice  
19 of Review. A redevelopment project area for which a  
20 Certificate of Eligibility has been issued shall be  
21 deemed a "State Sales Tax Boundary."

22 (4) The Department of Revenue shall also issue a  
23 Notice of Review if the Department has received a  
24 request by November 1, 1988 to conduct such a review  
25 from taxpayers in the municipality, local taxing  
26 districts located in the municipality or the State of  
27 Illinois, or if the redevelopment project area has more  
28 than 5 retailers and has had growth in State sales tax  
29 revenue of more than 15% from calendar year 1985 to  
30 1986.

31 (b) For those municipalities receiving a Notice of  
32 Review, the Department will conduct a secondary review  
33 consisting of: (i) application of the above standards  
34 contained in subsection (9)(a)(1)(a) and (b) or  
35 (9)(a)(2)(a) and (b), and (ii) the definitions of blighted  
36 and conservation area provided for in Section 11-74.4-3.

1 Such secondary review shall be completed by July 1, 1989.

2 Upon completion of the secondary review, the  
3 Department will issue (a) a Certificate of Eligibility or  
4 (b) a Preliminary Notice of Deficiency. Any municipality  
5 receiving a Preliminary Notice of Deficiency may amend its  
6 redevelopment project area to meet the standards and  
7 definitions set forth in this paragraph (b). This amended  
8 redevelopment project area shall become the "State Sales  
9 Tax Boundary" for purposes of determining the State Sales  
10 Tax Increment.

11 (c) If the municipality advises the Department of its  
12 intent to comply with the requirements of paragraph (b) of  
13 this subsection outlined in the Preliminary Notice of  
14 Deficiency, within 120 days of receiving such notice from  
15 the Department, the municipality shall submit  
16 documentation to the Department of the actions it has taken  
17 to cure any deficiencies. Thereafter, within 30 days of the  
18 receipt of the documentation, the Department shall either  
19 issue a Certificate of Eligibility or a Final Notice of  
20 Deficiency. If the municipality fails to advise the  
21 Department of its intent to comply or fails to submit  
22 adequate documentation of such cure of deficiencies the  
23 Department shall issue a Final Notice of Deficiency that  
24 provides that the municipality is ineligible for payment of  
25 the Net State Sales Tax Increment.

26 (d) If the Department issues a final determination of  
27 ineligibility, the municipality shall have 30 days from the  
28 receipt of determination to protest and request a hearing.  
29 Such hearing shall be conducted in accordance with Sections  
30 10-25, 10-35, 10-40, and 10-50 of the Illinois  
31 Administrative Procedure Act. The decision following the  
32 hearing shall be subject to review under the Administrative  
33 Review Law.

34 (e) Any Certificate of Eligibility issued pursuant to  
35 this subsection 9 shall be binding only on the State for  
36 the purposes of establishing municipal eligibility to



1 receive revenue pursuant to subsection (1) of this Section  
2 11-74.4-8a.

3 (f) It is the intent of this subsection that the  
4 periods of time to cure deficiencies shall be in addition  
5 to all other periods of time permitted by this Section,  
6 regardless of the date by which plans were originally  
7 required to be adopted. To cure said deficiencies, however,  
8 the municipality shall be required to follow the procedures  
9 and requirements pertaining to amendments, as provided in  
10 Sections 11-74.4-5 and 11-74.4-6 of this Act.

11 (10) If a municipality adopts a State Sales Tax Boundary in  
12 accordance with the provisions of subsection (9) of this  
13 Section, such boundaries shall subsequently be utilized to  
14 determine Revised Initial Sales Tax Amounts and the Net State  
15 Sales Tax Increment; provided, however, that such revised State  
16 Sales Tax Boundary shall not have any effect upon the boundary  
17 of the redevelopment project area established for the purposes  
18 of determining the ad valorem taxes on real property pursuant  
19 to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the  
20 municipality's authority to implement the redevelopment plan  
21 for that redevelopment project area. For any redevelopment  
22 project area with a smaller State Sales Tax Boundary within its  
23 area, the municipality may annually elect to deposit the  
24 Municipal Sales Tax Increment for the redevelopment project  
25 area in the special tax allocation fund and shall certify the  
26 amount to the Department prior to receipt of the Net State  
27 Sales Tax Increment. Any municipality required by subsection  
28 (9) to establish a State Sales Tax Boundary for one or more of  
29 its redevelopment project areas shall submit all necessary  
30 information required by the Department concerning such  
31 boundary and the retailers therein, by October 1, 1989, after  
32 complying with the procedures for amendment set forth in  
33 Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales  
34 Tax Increment produced within the State Sales Tax Boundary  
35 shall be spent only within that area. However expenditures of  
36 all municipal property tax increment and municipal sales tax

1 increment in a redevelopment project area are not required to  
2 be spent within the smaller State Sales Tax Boundary within  
3 such redevelopment project area.

4 (11) The Department of Revenue shall have the authority to  
5 issue rules and regulations for purposes of this Section. and  
6 regulations for purposes of this Section.

7 (12) If, under Section 5.4.1 of the Illinois Enterprise  
8 Zone Act, a municipality determines that property that lies  
9 within a State Sales Tax Boundary has an improvement,  
10 rehabilitation, or renovation that is entitled to a property  
11 tax abatement, then that property along with any improvements,  
12 rehabilitation, or renovations shall be immediately removed  
13 from any State Sales Tax Boundary. The municipality that made  
14 the determination shall notify the Department of Revenue within  
15 30 days after the determination. Once a property is removed  
16 from the State Sales Tax Boundary because of the existence of a  
17 property tax abatement resulting from an enterprise zone, then  
18 that property shall not be permitted to be amended into a State  
19 Sales Tax Boundary.

20 (Source: P.A. 91-51, eff. 6-30-99; 91-478, eff. 11-1-99;  
21 92-263, eff. 8-7-01; revised 12-6-03.)

22 (65 ILCS 5/11-74.6-10)

23 Sec. 11-74.6-10. Definitions.

24 (a) "Environmentally contaminated area" means any improved  
25 or vacant area within the boundaries of a redevelopment project  
26 area located within the corporate limits of a municipality  
27 when, (i) there has been a determination of release or  
28 substantial threat of release of a hazardous substance or  
29 pesticide, by the United States Environmental Protection  
30 Agency or the Illinois Environmental Protection Agency, or the  
31 Illinois Pollution Control Board, or any court, or a release or  
32 substantial threat of release which is addressed as part of the  
33 Pre-Notice Site Cleanup Program under Section 22.2(m) of the  
34 Illinois Environmental Protection Act, or a release or  
35 substantial threat of release of petroleum under Section 22.12

1 of the Illinois Environmental Protection Act, and (ii) which  
2 release or threat of release presents an imminent and  
3 substantial danger to public health or welfare or presents a  
4 significant threat to public health or the environment, and  
5 (iii) which release or threat of release would have a  
6 significant impact on the cost of redeveloping the area.

7 (b) "Department" means the Department of Commerce and  
8 Economic Opportunity ~~Community Affairs~~.

9 (c) "Industrial park" means an area in a redevelopment  
10 project area suitable for use by any manufacturing, industrial,  
11 research, or transportation enterprise, of facilities,  
12 including but not limited to factories, mills, processing  
13 plants, assembly plants, packing plants, fabricating plants,  
14 distribution centers, warehouses, repair overhaul or service  
15 facilities, freight terminals, research facilities, test  
16 facilities or railroad facilities. An industrial park may  
17 contain space for commercial and other use as long as the  
18 expected principal use of the park is industrial and is  
19 reasonably expected to result in the creation of a significant  
20 number of new permanent full time jobs. An industrial park may  
21 also contain related operations and facilities including, but  
22 not limited to, business and office support services such as  
23 centralized computers, telecommunications, publishing,  
24 accounting, photocopying and similar activities and employee  
25 services such as child care, health care, food service and  
26 similar activities. An industrial park may also include  
27 demonstration projects, prototype development, specialized  
28 training on developing technology, and pure research in any  
29 field related or adaptable to business and industry.

30 (d) "Research park" means an area in a redevelopment  
31 project area suitable for development of a facility or complex  
32 that includes research laboratories and related operations.  
33 These related operations may include, but are not limited to,  
34 business and office support services such as centralized  
35 computers, telecommunications, publishing, accounting,  
36 photocopying and similar activities, and employee services

1 such as child care, health care, food service and similar  
2 activities. A research park may include demonstration  
3 projects, prototype development, specialized training on  
4 developing technology, and pure research in any field related  
5 or adaptable to business and industry.

6 (e) "Industrial park conservation area" means an area  
7 within the boundaries of a redevelopment project area located  
8 within the corporate limits of a municipality or within 1 1/2  
9 miles of the corporate limits of a municipality if the area is  
10 to be annexed to the municipality, if the area is zoned as  
11 industrial no later than the date on which the municipality by  
12 ordinance designates the redevelopment project area, and if the  
13 area includes improved or vacant land suitable for use as an  
14 industrial park or a research park, or both. To be designated  
15 as an industrial park conservation area, the area shall also  
16 satisfy one of the following standards:

17 (1) Standard One: The municipality must be a labor  
18 surplus municipality and the area must be served by  
19 adequate public and or road transportation for access by  
20 the unemployed and for the movement of goods or materials  
21 and the redevelopment project area shall contain no more  
22 than 2% of the most recently ascertained equalized assessed  
23 value of all taxable real properties within the corporate  
24 limits of the municipality after adjustment for all  
25 annexations associated with the establishment of the  
26 redevelopment project area or be located in the vicinity of  
27 a waste disposal site or other waste facility. The project  
28 plan shall include a plan for and shall establish a  
29 marketing program to attract appropriate businesses to the  
30 proposed industrial park conservation area and shall  
31 include an adequate plan for financing and construction of  
32 the necessary infrastructure. No redevelopment projects  
33 may be authorized by the municipality under Standard One of  
34 subsection (e) of this Section unless the project plan also  
35 provides for an employment training project that would  
36 prepare unemployed workers for work in the industrial park

1 conservation area, and the project has been approved by  
2 official action of or is to be operated by the local  
3 community college district, public school district or  
4 state or locally designated private industry council or  
5 successor agency, or

6 (2) Standard Two: The municipality must be a  
7 substantial labor surplus municipality and the area must be  
8 served by adequate public and or road transportation for  
9 access by the unemployed and for the movement of goods or  
10 materials and the redevelopment project area shall contain  
11 no more than 2% of the most recently ascertained equalized  
12 assessed value of all taxable real properties within the  
13 corporate limits of the municipality after adjustment for  
14 all annexations associated with the establishment of the  
15 redevelopment project area. No redevelopment projects may  
16 be authorized by the municipality under Standard Two of  
17 subsection (e) of this Section unless the project plan also  
18 provides for an employment training project that would  
19 prepare unemployed workers for work in the industrial park  
20 conservation area, and the project has been approved by  
21 official action of or is to be operated by the local  
22 community college district, public school district or  
23 state or locally designated private industry council or  
24 successor agency.

25 (f) "Vacant industrial buildings conservation area" means  
26 an area containing one or more industrial buildings located  
27 within the corporate limits of the municipality that has been  
28 zoned industrial for at least 5 years before the designation of  
29 that area as a redevelopment project area by the municipality  
30 and is planned for reuse principally for industrial purposes.  
31 For the area to be designated as a vacant industrial buildings  
32 conservation area, the area shall also satisfy one of the  
33 following standards:

34 (1) Standard One: The area shall consist of one or more  
35 industrial buildings totaling at least 50,000 net square  
36 feet of industrial space, with a majority of the total area

1 of all the buildings having been vacant for at least 18  
2 months; and (A) the area is located in a labor surplus  
3 municipality or a substantial labor surplus municipality,  
4 or (B) the equalized assessed value of the properties  
5 within the area during the last 2 years is at least 25%  
6 lower than the maximum equalized assessed value of those  
7 properties during the immediately preceding 10 years.

8 (2) Standard Two: The area exclusively consists of  
9 industrial buildings or a building complex operated by a  
10 user or related users (A) that has within the immediately  
11 preceding 5 years either (i) employed 200 or more employees  
12 at that location, or (ii) if the area is located in a  
13 municipality with a population of 12,000 or less, employed  
14 more than 50 employees at that location and (B) either is  
15 currently vacant, or the owner has: (i) directly notified  
16 the municipality of the user's intention to terminate  
17 operations at the facility or (ii) filed a notice of  
18 closure under the Worker Adjustment and Retraining  
19 Notification Act.

20 (g) "Labor surplus municipality" means a municipality in  
21 which, during the 4 calendar years immediately preceding the  
22 date the municipality by ordinance designates an industrial  
23 park conservation area, the average unemployment rate was 1% or  
24 more over the State average unemployment rate for that same  
25 period of time as published in the United States Department of  
26 Labor Bureau of Labor Statistics publication entitled "The  
27 Employment Situation" or its successor publication. For the  
28 purpose of this subsection (g), if unemployment rate statistics  
29 for the municipality are not available, the unemployment rate  
30 in the municipality shall be deemed to be: (i) for a  
31 municipality that is not in an urban county, the same as the  
32 unemployment rate in the principal county where the  
33 municipality is located or (ii) for a municipality in an urban  
34 county at that municipality's option, either the unemployment  
35 rate certified for the municipality by the Department after  
36 consultation with the Illinois Department of Labor or the

1 federal Bureau of Labor Statistics, or the unemployment rate of  
2 the municipality as determined by the most recent federal  
3 census if that census was not dated more than 5 years prior to  
4 the date on which the determination is made.

5 (h) "Substantial labor surplus municipality" means a  
6 municipality in which, during the 5 calendar years immediately  
7 preceding the date the municipality by ordinance designates an  
8 industrial park conservation area, the average unemployment  
9 rate was 2% or more over the State average unemployment rate  
10 for that same period of time as published in the United States  
11 Department of Labor Statistics publication entitled "The  
12 Employment Situation" or its successor publication. For the  
13 purpose of this subsection (h), if unemployment rate statistics  
14 for the municipality are not available, the unemployment rate  
15 in the municipality shall be deemed to be: (i) for a  
16 municipality that is not in an urban county, the same as the  
17 unemployment rate in the principal county in which the  
18 municipality is located; or (ii) for a municipality in an urban  
19 county, at that municipality's option, either the unemployment  
20 rate certified for the municipality by the Department after  
21 consultation with the Illinois Department of Labor or the  
22 federal Bureau of Labor Statistics, or the unemployment rate of  
23 the municipality as determined by the most recent federal  
24 census if that census was not dated more than 5 years prior to  
25 the date on which the determination is made.

26 (i) "Municipality" means a city, village or incorporated  
27 town.

28 (j) "Obligations" means bonds, loans, debentures, notes,  
29 special certificates or other evidence of indebtedness issued  
30 by the municipality to carry out a redevelopment project or to  
31 refund outstanding obligations.

32 (k) "Payment in lieu of taxes" means those estimated tax  
33 revenues from real property in a redevelopment project area  
34 derived from real property that has been acquired by a  
35 municipality, which according to the redevelopment project or  
36 plan are to be used for a private use, that taxing districts

1 would have received had a municipality not acquired the real  
2 property and adopted tax increment allocation financing and  
3 that would result from levies made after the time of the  
4 adoption of tax increment allocation financing until the time  
5 the current equalized assessed value of real property in the  
6 redevelopment project area exceeds the total initial equalized  
7 assessed value of real property in that area.

8 (1) "Redevelopment plan" means the comprehensive program  
9 of the municipality for development or redevelopment intended  
10 by the payment of redevelopment project costs to reduce or  
11 eliminate the conditions that qualified the redevelopment  
12 project area or redevelopment planning area, or both, as an  
13 environmentally contaminated area or industrial park  
14 conservation area, or vacant industrial buildings conservation  
15 area, or combination thereof, and thereby to enhance the tax  
16 bases of the taxing districts that extend into the  
17 redevelopment project area or redevelopment planning area. On  
18 and after the effective date of this amendatory Act of the 91st  
19 General Assembly, no redevelopment plan may be approved or  
20 amended to include the development of vacant land (i) with a  
21 golf course and related clubhouse and other facilities or (ii)  
22 designated by federal, State, county, or municipal government  
23 as public land for outdoor recreational activities or for  
24 nature preserves and used for that purpose within 5 years prior  
25 to the adoption of the redevelopment plan. For the purpose of  
26 this subsection, "recreational activities" is limited to mean  
27 camping and hunting. Each redevelopment plan must set forth in  
28 writing the bases for the municipal findings required in this  
29 subsection, the program to be undertaken to accomplish the  
30 objectives, including but not limited to: (1) an itemized list  
31 of estimated redevelopment project costs, (2) evidence  
32 indicating that the redevelopment project area or the  
33 redevelopment planning area, or both, on the whole has not been  
34 subject to growth and development through investment by private  
35 enterprise, (3) (i) in the case of an environmentally  
36 contaminated area, industrial park conservation area, or a



1 vacant industrial buildings conservation area classified under  
2 either Standard One, or Standard Two of subsection (f) where  
3 the building is currently vacant, evidence that implementation  
4 of the redevelopment plan is reasonably expected to create a  
5 significant number of permanent full time jobs, (ii) in the  
6 case of a vacant industrial buildings conservation area  
7 classified under Standard Two (B) (i) or (ii) of subsection (f),  
8 evidence that implementation of the redevelopment plan is  
9 reasonably expected to retain a significant number of existing  
10 permanent full time jobs, and (iii) in the case of a  
11 combination of an environmentally contaminated area,  
12 industrial park conservation area, or vacant industrial  
13 buildings conservation area, evidence that the standards  
14 concerning the creation or retention of jobs for each area set  
15 forth in (i) or (ii) above are met, (4) an assessment of the  
16 financial impact of the redevelopment project area or the  
17 redevelopment planning area, or both, on the overlapping taxing  
18 bodies or any increased demand for services from any taxing  
19 district affected by the plan and any program to address such  
20 financial impact or increased demand, (5) the sources of funds  
21 to pay costs, (6) the nature and term of the obligations to be  
22 issued, (7) the most recent equalized assessed valuation of the  
23 redevelopment project area or the redevelopment planning area,  
24 or both, (8) an estimate of the equalized assessed valuation  
25 after redevelopment and the general land uses that are applied  
26 in the redevelopment project area or the redevelopment planning  
27 area, or both, (9) a commitment to fair employment practices  
28 and an affirmative action plan, (10) if it includes an  
29 industrial park conservation area, the following: (i) a general  
30 description of any proposed developer, (ii) user and tenant of  
31 any property, (iii) a description of the type, structure and  
32 general character of the facilities to be developed, and (iv) a  
33 description of the type, class and number of new employees to  
34 be employed in the operation of the facilities to be developed,  
35 (11) if it includes an environmentally contaminated area, the  
36 following: either (i) a determination of release or substantial

1 threat of release of a hazardous substance or pesticide or of  
2 petroleum by the United States Environmental Protection Agency  
3 or the Illinois Environmental Protection Agency, or the  
4 Illinois Pollution Control Board or any court; or (ii) both an  
5 environmental audit report by a nationally recognized  
6 independent environmental auditor having a reputation for  
7 expertise in these matters and a copy of the signed Review and  
8 Evaluation Services Agreement indicating acceptance of the  
9 site by the Illinois Environmental Protection Agency into the  
10 Pre-Notice Site Cleanup Program, (12) if it includes a vacant  
11 industrial buildings conservation area, the following: (i) a  
12 general description of any proposed developer, (ii) user and  
13 tenant of any building or buildings, (iii) a description of the  
14 type, structure and general character of the building or  
15 buildings to be developed, and (iv) a description of the type,  
16 class and number of new employees to be employed or existing  
17 employees to be retained in the operation of the building or  
18 buildings to be redeveloped, and (13) if property is to be  
19 annexed to the municipality, the terms of the annexation  
20 agreement.

21 No redevelopment plan shall be adopted by a municipality  
22 without findings that:

23 (1) the redevelopment project area or redevelopment  
24 planning area, or both, on the whole has not been subject  
25 to growth and development through investment by private  
26 enterprise and would not reasonably be anticipated to be  
27 developed in accordance with public goals stated in the  
28 redevelopment plan without the adoption of the  
29 redevelopment plan;

30 (2) the redevelopment plan and project conform to the  
31 comprehensive plan for the development of the municipality  
32 as a whole, or, for municipalities with a population of  
33 100,000 or more, regardless of when the redevelopment plan  
34 and project was adopted, the redevelopment plan and project  
35 either: (i) conforms to the strategic economic development  
36 or redevelopment plan issued by the designated planning

1 authority of the municipality or (ii) includes land uses  
2 that have been approved by the planning commission of the  
3 municipality;

4 (3) that the redevelopment plan is reasonably expected  
5 to create or retain a significant number of permanent full  
6 time jobs as set forth in paragraph (3) of subsection (1)  
7 above;

8 (4) the estimated date of completion of the  
9 redevelopment project and retirement of obligations  
10 incurred to finance redevelopment project costs is not  
11 later than December 31 of the year in which the payment to  
12 the municipal treasurer as provided in subsection (b) of  
13 Section 11-74.6-35 is to be made with respect to ad valorem  
14 taxes levied in the twenty-third calendar year after the  
15 year in which the ordinance approving the redevelopment  
16 project area is adopted; a municipality may by municipal  
17 ordinance amend an existing redevelopment plan to conform  
18 to this paragraph (4) as amended by this amendatory Act of  
19 the 91st General Assembly concerning ordinances adopted on  
20 or after January 15, 1981, which municipal ordinance may be  
21 adopted without further hearing or notice and without  
22 complying with the procedures provided in this Law  
23 pertaining to an amendment to or the initial approval of a  
24 redevelopment plan and project and designation of a  
25 redevelopment project area;

26 (5) in the case of an industrial park conservation  
27 area, that the municipality is a labor surplus municipality  
28 or a substantial labor surplus municipality and that the  
29 implementation of the redevelopment plan is reasonably  
30 expected to create a significant number of permanent full  
31 time new jobs and, by the provision of new facilities,  
32 significantly enhance the tax base of the taxing districts  
33 that extend into the redevelopment project area;

34 (6) in the case of an environmentally contaminated  
35 area, that the area is subject to a release or substantial  
36 threat of release of a hazardous substance, pesticide or

1 petroleum which presents an imminent and substantial  
2 danger to public health or welfare or presents a  
3 significant threat to public health or environment, that  
4 such release or threat of release will have a significant  
5 impact on the cost of redeveloping the area, that the  
6 implementation of the redevelopment plan is reasonably  
7 expected to result in the area being redeveloped, the tax  
8 base of the affected taxing districts being significantly  
9 enhanced thereby, and the creation of a significant number  
10 of permanent full time jobs; and

11 (7) in the case of a vacant industrial buildings  
12 conservation area, that the area is located within the  
13 corporate limits of a municipality that has been zoned  
14 industrial for at least 5 years before its designation as a  
15 project redeveloped area, that it contains one or more  
16 industrial buildings, and whether the area has been  
17 designated under Standard One or Standard Two of subsection  
18 (f) and the basis for that designation.

19 (m) "Redevelopment project" means any public or private  
20 development project in furtherance of the objectives of a  
21 redevelopment plan. On and after the effective date of this  
22 amendatory Act of the 91st General Assembly, no redevelopment  
23 plan may be approved or amended to include the development of  
24 vacant land (i) with a golf course and related clubhouse and  
25 other facilities or (ii) designated by federal, State, county,  
26 or municipal government as public land for outdoor recreational  
27 activities or for nature preserves and used for that purpose  
28 within 5 years prior to the adoption of the redevelopment plan.  
29 For the purpose of this subsection, "recreational activities"  
30 is limited to mean camping and hunting.

31 (n) "Redevelopment project area" means a contiguous area  
32 designated by the municipality that is not less in the  
33 aggregate than 1 1/2 acres, and for which the municipality has  
34 made a finding that there exist conditions that cause the area  
35 to be classified as an industrial park conservation area, a  
36 vacant industrial building conservation area, an

1 environmentally contaminated area or a combination of these  
2 types of areas.

3 (o) "Redevelopment project costs" means the sum total of  
4 all reasonable or necessary costs incurred or estimated to be  
5 incurred by the municipality, and any of those costs incidental  
6 to a redevelopment plan and a redevelopment project. These  
7 costs include, without limitation, the following:

8 (1) Costs of studies, surveys, development of plans,  
9 and specifications, implementation and administration of  
10 the redevelopment plan, staff and professional service  
11 costs for architectural, engineering, legal, marketing,  
12 financial, planning, or other services, but no charges for  
13 professional services may be based on a percentage of the  
14 tax increment collected; except that on and after the  
15 effective date of this amendatory Act of the 91st General  
16 Assembly, no contracts for professional services,  
17 excluding architectural and engineering services, may be  
18 entered into if the terms of the contract extend beyond a  
19 period of 3 years. In addition, "redevelopment project  
20 costs" shall not include lobbying expenses. After  
21 consultation with the municipality, each tax increment  
22 consultant or advisor to a municipality that plans to  
23 designate or has designated a redevelopment project area  
24 shall inform the municipality in writing of any contracts  
25 that the consultant or advisor has entered into with  
26 entities or individuals that have received, or are  
27 receiving, payments financed by tax increment revenues  
28 produced by the redevelopment project area with respect to  
29 which the consultant or advisor has performed, or will be  
30 performing, service for the municipality. This requirement  
31 shall be satisfied by the consultant or advisor before the  
32 commencement of services for the municipality and  
33 thereafter whenever any other contracts with those  
34 individuals or entities are executed by the consultant or  
35 advisor;

36 (1.5) After July 1, 1999, annual administrative costs

1 shall not include general overhead or administrative costs  
2 of the municipality that would still have been incurred by  
3 the municipality if the municipality had not designated a  
4 redevelopment project area or approved a redevelopment  
5 plan;

6 (1.6) The cost of marketing sites within the  
7 redevelopment project area to prospective businesses,  
8 developers, and investors.

9 (2) Property assembly costs within a redevelopment  
10 project area, including but not limited to acquisition of  
11 land and other real or personal property or rights or  
12 interests therein.

13 (3) Site preparation costs, including but not limited  
14 to clearance of any area within a redevelopment project  
15 area by demolition or removal of any existing buildings,  
16 structures, fixtures, utilities and improvements and  
17 clearing and grading; and including installation, repair,  
18 construction, reconstruction, or relocation of public  
19 streets, public utilities, and other public site  
20 improvements within or without a redevelopment project  
21 area which are essential to the preparation of the  
22 redevelopment project area for use in accordance with a  
23 redevelopment plan.

24 (4) Costs of renovation, rehabilitation,  
25 reconstruction, relocation, repair or remodeling of any  
26 existing public or private buildings, improvements, and  
27 fixtures within a redevelopment project area; and the cost  
28 of replacing an existing public building if pursuant to the  
29 implementation of a redevelopment project the existing  
30 public building is to be demolished to use the site for  
31 private investment or devoted to a different use requiring  
32 private investment.

33 (5) Costs of construction within a redevelopment  
34 project area of public improvements, including but not  
35 limited to, buildings, structures, works, utilities or  
36 fixtures, except that on and after the effective date of

1 this amendatory Act of the 91st General Assembly,  
2 redevelopment project costs shall not include the cost of  
3 constructing a new municipal public building principally  
4 used to provide offices, storage space, or conference  
5 facilities or vehicle storage, maintenance, or repair for  
6 administrative, public safety, or public works personnel  
7 and that is not intended to replace an existing public  
8 building as provided under paragraph (4) unless either (i)  
9 the construction of the new municipal building implements a  
10 redevelopment project that was included in a redevelopment  
11 plan that was adopted by the municipality prior to the  
12 effective date of this amendatory Act of the 91st General  
13 Assembly or (ii) the municipality makes a reasonable  
14 determination in the redevelopment plan, supported by  
15 information that provides the basis for that  
16 determination, that the new municipal building is required  
17 to meet an increase in the need for public safety purposes  
18 anticipated to result from the implementation of the  
19 redevelopment plan.

20 (6) Costs of eliminating or removing contaminants and  
21 other impediments required by federal or State  
22 environmental laws, rules, regulations, and guidelines,  
23 orders or other requirements or those imposed by private  
24 lending institutions as a condition for approval of their  
25 financial support, debt or equity, for the redevelopment  
26 projects, provided, however, that in the event (i) other  
27 federal or State funds have been certified by an  
28 administrative agency as adequate to pay these costs during  
29 the 18 months after the adoption of the redevelopment plan,  
30 or (ii) the municipality has been reimbursed for such costs  
31 by persons legally responsible for them, such federal,  
32 State, or private funds shall, insofar as possible, be  
33 fully expended prior to the use of any revenues deposited  
34 in the special tax allocation fund of the municipality and  
35 any other such federal, State or private funds received  
36 shall be deposited in the fund. The municipality shall seek

1 reimbursement of these costs from persons legally  
2 responsible for these costs and the costs of obtaining this  
3 reimbursement.

4 (7) Costs of job training and retraining projects.

5 (8) Financing costs, including but not limited to all  
6 necessary and incidental expenses related to the issuance  
7 of obligations and which may include payment of interest on  
8 any obligations issued under this Act including interest  
9 accruing during the estimated period of construction of any  
10 redevelopment project for which the obligations are issued  
11 and for not exceeding 36 months thereafter and including  
12 reasonable reserves related to those costs.

13 (9) All or a portion of a taxing district's capital  
14 costs resulting from the redevelopment project necessarily  
15 incurred or to be incurred in furtherance of the objectives  
16 of the redevelopment plan and project, to the extent the  
17 municipality by written agreement accepts and approves  
18 those costs.

19 (10) Relocation costs to the extent that a municipality  
20 determines that relocation costs shall be paid or is  
21 required to make payment of relocation costs by federal or  
22 State law.

23 (11) Payments in lieu of taxes.

24 (12) Costs of job training, retraining, advanced  
25 vocational education or career education, including but  
26 not limited to courses in occupational, semi-technical or  
27 technical fields leading directly to employment, incurred  
28 by one or more taxing districts, if those costs are: (i)  
29 related to the establishment and maintenance of additional  
30 job training, advanced vocational education or career  
31 education programs for persons employed or to be employed  
32 by employers located in a redevelopment project area; and  
33 (ii) are incurred by a taxing district or taxing districts  
34 other than the municipality and are set forth in a written  
35 agreement by or among the municipality and the taxing  
36 district or taxing districts, which agreement describes



1 the program to be undertaken, including but not limited to  
2 the number of employees to be trained, a description of the  
3 training and services to be provided, the number and type  
4 of positions available or to be available, itemized costs  
5 of the program and sources of funds to pay for the same,  
6 and the term of the agreement. These costs include,  
7 specifically, the payment by community college districts  
8 of costs under Sections 3-37, 3-38, 3-40 and 3-40.1 of the  
9 Public Community College Act and by school districts of  
10 costs under Sections 10-22.20a and 10-23.3a of the School  
11 Code.

12 (13) The interest costs incurred by redevelopers or  
13 other nongovernmental persons in connection with a  
14 redevelopment project, and specifically including payments  
15 to redevelopers or other nongovernmental persons as  
16 reimbursement for such costs incurred by such redeveloper  
17 or other nongovernmental person, provided that:

18 (A) interest costs shall be paid or reimbursed by a  
19 municipality only pursuant to the prior official  
20 action of the municipality evidencing an intent to pay  
21 or reimburse such interest costs;

22 (B) such payments in any one year may not exceed  
23 30% of the annual interest costs incurred by the  
24 redeveloper with regard to the redevelopment project  
25 during that year;

26 (C) except as provided in subparagraph (E), the  
27 aggregate amount of such costs paid or reimbursed by a  
28 municipality shall not exceed 30% of the total (i)  
29 costs paid or incurred by the redeveloper or other  
30 nongovernmental person in that year plus (ii)  
31 redevelopment project costs excluding any property  
32 assembly costs and any relocation costs incurred by a  
33 municipality pursuant to this Act;

34 (D) interest costs shall be paid or reimbursed by a  
35 municipality solely from the special tax allocation  
36 fund established pursuant to this Act and shall not be

1           paid or reimbursed from the proceeds of any obligations  
2           issued by a municipality;

3           (E) if there are not sufficient funds available in  
4           the special tax allocation fund in any year to make  
5           such payment or reimbursement in full, any amount of  
6           such interest cost remaining to be paid or reimbursed  
7           by a municipality shall accrue and be payable when  
8           funds are available in the special tax allocation fund  
9           to make such payment.

10          (14) The costs of construction of new privately owned  
11          buildings shall not be an eligible redevelopment project  
12          cost.

13          If a special service area has been established under the  
14          Special Service Area Tax Act, then any tax increment revenues  
15          derived from the tax imposed thereunder to the Special Service  
16          Area Tax Act may be used within the redevelopment project area  
17          for the purposes permitted by that Act as well as the purposes  
18          permitted by this Act.

19          (p) "Redevelopment Planning Area" means an area so  
20          designated by a municipality after the municipality has  
21          complied with all the findings and procedures required to  
22          establish a redevelopment project area, including the  
23          existence of conditions that qualify the area as an industrial  
24          park conservation area, or an environmentally contaminated  
25          area, or a vacant industrial buildings conservation area, or a  
26          combination of these types of areas, and adopted a  
27          redevelopment plan and project for the planning area and its  
28          included redevelopment project areas. The area shall not be  
29          designated as a redevelopment planning area for more than 5  
30          years. At any time in the 5 years following that designation of  
31          the redevelopment planning area, the municipality may  
32          designate the redevelopment planning area, or any portion of  
33          the redevelopment planning area, as a redevelopment project  
34          area without making additional findings or complying with  
35          additional procedures required for the creation of a  
36          redevelopment project area. An amendment of a redevelopment

1 plan and project in accordance with the findings and procedures  
2 of this Act after the designation of a redevelopment planning  
3 area at any time within the 5 years after the designation of  
4 the redevelopment planning area shall not require new  
5 qualification of findings for the redevelopment project area to  
6 be designated within the redevelopment planning area.

7 The terms "redevelopment plan", "redevelopment project",  
8 and "redevelopment project area" have the definitions set out  
9 in subsections (l), (m), and (n), respectively.

10 (q) "Taxing districts" means counties, townships,  
11 municipalities, and school, road, park, sanitary, mosquito  
12 abatement, forest preserve, public health, fire protection,  
13 river conservancy, tuberculosis sanitarium and any other  
14 municipal corporations or districts with the power to levy  
15 taxes.

16 (r) "Taxing districts' capital costs" means those costs of  
17 taxing districts for capital improvements that are found by the  
18 municipal corporate authorities to be necessary and a direct  
19 result of the redevelopment project.

20 (s) "Urban county" means a county with 240,000 or more  
21 inhabitants.

22 (t) "Vacant area", as used in subsection (a) of this  
23 Section, means any parcel or combination of parcels of real  
24 property without industrial, commercial and residential  
25 buildings that has not been used for commercial agricultural  
26 purposes within 5 years before the designation of the  
27 redevelopment project area, unless that parcel is included in  
28 an industrial park conservation area.

29 (Source: P.A. 90-655, eff. 7-30-98; 91-474, eff. 11-1-99;  
30 revised 12-6-03.)

31 Section 575. The Metropolitan Pier and Exposition  
32 Authority Act is amended by changing Sections 10.1, 13.1, and  
33 22.1 as follows:

34 (70 ILCS 210/10.1) (from Ch. 85, par. 1230.1)

1           Sec. 10.1. (a) The Authority is hereby authorized to  
2 provide for the issuance, from time to time, of refunding or  
3 advance refunding bonds for the purpose of refunding any bonds  
4 or notes then outstanding (herein collectively referred to as  
5 bonds) at or prior to maturity or on any redemption date,  
6 whether an entire issue or series, or one or more issues or  
7 series, or any portions or parts of any issue or series, which  
8 shall have been issued under the provisions of this Act.

9           (b) The proceeds of any such refunding bonds may be used to  
10 carry out one or more of the following purposes:

11           (1) To pay the principal amount of all outstanding  
12 bonds to be retired at maturity or redeemed prior to  
13 maturity;

14           (2) To pay the total amount of any redemption premium  
15 incident to redemption of such outstanding bonds to be  
16 refunded;

17           (3) To pay the total amount of any interest accrued or  
18 to accrue to the date or dates of redemption or maturity of  
19 such outstanding bonds to be refunded;

20           (4) To pay any and all costs or expenses incident to  
21 such refunding;

22           (5) To establish reserves for the payment of such  
23 refunding bonds and the interest thereon.

24           (c) The issuance of refunding bonds, the maturities and  
25 other details thereof, the rights of the holders thereof and  
26 the rights, duties and obligations of the Authority in respect  
27 of the same shall be governed by the provisions of this Act,  
28 insofar as the same may be applicable, and may in harmony  
29 therewith be augmented or supplemented by resolution or  
30 ordinance to conform to the facts and circumstances prevailing  
31 in each instance of issuance of such refunding bonds; provided  
32 that, with respect to refunding or advance refunding bonds  
33 issued before January 1, 1991, the Authority shall consult with  
34 the Illinois Governor's Office of Management and Budget  
35 (formerly Bureau of the Budget) to develop the structure of the  
36 proposed transaction.

1           After the adoption by the Board of an ordinance authorizing  
2           the issuance of such refunding bonds before January 1, 1991,  
3           and the execution of any proposal or contract relating to the  
4           sale thereof, the Authority shall prepare and deliver a report  
5           as soon as practical to the Director of the Governor's Office  
6           of Management and Budget (formerly Bureau of the Budget), the  
7           President of the Senate, the Minority Leader of the Senate, the  
8           Speaker of the House of Representatives and the Minority Leader  
9           of the House of Representatives setting forth the amount of  
10          refunding bonds, the interest rate or rates, a schedule of  
11          estimated debt service requirements, the projected cost  
12          savings to the State, the method or manner of the sale and any  
13          participants therein, including underwriters, financial  
14          advisors, attorneys, accountants, trustees, printers,  
15          registrars and paying agents.

16          (d) With reference to the investment of the proceeds of any  
17          such refunding bonds, the interest on which is exempt from tax  
18          under federal law, the Authority shall not authorize or  
19          anticipate investment earnings exceeding such as are  
20          authorized or permitted under prevailing federal laws,  
21          regulations and administrative rulings relating to arbitrage  
22          bonds.

23          (e) The proceeds of any such refunding bonds (together with  
24          any other funds available for application to refunding  
25          purposes, if so provided or permitted by ordinance authorizing  
26          the issuance of such refunding bonds or in a trust agreement  
27          securing the same) may be placed in trust to be applied to the  
28          purchase, retirement at maturity or redemption of the bonds to  
29          be refunded on such dates as may be determined by the  
30          Authority. Pending application thereof, the proceeds of such  
31          refunding bonds and such other available funds, if any, may be  
32          invested in direct obligations of, or obligations the principal  
33          thereof and the interest on which are unconditionally  
34          guaranteed by, the United States of America which shall mature,  
35          or which shall be subject to redemption by the holder thereof  
36          at its option not later than the respective date or dates when

1 such proceeds and other available funds, if any, (either  
2 together with the interest accruing thereon or without  
3 considering the interest accruing thereon) will be required for  
4 the refunding purpose intended or authorized.

5 (f) Upon the deposit of the proceeds of the refunding bonds  
6 (together with any other funds available for application to  
7 refunding purposes, if so provided or permitted by ordinance  
8 authorizing the issuance of such refunding bonds or in a trust  
9 agreement securing the same) in an irrevocable trust pursuant  
10 to a trust agreement with a trustee requiring the trustee to  
11 satisfy the obligations of the Authority to timely redeem and  
12 retire the outstanding bonds for which the proceeds and other  
13 funds, if any, are deposited, in an amount sufficient to  
14 satisfy the obligation of the Authority to timely redeem and  
15 retire such outstanding bonds or upon the deposit in such  
16 irrevocable trust of direct obligations which, or obligations  
17 the principal and interest of which, are unconditionally  
18 guaranteed by the United States of America, in an amount  
19 sufficient to pay all principal and all interest accrued and to  
20 be accrued in respect of the bonds to be refunded from the  
21 reinvestment of such principal and interest, or in such amounts  
22 so that upon maturity (or upon optional redemption by the  
23 trustee) of such obligations amounts will be produced, taking  
24 into account investment earnings, on a timely basis sufficient  
25 to satisfy the obligations of the Authority to timely redeem  
26 and retire such outstanding bonds, and notwithstanding any  
27 provision of any ordinance or trust agreement authorizing the  
28 issuance of such outstanding bonds to the contrary, such  
29 outstanding bonds shall be deemed paid and no longer be deemed  
30 to be outstanding for purposes of such ordinance or trust  
31 agreement, and all rights and obligations of the bond holders  
32 and the Authority under such prior ordinance or trust agreement  
33 shall be deemed discharged, provided, however, that the holders  
34 of such outstanding bonds shall have an irrevocable and  
35 unconditional right to payment in full of all principal of and  
36 premium if any and interest on such outstanding bonds when due

1 from the amounts on deposit in such trust. The trustee shall be  
2 any trust company or bank in the State of Illinois having the  
3 power of a trust company possessing capital and surplus of not  
4 less than \$100,000,000.

5 (g) Bond proceeds on deposit in the construction fund, are  
6 authorized to be used to pay principal or interest on the  
7 refunded bonds and the Authority is authorized to issue bonds  
8 for the purpose of reimbursing its construction fund in the  
9 amount of the bond proceeds used in connection with the  
10 refunding issuance. That portion of the bond proceeds used to  
11 reimburse the construction fund shall be deemed refunding bonds  
12 for the purposes of this Act.

13 (Source: P.A. 87-733; revised 8-23-03.)

14 (70 ILCS 210/13.1) (from Ch. 85, par. 1233.1)

15 Sec. 13.1. There is hereby created the Metropolitan Fair  
16 and Exposition Authority Improvement Bond Fund and the  
17 Metropolitan Fair and Exposition Authority Completion Note  
18 Subordinate Fund in the State Treasury. All moneys transferred  
19 from the McCormick Place Account in the Build Illinois Fund to  
20 the Metropolitan Fair and Exposition Authority Improvement  
21 Bond Fund and all moneys transferred from the Metropolitan Fair  
22 and Exposition Authority Improvement Bond Fund to the  
23 Metropolitan Fair and Exposition Authority Completion Note  
24 Subordinate Fund may be appropriated by law for the purpose of  
25 paying the debt service requirements on all bonds and notes  
26 issued under this Section, including refunding bonds, (herein  
27 collectively referred to as bonds) to be issued by the  
28 Authority subsequent to July 1, 1984 in an aggregate amount  
29 (excluding the amount of any refunding bonds issued by the  
30 Authority subsequent to January 1, 1986), not to exceed  
31 \$312,500,000, with such aggregate amount comprised of (i) an  
32 amount not to exceed \$259,000,000 for the purpose of paying  
33 costs of the Project and (ii) the balance for the purpose of  
34 refunding those bonds of the Authority that were issued prior  
35 to July 1, 1984 and for the purpose of establishing necessary

1 reserves on, paying capitalized interest on, and paying costs  
2 of issuance of bonds, other than refunding bonds issued  
3 subsequent to January 1, 1986, issued for those purposes,  
4 provided that any proceeds of bonds, other than refunding bonds  
5 issued subsequent to January 1, 1986, and interest or other  
6 investment earnings thereon not used for the purposes stated in  
7 items (i) and (ii) above shall be used solely to redeem  
8 outstanding bonds, other than bonds which have been refunded or  
9 advance refunded, of the Authority. The Authority will use its  
10 best efforts to cause all bonds issued pursuant to this  
11 Section, other than bonds which have been refunded or advance  
12 refunded, to be or to become on a parity with one another.  
13 Notwithstanding any provision of any prior ordinance or trust  
14 agreement authorizing the issuance of outstanding bonds  
15 payable or to become payable from the Metropolitan Fair and  
16 Exposition Authority Improvement Bond Fund, refunding or  
17 advance refunding bonds may be issued subsequent to January 1,  
18 1986, payable from the Metropolitan Fair and Exposition  
19 Authority Improvement Bond Fund on a parity with any such prior  
20 bonds which remain outstanding provided, that in the event of  
21 any such partial refunding (i) the debt service requirements  
22 after such refunding for all bonds payable from the  
23 Metropolitan Fair and Exposition Authority Improvement Bond  
24 Fund issued after July 1, 1984, by the Authority which shall be  
25 outstanding after such refunding shall not have been increased  
26 by reason of such refunding in any then current or future  
27 fiscal year in which such prior outstanding bonds shall remain  
28 outstanding and (ii) such parity refunding bonds shall be  
29 deemed to be parity bonds issued to pay costs of the Project  
30 for purposes of such prior ordinance or trust agreement. It is  
31 hereby found and determined that (i) the issuance of such  
32 parity refunding bonds shall further the purposes of this Act  
33 and (ii) the contractual rights of the bondholders under any  
34 such prior ordinance or trust agreement will not be impaired or  
35 adversely affected by such issuance.

36 No amounts in excess of the sum of \$250,000,000 plus all



1 interest and other investment income earned prior to the  
2 effective date of this amendatory Act of 1985 on all proceeds  
3 of all bonds issued for the purpose of paying costs of the  
4 Project shall be obligated or expended with respect to the  
5 costs of the Project without prior written approval from the  
6 Director of the Governor's Office of Management and Budget  
7 ~~Bureau of the Budget~~. Such approval shall be based upon factors  
8 including, but not limited to, the necessity, in relation to  
9 the Authority's ability to complete the Project and open the  
10 facility to the public in a timely manner, of incurring the  
11 costs, and the appropriateness of using bond funds for such  
12 purpose. The Director of the Governor's Office of Management  
13 and Budget ~~Bureau of the Budget~~ may, in his discretion,  
14 consider other reasonable factors in determining whether to  
15 approve payment of costs of the Project. The Authority shall  
16 furnish to the Governor's Office of Management and Budget  
17 ~~Bureau of the Budget~~ such information as may from time to time  
18 be requested. The Director of the Governor's Office of  
19 Management and Budget ~~Bureau of the Budget~~ or any duly  
20 authorized employee of the Governor's Office of Management and  
21 Budget ~~Bureau of the Budget~~ shall, for the purpose of securing  
22 such information, have access to, and the right to examine, all  
23 books, documents, papers and records of the Authority.

24 On the first day of each month commencing after July of  
25 1984, moneys, if any, on deposit in the Metropolitan Fair and  
26 Exposition Authority Improvement Bond Fund shall, subject to  
27 appropriation by law, be paid in full to the Authority or upon  
28 its direction to the trustee or trustees for bond holders of  
29 bonds which by their terms are payable from the moneys received  
30 from the Metropolitan Fair and Exposition Authority  
31 Improvement Bond Fund issued by the Metropolitan Pier and  
32 Exposition Authority subsequent to July 1, 1984, for the  
33 purposes specified in the first paragraph of this Section and  
34 in Section 10.1 of this Act, such trustee or trustees having  
35 been designated pursuant to ordinance of the Authority, until  
36 an amount equal to 100% of the aggregate amount of such

1 principal and interest in such fiscal year, including pursuant  
2 to sinking fund requirements, has been so paid and deficiencies  
3 in reserves established from bond proceeds shall have been  
4 remedied.

5 On the first day of each month commencing after October of  
6 1985, moneys, if any, on deposit in the Metropolitan Fair and  
7 Exposition Authority Completion Note Subordinate Fund shall,  
8 subject to appropriation by law, be paid in full to the  
9 Authority or upon its direction to the trustee or trustees for  
10 bond holders of bonds issued by the Metropolitan Pier and  
11 Exposition Authority subsequent to September of 1985 which by  
12 their terms are payable from moneys received from the  
13 Metropolitan Fair and Exposition Authority Completion Note  
14 Subordinate Fund for the purposes specified in the first  
15 paragraph of this Section and in Section 10.1 of this Act, such  
16 trustee or trustees having been designated pursuant to  
17 ordinance of the Authority, until an amount equal to 100% of  
18 the aggregate amount of such principal and interest in such  
19 fiscal year, including pursuant to sinking fund requirements,  
20 has been so paid and deficiencies in reserves established from  
21 bond proceeds shall have been remedied.

22 The State of Illinois pledges to and agrees with the  
23 holders of the bonds of the Metropolitan Pier and Exposition  
24 Authority issued pursuant to this Section that the State will  
25 not limit or alter the rights and powers vested in the  
26 Metropolitan Pier and Exposition Authority by this Act so as to  
27 impair the terms of any contract made by the Metropolitan Pier  
28 and Exposition Authority with such holders or in any way impair  
29 the rights and remedies of such holders until such bonds,  
30 together with interest thereon, with interest on any unpaid  
31 installments of interest, and all costs and expenses in  
32 connection with any action or proceedings by or on behalf of  
33 such holders, are fully met and discharged. In addition, the  
34 State pledges to and agrees with the holders of the bonds of  
35 the Metropolitan Pier and Exposition Authority issued pursuant  
36 to this Act that the State will not limit or alter the basis on

1 which State funds are to be paid to the Metropolitan Pier and  
2 Exposition Authority as provided in this Act, or the use of  
3 such funds, so as to impair the terms of any such contract. The  
4 Metropolitan Pier and Exposition Authority is authorized to  
5 include these pledges and agreements of the State in any  
6 contract with the holders of bonds issued pursuant to this  
7 Section.

8 The State shall not be liable on bonds of the Metropolitan  
9 Pier and Exposition Authority issued under this Act, and such  
10 bonds shall not be a debt of the State, nor shall this Act be  
11 construed as a guarantee by the State of the debts of the  
12 Metropolitan Pier and Exposition Authority. The bonds shall  
13 contain a statement to such effect on the face thereof.

14 (Source: P.A. 86-17; 87-733; revised 8-23-03.)

15 (70 ILCS 210/22.1) (from Ch. 85, par. 1242.1)

16 Sec. 22.1. The Authority shall pass all ordinances and make  
17 all rules and regulations necessary to assure equal access for  
18 economically disadvantaged persons, including but not limited  
19 to persons eligible for assistance pursuant to the Job Training  
20 Partnership Act, to all positions of employment provided for by  
21 the Authority pursuant to Section 22 and to all positions of  
22 employment with any person performing any work for the  
23 Authority. The Authority shall submit a detailed employment  
24 report not later than March 1 of each year to the General  
25 Assembly. The Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~ shall monitor the Authority's compliance  
27 with this Section.

28 (Source: P.A. 83-1129; revised 12-6-03.)

29 Section 580. The Quad Cities Regional Economic Development  
30 Authority Act, approved September 22, 1987 is amended by  
31 changing Sections 4 and 19 as follows:

32 (70 ILCS 510/4) (from Ch. 85, par. 6204)

33 Sec. 4. (a) There is hereby created a political

1 subdivision, body politic and municipal corporation named the  
2 Quad Cities Regional Economic Development Authority. The  
3 territorial jurisdiction of the Authority is that geographic  
4 area within the boundaries of Rock Island, Henry, Knox, and  
5 Mercer counties in the State of Illinois and any navigable  
6 waters and air space located therein.

7 (b) The governing and administrative powers of the  
8 Authority shall be vested in a body consisting of 11 members  
9 including, as an ex officio member, the Director of ~~the~~  
10 ~~Department of Commerce and Economic Opportunity Community~~  
11 ~~Affairs~~, or his or her designee. The other 10 members of the  
12 Authority shall be designated "public members", 6 of whom shall  
13 be appointed by the Governor with the advice and consent of the  
14 Senate. Of the 6 members appointed by the Governor, one shall  
15 be from a city within the Authority's territory with a  
16 population of 25,000 or more and the remainder shall be  
17 appointed at large. Of the 6 members appointed by the Governor,  
18 2 members shall have business or finance experience. One member  
19 shall be appointed by each of the county board chairmen of Rock  
20 Island, Henry, Knox, and Mercer Counties with the advice and  
21 consent of the respective county board. All public members  
22 shall reside within the territorial jurisdiction of this Act.  
23 Six members shall constitute a quorum. The public members shall  
24 be persons of recognized ability and experience in one or more  
25 of the following areas: economic development, finance,  
26 banking, industrial development, small business management,  
27 real estate development, community development, venture  
28 finance, organized labor or civic, community or neighborhood  
29 organization. The Chairman of the Authority shall be a public  
30 member elected by the affirmative vote of not fewer than 6  
31 members of the Authority. The term of the Chairman shall be one  
32 year.

33 (c) The terms of all members of the Authority shall begin  
34 30 days after the effective date of this Act, except (i) the  
35 terms of those members added by this amendatory Act of 1989  
36 shall begin 30 days after the effective date of this amendatory

1 Act of 1989 and (ii) the terms of those members added by this  
2 amendatory Act of the 92nd General Assembly shall begin 30 days  
3 after the effective date of this amendatory Act of the 92nd  
4 General Assembly. Of the 10 public members appointed pursuant  
5 to this Act, 2 (one of whom shall be appointed by the Governor)  
6 shall serve until the third Monday in January, 1989, 2 (one of  
7 whom shall be appointed by the Governor) shall serve until the  
8 third Monday in January, 1990, 2 (one of whom shall be  
9 appointed by the Governor) shall serve until the third Monday  
10 in January, 1991, 2 (both of whom shall be appointed by the  
11 Governor) shall serve until the third Monday in January, 1992,  
12 and 2 (one of whom shall be appointed by the Governor and one  
13 of whom shall be appointed by the county board chairman of Knox  
14 County) shall serve until the third Monday in January, 2004.  
15 The initial terms of the members appointed by the county board  
16 chairmen (other than the county board chairman of Knox County)  
17 shall be determined by lot. All successors shall be appointed  
18 by the original appointing authority and hold office for a term  
19 of 3 years commencing the third Monday in January of the year  
20 in which their term commences, except in case of an appointment  
21 to fill a vacancy. Vacancies occurring among the public members  
22 shall be filled for the remainder of the term. In case of  
23 vacancy in a Governor-appointed membership when the Senate is  
24 not in session, the Governor may make a temporary appointment  
25 until the next meeting of the Senate when a person shall be  
26 nominated to fill such office, and any person so nominated who  
27 is confirmed by the Senate shall hold office during the  
28 remainder of the term and until a successor shall be appointed  
29 and qualified. Members of the Authority shall not be entitled  
30 to compensation for their services as members but shall be  
31 entitled to reimbursement for all necessary expenses incurred  
32 in connection with the performance of their duties as members.

33 (d) The Governor may remove any public member of the  
34 Authority appointed by the Governor in case of incompetency,  
35 neglect of duty, or malfeasance in office. The Chairman of a  
36 county board may remove any public member of the Authority

1 appointed by such Chairman in the case of incompetency, neglect  
2 of duty, or malfeasance in office.

3 (e) The Board shall appoint an Executive Director who shall  
4 have a background in finance, including familiarity with the  
5 legal and procedural requirements of issuing bonds, real estate  
6 or economic development and administration. The Executive  
7 Director shall hold office at the discretion of the Board. The  
8 Executive Director shall be the chief administrative and  
9 operational officer of the Authority, shall direct and  
10 supervise its administrative affairs and general management,  
11 shall perform such other duties as may be prescribed from time  
12 to time by the members and shall receive compensation fixed by  
13 the Authority. The Authority may engage the services of such  
14 other agents and employees, including attorneys, appraisers,  
15 engineers, accountants, credit analysts and other consultants,  
16 as it may deem advisable and may prescribe their duties and fix  
17 their compensation.

18 (f) The Board shall create a task force to study and make  
19 recommendations to the Board on the economic development of the  
20 territory within the jurisdiction of this Act. The number of  
21 members constituting the task force shall be set by the Board  
22 and may vary from time to time. The Board may set a specific  
23 date by which the task force is to submit its final report and  
24 recommendations to the Board.

25 (Source: P.A. 92-63, eff. 7-12-01; revised 12-6-03.)

26 (70 ILCS 510/19) (from Ch. 85, par. 6219)

27 Sec. 19. Civic Center. The Authority shall commence a study  
28 to determine the feasibility of a civic center or other public  
29 assembly hall or arena to be located within the territorial  
30 jurisdiction of the Authority. This report shall address, at a  
31 minimum, marketing analysis, site availability, competition,  
32 funding sources available from the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~, and other matters  
34 deemed appropriate by the board.

35 (Source: P.A. 85-713; revised 12-6-03.)

1 Section 585. The Quad Cities Regional Economic Development  
2 Authority Act, certified December 30, 1987 is amended by  
3 changing Section 4 as follows:

4 (70 ILCS 515/4) (from Ch. 85, par. 6504)

5 Sec. 4. (a) There is hereby created a political  
6 subdivision, body politic and municipal corporation named the  
7 Quad Cities Regional Economic Development Authority. The  
8 territorial jurisdiction of the Authority is that geographic  
9 area within the boundaries of Rock Island, Henry and Mercer  
10 counties in the State of Illinois and any navigable waters and  
11 air space located therein.

12 (b) The governing and administrative powers of the  
13 Authority shall be vested in a body consisting of 7 members  
14 including, as an ex officio member, the Director of ~~the~~  
15 ~~Department of Commerce and~~ Economic Opportunity Community  
16 ~~Affairs~~, or his or her designee. The other 8 members of the  
17 Authority shall be designated "public members", 3 of whom shall  
18 be appointed by the Governor with the advice and consent of the  
19 Senate. Of the 3 members appointed by the Governor, one shall  
20 be from a city within the Authority's territory with a  
21 population of 25,000 or more and the remainder shall be  
22 appointed at large. One member shall be appointed by each of  
23 the county board chairmen of Rock Island, Henry and Mercer  
24 counties with the advice and consent of the respective county  
25 board. All public members shall reside within the territorial  
26 jurisdiction of this Act. Four members shall constitute a  
27 quorum. The public members shall be persons of recognized  
28 ability and experience in one or more of the following areas:  
29 economic development, finance, banking, industrial  
30 development, small business management, real estate  
31 development, community development, venture finance, organized  
32 labor or civic, community or neighborhood organization. The  
33 Chairman of the Authority shall be a public member elected by  
34 the affirmative vote of not fewer than 4 members of the

1 Authority. The term of the Chairman shall be one year.

2 (c) The terms of all members of the Authority shall begin  
3 30 days after the effective date of this Act. Of the 6 public  
4 members appointed pursuant to this Act, 2 (one of whom shall be  
5 appointed by the Governor) shall serve until the third Monday  
6 in January, 1989, 2 (one of whom shall be appointed by the  
7 Governor) shall serve until the third Monday in January, 1990,  
8 and 2 (one of whom shall be appointed by the Governor) shall  
9 serve until the third Monday in January, 1991. The initial  
10 terms of the members appointed by the county board chairmen  
11 shall be determined by lot. All successors shall be appointed  
12 by the original appointing authority and hold office for a term  
13 of 3 years commencing the third Monday in January of the year  
14 in which their term commences, except in case of an appointment  
15 to fill a vacancy. Vacancies occurring among the public members  
16 shall be filled for the remainder of the term. In case of  
17 vacancy in a Governor-appointed membership when the Senate is  
18 not in session, the Governor may make a temporary appointment  
19 until the next meeting of the Senate when a person shall be  
20 nominated to fill such office, and any person so nominated who  
21 is confirmed by the Senate shall hold office during the  
22 remainder of the term and until a successor shall be appointed  
23 and qualified. Members of the Authority shall not be entitled  
24 to compensation for their services as members but shall be  
25 entitled to reimbursement for all necessary expenses incurred  
26 in connection with the performance of their duties as members.

27 (d) The Governor may remove any public member of the  
28 Authority appointed by the Governor in case of incompetency,  
29 neglect of duty, or malfeasance in office. The Chairman of a  
30 county board may remove any public member of the Authority  
31 appointed by such Chairman in the case of incompetency, neglect  
32 of duty, or malfeasance in office.

33 (e) The Board shall appoint an Executive Director who shall  
34 have a background in finance, including familiarity with the  
35 legal and procedural requirements of issuing bonds, real estate  
36 or economic development and administration. The Executive



1 Director shall hold office at the discretion of the Board. The  
2 Executive Director shall be the chief administrative and  
3 operational officer of the Authority, shall direct and  
4 supervise its administrative affairs and general management,  
5 shall perform such other duties as may be prescribed from time  
6 to time by the members and shall receive compensation fixed by  
7 the Authority. The Authority may engage the services of such  
8 other agents and employees, including attorneys, appraisers,  
9 engineers, accountants, credit analysts and other consultants,  
10 as it may deem advisable and may prescribe their duties and fix  
11 their compensation.

12 (f) The Board shall create a task force to study and make  
13 recommendations to the Board on the economic development of the  
14 territory within the jurisdiction of this Act. The number of  
15 members constituting the task force shall be set by the Board  
16 and may vary from time to time. The Board may set a specific  
17 date by which the task force is to submit its final report and  
18 recommendations to the Board.

19 (Source: P.A. 85-988; revised 12-6-03.)

20 Section 590. The Southwestern Illinois Development  
21 Authority Act is amended by changing Section 4 as follows:

22 (70 ILCS 520/4) (from Ch. 85, par. 6154)

23 Sec. 4. (a) There is hereby created a political  
24 subdivision, body politic and municipal corporation named the  
25 Southwestern Illinois Development Authority. The territorial  
26 jurisdiction of the Authority is that geographic area within  
27 the boundaries of Madison, St. Clair, and Clinton counties in  
28 the State of Illinois and any navigable waters and air space  
29 located therein.

30 (b) The governing and administrative powers of the  
31 Authority shall be vested in a body consisting of 11 members  
32 including, as ex officio members, the Director of ~~the~~  
33 ~~Department of~~ Commerce and Economic Opportunity Community  
34 ~~Affairs~~, or his or her designee, and the Director of ~~the~~

1 ~~Department of~~ Central Management Services, or his or her  
2 designee. The other 9 members of the Authority shall be  
3 designated "public members", 4 of whom shall be appointed by  
4 the Governor with the advice and consent of the Senate, 2 of  
5 whom shall be appointed by the county board chairman of Madison  
6 County, 2 of whom shall be appointed by the county board  
7 chairman of St. Clair County, and one of whom shall be  
8 appointed by the county board chairman of Clinton County. All  
9 public members shall reside within the territorial  
10 jurisdiction of this Act. Six members shall constitute a  
11 quorum. The public members shall be persons of recognized  
12 ability and experience in one or more of the following areas:  
13 economic development, finance, banking, industrial  
14 development, small business management, real estate  
15 development, community development, venture finance, organized  
16 labor or civic, community or neighborhood organization. The  
17 Chairman of the Authority shall be elected by the Board  
18 annually from the 4 members appointed by the county board  
19 chairmen.

20 (c) The terms of all members of the Authority shall begin  
21 30 days after the effective date of this Act. Of the 8 public  
22 members appointed pursuant to this Act, 3 shall serve until the  
23 third Monday in January, 1988, 3 shall serve until the third  
24 Monday in January, 1989, and 2 shall serve until the third  
25 Monday in January, 1990. All successors shall be appointed by  
26 the original appointing authority and hold office for a term of  
27 3 years commencing the third Monday in January of the year in  
28 which their term commences, except in case of an appointment to  
29 fill a vacancy. Vacancies occurring among the public members  
30 shall be filled for the remainder of the term. In case of  
31 vacancy in a Governor-appointed membership when the Senate is  
32 not in session, the Governor may make a temporary appointment  
33 until the next meeting of the Senate when a person shall be  
34 nominated to fill such office, and any person so nominated who  
35 is confirmed by the Senate shall hold office during the  
36 remainder of the term and until a successor shall be appointed

1 and qualified. Members of the Authority shall not be entitled  
2 to compensation for their services as members but shall be  
3 entitled to reimbursement for all necessary expenses incurred  
4 in connection with the performance of their duties as members.

5 (d) The Governor may remove any public member of the  
6 Authority in case of incompetency, neglect of duty, or  
7 malfeasance in office.

8 (e) The Board shall appoint an Executive Director who shall  
9 have a background in finance, including familiarity with the  
10 legal and procedural requirements of issuing bonds, real estate  
11 or economic development and administration. The Executive  
12 Director shall hold office at the discretion of the Board. The  
13 Executive Director shall be the chief administrative and  
14 operational officer of the Authority, shall direct and  
15 supervise its administrative affairs and general management,  
16 shall perform such other duties as may be prescribed from time  
17 to time by the members and shall receive compensation fixed by  
18 the Authority. The Executive Director shall attend all meetings  
19 of the Authority; however, no action of the Authority shall be  
20 invalid on account of the absence of the Executive Director  
21 from a meeting. The Authority may engage the services of such  
22 other agents and employees, including attorneys, appraisers,  
23 engineers, accountants, credit analysts and other consultants,  
24 as it may deem advisable and may prescribe their duties and fix  
25 their compensation.

26 (f) The Board may, by majority vote, nominate up to 4  
27 non-voting members for appointment by the Governor. Non-voting  
28 members shall be persons of recognized ability and experience  
29 in one or more of the following areas: economic development,  
30 finance, banking, industrial development, small business  
31 management, real estate development, community development,  
32 venture finance, organized labor or civic, community or  
33 neighborhood organization. Non-voting members shall serve at  
34 the pleasure of the Board. All non-voting members may attend  
35 meetings of the Board and shall be reimbursed as provided in  
36 subsection (c).

1 (g) The Board shall create a task force to study and make  
2 recommendations to the Board on the economic development of the  
3 city of East St. Louis and on the economic development of the  
4 riverfront within the territorial jurisdiction of this Act. The  
5 members of the task force shall reside within the territorial  
6 jurisdiction of this Act, shall serve at the pleasure of the  
7 Board and shall be persons of recognized ability and experience  
8 in one or more of the following areas: economic development,  
9 finance, banking, industrial development, small business  
10 management, real estate development, community development,  
11 venture finance, organized labor or civic, community or  
12 neighborhood organization. The number of members constituting  
13 the task force shall be set by the Board and may vary from time  
14 to time. The Board may set a specific date by which the task  
15 force is to submit its final report and recommendations to the  
16 Board.

17 (Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)

18 Section 595. The Tri-County River Valley Development  
19 Authority Law is amended by changing Section 2004 as follows:

20 (70 ILCS 525/2004) (from Ch. 85, par. 7504)

21 Sec. 2004. Establishment.

22 (a) There is hereby created a political subdivision, body  
23 politic and municipal corporation named the Tri-County River  
24 Valley Development Authority. The territorial jurisdiction of  
25 the Authority is that geographic area within the boundaries of  
26 Peoria, Tazewell and Woodford counties in the State of Illinois  
27 and any navigable waters and air space located therein.

28 (b) The governing and administrative powers of the  
29 Authority shall be vested in a body consisting of 11 members  
30 including, as ex officio members, the Director of Commerce and  
31 Economic Opportunity ~~Community Affairs~~, or his or her designee,  
32 and the Director of Natural Resources, or that Director's  
33 designee. The other 9 members of the Authority shall be  
34 designated "public members", 3 of whom shall be appointed by

1 the Governor, 3 of whom shall be appointed one each by the  
2 county board chairmen of Peoria, Tazewell and Woodford counties  
3 and 3 of whom shall be appointed one each by the city councils  
4 of East Peoria, Pekin and Peoria. All public members shall  
5 reside within the territorial jurisdiction of this Act. Six  
6 members shall constitute a quorum. The public members shall be  
7 persons of recognized ability and experience in one or more of  
8 the following areas: economic development, finance, banking,  
9 industrial development, small business management, real estate  
10 development, community development, venture finance, organized  
11 labor or civic, community or neighborhood organization. The  
12 Chairman of the Authority shall be elected by the Board  
13 annually from the 6 members appointed by the county board  
14 chairmen and city councils.

15 (c) The terms of all members of the Authority shall begin  
16 30 days after the effective date of this Article. Of the 9  
17 public members appointed pursuant to this Act, 3 shall serve  
18 until the third Monday in January 1992, 3 shall serve until the  
19 third Monday in January 1993, and 3 shall serve until the third  
20 Monday in January 1994. All successors shall be appointed by  
21 the original appointing authority and hold office for a term of  
22 3 years commencing the third Monday in January of the year in  
23 which their term commences, except in case of an appointment to  
24 fill a vacancy. Vacancies occurring among the public members  
25 shall be filled for the remainder of the term. In case of  
26 vacancy in a Governor-appointed membership when the Senate is  
27 not in session, the Governor may make a temporary appointment  
28 until the next meeting of the Senate when a person shall be  
29 nominated to fill such office, and any person so nominated who  
30 is confirmed by the Senate shall hold office during the  
31 remainder of the term and until a successor shall be appointed  
32 and qualified. Members of the Authority shall not be entitled  
33 to compensation for their services as members but may be  
34 reimbursed for all necessary expenses incurred in connection  
35 with the performance of their duties as members.

36 (d) The Governor may remove any public member of the

1 Authority in case of incompetency, neglect of duty, or  
2 malfeasance in office.

3 (e) The Board may appoint an Executive Director who shall  
4 have a background in finance, including familiarity with the  
5 legal and procedural requirements of issuing bonds, real estate  
6 or economic development and administration. The Executive  
7 Director shall hold office at the discretion of the Board. The  
8 Executive Director shall be the chief administrative and  
9 operational officer of the Authority, shall direct and  
10 supervise its administrative affairs and general management,  
11 shall perform such other duties as may be prescribed from time  
12 to time by the members and shall receive compensation fixed by  
13 the Authority. The Executive Director shall attend all meetings  
14 of the Authority; however, no action of the Authority shall be  
15 invalid on account of the absence of the Executive Director  
16 from a meeting. The Authority may engage the services of such  
17 other agents and employees, including attorneys, appraisers,  
18 engineers, accountants, credit analysts and other consultants,  
19 as it may deem advisable and may prescribe their duties and fix  
20 their compensation.

21 (f) The Board may, by majority vote, nominate up to 4  
22 non-voting members for appointment by the Governor. Non-voting  
23 members shall be persons of recognized ability and experience  
24 in one or more of the following areas: economic development,  
25 finance, banking, industrial development, small business  
26 management, real estate development, community development,  
27 venture finance, organized labor or civic, community or  
28 neighborhood organization. Non-voting members shall serve at  
29 the pleasure of the Board. All non-voting members may attend  
30 meetings of the Board and may be reimbursed as provided in  
31 subsection (c).

32 (g) The Board shall create a task force to study and make  
33 recommendations to the Board on the economic development of the  
34 territory within the jurisdiction of this Act. The members of  
35 the task force shall reside within the territorial jurisdiction  
36 of this Article, shall serve at the pleasure of the Board and

1 shall be persons of recognized ability and experience in one or  
2 more of the following areas: economic development, finance,  
3 banking, industrial development, small business management,  
4 real estate development, community development, venture  
5 finance, organized labor or civic, community or neighborhood  
6 organization. The number of members constituting the task force  
7 shall be set by the Board and may vary from time to time. The  
8 Board may set a specific date by which the task force is to  
9 submit its final report and recommendations to the Board.

10 (Source: P.A. 89-445, eff. 2-7-96; 90-655, eff. 7-30-98;  
11 revised 12-6-03.)

12 Section 600. The Upper Illinois River Valley Development  
13 Authority Act is amended by changing Section 4 as follows:

14 (70 ILCS 530/4) (from Ch. 85, par. 7154)

15 Sec. 4. Establishment.

16 (a) There is hereby created a political subdivision, body  
17 politic and municipal corporation named the Upper Illinois  
18 River Valley Development Authority. The territorial  
19 jurisdiction of the Authority is that geographic area within  
20 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,  
21 Kane, McHenry, and Marshall counties in the State of Illinois  
22 and any navigable waters and air space located therein.

23 (b) The governing and administrative powers of the  
24 Authority shall be vested in a body consisting of 20 members  
25 including, as ex officio members, the Director of ~~the~~  
26 ~~Department of~~ Commerce and Economic Opportunity Community  
27 ~~Affairs~~, or his or her designee, and the Director of the  
28 Department of Central Management Services, or his or her  
29 designee. The other 18 members of the Authority shall be  
30 designated "public members", 10 of whom shall be appointed by  
31 the Governor with the advice and consent of the Senate and 8 of  
32 whom shall be appointed one each by the county board chairmen  
33 of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane, McHenry, and  
34 Marshall counties. All public members shall reside within the

1 territorial jurisdiction of this Act. Eleven members shall  
2 constitute a quorum. The public members shall be persons of  
3 recognized ability and experience in one or more of the  
4 following areas: economic development, finance, banking,  
5 industrial development, small business management, real estate  
6 development, community development, venture finance, organized  
7 labor or civic, community or neighborhood organization. The  
8 Chairman of the Authority shall be elected by the Board  
9 annually from the 8 members appointed by the county board  
10 chairmen.

11 (c) The terms of all initial members of the Authority shall  
12 begin 30 days after the effective date of this Act. Of the 14  
13 public members appointed pursuant to this Act, 4 appointed by  
14 the Governor shall serve until the third Monday in January,  
15 1992, 4 appointed by the Governor shall serve until the third  
16 Monday in January, 1993, one appointed by the Governor shall  
17 serve until the third Monday in January, 1994, one appointed by  
18 the Governor shall serve until the third Monday in January  
19 1999, the member appointed by the county board chairman of  
20 LaSalle County shall serve until the third Monday in January,  
21 1992, the members appointed by the county board chairmen of  
22 Grundy County, Bureau County, Putnam County, and Marshall  
23 County shall serve until the third Monday in January, 1994, and  
24 the member appointed by the county board chairman of Kendall  
25 County shall serve until the third Monday in January, 1999. The  
26 initial members appointed by the chairmen of the county boards  
27 of Kane and McHenry counties shall serve until the third Monday  
28 in January, 2003. All successors shall be appointed by the  
29 original appointing authority and hold office for a term of 3  
30 years commencing the third Monday in January of the year in  
31 which their term commences, except in case of an appointment to  
32 fill a vacancy. Vacancies occurring among the public members  
33 shall be filled for the remainder of the term. In case of  
34 vacancy in a Governor-appointed membership when the Senate is  
35 not in session, the Governor may make a temporary appointment  
36 until the next meeting of the Senate when a person shall be



1 nominated to fill such office, and any person so nominated who  
2 is confirmed by the Senate shall hold office during the  
3 remainder of the term and until a successor shall be appointed  
4 and qualified. Members of the Authority shall not be entitled  
5 to compensation for their services as members but shall be  
6 entitled to reimbursement for all necessary expenses incurred  
7 in connection with the performance of their duties as members.

8 (d) The Governor may remove any public member of the  
9 Authority in case of incompetency, neglect of duty, or  
10 malfeasance in office.

11 (e) The Board shall appoint an Executive Director who shall  
12 have a background in finance, including familiarity with the  
13 legal and procedural requirements of issuing bonds, real estate  
14 or economic development and administration. The Executive  
15 Director shall hold office at the discretion of the Board. The  
16 Executive Director shall be the chief administrative and  
17 operational officer of the Authority, shall direct and  
18 supervise its administrative affairs and general management,  
19 shall perform such other duties as may be prescribed from time  
20 to time by the members and shall receive compensation fixed by  
21 the Authority. The Executive Director shall attend all meetings  
22 of the Authority; however, no action of the Authority shall be  
23 invalid on account of the absence of the Executive Director  
24 from a meeting. The Authority may engage the services of such  
25 other agents and employees, including attorneys, appraisers,  
26 engineers, accountants, credit analysts and other consultants,  
27 as it may deem advisable and may prescribe their duties and fix  
28 their compensation.

29 (f) The Board may, by majority vote, nominate up to 4  
30 non-voting members for appointment by the Governor. Non-voting  
31 members shall be persons of recognized ability and experience  
32 in one or more of the following areas: economic development,  
33 finance, banking, industrial development, small business  
34 management, real estate development, community development,  
35 venture finance, organized labor or civic, community or  
36 neighborhood organization. Non-voting members shall serve at

1 the pleasure of the Board. All non-voting members may attend  
2 meetings of the Board and shall be reimbursed as provided in  
3 subsection (c).

4 (g) The Board shall create a task force to study and make  
5 recommendations to the Board on the economic development of the  
6 territory within the jurisdiction of this Act. The members of  
7 the task force shall reside within the territorial jurisdiction  
8 of this Act, shall serve at the pleasure of the Board and shall  
9 be persons of recognized ability and experience in one or more  
10 of the following areas: economic development, finance,  
11 banking, industrial development, small business management,  
12 real estate development, community development, venture  
13 finance, organized labor or civic, community or neighborhood  
14 organization. The number of members constituting the task force  
15 shall be set by the Board and may vary from time to time. The  
16 Board may set a specific date by which the task force is to  
17 submit its final report and recommendations to the Board.

18 (Source: P.A. 91-905, eff. 7-7-00; revised 12-6-03.)

19 Section 605. The Will-Kankakee Regional Development  
20 Authority Law is amended by changing Section 4 as follows:

21 (70 ILCS 535/4) (from Ch. 85, par. 7454)

22 Sec. 4. Establishment.

23 (a) There is hereby created a political subdivision, body  
24 politic and municipal corporation named the Will-Kankakee  
25 Regional Development Authority. The territorial jurisdiction  
26 of the Authority is that geographic area within the boundaries  
27 of Will and Kankakee counties in the State of Illinois and any  
28 navigable waters and air space located therein.

29 (b) The governing and administrative powers of the  
30 Authority shall be vested in a body consisting of 10 members  
31 including, as an ex officio member, the Director of ~~the~~  
32 ~~Department of~~ Commerce and Economic Opportunity Community  
33 ~~Affairs~~, or his or her designee. The other 9 members of the  
34 Authority shall be designated "public members", 3 of whom shall

1 be appointed by the Governor, 3 of whom shall be appointed by  
2 the county board chairman of Will County, and 3 of whom shall  
3 be appointed by the county board chairman of Kankakee County.  
4 All public members shall reside within the territorial  
5 jurisdiction of this Act. Six members shall constitute a  
6 quorum. The public members shall be persons of recognized  
7 ability and experience in one or more of the following areas:  
8 economic development, finance, banking, industrial  
9 development, small business management, real estate  
10 development, community development, venture finance, organized  
11 labor or civic, community or neighborhood organization. The  
12 Chairman of the Authority shall be elected by the Board  
13 annually from the 6 members appointed by the county board  
14 chairmen.

15 (c) The terms of all members of the Authority shall begin  
16 30 days after the effective date of this Act. Of the 9 public  
17 members appointed pursuant to this Act, 3 shall serve until the  
18 third Monday in January 1992, 3 shall serve until the third  
19 Monday in January 1993, and 3 shall serve until the third  
20 Monday in January 1994. All successors shall be appointed by  
21 the original appointing authority and hold office for a term of  
22 3 years commencing the third Monday in January of the year in  
23 which their term commences, except in case of an appointment to  
24 fill a vacancy. Vacancies occurring among the public members  
25 shall be filled for the remainder of the term. In case of  
26 vacancy in a Governor-appointed membership when the Senate is  
27 not in session, the Governor may make a temporary appointment  
28 until the next meeting of the Senate when a person shall be  
29 nominated to fill such office, and any person so nominated who  
30 is confirmed by the Senate shall hold office during the  
31 remainder of the term and until a successor shall be appointed  
32 and qualified. Members of the Authority shall not be entitled  
33 to compensation for their services as members but may be  
34 reimbursed for all necessary expenses incurred in connection  
35 with the performance of their duties as members.

36 (d) The Governor may remove any public member of the

1 Authority in case of incompetency, neglect of duty, or  
2 malfeasance in office.

3 (e) The Board may appoint an Executive Director who shall  
4 have a background in finance, including familiarity with the  
5 legal and procedural requirements of issuing bonds, real estate  
6 or economic development and administration. The Executive  
7 Director shall hold office at the discretion of the Board. The  
8 Executive Director shall be the chief administrative and  
9 operational officer of the Authority, shall direct and  
10 supervise its administrative affairs and general management,  
11 shall perform such other duties as may be prescribed from time  
12 to time by the members and shall receive compensation fixed by  
13 the Authority. The Executive Director shall attend all meetings  
14 of the Authority; however, no action of the Authority shall be  
15 invalid on account of the absence of the Executive Director  
16 from a meeting. The Authority may engage the services of such  
17 other agents and employees, including attorneys, appraisers,  
18 engineers, accountants, credit analysts and other consultants,  
19 as it may deem advisable and may prescribe their duties and fix  
20 their compensation.

21 (f) The Board may, by majority vote, nominate up to 4  
22 non-voting members for appointment by the Governor. Non-voting  
23 members shall be persons of recognized ability and experience  
24 in one or more of the following areas: economic development,  
25 finance, banking, industrial development, small business  
26 management, real estate development, community development,  
27 venture finance, organized labor or civic, community or  
28 neighborhood organization. Non-voting members shall serve at  
29 the pleasure of the Board. All non-voting members may attend  
30 meetings of the Board and may be reimbursed as provided in  
31 subsection (c).

32 (g) The Board shall create a task force to study and make  
33 recommendations to the Board on the economic development of the  
34 territory within the jurisdiction of this Act. The members of  
35 the task force shall reside within the territorial jurisdiction  
36 of this Act, shall serve at the pleasure of the Board and shall

1 be persons of recognized ability and experience in one or more  
2 of the following areas: economic development, finance,  
3 banking, industrial development, small business management,  
4 real estate development, community development, venture  
5 finance, organized labor or civic, community or neighborhood  
6 organization. The number of members constituting the task force  
7 shall be set by the Board and may vary from time to time. The  
8 Board may set a specific date by which the task force is to  
9 submit its final report and recommendations to the Board.

10 (Source: P.A. 86-1481; revised 12-6-03.)

11 Section 610. The Northeastern Illinois Planning Act is  
12 amended by changing Sections 14, 35, 36, and 37 as follows:

13 (70 ILCS 1705/14) (from Ch. 85, par. 1114)

14 Sec. 14. All funds received for the use of the Commission  
15 shall be deposited in the name of the Commission, by the  
16 treasurer, in a depository approved by the Commission and shall  
17 be withdrawn or paid out only by check or draft upon the  
18 depository signed by any two of such Commissioners or Employees  
19 of the Commission as may be designated for this purpose by the  
20 Commission, provided further that funds appropriated to the  
21 Commission by the General Assembly shall be expended in  
22 accordance with a formal planning program and budget which has  
23 been reviewed by the Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~. All persons so designated shall  
25 execute bonds with corporate sureties approved by the  
26 Commission in the same manner and amount as required of the  
27 treasurer.

28 In case any person whose signature appears upon any check  
29 or draft, issued pursuant to this Act, ceases (after attaching  
30 his signature) to hold his office before the delivery thereof  
31 to the payee, his signature nevertheless shall be valid and  
32 sufficient for all purposes with the same effect as if he had  
33 remained in office until delivery thereof.

34 (Source: P.A. 81-1509; revised 12-6-03.)

1 (70 ILCS 1705/35) (from Ch. 85, par. 1135)

2 Sec. 35. At the close of each fiscal year, the Commission  
3 shall prepare a complete report of its receipts and  
4 expenditures during the fiscal year, including such receipts  
5 and expenditures as authorized by Section 36 of this Act. Such  
6 report shall be prepared in detail, stating the particular  
7 amount received or expended, the name of the person from whom  
8 received or to whom expended, on what account, and for what  
9 purpose or purposes. A copy of this report shall be filed with  
10 the Governor, the Senate and the House of Representatives, and  
11 with the treasurer of each county included in the Counties  
12 Area. In addition, on or before December 31 of each even  
13 numbered year, the Commission shall prepare a report of its  
14 activities during the biennium indicating how its funds were  
15 expended, indicating the amount of the appropriation requested  
16 for the next biennium and explaining how the appropriation will  
17 be utilized to carry out its responsibilities. A copy of this  
18 report shall be filed with the Governor, the Senate and the  
19 House of Representatives, and the Department of Commerce and  
20 Economic Opportunity ~~Community Affairs~~.

21 (Source: P.A. 81-1509; revised 12-6-03.)

22 (70 ILCS 1705/36) (from Ch. 85, par. 1136)

23 Sec. 36. The Commission may accept and expend, for purposes  
24 consistent with the purposes of this Act, funds and money from  
25 any source, including grants, bequests, gifts or contributions  
26 made by a person, a unit of government, the State Government or  
27 the Federal Government.

28 The Commission is authorized to enter into agreements with  
29 any agency of the Federal government relating to grant-in-aid  
30 under Section 701 of the "Housing Act of 1954", being Public  
31 Law 560 of the Eighty-third Congress, approved August 2, 1954,  
32 as heretofore or hereafter amended, or under any other Act of  
33 Congress by which Federal funds may be made available for any  
34 activity of the Commission authorized by this Act. Application

1 for federal planning grants submitted to the Federal Government  
2 shall be reviewed by the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~.

4 (Source: P.A. 81-1509; revised 12-6-03.)

5 (70 ILCS 1705/37) (from Ch. 85, par. 1137)

6 Sec. 37. The Commission created by this Act shall cooperate  
7 with the Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~, the units of government and with the plan  
9 commissions and regional planning commissions created by any  
10 unit of government and regional associations of municipalities  
11 within the area of operation of the Commission and any such  
12 plan commission, regional planning commission, regional  
13 association of municipalities or unit of government may  
14 furnish, sell or make available to the Commission created by  
15 this Act any of its data, charts, maps, reports or regulations  
16 relating to land use and development which the Commission may  
17 request.

18 The Commission created by this Act may cooperate with any  
19 planning agency of a sister State contiguous to the area of  
20 operation of the Commission to the end that plans for the  
21 development of urban areas in such sister State contiguous to  
22 the Counties Area may be integrated and coordinated so far as  
23 possible with the comprehensive plan and policies adopted by  
24 the Commission.

25 (Source: P.A. 81-1509; revised 12-6-03.)

26 Section 615. The Southwestern Illinois Metropolitan and  
27 Regional Planning Act is amended by changing Sections 5, 14,  
28 35, and 37 as follows:

29 (70 ILCS 1710/5) (from Ch. 85, par. 1155)

30 Sec. 5. The corporate authorities of the Southwestern  
31 Illinois Metropolitan and Regional Planning Commission shall  
32 consist of commissioners selected as follows:

33 Eight commissioners appointed by the Governor, at

1           least 4 of whom shall be elected officials of a unit of  
2           government and at least 7 of whom shall be residents of the  
3           Metropolitan and Regional Counties Area. No more than 4 of  
4           the Governor's appointees shall be of the same political  
5           party.

6           One member from among the Illinois Commissioners of the  
7           Bi-State Development Agency, elected by said commissioners  
8           of said Agency, provided that preference shall be given in  
9           this appointment to the Chairman or Vice Chairman of said  
10          Agency if either or both of those officers is an Illinois  
11          resident.

12          The Chairman or presiding officer of each statutory  
13          Port District existing or operating within the  
14          Metropolitan and Regional Counties Area, or a member of the  
15          governing board of each such Port District appointed by the  
16          Chairman or presiding officer thereof to serve in his  
17          stead.

18          The President of the Metro-East Sanitary District or a  
19          member of the governing board of such District appointed by  
20          the President thereto to serve in his stead.

21          Two members from each of the county boards of counties  
22          within the Area of operation having a population of less  
23          than 100,000, such members to be appointed by the chairman  
24          or presiding officer of such counties and in such manner  
25          that one of the 2 members so appointed is the chairman or  
26          presiding officer of the relevant county board or an  
27          elected member of such board appointed to serve in the  
28          stead of such chairman or presiding officer.

29          Three members from each of the county boards of  
30          counties within the Area of operation having a population  
31          in excess of 100,000, such members to be appointed by the  
32          chairman or presiding officer of such counties and in such  
33          manner that one of the 3 members so appointed is the  
34          chairman or presiding officer of the relevant county board  
35          or an elected member of such board appointed to serve in  
36          the stead of such chairman or presiding officer; provided,



1 further, that at least one member so appointed from each  
2 county having a population in excess of 100,000 shall be a  
3 resident in an area of such county outside any city,  
4 village or incorporated town, and at least one member so  
5 appointed from such counties shall be a resident of a city,  
6 village or incorporated town of such county.

7 The Mayor or Village Board President from each city,  
8 village or incorporated town in the Area of operation  
9 having 4,500 or more inhabitants, or a member of the  
10 Council or Village Board appointed by such Mayor or Board  
11 President to serve in his stead.

12 One Mayor or Village Board President in each county  
13 within the Area of operation from a city, village or  
14 incorporated town having fewer than 4,500 inhabitants to be  
15 selected by all Mayors or Village Board Presidents of such  
16 cities, villages or incorporated towns in each such county.

17 Two members from each township-organized county in the  
18 Area of operation who shall be township supervisors  
19 appointed by the Chairman of the relevant county board in  
20 such a manner that one of the 2 shall represent a township  
21 having fewer than 4,500 inhabitants and one of the 2 shall  
22 represent a township having more than 4,500 inhabitants,  
23 provided that in the event no township in any such county  
24 has in excess of 4,500 inhabitants the supervisor of the  
25 township in such county which has the largest number of  
26 inhabitants shall be one of the 2 members so appointed by  
27 that county.

28 Two members from each commission-organized county in  
29 the Area of operation who shall be elected officials of  
30 either the county board or of a unit of government in such  
31 county and who shall be appointed by the Chairman of the  
32 County Board of such county.

33 The President of the Southwestern Illinois Council of  
34 Mayors or a Mayor of a community within the Area of  
35 operation appointed by such President to serve in his  
36 stead.

1           One member from among the Illinois members of the  
2           East-West Gateway Coordinating Council, elected by said  
3           members of said council, provided preference shall be given  
4           in this appointment to the Chairman or Vice Chairman of  
5           said Council if either or both of those officers is an  
6           Illinois resident.

7           Each selecting authority shall give notice of his, or her,  
8           or its selections to each other selecting authority, to the  
9           Executive Director of the Commission, and to the Secretary of  
10          State. Selections or appointments to be made for the first time  
11          pursuant to this amendatory Act of 1975 shall be made no later  
12          than October 1, 1975 and notice given thereon by that date.

13          In addition to the commissioners provided for above, the  
14          following shall also be commissioners selected or appointed and  
15          notice thereon given as contemplated by the preceding  
16          paragraph:

17                 Two members from each county in the Area of operation  
18                 who shall be a chairman of a county planning commission, a  
19                 chairman of a municipal planning commission, or a county  
20                 engineer, such members to be appointed by the Chairman of  
21                 the County Board.

22                 The regional superintendent of schools for each  
23                 educational service region located in whole or in part  
24                 within the Area of operation.

25                 The President of Southern Illinois University at  
26                 Edwardsville or a person appointed by him to serve in his  
27                 stead.

28                 The Director of Commerce and Economic Opportunity  
29                 ~~Community Affairs~~ or a person appointed by him to serve in  
30                 his stead.

31                 The district highway engineer for the Illinois  
32                 Department of Transportation.

33                 The Chairman of the Southwestern Illinois Council on  
34                 Economic Development composed of the Counties of Madison,  
35                 St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

36                 One representative from each County within the Area of

1 operation who shall be other than an elected official and  
2 who shall be appointed by the Chairman of each County  
3 Board, provided that each representative so appointed  
4 shall be from disadvantaged or minority groups within the  
5 County's population.

6 Five Commissioners, appointed by the President of the  
7 Commission, with the concurrence of the Executive  
8 Committee, one to be selected from each of 5 civic,  
9 fraternal, cultural or religious organizations which meet  
10 all of the following criteria:

11 (1) has a written charter or constitution and  
12 written bylaws;

13 (2) has filed or is eligible to file articles of  
14 incorporation pursuant to the General Not for Profit  
15 Corporation Act;

16 (3) has been in existence for at least 5 years; and

17 (4) is generally recognized as being substantially  
18 representative of the minority population within the  
19 Commission's area of operation.

20 The Commission shall develop a fair and reasonable  
21 procedure for determining the organizations from which  
22 appointments will be made.

23 Within 30 days after selection and before entering upon the  
24 duties of his or her office, each commissioner shall take and  
25 subscribe to the constitutional oath of office and file it with  
26 the Secretary of State.

27 The Commission shall maintain a level of minority  
28 membership equal to or greater than proportionate level of  
29 minority population which exists within the area of the  
30 Commission.

31 (Source: P.A. 87-217; revised 12-6-03.)

32 (70 ILCS 1710/14) (from Ch. 85, par. 1164)

33 Sec. 14. All funds received for the use of the Commission  
34 shall be deposited in the name of the Commission by the  
35 treasurer, in a depository approved by the Commission and shall

1 be withdrawn or paid out only by check or draft upon the  
2 depository signed by any two of such Commissioners or employees  
3 of the Commission as may be designated for this purpose by the  
4 Commission, provided further that funds appropriated to the  
5 Commission by the General Assembly shall not be expended except  
6 in accordance with a formal planning program and budget which  
7 has been reviewed and approved by the Department of Commerce  
8 and Economic Opportunity ~~Community Affairs~~. All persons so  
9 designated shall execute bonds with corporate sureties  
10 approved by the Commission in the same manner and amount as  
11 required of the treasurer, and in such amount as determined by  
12 the Commission.

13 In case any person whose signature appears upon any check  
14 or draft, issued pursuant to this Act, ceases (after attaching  
15 his signature) to hold his office before the delivery thereof  
16 to the payee, his signature nevertheless shall be valid and  
17 sufficient for all purposes with the same effect as if he had  
18 remained in office until delivery thereof.

19 (Source: P.A. 82-944; revised 12-6-03.)

20 (70 ILCS 1710/35) (from Ch. 85, par. 1185)

21 Sec. 35. At the close of each fiscal year, the Commission  
22 shall prepare a complete report of its receipts and  
23 expenditures during the fiscal year. A copy of this report  
24 shall be filed with the Governor and with the treasurer of each  
25 county included in the Metropolitan and Regional Counties Area.  
26 In addition, on or before December 31 of each even numbered  
27 year, the Commission shall prepare jointly with the Department  
28 of Commerce and Economic Opportunity ~~Community Affairs~~, a  
29 report of its activities during the biennium indicating how its  
30 funds were expended, indicating the amount of the appropriation  
31 requested for the next biennium and explaining how the  
32 appropriation will be utilized to carry out its  
33 responsibilities. A copy of this report shall be filed with the  
34 Governor, the Senate and the House of Representatives.

35 (Source: P.A. 81-1509; revised 12-6-03.)

1 (70 ILCS 1710/37) (from Ch. 85, par. 1187)

2 Sec. 37. The Commission created by this Act shall cooperate  
3 with the Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~, the units of government and with the plan  
5 commissions and regional planning commissions created by any  
6 unit of government and regional associations of municipalities  
7 within the area of operation of the Commission and any such  
8 plan commission, regional planning commission, regional  
9 association of municipalities or unit of government may  
10 furnish, sell or make available to the Commission created by  
11 this Act any of its data, charts, maps, reports or regulations  
12 relating to land use and development which the Commission may  
13 request.

14 The Commission created by this Act may cooperate with any  
15 planning agency in the State of Illinois, or with any planning  
16 agency of a sister State contiguous to the area of operation of  
17 the Commission to the end that plans for the development of  
18 urban areas in such sister State contiguous to the Metropolitan  
19 and Regional Counties Area may be integrated and coordinated so  
20 far as possible with the comprehensive and functional plans and  
21 policies adopted by the Commission.

22 (Source: P.A. 82-944; revised 12-6-03.)

23 Section 620. The Regional Transportation Authority Act is  
24 amended by changing Section 4.04 as follows:

25 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

26 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

27 (a) The Authority shall have the continuing power to borrow  
28 money and to issue its negotiable bonds or notes as provided in  
29 this Section. Unless otherwise indicated in this Section, the  
30 term "notes" also includes bond anticipation notes, which are  
31 notes which by their terms provide for their payment from the  
32 proceeds of bonds thereafter to be issued. Bonds or notes of  
33 the Authority may be issued for any or all of the following

1 purposes: to pay costs to the Authority or a Service Board of  
2 constructing or acquiring any public transportation facilities  
3 (including funds and rights relating thereto, as provided in  
4 Section 2.05 of this Act); to repay advances to the Authority  
5 or a Service Board made for such purposes; to pay other  
6 expenses of the Authority or a Service Board incident to or  
7 incurred in connection with such construction or acquisition;  
8 to provide funds for any transportation agency to pay principal  
9 of or interest or redemption premium on any bonds or notes,  
10 whether as such amounts become due or by earlier redemption,  
11 issued prior to the date of this amendatory Act by such  
12 transportation agency to construct or acquire public  
13 transportation facilities or to provide funds to purchase such  
14 bonds or notes; and to provide funds for any transportation  
15 agency to construct or acquire any public transportation  
16 facilities, to repay advances made for such purposes, and to  
17 pay other expenses incident to or incurred in connection with  
18 such construction or acquisition; and to provide funds for  
19 payment of obligations, including the funding of reserves,  
20 under any self-insurance plan or joint self-insurance pool or  
21 entity.

22 In addition to any other borrowing as may be authorized by  
23 this Section, the Authority may issue its notes, from time to  
24 time, in anticipation of tax receipts of the Authority or of  
25 other revenues or receipts of the Authority, in order to  
26 provide money for the Authority or the Service Boards to cover  
27 any cash flow deficit which the Authority or a Service Board  
28 anticipates incurring. Any such notes are referred to in this  
29 Section as "Working Cash Notes". No Working Cash Notes shall be  
30 issued for a term of longer than 18 months. Proceeds of Working  
31 Cash Notes may be used to pay day to day operating expenses of  
32 the Authority or the Service Boards, consisting of wages,  
33 salaries and fringe benefits, professional and technical  
34 services (including legal, audit, engineering and other  
35 consulting services), office rental, furniture, fixtures and  
36 equipment, insurance premiums, claims for self-insured amounts

1 under insurance policies, public utility obligations for  
2 telephone, light, heat and similar items, travel expenses,  
3 office supplies, postage, dues, subscriptions, public hearings  
4 and information expenses, fuel purchases, and payments of  
5 grants and payments under purchase of service agreements for  
6 operations of transportation agencies, prior to the receipt by  
7 the Authority or a Service Board from time to time of funds for  
8 paying such expenses. In addition to any Working Cash Notes  
9 that the Board of the Authority may determine to issue, the  
10 Suburban Bus Board, the Commuter Rail Board or the Board of the  
11 Chicago Transit Authority may demand and direct that the  
12 Authority issue its Working Cash Notes in such amounts and  
13 having such maturities as the Service Board may determine.

14 Notwithstanding any other provision of this Act, any  
15 amounts necessary to pay principal of and interest on any  
16 Working Cash Notes issued at the demand and direction of a  
17 Service Board or any Working Cash Notes the proceeds of which  
18 were used for the direct benefit of a Service Board or any  
19 other Bonds or Notes of the Authority the proceeds of which  
20 were used for the direct benefit of a Service Board shall  
21 constitute a reduction of the amount of any other funds  
22 provided by the Authority to that Service Board. The Authority  
23 shall, after deducting any costs of issuance, tender the net  
24 proceeds of any Working Cash Notes issued at the demand and  
25 direction of a Service Board to such Service Board as soon as  
26 may be practicable after the proceeds are received. The  
27 Authority may also issue notes or bonds to pay, refund or  
28 redeem any of its notes and bonds, including to pay redemption  
29 premiums or accrued interest on such bonds or notes being  
30 renewed, paid or refunded, and other costs in connection  
31 therewith. The Authority may also utilize the proceeds of any  
32 such bonds or notes to pay the legal, financial, administrative  
33 and other expenses of such authorization, issuance, sale or  
34 delivery of bonds or notes or to provide or increase a debt  
35 service reserve fund with respect to any or all of its bonds or  
36 notes. The Authority may also issue and deliver its bonds or

1 notes in exchange for any public transportation facilities,  
2 (including funds and rights relating thereto, as provided in  
3 Section 2.05 of this Act) or in exchange for outstanding bonds  
4 or notes of the Authority, including any accrued interest or  
5 redemption premium thereon, without advertising or submitting  
6 such notes or bonds for public bidding.

7 (b) The ordinance providing for the issuance of any such  
8 bonds or notes shall fix the date or dates of maturity, the  
9 dates on which interest is payable, any sinking fund account or  
10 reserve fund account provisions and all other details of such  
11 bonds or notes and may provide for such covenants or agreements  
12 necessary or desirable with regard to the issue, sale and  
13 security of such bonds or notes. The rate or rates of interest  
14 on its bonds or notes may be fixed or variable and the  
15 Authority shall determine or provide for the determination of  
16 the rate or rates of interest of its bonds or notes issued  
17 under this Act in an ordinance adopted by the Authority prior  
18 to the issuance thereof, none of which rates of interest shall  
19 exceed that permitted in the Bond Authorization Act. Interest  
20 may be payable at such times as are provided for by the Board.  
21 Bonds and notes issued under this Section may be issued as  
22 serial or term obligations, shall be of such denomination or  
23 denominations and form, including interest coupons to be  
24 attached thereto, be executed in such manner, shall be payable  
25 at such place or places and bear such date as the Authority  
26 shall fix by the ordinance authorizing such bond or note and  
27 shall mature at such time or times, within a period not to  
28 exceed forty years from the date of issue, and may be  
29 redeemable prior to maturity with or without premium, at the  
30 option of the Authority, upon such terms and conditions as the  
31 Authority shall fix by the ordinance authorizing the issuance  
32 of such bonds or notes. No bond anticipation note or any  
33 renewal thereof shall mature at any time or times exceeding 5  
34 years from the date of the first issuance of such note. The  
35 Authority may provide for the registration of bonds or notes in  
36 the name of the owner as to the principal alone or as to both



1 principal and interest, upon such terms and conditions as the  
2 Authority may determine. The ordinance authorizing bonds or  
3 notes may provide for the exchange of such bonds or notes which  
4 are fully registered, as to both principal and interest, with  
5 bonds or notes which are registerable as to principal only. All  
6 bonds or notes issued under this Section by the Authority other  
7 than those issued in exchange for property or for bonds or  
8 notes of the Authority shall be sold at a price which may be at  
9 a premium or discount but such that the interest cost  
10 (excluding any redemption premium) to the Authority of the  
11 proceeds of an issue of such bonds or notes, computed to stated  
12 maturity according to standard tables of bond values, shall not  
13 exceed that permitted in the Bond Authorization Act. The  
14 Authority shall notify the Governor's Office of Management and  
15 Budget Bureau of the Budget and the State Comptroller at least  
16 30 days before any bond sale and shall file with the Governor's  
17 Office of Management and Budget Bureau of the Budget and the  
18 State Comptroller a certified copy of any ordinance authorizing  
19 the issuance of bonds at or before the issuance of the bonds.  
20 After December 31, 1994, any such bonds or notes shall be sold  
21 to the highest and best bidder on sealed bids as the Authority  
22 shall deem. As such bonds or notes are to be sold the Authority  
23 shall advertise for proposals to purchase the bonds or notes  
24 which advertisement shall be published at least once in a daily  
25 newspaper of general circulation published in the metropolitan  
26 region at least 10 days before the time set for the submission  
27 of bids. The Authority shall have the right to reject any or  
28 all bids. Notwithstanding any other provisions of this Section,  
29 Working Cash Notes or bonds or notes to provide funds for  
30 self-insurance or a joint self-insurance pool or entity may be  
31 sold either upon competitive bidding or by negotiated sale  
32 (without any requirement of publication of intention to  
33 negotiate the sale of such Notes), as the Board shall determine  
34 by ordinance adopted with the affirmative votes of at least 7  
35 Directors. In case any officer whose signature appears on any  
36 bonds, notes or coupons authorized pursuant to this Section

1 shall cease to be such officer before delivery of such bonds or  
2 notes, such signature shall nevertheless be valid and  
3 sufficient for all purposes, the same as if such officer had  
4 remained in office until such delivery. Neither the Directors  
5 of the Authority nor any person executing any bonds or notes  
6 thereof shall be liable personally on any such bonds or notes  
7 or coupons by reason of the issuance thereof.

8 (c) All bonds or notes of the Authority issued pursuant to  
9 this Section shall be general obligations of the Authority to  
10 which shall be pledged the full faith and credit of the  
11 Authority, as provided in this Section. Such bonds or notes  
12 shall be secured as provided in the authorizing ordinance,  
13 which may, notwithstanding any other provision of this Act,  
14 include in addition to any other security, a specific pledge or  
15 assignment of and lien on or security interest in any or all  
16 tax receipts of the Authority and on any or all other revenues  
17 or moneys of the Authority from whatever source, which may by  
18 law be utilized for debt service purposes and a specific pledge  
19 or assignment of and lien on or security interest in any funds  
20 or accounts established or provided for by the ordinance of the  
21 Authority authorizing the issuance of such bonds or notes. Any  
22 such pledge, assignment, lien or security interest for the  
23 benefit of holders of bonds or notes of the Authority shall be  
24 valid and binding from the time the bonds or notes are issued  
25 without any physical delivery or further act and shall be valid  
26 and binding as against and prior to the claims of all other  
27 parties having claims of any kind against the Authority or any  
28 other person irrespective of whether such other parties have  
29 notice of such pledge, assignment, lien or security interest.  
30 The obligations of the Authority incurred pursuant to this  
31 Section shall be superior to and have priority over any other  
32 obligations of the Authority.

33 The Authority may provide in the ordinance authorizing the  
34 issuance of any bonds or notes issued pursuant to this Section  
35 for the creation of, deposits in, and regulation and  
36 disposition of sinking fund or reserve accounts relating to

1 such bonds or notes. The ordinance authorizing the issuance of  
2 any bonds or notes pursuant to this Section may contain  
3 provisions as part of the contract with the holders of the  
4 bonds or notes, for the creation of a separate fund to provide  
5 for the payment of principal and interest on such bonds or  
6 notes and for the deposit in such fund from any or all the tax  
7 receipts of the Authority and from any or all such other moneys  
8 or revenues of the Authority from whatever source which may by  
9 law be utilized for debt service purposes, all as provided in  
10 such ordinance, of amounts to meet the debt service  
11 requirements on such bonds or notes, including principal and  
12 interest, and any sinking fund or reserve fund account  
13 requirements as may be provided by such ordinance, and all  
14 expenses incident to or in connection with such fund and  
15 accounts or the payment of such bonds or notes. Such ordinance  
16 may also provide limitations on the issuance of additional  
17 bonds or notes of the Authority. No such bonds or notes of the  
18 Authority shall constitute a debt of the State of Illinois.  
19 Nothing in this Act shall be construed to enable the Authority  
20 to impose any ad valorem tax on property.

21 (d) The ordinance of the Authority authorizing the issuance  
22 of any bonds or notes may provide additional security for such  
23 bonds or notes by providing for appointment of a corporate  
24 trustee (which may be any trust company or bank having the  
25 powers of a trust company within the state) with respect to  
26 such bonds or notes. The ordinance shall prescribe the rights,  
27 duties and powers of the trustee to be exercised for the  
28 benefit of the Authority and the protection of the holders of  
29 such bonds or notes. The ordinance may provide for the trustee  
30 to hold in trust, invest and use amounts in funds and accounts  
31 created as provided by the ordinance with respect to the bonds  
32 or notes. The ordinance may provide for the assignment and  
33 direct payment to the trustee of any or all amounts produced  
34 from the sources provided in Section 4.03 of this Act and  
35 provided in Section 6z-17 of "An Act in relation to State  
36 finance", approved June 10, 1919, as amended. Upon receipt of

1 notice of any such assignment, the Department of Revenue and  
2 the Comptroller of the State of Illinois shall thereafter,  
3 notwithstanding the provisions of Section 4.03 of this Act and  
4 Section 6z-17 of "An Act in relation to State finance",  
5 approved June 10, 1919, as amended, provide for such assigned  
6 amounts to be paid directly to the trustee instead of the  
7 Authority, all in accordance with the terms of the ordinance  
8 making the assignment. The ordinance shall provide that amounts  
9 so paid to the trustee which are not required to be deposited,  
10 held or invested in funds and accounts created by the ordinance  
11 with respect to bonds or notes or used for paying bonds or  
12 notes to be paid by the trustee to the Authority.

13 (e) Any bonds or notes of the Authority issued pursuant to  
14 this Section shall constitute a contract between the Authority  
15 and the holders from time to time of such bonds or notes. In  
16 issuing any bond or note, the Authority may include in the  
17 ordinance authorizing such issue a covenant as part of the  
18 contract with the holders of the bonds or notes, that as long  
19 as such obligations are outstanding, it shall make such  
20 deposits, as provided in paragraph (c) of this Section. It may  
21 also so covenant that it shall impose and continue to impose  
22 taxes, as provided in Section 4.03 of this Act and in addition  
23 thereto as subsequently authorized by law, sufficient to make  
24 such deposits and pay the principal and interest and to meet  
25 other debt service requirements of such bonds or notes as they  
26 become due. A certified copy of the ordinance authorizing the  
27 issuance of any such obligations shall be filed at or prior to  
28 the issuance of such obligations with the Comptroller of the  
29 State of Illinois and the Illinois Department of Revenue.

30 (f) The State of Illinois pledges to and agrees with the  
31 holders of the bonds and notes of the Authority issued pursuant  
32 to this Section that the State will not limit or alter the  
33 rights and powers vested in the Authority by this Act so as to  
34 impair the terms of any contract made by the Authority with  
35 such holders or in any way impair the rights and remedies of  
36 such holders until such bonds and notes, together with interest

1 thereon, with interest on any unpaid installments of interest,  
2 and all costs and expenses in connection with any action or  
3 proceedings by or on behalf of such holders, are fully met and  
4 discharged. In addition, the State pledges to and agrees with  
5 the holders of the bonds and notes of the Authority issued  
6 pursuant to this Section that the State will not limit or alter  
7 the basis on which State funds are to be paid to the Authority  
8 as provided in this Act, or the use of such funds, so as to  
9 impair the terms of any such contract. The Authority is  
10 authorized to include these pledges and agreements of the State  
11 in any contract with the holders of bonds or notes issued  
12 pursuant to this Section.

13 (g) (1) Except as provided in subdivisions (g)(2) and  
14 (g)(3) of Section 4.04 of this Act, the Authority shall not  
15 at any time issue, sell or deliver any bonds or notes  
16 (other than Working Cash Notes) pursuant to this Section  
17 4.04 which will cause it to have issued and outstanding at  
18 any time in excess of \$800,000,000 of such bonds and notes  
19 (other than Working Cash Notes). The Authority shall not at  
20 any time issue, sell or deliver any Working Cash Notes  
21 pursuant to this Section which will cause it to have issued  
22 and outstanding at any time in excess of \$100,000,000 of  
23 Working Cash Notes. Bonds or notes which are being paid or  
24 retired by such issuance, sale or delivery of bonds or  
25 notes, and bonds or notes for which sufficient funds have  
26 been deposited with the paying agency of such bonds or  
27 notes to provide for payment of principal and interest  
28 thereon or to provide for the redemption thereof, all  
29 pursuant to the ordinance authorizing the issuance of such  
30 bonds or notes, shall not be considered to be outstanding  
31 for the purposes of the first two sentences of this  
32 subsection.

33 (2) In addition to the authority provided by paragraphs  
34 (1) and (3), the Authority is authorized to issue, sell and  
35 deliver bonds or notes for Strategic Capital Improvement  
36 Projects approved pursuant to Section 4.13 as follows:

1           \$100,000,000 is authorized to be issued on or after  
2           January 1, 1990;

3           an additional \$100,000,000 is authorized to be issued  
4           on or after January 1, 1991;

5           an additional \$100,000,000 is authorized to be issued  
6           on or after January 1, 1992;

7           an additional \$100,000,000 is authorized to be issued  
8           on or after January 1, 1993;

9           an additional \$100,000,000 is authorized to be issued  
10          on or after January 1, 1994; and

11          the aggregate total authorization of bonds and notes  
12          for Strategic Capital Improvement Projects as of January 1,  
13          1994, shall be \$500,000,000.

14          The Authority is also authorized to issue, sell, and  
15          deliver bonds or notes in such amounts as are necessary to  
16          provide for the refunding or advance refunding of bonds or  
17          notes issued for Strategic Capital Improvement Projects  
18          under this subdivision (g)(2), provided that no such  
19          refunding bond or note shall mature later than the final  
20          maturity date of the series of bonds or notes being  
21          refunded, and provided further that the debt service  
22          requirements for such refunding bonds or notes in the  
23          current or any future fiscal year shall not exceed the debt  
24          service requirements for that year on the refunded bonds or  
25          notes.

26          (3) In addition to the authority provided by paragraphs  
27          (1) and (2), the Authority is authorized to issue, sell,  
28          and deliver bonds or notes for Strategic Capital  
29          Improvement Projects approved pursuant to Section 4.13 as  
30          follows:

31          \$260,000,000 is authorized to be issued on or after  
32          January 1, 2000;

33          an additional \$260,000,000 is authorized to be issued  
34          on or after January 1, 2001;

35          an additional \$260,000,000 is authorized to be issued  
36          on or after January 1, 2002;

1           an additional \$260,000,000 is authorized to be issued  
2           on or after January 1, 2003;

3           an additional \$260,000,000 is authorized to be issued  
4           on or after January 1, 2004; and

5           the aggregate total authorization of bonds and notes  
6           for Strategic Capital Improvement Projects pursuant to  
7           this paragraph (3) as of January 1, 2004 shall be  
8           \$1,300,000,000.

9           The Authority is also authorized to issue, sell, and  
10          deliver bonds or notes in such amounts as are necessary to  
11          provide for the refunding or advance refunding of bonds or  
12          notes issued for Strategic Capital Improvement projects  
13          under this subdivision (g)(3), provided that no such  
14          refunding bond or note shall mature later than the final  
15          maturity date of the series of bonds or notes being  
16          refunded, and provided further that the debt service  
17          requirements for such refunding bonds or notes in the  
18          current or any future fiscal year shall not exceed the debt  
19          service requirements for that year on the refunded bonds or  
20          notes.

21          (h) The Authority, subject to the terms of any agreements  
22          with noteholders or bond holders as may then exist, shall have  
23          power, out of any funds available therefor, to purchase notes  
24          or bonds of the Authority, which shall thereupon be cancelled.

25          (i) In addition to any other authority granted by law, the  
26          State Treasurer may, with the approval of the Governor, invest  
27          or reinvest, at a price not to exceed par, any State money in  
28          the State Treasury which is not needed for current expenditures  
29          due or about to become due in Working Cash Notes.

30          (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; revised  
31          8-23-03.)

32          Section 625. The School Code is amended by changing  
33          Sections 2-3.92, 10-20.19c, and 34-18.15 as follows:

34                 (105 ILCS 5/2-3.92) (from Ch. 122, par. 2-3.92)

1           Sec. 2-3.92. Recognition of drug-free schools and  
2 communities. To create a Drug-Free Illinois, and maintain that  
3 high standard, the State shall recognize those outstanding  
4 schools, communities and businesses which are free of drugs.  
5 The State Board of Education shall initiate and maintain an  
6 annual Governor's Recognition Program for those premier  
7 organizations meeting and exceeding stated criteria. The State  
8 Board of Education, in consultation with the Department of  
9 Commerce and Economic Opportunity ~~Community Affairs~~ and the  
10 Department of Human Services, shall set criteria for  
11 implementation of this program.

12       (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

13           (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

14           Sec. 10-20.19c. Recycled paper and paper products.

15           (a) Definitions. As used in this Section, the following  
16 terms shall have the meanings indicated, unless the context  
17 otherwise requires:

18           "Deinked stock" means paper that has been processed to  
19 remove inks, clays, coatings, binders and other contaminants.

20           "High grade printing and writing papers" includes offset  
21 printing paper, duplicator paper, writing paper (stationery),  
22 tablet paper, office paper, note pads, xerographic paper,  
23 envelopes, form bond including computer paper and carbonless  
24 forms, book papers, bond papers, ledger paper, book stock and  
25 cotton fiber papers.

26           "Paper and paper products" means high grade printing and  
27 writing papers, tissue products, newsprint, unbleached  
28 packaging and recycled paperboard.

29           "Postconsumer material" means only those products  
30 generated by a business or consumer which have served their  
31 intended end uses, and which have been separated or diverted  
32 from solid waste; wastes generated during the production of an  
33 end product are excluded.

34           "Recovered paper material" means paper waste generated  
35 after the completion of the papermaking process, such as



1 postconsumer materials, envelope cuttings, bindery trimmings,  
2 printing waste, cutting and other converting waste, butt rolls,  
3 and mill wrappers, obsolete inventories, and rejected unused  
4 stock. "Recovered paper material", however, does not include  
5 fibrous waste generated during the manufacturing process such  
6 as fibers recovered from waste water or trimmings of paper  
7 machine rolls (mill broke), or fibrous byproducts of  
8 harvesting, extraction or woodcutting processes, or forest  
9 residues such as bark.

10 "Recycled paperboard" includes paperboard products,  
11 folding cartons and pad backings.

12 "Tissue products" includes toilet tissue, paper towels,  
13 paper napkins, facial tissue, paper doilies, industrial  
14 wipers, paper bags and brown papers. These products shall also  
15 be unscented and shall not be colored.

16 "Unbleached packaging" includes corrugated and fiber  
17 storage boxes.

18 (b) Wherever economically and practically feasible, as  
19 determined by the school board, the school board, all public  
20 schools and attendance centers within a school district, and  
21 their school supply stores shall procure recycled paper and  
22 paper products as follows:

23 (1) Beginning July 1, 1992, at least 10% of the total  
24 dollar value of paper and paper products purchased by  
25 school boards, public schools and attendance centers, and  
26 their school supply stores shall be recycled paper and  
27 paper products;

28 (2) Beginning July 1, 1995, at least 25% of the total  
29 dollar value of paper and paper products purchased by  
30 school boards, public schools and attendance centers, and  
31 their school supply stores shall be recycled paper and  
32 paper products;

33 (3) Beginning July 1, 1999, at least 40% of the total  
34 dollar value of paper and paper products purchased by  
35 school boards, public schools and attendance centers, and  
36 their school supply stores shall be recycled paper and

1 paper products;

2 (4) Beginning July 1, 2001, at least 50% of the total  
3 dollar value of paper and paper products purchased by  
4 school boards, public schools and attendance centers, and  
5 their school supply stores shall be recycled paper and  
6 paper products;

7 (5) Beginning upon the effective date of this  
8 amendatory Act of 1992, all paper purchased by the board of  
9 education, public schools and attendance centers for  
10 publication of student newspapers shall be recycled  
11 newsprint. The amount purchased shall not be included in  
12 calculating the amounts specified in paragraphs (1)  
13 through (4).

14 (c) Paper and paper products purchased from private sector  
15 vendors pursuant to printing contracts are not considered paper  
16 and paper products for the purposes of subsection (b), unless  
17 purchased under contract for the printing of student  
18 newspapers.

19 (d) (1) Wherever economically and practically feasible,  
20 the recycled paper and paper products referred to in  
21 subsection (b) shall contain postconsumer or recovered  
22 paper materials as specified by paper category in this  
23 subsection:

24 (i) Recycled high grade printing and writing paper  
25 shall contain at least 50% recovered paper material.  
26 Such recovered paper material, until July 1, 1994,  
27 shall consist of at least 20% deinked stock or  
28 postconsumer material; and beginning July 1, 1994,  
29 shall consist of at least 25% deinked stock or  
30 postconsumer material; and beginning July 1, 1996,  
31 shall consist of at least 30% deinked stock or  
32 postconsumer material; and beginning July 1, 1998,  
33 shall consist of at least 40% deinked stock or  
34 postconsumer material; and beginning July 1, 2000,  
35 shall consist of at least 50% deinked stock or  
36 postconsumer material.

1 (ii) Recycled tissue products, until July 1, 1994,  
2 shall contain at least 25% postconsumer material; and  
3 beginning July 1, 1994, shall contain at least 30%  
4 postconsumer material; and beginning July 1, 1996,  
5 shall contain at least 35% postconsumer material; and  
6 beginning July 1, 1998, shall contain at least 40%  
7 postconsumer material; and beginning July 1, 2000,  
8 shall contain at least 45% postconsumer material.

9 (iii) Recycled newsprint, until July 1, 1994,  
10 shall contain at least 40% postconsumer material; and  
11 beginning July 1, 1994, shall contain at least 50%  
12 postconsumer material; and beginning July 1, 1996,  
13 shall contain at least 60% postconsumer material; and  
14 beginning July 1, 1998, shall contain at least 70%  
15 postconsumer material; and beginning July 1, 2000,  
16 shall contain at least 80% postconsumer material.

17 (iv) Recycled unbleached packaging, until July 1,  
18 1994, shall contain at least 35% postconsumer  
19 material; and beginning July 1, 1994, shall contain at  
20 least 40% postconsumer material; and beginning July 1,  
21 1996, shall contain at least 45% postconsumer  
22 material; and beginning July 1, 1998, shall contain at  
23 least 50% postconsumer material; and beginning July 1,  
24 2000, shall contain at least 55% postconsumer  
25 material.

26 (v) Recycled paperboard, until July 1, 1994, shall  
27 contain at least 80% postconsumer material; and  
28 beginning July 1, 1994, shall contain at least 85%  
29 postconsumer material; and beginning July 1, 1996,  
30 shall contain at least 90% postconsumer material; and  
31 beginning July 1, 1998, shall contain at least 95%  
32 postconsumer material.

33 (2) For the purposes of this Section, "postconsumer  
34 material" includes:

35 (i) paper, paperboard, and fibrous waste from  
36 retail stores, office buildings, homes and so forth,

1 after the waste has passed through its end usage as a  
2 consumer item, including used corrugated boxes, old  
3 newspapers, mixed waste paper, tabulating cards, and  
4 used cordage; and

5 (ii) all paper, paperboard, and fibrous wastes  
6 that are diverted or separated from the municipal waste  
7 stream.

8 (3) For the purposes of this Section, "recovered paper  
9 material" includes:

10 (i) postconsumer material;

11 (ii) dry paper and paperboard waste generated  
12 after completion of the papermaking process (that is,  
13 those manufacturing operations up to and including the  
14 cutting and trimming of the paper machine reel into  
15 smaller rolls or rough sheets), including envelope  
16 cuttings, bindery trimmings, and other paper and  
17 paperboard waste resulting from printing, cutting,  
18 forming and other converting operations, or from bag,  
19 box and carton manufacturing, and butt rolls, mill  
20 wrappers, and rejected unused stock; and

21 (iii) finished paper and paperboard from obsolete  
22 inventories of paper and paperboard manufacturers,  
23 merchants, wholesalers, dealers, printers, converters  
24 or others.

25 (e) Nothing in this Section shall be deemed to apply to art  
26 materials, nor to any newspapers, magazines, text books,  
27 library books or other copyrighted publications which are  
28 purchased or used by any school board or any public school or  
29 attendance center within a school district, or which are sold  
30 in any school supply store operated by or within any such  
31 school or attendance center, other than newspapers written,  
32 edited or produced by students enrolled in the school district,  
33 public school or attendance center.

34 (f) The State Board of Education, in coordination with the  
35 Departments of Central Management Services and Commerce and  
36 Economic Opportunity ~~Community Affairs~~, may adopt such rules

1 and regulations as it deems necessary to assist districts in  
2 carrying out the provisions of this Section.

3 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

4 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

5 Sec. 34-18.15. Recycled paper and paper products.

6 (a) Definitions. As used in this Section, the following  
7 terms shall have the meanings indicated, unless the context  
8 otherwise requires:

9 "Deinked stock" means paper that has been processed to  
10 remove inks, clays, coatings, binders and other contaminants.

11 "High grade printing and writing papers" includes offset  
12 printing paper, duplicator paper, writing paper (stationery),  
13 tablet paper, office paper, note pads, xerographic paper,  
14 envelopes, form bond including computer paper and carbonless  
15 forms, book papers, bond papers, ledger paper, book stock and  
16 cotton fiber papers.

17 "Paper and paper products" means high grade printing and  
18 writing papers, tissue products, newsprint, unbleached  
19 packaging and recycled paperboard.

20 "Postconsumer material" means only those products  
21 generated by a business or consumer which have served their  
22 intended end uses, and which have been separated or diverted  
23 from solid waste; wastes generated during the production of an  
24 end product are excluded.

25 "Recovered paper material" means paper waste generated  
26 after the completion of the papermaking process, such as  
27 postconsumer materials, envelope cuttings, bindery trimmings,  
28 printing waste, cutting and other converting waste, butt rolls,  
29 and mill wrappers, obsolete inventories, and rejected unused  
30 stock. "Recovered paper material", however, does not include  
31 fibrous waste generated during the manufacturing process as  
32 fibers recovered from waste water or trimmings of paper machine  
33 rolls (mill broke), or fibrous byproducts of harvesting,  
34 extraction or woodcutting processes, or forest residues such as  
35 bark.

1 "Recycled paperboard" includes paperboard products,  
2 folding cartons and pad backings.

3 "Tissue products" includes toilet tissue, paper towels,  
4 paper napkins, facial tissue, paper doilies, industrial  
5 wipers, paper bags and brown papers. These products shall also  
6 be unscented and shall not be colored.

7 "Unbleached packaging" includes corrugated and fiber  
8 storage boxes.

9 (b) Wherever economically and practically feasible, as  
10 determined by the board of education, the board of education,  
11 all public schools and attendance centers within the school  
12 district, and their school supply stores shall procure recycled  
13 paper and paper products as follows:

14 (1) Beginning July 1, 1992, at least 10% of the total  
15 dollar value of paper and paper products purchased by the  
16 board of education, public schools and attendance centers,  
17 and their school supply stores shall be recycled paper and  
18 paper products;

19 (2) Beginning July 1, 1995, at least 25% of the total  
20 dollar value of paper and paper products purchased by the  
21 board of education, public schools and attendance centers,  
22 and their school supply stores shall be recycled paper and  
23 paper products;

24 (3) Beginning July 1, 1999, at least 40% of the total  
25 dollar value of paper and paper products purchased by the  
26 board of education, public schools and attendance centers,  
27 and their school supply stores shall be recycled paper and  
28 paper products;

29 (4) Beginning July 1, 2001, at least 50% of the total  
30 dollar value of paper and paper products purchased by the  
31 board of education, public schools and attendance centers,  
32 and their school supply stores shall be recycled paper and  
33 paper products;

34 (5) Beginning upon the effective date of this  
35 amendatory Act of 1992, all paper purchased by the board of  
36 education, public schools and attendance centers for

1 publication of student newspapers shall be recycled  
2 newsprint. The amount purchased shall not be included in  
3 calculating the amounts specified in paragraphs (1)  
4 through (4).

5 (c) Paper and paper products purchased from private sector  
6 vendors pursuant to printing contracts are not considered paper  
7 and paper products for the purposes of subsection (b), unless  
8 purchased under contract for the printing of student  
9 newspapers.

10 (d) (1) Wherever economically and practically feasible, the  
11 recycled paper and paper products referred to in subsection (b)  
12 shall contain postconsumer or recovered paper materials as  
13 specified by paper category in this subsection:

14 (i) Recycled high grade printing and writing paper  
15 shall contain at least 50% recovered paper material. Such  
16 recovered paper material, until July 1, 1994, shall consist  
17 of at least 20% deinked stock or postconsumer material; and  
18 beginning July 1, 1994, shall consist of at least 25%  
19 deinked stock or postconsumer material; and beginning July  
20 1, 1996, shall consist of at least 30% deinked stock or  
21 postconsumer material; and beginning July 1, 1998, shall  
22 consist of at least 40% deinked stock or postconsumer  
23 material; and beginning July 1, 2000, shall consist of at  
24 least 50% deinked stock or postconsumer material.

25 (ii) Recycled tissue products, until July 1, 1994,  
26 shall contain at least 25% postconsumer material; and  
27 beginning July 1, 1994, shall contain at least 30%  
28 postconsumer material; and beginning July 1, 1996, shall  
29 contain at least 35% postconsumer material; and beginning  
30 July 1, 1998, shall contain at least 40% postconsumer  
31 material; and beginning July 1, 2000, shall contain at  
32 least 45% postconsumer material.

33 (iii) Recycled newsprint, until July 1, 1994, shall  
34 contain at least 40% postconsumer material; and beginning  
35 July 1, 1994, shall contain at least 50% postconsumer  
36 material; and beginning July 1, 1996, shall contain at

1 least 60% postconsumer material; and beginning July 1,  
2 1998, shall contain at least 70% postconsumer material; and  
3 beginning July 1, 2000, shall contain at least 80%  
4 postconsumer material.

5 (iv) Recycled unbleached packaging, until July 1,  
6 1994, shall contain at least 35% postconsumer material; and  
7 beginning July 1, 1994, shall contain at least 40%  
8 postconsumer material; and beginning July 1, 1996, shall  
9 contain at least 45% postconsumer material; and beginning  
10 July 1, 1998, shall contain at least 50% postconsumer  
11 material; and beginning July 1, 2000, shall contain at  
12 least 55% postconsumer material.

13 (v) Recycled paperboard, until July 1, 1994, shall  
14 contain at least 80% postconsumer material; and beginning  
15 July 1, 1994, shall contain at least 85% postconsumer  
16 material; and beginning July 1, 1996, shall contain at  
17 least 90% postconsumer material; and beginning July 1,  
18 1998, shall contain at least 95% postconsumer material.

19 (2) For the purposes of this Section, "postconsumer  
20 material" includes:

21 (i) paper, paperboard, and fibrous waste from retail  
22 stores, office buildings, homes and so forth, after the  
23 waste has passed through its end usage as a consumer item,  
24 including used corrugated boxes, old newspapers, mixed  
25 waste paper, tabulating cards, and used cordage; and

26 (ii) all paper, paperboard, and fibrous wastes that are  
27 diverted or separated from the municipal waste stream.

28 (3) For the purpose of this Section, "recovered paper  
29 material" includes:

30 (i) postconsumer material;

31 (ii) dry paper and paperboard waste generated after  
32 completion of the papermaking process (that is, those  
33 manufacturing operations up to and including the cutting  
34 and trimming of the paper machine reel into smaller rolls  
35 or rough sheets), including envelope cuttings, bindery  
36 trimmings, and other paper and paperboard waste resulting



1 from printing, cutting, forming and other converting  
2 operations, or from bag, box and carton manufacturing, and  
3 butt rolls, mill wrappers, and rejected unused stock; and

4 (iii) finished paper and paperboard from obsolete  
5 inventories of paper and paperboard manufacturers,  
6 merchants, wholesalers, dealers, printers, converters or  
7 others.

8 (e) Nothing in this Section shall be deemed to apply to art  
9 materials, nor to any newspapers, magazines, text books,  
10 library books or other copyrighted publications which are  
11 purchased or used by the board of education or any public  
12 school or attendance center within the school district, or  
13 which are sold in any school supply store operated by or within  
14 any such school or attendance center, other than newspapers  
15 written, edited or produced by students enrolled in the school  
16 district, public school or attendance center.

17 (f) The State Board of Education, in coordination with the  
18 Departments of Central Management Services and Commerce and  
19 Economic Opportunity ~~Community Affairs~~, may adopt such rules  
20 and regulations as it deems necessary to assist districts in  
21 carrying out the provisions of this Section.

22 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

23 Section 630. The School District Educational Effectiveness  
24 and Fiscal Efficiency Act is amended by changing Sections 3 and  
25 5 as follows:

26 (105 ILCS 205/3) (from Ch. 122, par. 873)

27 Sec. 3. Awarding of grants.

28 Applications for grants shall be made annually to the  
29 Office of the Superintendent of Public Instruction on forms  
30 provided by that office. The Superintendent and the Director of  
31 the Governor's Office of Management and Budget ~~Bureau of the~~  
32 ~~Budget~~ shall select applicants to receive grants and shall,  
33 insofar as possible, distribute grants to elementary,  
34 secondary and unit districts of diverse size and representative

1 of every region of the State. Preference will be given to  
2 districts that have committed or are planning to commit  
3 additional local funds toward the development of such a system.

4 In determining the amount of each grant, the Superintendent  
5 of Public Instruction and the Director of the Governor's Office  
6 of Management and Budget ~~Bureau of the Budget~~ shall give  
7 consideration to the size of the district and the extent to  
8 which the district has previously instituted procedures  
9 similar to those described in this Act.

10 (Source: P.A. 77-2191; revised 8-23-03.)

11 (105 ILCS 205/5) (from Ch. 122, par. 875)

12 Sec. 5. Rules and regulations. The Superintendent of Public  
13 Instruction in consultation with the Director of the Governor's  
14 Office of Management and Budget ~~Bureau of the Budget~~ shall  
15 adopt such rules and regulations necessary to implement this  
16 Act.

17 (Source: P.A. 77-2191; revised 8-23-03.)

18 Section 635. The Adult Education Reporting Act is amended  
19 by changing Section 1 as follows:

20 (105 ILCS 410/1) (from Ch. 122, par. 1851)

21 Sec. 1. As used in this Act, "agency" means: the  
22 Departments of Corrections, Public Aid, Commerce and Economic  
23 Opportunity ~~Community Affairs~~, Human Services, and Public  
24 Health; the Secretary of State; the Illinois Community College  
25 Board; and the Administrative Office of the Illinois Courts. On  
26 and after July 1, 2001, "agency" includes the State Board of  
27 Education and does not include the Illinois Community College  
28 Board.

29 (Source: P.A. 91-830, eff. 7-1-00; revised 12-6-03.)

30 Section 640. The Conservation Education Act is amended by  
31 changing Section 3 as follows:

1 (105 ILCS 415/3) (from Ch. 122, par. 698.3)

2 Sec. 3. Advisory Board.

3 (a) An Advisory Board is hereby established consisting of  
4 the Director of Agriculture, the Director of Natural Resources,  
5 the Director of the Environmental Protection Agency, the State  
6 Superintendent of Education, the Director of Commerce and  
7 Economic Opportunity ~~Community Affairs~~, the Director of Public  
8 Health, the Director of Nuclear Safety, the Director of the  
9 University of Illinois Cooperative Extension Service, and 4  
10 members to be appointed by the Governor. The appointed members  
11 shall consist of: a representative of the colleges and  
12 universities of the State of Illinois, a member of a soil  
13 conservation district within the State of Illinois, a classroom  
14 teacher who has won the Conservation Teacher of the Year Award,  
15 and a representative of business and industry. All appointive  
16 members shall be appointed for terms of 3 years except when an  
17 appointment is made to fill a vacancy, in which case the  
18 appointment shall be made by the Governor for the unexpired  
19 term of the position vacant. In selecting the appointive  
20 members of the Advisory Board, the Governor shall give due  
21 consideration to the recommendations of such professional  
22 organizations as are concerned with the conservation education  
23 program. Members of the Advisory Board shall serve without  
24 compensation but shall be reimbursed for actual and necessary  
25 expenses incurred in the administration of the Act. Each of the  
26 members serving ex officio may designate a person to serve in  
27 his or her place.

28 (b) The Advisory Board shall select its own Chairman,  
29 establish rules and procedures not inconsistent with this Act  
30 and shall keep a record of matters transpiring at all meetings.  
31 The Board shall hold regular meetings at least 4 times each  
32 year and special meetings shall be held at the call of the  
33 Chairman or any 3 members of the Board. All matters coming  
34 before the Board shall be decided by a majority vote of those  
35 present at any meeting.

36 (c) The Advisory Board from time to time shall make

1 recommendations concerning the conservation education program  
2 within the State of Illinois.

3 (Source: P.A. 92-229, eff. 8-2-01; revised 12-6-03.)

4 Section 645. The Vocational Education Act is amended by  
5 changing Section 2.1 as follows:

6 (105 ILCS 435/2.1) (from Ch. 122, par. 697.1)

7 Sec. 2.1. Gender Equity Advisory Committee.

8 (a) The Superintendent of the State Board of Education  
9 shall appoint a Gender Equity Advisory Committee of at least 9  
10 members to advise and consult with the State Board of Education  
11 and the gender equity coordinator in all aspects relating to  
12 ensuring that all students have equal educational  
13 opportunities to pursue high wage, high skill occupations  
14 leading to economic self-sufficiency.

15 (b) Membership shall include without limitation one  
16 regional gender equity coordinator, 2 State Board of Education  
17 employees, the Department of Labor's Displaced Homemaker  
18 Program Manager, and 5 citizen appointees who have expertise in  
19 one or more of the following areas: nontraditional training and  
20 placement, service delivery to single parents, service  
21 delivery to displaced homemakers, service delivery to female  
22 teens, business and industry experience, and  
23 Education-to-Careers experience. Membership also may include  
24 employees from the Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~, the Department of Human  
26 Services, and the Illinois Community College Board who have  
27 expertise in one or more of the areas listed in this subsection

28 (b) for the citizen appointees. Appointments shall be made  
29 taking into consideration expertise of services provided in  
30 secondary, postsecondary and community based programs.

31 (c) Members shall initially be appointed to one year terms  
32 commencing in January 1, 1990, and thereafter to two year terms  
33 commencing on January 1 of each odd numbered year. Vacancies  
34 shall be filled as prescribed in subsection (b) for the

1 remainder of the unexpired term.

2 (d) Each newly appointed committee shall elect a Chair and  
3 Secretary from its members. Members shall serve without  
4 compensation, but shall be reimbursed for expenses incurred in  
5 the performance of their duties. The Committee shall meet at  
6 least bi-annually and at other times at the call of the Chair  
7 or at the request of the gender equity coordinator.

8 (Source: P.A. 91-304, eff. 1-1-00; revised 12-6-03.)

9 Section 650. The Board of Higher Education Act is amended  
10 by changing Sections 9.12 and 9.25 as follows:

11 (110 ILCS 205/9.12) (from Ch. 144, par. 189.12)

12 Sec. 9.12. To encourage the coordination of research and  
13 service programs in the several State universities to furnish  
14 assistance to the communities and citizens of this State in  
15 meeting special economic needs arising from the removal or  
16 termination of substantial industrial or commercial operations  
17 and the waste of human and economic resources which often  
18 results from such removal.

19 Such programs may include assistance in identifying  
20 opportunities for the replacement of the lost operations, in  
21 determining the economic feasibility of the various  
22 opportunities available, and in the development of new products  
23 or services suitable for production in the particular facility  
24 made available by the relocation.

25 The Department of Commerce and Economic Opportunity  
26 ~~Community Affairs~~ may assist the universities by providing,  
27 with the assistance of the Board, a system for referring  
28 particular economic problems to the most appropriate research  
29 and service program.

30 (Source: P.A. 82-783; revised 12-6-03.)

31 (110 ILCS 205/9.25)

32 Sec. 9.25. Feasibility study; Parks College. The  
33 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~ along with the Board of Higher Education shall conduct  
2 an economic and educational feasibility study for the future  
3 development of Parks College in Cahokia, Illinois.

4 (Source: P.A. 89-279, eff. 1-1-96; 89-626, eff. 8-9-96; revised  
5 12-6-03.)

6 Section 655. The Southern Illinois University Management  
7 Act is amended by changing Section 6.6 as follows:

8 (110 ILCS 520/6.6)

9 Sec. 6.6. The Illinois Ethanol Research Advisory Board.

10 (a) There is established the Illinois Ethanol Research  
11 Advisory Board (the "Advisory Board").

12 (b) The Advisory Board shall be composed of 13 members  
13 including: the President of Southern Illinois University who  
14 shall be Chairman; the Director of Commerce and Economic  
15 Opportunity ~~Community Affairs~~; the Director of Agriculture;  
16 the President of the Illinois Corn Growers Association; the  
17 President of the National Corn Growers Association; the  
18 President of the Renewable Fuels Association; the Dean of the  
19 College of Agricultural, Consumer, and Environmental Science,  
20 University of Illinois at Champaign-Urbana; and 6 at-large  
21 members appointed by the Governor representing the ethanol  
22 industry, growers, suppliers, and universities.

23 (c) The 6 at-large members shall serve a term of 4 years.  
24 The Advisory Board shall meet at least annually or at the call  
25 of the Chairman. At any time a majority of the Advisory Board  
26 may petition the Chairman for a meeting of the Board. Seven  
27 members of the Advisory Board shall constitute a quorum.

28 (d) The Advisory Board shall:

29 (1) Review the annual operating plans and budget of the  
30 National Corn-to-Ethanol Research Pilot Plant.

31 (2) Advise on research and development priorities and  
32 projects to be carried out at the Corn-to-Ethanol Research  
33 Pilot Plant.

34 (3) Advise on policies and procedures regarding the

1 management and operation of the ethanol research pilot  
2 plant. This may include contracts, project selection, and  
3 personnel issues.

4 (4) Develop bylaws.

5 (5) Submit a final report to the Governor and General  
6 Assembly outlining the progress and accomplishments made  
7 during the year along with a financial report for the year.

8 (e) The Advisory Board established by this Section is a  
9 continuation, as changed by the Section, of the Board  
10 established under Section 8a of the Energy Conservation and  
11 Coal Act and repealed by this amendatory Act of the 92nd  
12 General Assembly.

13 (Source: P.A. 92-736, eff. 7-25-02; revised 12-6-03.)

14 Section 660. The Illinois State University Law is amended  
15 by changing Section 20-115 as follows:

16 (110 ILCS 675/20-115)

17 Sec. 20-115. Illinois Institute for Entrepreneurship  
18 Education.

19 (a) There is created, effective July 1, 1997, within the  
20 State at Illinois State University, the Illinois Institute for  
21 Entrepreneurship Education, hereinafter referred to as the  
22 Institute.

23 (b) The Institute created under this Section shall commence  
24 its operations on July 1, 1997 and shall have a board composed  
25 of 15 members representative of education, commerce and  
26 industry, government, or labor, appointed as follows: 2 members  
27 shall be appointees of the Governor, one of whom shall be a  
28 minority or female person as defined in Section 2 of the  
29 Business Enterprise for Minorities, Females, and Persons with  
30 Disabilities Act; one member shall be an appointee of the  
31 President of the Senate; one member shall be an appointee of  
32 the Minority Leader of the Senate; one member shall be an  
33 appointee of the Speaker of the House of Representatives; one  
34 member shall be an appointee of the Minority Leader of the

1 House of Representatives; 2 members shall be appointees of  
2 Illinois State University; one member shall be an appointee of  
3 the Board of Higher Education; one member shall be an appointee  
4 of the State Board of Education; one member shall be an  
5 appointee of the Department of Commerce and Economic  
6 Opportunity ~~Community Affairs~~; one member shall be an appointee  
7 of the Illinois chapter of Economics America; and 3 members  
8 shall be appointed by majority vote of the other 12 appointed  
9 members to represent business owner-entrepreneurs. Each member  
10 shall have expertise and experience in the area of  
11 entrepreneurship education, including small business and  
12 entrepreneurship. The majority of voting members must be from  
13 the private sector. The members initially appointed to the  
14 board of the Institute created under this Section shall be  
15 appointed to take office on July 1, 1997 and shall by lot  
16 determine the length of their respective terms as follows: 5  
17 members shall be selected by lot to serve terms of one year, 5  
18 members shall be selected by lot to serve terms of 2 years, and  
19 5 members shall be selected by lot to serve terms of 3 years.  
20 Subsequent appointees shall each serve terms of 3 years. The  
21 board shall annually select a chairperson from among its  
22 members. Each board member shall serve without compensation but  
23 shall be reimbursed for expenses incurred in the performance of  
24 his or her duties.

25 (c) The purpose of the Institute shall be to foster the  
26 growth and development of entrepreneurship education in the  
27 State of Illinois. The Institute shall help remedy the  
28 deficiencies in the preparation of entrepreneurship education  
29 teachers, increase the quality and quantity of  
30 entrepreneurship education programs, improve instructional  
31 materials, and prepare personnel to serve as leaders and  
32 consultants in the field of entrepreneurship education and  
33 economic development. The Institute shall promote  
34 entrepreneurship as a career option, promote and support the  
35 development of innovative entrepreneurship education materials  
36 and delivery systems, promote business, industry, and



1 education partnerships, promote collaboration and involvement  
2 in entrepreneurship education programs, encourage and support  
3 in-service and preservice teacher education programs within  
4 various educational systems, and develop and distribute  
5 relevant materials. The Institute shall provide a framework  
6 under which the public and private sectors may work together  
7 toward entrepreneurship education goals. These goals shall be  
8 achieved by bringing together programs that have an impact on  
9 entrepreneurship education to achieve coordination among  
10 agencies and greater efficiency in the expenditure of funds.

11 (d) Beginning July 1, 1997, the Institute shall have the  
12 following powers subject to State and Illinois State University  
13 Board of Trustees regulations and guidelines:

14 (1) To employ and determine the compensation of an  
15 executive director and such staff as it deems necessary;

16 (2) To own property and expend and receive funds and  
17 generate funds;

18 (3) To enter into agreements with public and private  
19 entities in the furtherance of its purpose; and

20 (4) To request and receive the cooperation and  
21 assistance of all State departments and agencies in the  
22 furtherance of its purpose.

23 (e) The board of the Institute shall be a policy making  
24 body with the responsibility for planning and developing  
25 Institute programs. The Institute, through the Board of  
26 Trustees of Illinois State University, shall annually report to  
27 the Governor and General Assembly by January 31 as to its  
28 activities and operations, including its findings and  
29 recommendations.

30 (f) Beginning on July 1, 1997, the Institute created under  
31 this Section shall be deemed designated by law as the successor  
32 to the Illinois Institute for Entrepreneurship Education,  
33 previously created and existing under Section 2-11.5 of the  
34 Public Community College Act until its abolition on July 1,  
35 1997 as provided in that Section. On July 1, 1997, all  
36 financial and other records of the Institute so abolished and

1 all of its property, whether real or personal, including but  
2 not limited to all inventory and equipment, shall be deemed  
3 transferred by operation of law to the Illinois Institute for  
4 Entrepreneurship Education created under this Section 20-115.  
5 The Illinois Institute for Entrepreneurship Education created  
6 under this Section 20-115 shall have, with respect to the  
7 predecessor Institute so abolished, all authority, powers, and  
8 duties of a successor agency under Section 10-15 of the  
9 Successor Agency Act.

10 (Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

11 Section 665. The Baccalaureate Savings Act is amended by  
12 changing Sections 4, 5, and 8 as follows:

13 (110 ILCS 920/4) (from Ch. 144, par. 2404)

14 Sec. 4. Issuance and Sale of College Savings Bonds. In  
15 order to provide investors with investment alternatives to  
16 enhance their financial access to Institutions of Higher  
17 Education located in the State of Illinois, and in furtherance  
18 of the public policy of this Act, bonds authorized by the  
19 provisions of the General Obligation Bond Act, in a total  
20 aggregate original principal amount not to exceed  
21 \$2,200,000,000 may be issued and sold from time to time, and as  
22 often as practicable, as College Savings Bonds in such amounts  
23 as directed by the Governor, upon recommendation by the  
24 Director of the Governor's Office of Management and Budget  
25 ~~Bureau of the Budget~~. Bonds to be issued and sold as College  
26 Savings Bonds shall be designated by the Governor and the  
27 Director of the Governor's Office of Management and Budget  
28 ~~Bureau of the Budget~~ as "General Obligation College Savings  
29 Bonds" in the proceedings authorizing the issuance of such  
30 Bonds, and shall be subject to all of the terms and provisions  
31 of the General Obligation Bond Act, except that College Savings  
32 Bonds may bear interest payable at such time or times and may  
33 be sold at such prices and in such manner as may be determined  
34 by the Governor and the Director of the Governor's Office of

1 Management and Budget ~~Bureau of the Budget~~ and except as  
2 otherwise provided in this Act. If College Savings Bonds are  
3 sold at public sale, the public sale procedures shall be as set  
4 forth in Section 11 of the General Obligation Bond Act. College  
5 Savings Bonds may be sold at negotiated sale if the Director of  
6 the Governor's Office of Management and Budget ~~Bureau of the~~  
7 ~~Budget~~ determines that a negotiated sale will result in either  
8 a more efficient and economic sale of such Bonds or greater  
9 access to such Bonds by investors who are residents of the  
10 State of Illinois. If any College Savings Bonds are sold at a  
11 negotiated sale, the underwriter or underwriters to which such  
12 Bonds are sold shall (a) be organized, incorporated or have  
13 their principal place of business in the State of Illinois, or  
14 (b) in the judgment of the Director of the Governor's Office of  
15 Management and Budget ~~Bureau of the Budget~~, have sufficient  
16 capability to make a broad distribution of such Bonds to  
17 investors resident in the State of Illinois. In determining the  
18 aggregate principal amount of College Savings Bonds that has  
19 been issued pursuant to this Act, the aggregate original  
20 principal amount of such Bonds issued and sold shall be taken  
21 into account. Any bond issued under this Act shall be payable  
22 in one payment on a fixed date, unless the Governor and the  
23 Director of the Governor's Office of Management and Budget  
24 ~~Bureau of the Budget~~ determine otherwise.

25 (Source: P.A. 90-1, eff. 2-20-97; 91-53, eff. 6-30-99; revised  
26 8-23-03.)

27 (110 ILCS 920/5) (from Ch. 144, par. 2405)

28 Sec. 5. Security of College Savings Bonds. Any College  
29 Savings Bonds issued under the General Obligation Bond Act in  
30 accordance with this Act shall be direct, general obligations  
31 of the State of Illinois and subject to repayment as provided  
32 in the General Obligation Bond Act; however in the proceedings  
33 of the Governor and the Director of the Governor's Office of  
34 Management and Budget ~~Bureau of the Budget~~ authorizing the  
35 issuance of College Savings Bonds, such officials may covenant

1 on behalf of the State with or for the benefit of the holders  
2 of such Bonds as to all matters deemed advisable by such  
3 officials, including the terms and conditions for creating and  
4 maintaining sinking funds, reserve funds and such other special  
5 funds as may be created in such proceedings, separate and apart  
6 from all other funds and accounts of the State, and such  
7 officials may make such other covenants as may be deemed  
8 necessary or desirable to assure the prompt payment of the  
9 principal of and interest on such Bonds. The transfers to and  
10 appropriations from the General Obligation Bond Retirement and  
11 Interest Fund required by the General Obligation Bond Act shall  
12 be made at such times and in such amounts as shall be  
13 determined by the Governor and the Director of the Governor's  
14 Office of Management and Budget ~~Bureau of the Budget~~ and shall  
15 be made to and from any fund or funds created pursuant to this  
16 Section for the payment of the principal of and interest on any  
17 College Savings Bonds.

18 (Source: P.A. 87-144; revised 8-23-03.)

19 (110 ILCS 920/8) (from Ch. 144, par. 2408)

20 Sec. 8. Grant Program. The proceedings of the Governor and  
21 the Director of the Governor's Office of Management and Budget  
22 ~~Bureau of the Budget~~ authorizing the issuance of College  
23 Savings Bonds shall also provide for a grant program of  
24 additional financial incentives to be provided to holders of  
25 such Bonds to encourage the enrollment of students at  
26 Institutions of Higher Education located in the State of  
27 Illinois. The Grant Program of financial incentives shall be  
28 administered by the State Scholarship Commission pursuant to  
29 administrative rules promulgated by the Commission. Such  
30 financial incentives shall be in such forms as determined by  
31 the Governor and the Director of the Governor's Office of  
32 Management and Budget ~~Bureau of the Budget~~ at the time of the  
33 authorization of such College Savings Bonds and may include,  
34 among others, supplemental payments to the holders of such  
35 Bonds at maturity to be applied to tuition costs at

1 institutions of higher education located in the State of  
2 Illinois. The Commission may establish, by rule,  
3 administrative procedures and eligibility criteria for the  
4 Grant Program, provided such rules are consistent with the  
5 purposes of this Act. The Commission may require bond holders,  
6 institutions of higher education and other necessary parties to  
7 assist in the determination of eligibility for financial  
8 incentives under the Grant Program. All grants shall be subject  
9 to annual appropriation of funds for such purpose by the  
10 General Assembly. Such financial incentives shall be provided  
11 only if, in the sole judgment of the Director of the Governor's  
12 Office of Management and Budget ~~Bureau of the Budget~~, the cost  
13 of such incentives shall not cause the cost to the State of the  
14 proceeds of the College Savings Bonds being sold to be  
15 increased by more than 1/2 of 1%. No such financial incentives  
16 shall be paid to assist in the financing of the education of a  
17 student (i) in a school or department of divinity for any  
18 religious denomination or (ii) pursuing a course of study  
19 consisting of training to become a minister, priest, rabbi or  
20 other professional person in the field of religion.

21 (Source: P.A. 86-168; revised 8-23-03.)

22 Section 670. The Higher Education Student Assistance Act is  
23 amended by changing Section 75 as follows:

24 (110 ILCS 947/75)

25 Sec. 75. College savings programs.

26 (a) Purpose. The General Assembly finds and hereby declares  
27 that for the benefit of the people of the State of Illinois,  
28 the conduct and increase of their commerce, the protection and  
29 enhancement of their welfare, the development of continued  
30 prosperity and the improvement of their health and living  
31 conditions, it is essential that all citizens with the  
32 intellectual ability and motivation be able to obtain a higher  
33 education. The General Assembly further finds that rising  
34 tuition costs, increasingly restrictive eligibility criteria

1 for existing federal and State student aid programs and other  
2 trends in higher education finance have impeded access to a  
3 higher education for many middle-income families; and that to  
4 remedy these concerns, it is of utmost importance that families  
5 be provided with investment alternatives to enhance their  
6 financial access to institutions of higher education. It is the  
7 intent of this Section to establish College Savings Programs  
8 appropriate for families from various income groups, to  
9 encourage Illinois families to save and invest in anticipation  
10 of their children's education, and to encourage enrollment in  
11 institutions of higher education, all in execution of the  
12 public policy set forth above and elsewhere in this Act.

13 (b) The Commission is authorized to develop and provide a  
14 program of college savings instruments to Illinois citizens.  
15 The program shall be structured to encourage parents to plan  
16 ahead for the college education of their children and to permit  
17 the long-term accumulation of savings which can be used to  
18 finance the family's share of the cost of a higher education.  
19 Income, up to \$2,000 annually per account, which is derived by  
20 individuals from investments made in accordance with College  
21 Savings Programs established under this Section shall be free  
22 from all taxation by the State and its political subdivisions,  
23 except for estate, transfer, and inheritance taxes.

24 (c) The Commission is authorized to contract with private  
25 financial institutions and other businesses, individuals, and  
26 other appropriate parties to establish and operate the College  
27 Savings Programs. The Commission may negotiate contracts with  
28 private financial and investment companies, establish College  
29 Savings Programs, and monitor the vendors administering the  
30 programs in whichever manner the Commission determines is best  
31 suited to accomplish the purposes of this Section. The Auditor  
32 General shall periodically review the operation of the College  
33 Savings Programs and shall advise the Commission and the  
34 General Assembly of his findings.

35 (d) In determining the type of instruments to be offered,  
36 the Commission shall consult with, and receive the assistance

1 of, the Illinois Board of Higher Education, the Governor's  
2 Office of Management and Budget ~~Bureau of the Budget~~, the State  
3 Board of Investments, the Governor, and other appropriate State  
4 agencies and private parties.

5 (e) The Commission shall market and promote the College  
6 Savings Programs to the citizens of Illinois.

7 (f) The Commission shall assist the State Comptroller and  
8 State Treasurer in establishing a payroll deduction plan  
9 through which State employees may participate in the College  
10 Savings Programs. The Department of Labor, Department of  
11 Employment Security, Department of Revenue, and other  
12 appropriate agencies shall assist the Commission in educating  
13 Illinois employers about the College Savings Programs, and  
14 shall assist the Commission in securing employers'  
15 participation in a payroll deduction plan and other initiatives  
16 which maximize participation in the College Savings Programs.

17 (g) The Commission shall examine means by which the State,  
18 through a series of matching contributions or other incentives,  
19 may most effectively encourage Illinois families to  
20 participate in the College Savings Programs. The Commission  
21 shall report its conclusions and recommendations to the  
22 Governor and General Assembly no later than February 15, 1990.

23 (h) The College Savings Programs established pursuant to  
24 this Section shall not be subject to the provisions of the  
25 Illinois Administrative Procedure Act. The Commission shall  
26 provide that appropriate disclosures are provided to all  
27 citizens who participate in the College Savings Programs.

28 (Source: P.A. 87-997; revised 8-23-03.)

29 Section 675. The Illinois Prepaid Tuition Act is amended by  
30 changing Section 20 as follows:

31 (110 ILCS 979/20)

32 Sec. 20. Investment Advisory Panel. The Illinois prepaid  
33 tuition program shall be administered by the Illinois Student  
34 Assistance Commission, with advice and counsel from an

1 investment advisory panel appointed by the Commission. The  
2 Illinois prepaid tuition program shall be administratively  
3 housed within the Commission, and the investment advisory panel  
4 shall have such duties as are specified in this Act.

5 The investment advisory panel shall consist of 7 members  
6 who are appointed by the Commission, including one recommended  
7 by the State Treasurer, one recommended by the State  
8 Comptroller, one recommended by the Director of the Governor's  
9 Office of Management and Budget ~~Bureau of the Budget~~, and one  
10 recommended by the Executive Director of the Board of Higher  
11 Education. Each panel member shall possess knowledge, skill,  
12 and experience in at least one of the following areas of  
13 expertise: accounting, actuarial practice, risk management, or  
14 investment management. Members shall serve 3-year terms except  
15 that, in making the initial appointments, the Commission shall  
16 appoint 2 members to serve for 2 years, 2 members to serve for  
17 3 years, and 3 members to serve for 4 years. Any person  
18 appointed to fill a vacancy on the panel shall be appointed in  
19 a like manner and shall serve for only the unexpired term.  
20 Investment advisory panel members shall be eligible for  
21 reappointment and shall serve until a successor is appointed  
22 and confirmed. Panel members shall serve without compensation  
23 but shall be reimbursed for expenses. Before being installed as  
24 a member of the investment advisory panel, each nominee shall  
25 file verified written statements of economic interest with the  
26 Secretary of State as required by the Illinois Governmental  
27 Ethics Act and with the Board of Ethics as required by  
28 Executive Order of the Governor.

29 The investment advisory panel shall meet at least twice  
30 annually. At least once each year the Commission Chairman shall  
31 designate a time and place at which the investment advisory  
32 panel shall meet publicly with the Illinois Student Assistance  
33 Commission to discuss issues and concerns relating to the  
34 Illinois prepaid tuition program.

35 (Source: P.A. 90-546, eff. 12-1-97; 91-669, eff. 1-1-00;  
36 revised 8-23-03.)



1 Section 680. The Public Utilities Act is amended by  
2 changing Sections 9-222.1, 9-222.1A, 13-301.1, 13-301.2,  
3 15-401, and 16-111.1 as follows:

4 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

5 Sec. 9-222.1. A business enterprise which is located within  
6 an area designated by a county or municipality as an enterprise  
7 zone pursuant to the Illinois Enterprise Zone Act or located in  
8 a federally designated Foreign Trade Zone or Sub-Zone shall be  
9 exempt from the additional charges added to the business  
10 enterprise's utility bills as a pass-on of municipal and State  
11 utility taxes under Sections 9-221 and 9-222 of this Act, to  
12 the extent such charges are exempted by ordinance adopted in  
13 accordance with paragraph (e) of Section 8-11-2 of the Illinois  
14 Municipal Code in the case of municipal utility taxes, and to  
15 the extent such charges are exempted by the percentage  
16 specified by the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~ in the case of State utility  
18 taxes, provided such business enterprise meets the following  
19 criteria:

20 (1) it either (i) makes investments which cause the  
21 creation of a minimum of 200 full-time equivalent jobs in  
22 Illinois; (ii) makes investments of at least \$175,000,000  
23 which cause the creation of a minimum of 150 full-time  
24 equivalent jobs in Illinois; or (iii) makes investments  
25 which cause the retention of a minimum of 1,000 full-time  
26 jobs in Illinois; and

27 (2) it is either (i) located in an Enterprise Zone  
28 established pursuant to the Illinois Enterprise Zone Act or  
29 (ii) it is located in a federally designated Foreign Trade  
30 Zone or Sub-Zone and is designated a High Impact Business  
31 by the Department of Commerce and Economic Opportunity  
32 ~~Community Affairs~~; and

33 (3) it is certified by the Department of Commerce and  
34 Economic Opportunity ~~Community Affairs~~ as complying with

1 the requirements specified in clauses (1) and (2) of this  
2 Section.

3 The Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~ shall determine the period during which such  
5 exemption from the charges imposed under Section 9-222 is in  
6 effect which shall not exceed 30 years or the certified term of  
7 the enterprise zone, whichever period is shorter.

8 The Department of Commerce and Economic Opportunity  
9 ~~Community Affairs~~ shall have the power to promulgate rules and  
10 regulations to carry out the provisions of this Section  
11 including procedures for complying with the requirements  
12 specified in clauses (1) and (2) of this Section and procedures  
13 for applying for the exemptions authorized under this Section;  
14 to define the amounts and types of eligible investments which  
15 business enterprises must make in order to receive State  
16 utility tax exemptions pursuant to Sections 9-222 and 9-222.1  
17 of this Act; to approve such utility tax exemptions for  
18 business enterprises whose investments are not yet placed in  
19 service; and to require that business enterprises granted tax  
20 exemptions repay the exempted tax should the business  
21 enterprise fail to comply with the terms and conditions of the  
22 certification. However, no business enterprise shall be  
23 required, as a condition for certification under clause (3) of  
24 this Section, to attest that its decision to invest under  
25 clause (1) of this Section and to locate under clause (2) of  
26 this Section is predicated upon the availability of the  
27 exemptions authorized by this Section.

28 A business enterprise shall be exempt, in whole or in part,  
29 from the pass-on charges of municipal utility taxes imposed  
30 under Section 9-221, only if it meets the criteria specified in  
31 clauses (1) through (3) of this Section and the municipality  
32 has adopted an ordinance authorizing the exemption under  
33 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.  
34 Upon certification of the business enterprises by the  
35 Department of Commerce and Economic Opportunity ~~Community~~  
36 ~~Affairs~~, the Department of Commerce and Economic Opportunity

1 ~~Community Affairs~~ shall notify the Department of Revenue of  
2 such certification. The Department of Revenue shall notify the  
3 public utilities of the exemption status of business  
4 enterprises from the pass-on charges of State and municipal  
5 utility taxes. Such exemption status shall be effective within  
6 3 months after certification of the business enterprise.

7 (Source: P.A. 91-567, eff. 8-14-99; 92-777, eff. 1-1-03;  
8 revised 12-6-03.)

9 (220 ILCS 5/9-222.1A)

10 Sec. 9-222.1A. High impact business. Beginning on August 1,  
11 1998 and thereafter, a business enterprise that is certified as  
12 a High Impact Business by the Department of Commerce and  
13 Economic Opportunity (formerly Department of Commerce and  
14 Community Affairs) is exempt from the tax imposed by Section  
15 2-4 of the Electricity Excise Tax Law, if the High Impact  
16 Business is registered to self-assess that tax, and is exempt  
17 from any additional charges added to the business enterprise's  
18 utility bills as a pass-on of State utility taxes under Section  
19 9-222 of this Act, to the extent the tax or charges are  
20 exempted by the percentage specified by the Department of  
21 Commerce and Economic Opportunity ~~Community Affairs~~ for State  
22 utility taxes, provided the business enterprise meets the  
23 following criteria:

24 (1) (A) it intends either (i) to make a minimum  
25 eligible investment of \$12,000,000 that will be placed  
26 in service in qualified property in Illinois and is  
27 intended to create at least 500 full-time equivalent  
28 jobs at a designated location in Illinois; or (ii) to  
29 make a minimum eligible investment of \$30,000,000 that  
30 will be placed in service in qualified property in  
31 Illinois and is intended to retain at least 1,500  
32 full-time equivalent jobs at a designated location in  
33 Illinois; or

34 (B) it meets the criteria of subdivision  
35 (a) (3) (B), (a) (3) (C), or (a) (3) (D) of Section 5.5 of

1 the Illinois Enterprise Zone Act;

2 (2) it is designated as a High Impact Business by the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~; and

5 (3) it is certified by the Department of Commerce and  
6 Economic Opportunity ~~Community Affairs~~ as complying with  
7 the requirements specified in clauses (1) and (2) of this  
8 Section.

9 The Department of Commerce and Economic Opportunity  
10 ~~Community Affairs~~ shall determine the period during which the  
11 exemption from the Electricity Excise Tax Law and the charges  
12 imposed under Section 9-222 are in effect, which shall not  
13 exceed 20 years from the date of initial certification, and  
14 shall specify the percentage of the exemption from those taxes  
15 or additional charges.

16 The Department of Commerce and Economic Opportunity  
17 ~~Community Affairs~~ is authorized to promulgate rules and  
18 regulations to carry out the provisions of this Section,  
19 including procedures for complying with the requirements  
20 specified in clauses (1) and (2) of this Section and procedures  
21 for applying for the exemptions authorized under this Section;  
22 to define the amounts and types of eligible investments that  
23 business enterprises must make in order to receive State  
24 utility tax exemptions or exemptions from the additional  
25 charges imposed under Section 9-222 and this Section; to  
26 approve such utility tax exemptions for business enterprises  
27 whose investments are not yet placed in service; and to require  
28 that business enterprises granted tax exemptions or exemptions  
29 from additional charges under Section 9-222 repay the exempted  
30 amount if the business enterprise fails to comply with the  
31 terms and conditions of the certification.

32 Upon certification of the business enterprises by the  
33 Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~, the Department of Commerce and Economic Opportunity  
35 ~~Community Affairs~~ shall notify the Department of Revenue of the  
36 certification. The Department of Revenue shall notify the

1 public utilities of the exemption status of business  
2 enterprises from the tax or pass-on charges of State utility  
3 taxes. The exemption status shall take effect within 3 months  
4 after certification of the business enterprise.

5 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised  
6 12-6-03.)

7 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

8 (Section scheduled to be repealed on July 1, 2007)

9 Sec. 13-301.1. Universal Telephone Service Assistance  
10 Program.

11 (a) The Commission shall by rule or regulation establish a  
12 Universal Telephone Service Assistance Program for low income  
13 residential customers. The program shall provide for a  
14 reduction of access line charges, a reduction of connection  
15 charges, or any other alternative to increase accessibility to  
16 telephone service that the Commission deems advisable subject  
17 to the availability of funds for the program as provided in  
18 subsection (d). The Commission shall establish eligibility  
19 requirements for benefits under the program.

20 (b) The Commission shall adopt rules providing for enhanced  
21 enrollment for eligible consumers to receive lifeline service.  
22 Enhanced enrollment may include, but is not limited to, joint  
23 marketing, joint application, or joint processing with the  
24 Low-Income Home Energy Assistance Program, the Medicaid  
25 Program, and the Food Stamp Program. The Department of Human  
26 Services, the Department of Public Aid, and the Department of  
27 Commerce and Economic Opportunity ~~Community Affairs~~, upon  
28 request of the Commission, shall assist in the adoption and  
29 implementation of those rules. The Commission and the  
30 Department of Human Services, the Department of Public Aid, and  
31 the Department of Commerce and Economic Opportunity ~~Community~~  
32 ~~Affairs~~ may enter into memoranda of understanding establishing  
33 the respective duties of the Commission and the Departments in  
34 relation to enhanced enrollment.

35 (c) In this Section, "lifeline service" means a retail

1 local service offering described by 47 C.F.R. Section  
2 54.401(a), as amended.

3 (d) The Commission shall require by rule or regulation that  
4 each telecommunications carrier providing local exchange  
5 telecommunications services notify its customers that if the  
6 customer wishes to participate in the funding of the Universal  
7 Telephone Service Assistance Program he may do so by electing  
8 to contribute, on a monthly basis, a fixed amount that will be  
9 included in the customer's monthly bill. The customer may cease  
10 contributing at any time upon providing notice to the  
11 telecommunications carrier providing local exchange  
12 telecommunications services. The notice shall state that any  
13 contribution made will not reduce the customer's bill for  
14 telecommunications services. Failure to remit the amount of  
15 increased payment will reduce the contribution accordingly.  
16 The Commission shall specify the monthly fixed amount or  
17 amounts that customers wishing to contribute to the funding of  
18 the Universal Telephone Service Assistance Program may choose  
19 from in making their contributions. Every telecommunications  
20 carrier providing local exchange telecommunications services  
21 shall remit the amounts contributed in accordance with the  
22 terms of the Universal Telephone Service Assistance Program.

23 (Source: P.A. 92-22, eff. 6-30-01; revised 9-28-05.)

24 (220 ILCS 5/13-301.2)

25 (Section scheduled to be repealed on July 1, 2007)

26 Sec. 13-301.2. Program to Foster Elimination of the Digital  
27 Divide. The Commission shall require by rule that each  
28 telecommunications carrier providing local exchange  
29 telecommunications service notify its end-user customers that  
30 if the customer wishes to participate in the funding of the  
31 Program to Foster Elimination of the Digital Divide he or she  
32 may do so by electing to contribute, on a monthly basis, a  
33 fixed amount that will be included in the customer's monthly  
34 bill. The obligations imposed in this Section shall not be  
35 imposed upon a telecommunications carrier for any of its

1 end-users subscribing to the services listed below: (1) private  
2 line service which is not directly or indirectly used for the  
3 origination or termination of switched telecommunications  
4 service, (2) cellular radio service, (3) high-speed  
5 point-to-point data transmission at or above 9.6 kilobits, (4)  
6 the provision of telecommunications service by a company or  
7 person otherwise subject to subsection (c) of Section 13-202 to  
8 a telecommunications carrier, which is incidental to the  
9 provision of service subject to subsection (c) of Section  
10 13-202; (5) pay telephone service; or (6) interexchange  
11 telecommunications service. The customer may cease  
12 contributing at any time upon providing notice to the  
13 telecommunications carrier. The notice shall state that any  
14 contribution made will not reduce the customer's bill for  
15 telecommunications services. Failure to remit the amount of  
16 increased payment will reduce the contribution accordingly.  
17 The Commission shall specify the monthly fixed amount or  
18 amounts that customers wishing to contribute to the funding of  
19 the Program to Foster Elimination of the Digital Divide may  
20 choose from in making their contributions. A  
21 telecommunications carrier subject to this obligation shall  
22 remit the amounts contributed by its customers to the  
23 Department of Commerce and Economic Opportunity ~~Community~~  
24 ~~Affairs~~ for deposit in the Digital Divide Elimination Fund at  
25 the intervals specified in the Commission rules.

26 (Source: P.A. 92-22, eff. 6-30-01; 93-358, eff. 1-1-04; revised  
27 9-28-05.)

28 (220 ILCS 5/15-401)

29 Sec. 15-401. Licensing.

30 (a) No person shall operate as a common carrier by pipeline  
31 unless the person possesses a certificate in good standing  
32 authorizing it to operate as a common carrier by pipeline. No  
33 person shall begin or continue construction of a pipeline or  
34 other facility, other than the repair or replacement of an  
35 existing pipeline or facility, for use in operations as a

1 common carrier by pipeline unless the person possesses a  
2 certificate in good standing.

3 (b) Requirements for issuance. The Commission, after a  
4 hearing, shall grant an application for a certificate  
5 authorizing operations as a common carrier by pipeline, in  
6 whole or in part, to the extent that it finds that the  
7 application was properly filed; a public need for the service  
8 exists; the applicant is fit, willing, and able to provide the  
9 service in compliance with this Act, Commission regulations,  
10 and orders; and the public convenience and necessity requires  
11 issuance of the certificate.

12 In its determination of public convenience and necessity  
13 for a proposed pipeline or facility designed or intended to  
14 transport crude oil and any alternate locations for such  
15 proposed pipeline or facility, the Commission shall consider,  
16 but not be limited to, the following:

17 (1) any evidence presented by the Illinois  
18 Environmental Protection Agency regarding the  
19 environmental impact of the proposed pipeline or other  
20 facility;

21 (2) any evidence presented by the Illinois Department  
22 of Transportation regarding the impact of the proposed  
23 pipeline or facility on traffic safety, road construction,  
24 or other transportation issues;

25 (3) any evidence presented by the Department of Natural  
26 Resources regarding the impact of the proposed pipeline or  
27 facility on any conservation areas, forest preserves,  
28 wildlife preserves, wetlands, or any other natural  
29 resource;

30 (4) any evidence of the effect of the pipeline upon the  
31 economy, infrastructure, and public safety presented by  
32 local governmental units that will be affected by the  
33 proposed pipeline or facility;

34 (5) any evidence of the effect of the pipeline upon  
35 property values presented by property owners who will be  
36 affected by the proposed pipeline or facility;



1 (6) any evidence presented by the Department of  
2 Commerce and Economic Opportunity ~~Community Affairs~~  
3 regarding the current and future economic effect of the  
4 proposed pipeline or facility including, but not limited  
5 to, property values, employment rates, and residential and  
6 business development; and

7 (7) any evidence presented by any other State agency  
8 that participates in the proceeding.

9 In its written order, the Commission shall address all of  
10 the evidence presented, and if the order is contrary to any of  
11 the evidence, the Commission shall state the reasons for its  
12 determination with regard to that evidence. The provisions of  
13 this amendatory Act of 1996 apply to any certificate granted or  
14 denied after the effective date of this amendatory Act of 1996.

15 (c) Duties and obligations of common carriers by pipeline.  
16 Each common carrier by pipeline shall provide adequate service  
17 to the public at reasonable rates and without discrimination.

18 (Source: P.A. 89-42, eff. 1-1-96; 89-573, eff. 7-30-96; revised  
19 12-6-03.)

20 (220 ILCS 5/16-111.1)

21 Sec. 16-111.1. Illinois Clean Energy Community Trust.

22 (a) An electric utility which has sold or transferred  
23 generating facilities in a transaction to which subsection (k)  
24 of Section 16-111 applies is authorized to establish an  
25 Illinois clean energy community trust or foundation for the  
26 purposes of providing financial support and assistance to  
27 entities, public or private, within the State of Illinois  
28 including, but not limited to, units of State and local  
29 government, educational institutions, corporations, and  
30 charitable, educational, environmental and community  
31 organizations, for programs and projects that benefit the  
32 public by improving energy efficiency, developing renewable  
33 energy resources, supporting other energy related projects  
34 that improve the State's environmental quality, and supporting  
35 projects and programs intended to preserve or enhance the

1 natural habitats and wildlife areas of the State. Provided,  
2 however, that the trust or foundation funds shall not be used  
3 for the remediation of environmentally impaired property. The  
4 trust or foundation may also assist in identifying other energy  
5 and environmental grant opportunities.

6 (b) Such trust or foundation shall be governed by a  
7 declaration of trust or articles of incorporation and bylaws  
8 which shall, at a minimum, provide that:

9 (1) There shall be 6 voting trustees of the trust or  
10 foundation, one of whom shall be appointed by the Governor,  
11 one of whom shall be appointed by the President of the  
12 Illinois Senate, one of whom shall be appointed by the  
13 Minority Leader of the Illinois Senate, one of whom shall  
14 be appointed by the Speaker of the Illinois House of  
15 Representatives, one of whom shall be appointed by the  
16 Minority Leader of the Illinois House of Representatives,  
17 and one of whom shall be appointed by the electric utility  
18 establishing the trust or foundation, provided that the  
19 voting trustee appointed by the utility shall be a  
20 representative of a recognized environmental action group  
21 selected by the utility. The Governor shall designate one  
22 of the 6 voting trustees to serve as chairman of the trust  
23 or foundation, who shall serve as chairman of the trust or  
24 foundation at the pleasure of the Governor. In addition,  
25 there shall be 4 non-voting trustees, one of whom shall be  
26 appointed by the Director of ~~the Department of~~ Commerce and  
27 Economic Opportunity ~~Community Affairs~~, one of whom shall  
28 be appointed by the Director of the Illinois Environmental  
29 Protection Agency, one of whom shall be appointed by the  
30 Director of ~~the Department of~~ Natural Resources, and one of  
31 whom shall be appointed by the electric utility  
32 establishing the trust or foundation, provided that the  
33 non-voting trustee appointed by the utility shall bring  
34 financial expertise to the trust or foundation and shall  
35 have appropriate credentials therefor.

36 (2) All voting trustees and the non-voting trustee with

1 financial expertise shall be entitled to compensation for  
2 their services as trustees, provided, however, that no  
3 member of the General Assembly and no employee of the  
4 electric utility establishing the trust or foundation  
5 serving as a voting trustee shall receive any compensation  
6 for his or her services as a trustee, and provided further  
7 that the compensation to the chairman of the trust shall  
8 not exceed \$25,000 annually and the compensation to any  
9 other trustee shall not exceed \$20,000 annually. All  
10 trustees shall be entitled to reimbursement for reasonable  
11 expenses incurred on behalf of the trust in the performance  
12 of their duties as trustees. All such compensation and  
13 reimbursements shall be paid out of the trust.

14 (3) Trustees shall be appointed within 30 days after  
15 the creation of the trust or foundation and shall serve for  
16 a term of 5 years commencing upon the date of their  
17 respective appointments, until their respective successors  
18 are appointed and qualified.

19 (4) A vacancy in the office of trustee shall be filled  
20 by the person holding the office responsible for appointing  
21 the trustee whose death or resignation creates the vacancy,  
22 and a trustee appointed to fill a vacancy shall serve the  
23 remainder of the term of the trustee whose resignation or  
24 death created the vacancy.

25 (5) The trust or foundation shall have an indefinite  
26 term, and shall terminate at such time as no trust assets  
27 remain.

28 (6) The trust or foundation shall be funded in the  
29 minimum amount of \$250,000,000, with the allocation and  
30 disbursement of funds for the various purposes for which  
31 the trust or foundation is established to be determined by  
32 the trustees in accordance with the declaration of trust or  
33 the articles of incorporation and bylaws; provided,  
34 however, that this amount may be reduced by up to  
35 \$25,000,000 if, at the time the trust or foundation is  
36 funded, a corresponding amount is contributed by the

1 electric utility establishing the trust or foundation to  
2 the Board of Trustees of Southern Illinois University for  
3 the purpose of funding programs or projects related to  
4 clean coal and provided further that \$25,000,000 of the  
5 amount contributed to the trust or foundation shall be  
6 available to fund programs or projects related to clean  
7 coal.

8 (7) The trust or foundation shall be authorized to  
9 employ an executive director and other employees, to enter  
10 into leases, contracts and other obligations on behalf of  
11 the trust or foundation, and to incur expenses that the  
12 trustees deem necessary or appropriate for the fulfillment  
13 of the purposes for which the trust or foundation is  
14 established, provided, however, that salaries and  
15 administrative expenses incurred on behalf of the trust or  
16 foundation shall not exceed \$500,000 in the first fiscal  
17 year after the trust or foundation is established and shall  
18 not exceed \$1,000,000 in each subsequent fiscal year.

19 (8) The trustees may create and appoint advisory boards  
20 or committees to assist them with the administration of the  
21 trust or foundation, and to advise and make recommendations  
22 to them regarding the contribution and disbursement of the  
23 trust or foundation funds.

24 (c)(1) In addition to the allocation and disbursement of  
25 funds for the purposes set forth in subsection (a) of this  
26 Section, the trustees of the trust or foundation shall  
27 annually contribute funds in amounts set forth in  
28 subparagraph (2) of this subsection to the Citizens Utility  
29 Board created by the Citizens Utility Board Act; provided,  
30 however, that any such funds shall be used solely for the  
31 representation of the interests of utility consumers  
32 before the Illinois Commerce Commission, the Federal  
33 Energy Regulatory Commission, and the Federal  
34 Communications Commission and for the provision of  
35 consumer education on utility service and prices and on  
36 benefits and methods of energy conservation. Provided,

1           however, that no part of such funds shall be used to  
2           support (i) any lobbying activity, (ii) activities related  
3           to fundraising, (iii) advertising or other marketing  
4           efforts regarding a particular utility, or (iv)  
5           solicitation of support for, or advocacy of, a particular  
6           position regarding any specific utility or a utility's  
7           docketed proceeding.

8           (2) In the calendar year in which the trust or  
9           foundation is first funded, the trustees shall contribute  
10          \$1,000,000 to the Citizens Utility Board within 60 days  
11          after such trust or foundation is established; provided,  
12          however, that such contribution shall be made after  
13          December 31, 1999. In each of the 6 calendar years  
14          subsequent to the first contribution, if the trust or  
15          foundation is in existence, the trustees shall contribute  
16          to the Citizens Utility Board an amount equal to the total  
17          expenditures by such organization in the prior calendar  
18          year, as set forth in the report filed by the Citizens  
19          Utility Board with the chairman of such trust or foundation  
20          as required by subparagraph (3) of this subsection. Such  
21          subsequent contributions shall be made within 30 days of  
22          submission by the Citizens Utility Board of such report to  
23          the Chairman of the trust or foundation, but in no event  
24          shall any annual contribution by the trustees to the  
25          Citizens Utility Board exceed \$1,000,000. Following such  
26          7-year period, an Illinois statutory consumer protection  
27          agency may petition the trust or foundation for  
28          contributions to fund expenditures of the type identified  
29          in paragraph (1), but in no event shall annual  
30          contributions by the trust or foundation for such  
31          expenditures exceed \$1,000,000.

32          (3) The Citizens Utility Board shall file a report with  
33          the chairman of such trust or foundation for each year in  
34          which it expends any funds received from the trust or  
35          foundation setting forth the amount of any expenditures  
36          (regardless of the source of funds for such expenditures)

1 for: (i) the representation of the interests of utility  
2 consumers before the Illinois Commerce Commission, the  
3 Federal Energy Regulatory Commission, and the Federal  
4 Communications Commission, and (ii) the provision of  
5 consumer education on utility service and prices and on  
6 benefits and methods of energy conservation. Such report  
7 shall separately state the total amount of expenditures for  
8 the purposes or activities identified by items (i) and (ii)  
9 of this paragraph, the name and address of the external  
10 recipient of any such expenditure, if applicable, and the  
11 specific purposes or activities (including internal  
12 purposes or activities) for which each expenditure was  
13 made. Any report required by this subsection shall be filed  
14 with the chairman of such trust or foundation no later than  
15 March 31 of the year immediately following the year for  
16 which the report is required.

17 (d) In addition to any other allocation and disbursement of  
18 funds in this Section, the trustees of the trust or foundation  
19 shall contribute an amount up to \$125,000,000 (1) for deposit  
20 into the General Obligation Bond Retirement and Interest Fund  
21 held in the State treasury to assist in the repayment on  
22 general obligation bonds issued under subsection (d) of Section  
23 7 of the General Obligation Bond Act, and (2) for deposit into  
24 funds administered by agencies with responsibility for  
25 environmental activities to assist in payment for  
26 environmental programs. The amount required to be contributed  
27 shall be provided to the trustees in a certification letter  
28 from the Director of the Bureau of the Budget that shall be  
29 provided no later than August 1, 2003. The payment from the  
30 trustees shall be paid to the State no later than December 31st  
31 following the receipt of the letter.

32 (Source: P.A. 93-32, eff. 6-20-03; revised 12-6-03.)

33 Section 685. The Surface Coal Mining Land Conservation and  
34 Reclamation Act is amended by changing Section 1.05 as follows:

1 (225 ILCS 720/1.05) (from Ch. 96 1/2, par. 7901.05)

2 Sec. 1.05. Interagency Committee. There is created the  
3 Interagency Committee on Surface Mining Control and  
4 Reclamation, which shall consist of the Director (or Division  
5 Head) of each of the following State agencies: (a) the  
6 Department of Agriculture, (b) the Environmental Protection  
7 Agency, (c) the Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~, and (d) any other State Agency designated by  
9 the Director as having a programmatic role in the review or  
10 regulation of mining operations and reclamation whose comments  
11 are expected by the Director to be relevant and of material  
12 benefit to the process of reviewing permit applications under  
13 this Act. The Interagency Committee on Surface Mining Control  
14 and Reclamation shall be abolished on June 30, 1997. Beginning  
15 July 1, 1997, all programmatic functions formerly performed by  
16 the Interagency Committee on Surface Mining Control and  
17 Reclamation shall be performed by the Office of Mines and  
18 Minerals within the Department of Natural Resources, except as  
19 otherwise provided by Section 9.04 of this Act.

20 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97;  
21 revised 12-6-03.)

22 Section 695. The Liquor Control Act of 1934 is amended by  
23 changing Section 12-1 as follows:

24 (235 ILCS 5/12-1)

25 Sec. 12-1. Grape and Wine Resources Council.

26 (a) There is hereby created the Grape and Wine Resources  
27 Council, which shall have the powers and duties specified in  
28 this Article and all other powers necessary and proper to  
29 execute the provisions of this Article.

30 (b) The Council shall consist of 17 members including:

31 (1) The Director of ~~the Illinois Department of~~  
32 Agriculture, ex officio, or the Director's designee.

33 (2) The Dean of the SIU College of Agriculture, or the  
34 Dean's designee.

1           (3) The Dean of the University of Illinois College of  
2           Agriculture, or the Dean's designee.

3           (4) An expert in enology or food science and nutrition  
4           to be named by the Director of ~~the Illinois Department of~~  
5           Agriculture from nominations submitted jointly by the  
6           Deans of the Colleges of Agriculture at Southern Illinois  
7           University and the University of Illinois.

8           (5) An expert in marketing to be named by the Director  
9           of ~~the Illinois Department of~~ Agriculture from nominations  
10          submitted jointly by the Deans of the Colleges of  
11          Agriculture at Southern Illinois University and the  
12          University of Illinois.

13          (6) An expert in viticulture to be named by the  
14          Director of ~~the Illinois Department of~~ Agriculture from  
15          nominations submitted jointly by the Deans of the Colleges  
16          of Agriculture at Southern Illinois University and the  
17          University of Illinois.

18          (7) A representative from the Illinois Division of  
19          Tourism, to be named by the Director of ~~the Illinois~~  
20          ~~Department of~~ Commerce and Economic Opportunity ~~Community~~  
21          ~~Affairs~~.

22          (8) Six persons to be named by the Director of ~~the~~  
23          ~~Illinois Department of~~ Agriculture from nominations from  
24          the President of the Illinois Grape Growers and Vintners  
25          Association, of whom 3 shall be grape growers and 3 shall  
26          be vintners.

27          (9) Four persons, one of whom shall be named by the  
28          Speaker of the House of Representatives, one of whom shall  
29          be named by the Minority Leader of the House of  
30          Representatives, one of whom shall be named by the  
31          President of the Senate, and one of whom shall be named by  
32          the Minority Leader of the Senate.

33          Members of the Council shall receive no compensation, but shall  
34          be reimbursed for necessary expenses incurred in the  
35          performance of their duties. The Council's Chair shall be the  
36          Dean of the College of Agriculture at the University where the



1 Council is housed.

2 (c) The Council shall be housed at Southern Illinois  
3 University at Carbondale, which shall maintain a collaborative  
4 relationship with the University of Illinois at Champaign.

5 (Source: P.A. 90-77, eff. 7-8-97; revised 12-6-03.)

6 Section 700. The Illinois Public Aid Code is amended by  
7 changing Section 9A-3 as follows:

8 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

9 Sec. 9A-3. Establishment of Program and Level of Services.

10 (a) The Illinois Department shall establish and maintain a  
11 program to provide recipients with services consistent with the  
12 purposes and provisions of this Article. The program offered in  
13 different counties of the State may vary depending on the  
14 resources available to the State to provide a program under  
15 this Article, and no program may be offered in some counties,  
16 depending on the resources available. Services may be provided  
17 directly by the Illinois Department or through contract.  
18 References to the Illinois Department or staff of the Illinois  
19 Department shall include contractors when the Illinois  
20 Department has entered into contracts for these purposes. The  
21 Illinois Department shall provide each recipient who  
22 participates with such services available under the program as  
23 are necessary to achieve his employability plan as specified in  
24 the plan.

25 (b) The Illinois Department, in operating the program,  
26 shall cooperate with public and private education and  
27 vocational training or retraining agencies or facilities, the  
28 Illinois State Board of Education, the Illinois Community  
29 College Board, the Departments of Employment Security and  
30 Commerce and Economic Opportunity ~~Community Affairs~~ or other  
31 sponsoring organizations funded under the federal Workforce  
32 Investment Act and other public or licensed private employment  
33 agencies.

34 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03;

1 revised 12-6-03.)

2 Section 705. The Energy Assistance Act is amended by  
3 changing Sections 3, 4, 5, 8, and 13 as follows:

4 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

5 Sec. 3. Definitions. As used in this Act, unless the  
6 context otherwise requires:

7 (a) the terms defined in Sections 3-101 through 3-121 of  
8 The Public Utilities Act have the meanings ascribed to them in  
9 that Act;

10 (b) "Department" means the Department of Commerce and  
11 Economic Opportunity ~~Community Affairs~~;

12 (c) "energy provider" means any utility, municipal  
13 utility, cooperative utility, or any other corporation or  
14 individual which provides winter energy services;

15 (d) "winter" means the period from November 1 of any year  
16 through April 30 of the following year.

17 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

18 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

19 Sec. 4. Energy Assistance Program.

20 (a) The Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~ is hereby authorized to institute a program  
22 to ensure the availability and affordability of heating and  
23 electric service to low income citizens. The Department shall  
24 implement the program by rule promulgated pursuant to The  
25 Illinois Administrative Procedure Act. The program shall be  
26 consistent with the purposes and objectives of this Act and  
27 with all other specific requirements provided herein. The  
28 Department may enter into such contracts and other agreements  
29 with local agencies as may be necessary for the purpose of  
30 administering the energy assistance program.

31 (b) Nothing in this Act shall be construed as altering or  
32 limiting the authority conferred on the Illinois Commerce  
33 Commission by the Public Utilities Act to regulate all aspects

1 of the provision of public utility service, including but not  
2 limited to the authority to make rules and adjudicate disputes  
3 between utilities and customers related to eligibility for  
4 utility service, deposits, payment practices, discontinuance  
5 of service, and the treatment of arrearages owing for  
6 previously rendered utility service.

7 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

8 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

9 Sec. 5. Policy Advisory Council.

10 (a) Within the Department of Commerce and Economic  
11 Opportunity ~~Community Affairs~~ is created a Low Income Energy  
12 Assistance Policy Advisory Council.

13 (b) The Council shall be chaired by the Director of  
14 Commerce and Economic Opportunity ~~Community Affairs~~ or his or  
15 her designee. There shall be 20 members of the Low Income  
16 Energy Assistance Policy Advisory Council, including the  
17 chairperson and the following members:

18 (1) one member designated by the Illinois Commerce  
19 Commission;

20 (2) one member designated by the Illinois Department of  
21 Natural Resources;

22 (3) one member designated by the Illinois Energy  
23 Association to represent electric public utilities serving  
24 in excess of 1 million customers in this State;

25 (4) one member agreed upon by gas public utilities that  
26 serve more than 500,000 and fewer than 1,500,000 customers  
27 in this State;

28 (5) one member agreed upon by gas public utilities that  
29 serve 1,500,000 or more customers in this State;

30 (6) one member designated by the Illinois Energy  
31 Association to represent combination gas and electric  
32 public utilities;

33 (7) one member agreed upon by the Illinois Municipal  
34 Electric Agency and the Association of Illinois Electric  
35 Cooperatives;

1 (8) one member agreed upon by the Illinois Industrial  
2 Energy Consumers;

3 (9) three members designated by the Department to  
4 represent low income energy consumers;

5 (10) two members designated by the Illinois Community  
6 Action Association to represent local agencies that assist  
7 in the administration of this Act;

8 (11) one member designated by the Citizens Utility  
9 Board to represent residential energy consumers;

10 (12) one member designated by the Illinois Retail  
11 Merchants Association to represent commercial energy  
12 customers;

13 (13) one member designated by the Department to  
14 represent independent energy providers; and

15 (14) three members designated by the Mayor of the City  
16 of Chicago.

17 (c) Designated and appointed members shall serve 2 year  
18 terms and until their successors are appointed and qualified.  
19 The designating organization shall notify the chairperson of  
20 any changes or substitutions of a designee within 10 business  
21 days of a change or substitution. Members shall serve without  
22 compensation, but may receive reimbursement for actual costs  
23 incurred in fulfilling their duties as members of the Council.

24 (d) The Council shall have the following duties:

25 (1) to monitor the administration of this Act to ensure  
26 effective, efficient, and coordinated program development  
27 and implementation;

28 (2) to assist the Department in developing and  
29 administering rules and regulations required to be  
30 promulgated pursuant to this Act in a manner consistent  
31 with the purpose and objectives of this Act;

32 (3) to facilitate and coordinate the collection and  
33 exchange of all program data and other information needed  
34 by the Department and others in fulfilling their duties  
35 pursuant to this Act;

36 (4) to advise the Department on the proper level of

1 support required for effective administration of the Act;

2 (5) to provide a written opinion concerning any  
3 regulation proposed pursuant to this Act, and to review and  
4 comment on any energy assistance or related plan required  
5 to be prepared by the Department;

6 (6) to advise the Department on the use of funds  
7 collected pursuant to Section 11 of this Act, and on any  
8 changes to existing low income energy assistance programs  
9 to make effective use of such funds, so long as such uses  
10 and changes are consistent with the requirements of the  
11 Act.

12 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

13 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

14 Sec. 8. Program Reports.

15 (a) The Department of Natural Resources shall prepare and  
16 submit to the Governor and the General Assembly reports on  
17 September 30 biennially, beginning in 2003, evaluating the  
18 effectiveness of the energy assistance and weatherization  
19 policies authorized by this Act. The first report shall cover  
20 such effects during the first winter during which the program  
21 authorized by this Act, is in operation, and successive reports  
22 shall cover effects since the issuance of the preceding report.

23 (1) Reports issued pursuant to this Section shall be  
24 limited to, information concerning the effects of the  
25 policies authorized by this Act on (1) the ability of  
26 eligible applicants to obtain and maintain adequate and  
27 affordable winter energy services and (2) changes in the  
28 costs and prices of winter energy services for people who  
29 do not receive energy assistance pursuant to this Act.

30 (2) The Department of Natural Resources shall by  
31 September 30, 2002, in consultation with the Policy  
32 Advisory Council, determine the kinds of numerical and  
33 other information needed to conduct the evaluations  
34 required by this Section, and shall advise the Policy  
35 Advisory Council of such information needs in a timely

1 manner. The Department of Commerce and Economic  
2 Opportunity ~~Community Affairs~~, the Department of Human  
3 Services, and the Illinois Commerce Commission shall each  
4 provide such information as the Department of Natural  
5 Resources may require to ensure that the evaluation  
6 reporting requirement established by this Section can be  
7 met.

8 (b) On or before December 31, 2002, 2004, 2006, and 2007,  
9 the Department shall prepare a report for the General Assembly  
10 on the expenditure of funds appropriated for the programs  
11 authorized under this Act.

12 (c) On or before December 31 of each year in 2004, 2006,  
13 and 2007, the Department shall, in consultation with the  
14 Council, prepare and submit evaluation reports to the Governor  
15 and the General Assembly outlining the effects of the program  
16 designed under this Act on the following as it relates to the  
17 propriety of continuing the program:

18 (1) the definition of an eligible low income  
19 residential customer;

20 (2) access of low income residential customers to  
21 essential energy services;

22 (3) past due amounts owed to utilities by low income  
23 persons in Illinois;

24 (4) appropriate measures to encourage energy  
25 conservation, efficiency, and responsibility among low  
26 income residential customers;

27 (5) the activities of the Department in the development  
28 and implementation of energy assistance and related  
29 policies and programs, which characterizes progress toward  
30 meeting the objectives and requirements of this Act, and  
31 which recommends any statutory changes which might be  
32 needed to further such progress.

33 (d) The Department shall by September 30, 2002 in  
34 consultation with the Council determine the kinds of numerical  
35 and other information needed to conduct the evaluations  
36 required by this Section.

1 (e) The Illinois Commerce Commission shall require each  
2 public utility providing heating or electric service to compile  
3 and submit any numerical and other information needed by the  
4 Department of Natural Resources to meet its reporting  
5 obligations.

6 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

7 (305 ILCS 20/13)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is  
10 hereby created as a special fund in the State Treasury. The  
11 Supplemental Low-Income Energy Assistance Fund is authorized  
12 to receive, by statutory deposit, the moneys collected pursuant  
13 to this Section. Subject to appropriation, the Department shall  
14 use moneys from the Supplemental Low-Income Energy Assistance  
15 Fund for payments to electric or gas public utilities,  
16 municipal electric or gas utilities, and electric cooperatives  
17 on behalf of their customers who are participants in the  
18 program authorized by Section 4 of this Act, for the provision  
19 of weatherization services and for administration of the  
20 Supplemental Low-Income Energy Assistance Fund. The yearly  
21 expenditures for weatherization may not exceed 10% of the  
22 amount collected during the year pursuant to this Section. The  
23 yearly administrative expenses of the Supplemental Low-Income  
24 Energy Assistance Fund may not exceed 10% of the amount  
25 collected during that year pursuant to this Section.

26 (b) Notwithstanding the provisions of Section 16-111 of the  
27 Public Utilities Act but subject to subsection (k) of this  
28 Section, each public utility, electric cooperative, as defined  
29 in Section 3.4 of the Electric Supplier Act, and municipal  
30 utility, as referenced in Section 3-105 of the Public Utilities  
31 Act, that is engaged in the delivery of electricity or the  
32 distribution of natural gas within the State of Illinois shall,  
33 effective January 1, 1998, assess each of its customer accounts  
34 a monthly Energy Assistance Charge for the Supplemental  
35 Low-Income Energy Assistance Fund. The delivering public

1 utility, municipal electric or gas utility, or electric or gas  
2 cooperative for a self-assessing purchaser remains subject to  
3 the collection of the fee imposed by this Section. The monthly  
4 charge shall be as follows:

5 (1) \$0.40 per month on each account for residential  
6 electric service;

7 (2) \$0.40 per month on each account for residential gas  
8 service;

9 (3) \$4 per month on each account for non-residential  
10 electric service which had less than 10 megawatts of peak  
11 demand during the previous calendar year;

12 (4) \$4 per month on each account for non-residential  
13 gas service which had distributed to it less than 4,000,000  
14 therms of gas during the previous calendar year;

15 (5) \$300 per month on each account for non-residential  
16 electric service which had 10 megawatts or greater of peak  
17 demand during the previous calendar year; and

18 (6) \$300 per month on each account for non-residential  
19 gas service which had 4,000,000 or more therms of gas  
20 distributed to it during the previous calendar year.

21 (c) For purposes of this Section:

22 (1) "residential electric service" means electric  
23 utility service for household purposes delivered to a  
24 dwelling of 2 or fewer units which is billed under a  
25 residential rate, or electric utility service for  
26 household purposes delivered to a dwelling unit or units  
27 which is billed under a residential rate and is registered  
28 by a separate meter for each dwelling unit;

29 (2) "residential gas service" means gas utility  
30 service for household purposes distributed to a dwelling of  
31 2 or fewer units which is billed under a residential rate,  
32 or gas utility service for household purposes distributed  
33 to a dwelling unit or units which is billed under a  
34 residential rate and is registered by a separate meter for  
35 each dwelling unit;

36 (3) "non-residential electric service" means electric



1 utility service which is not residential electric service;  
2 and

3 (4) "non-residential gas service" means gas utility  
4 service which is not residential gas service.

5 (d) At least 45 days prior to the date on which it must  
6 begin assessing Energy Assistance Charges, each public utility  
7 engaged in the delivery of electricity or the distribution of  
8 natural gas shall file with the Illinois Commerce Commission  
9 tariffs incorporating the Energy Assistance Charge in other  
10 charges stated in such tariffs.

11 (e) The Energy Assistance Charge assessed by electric and  
12 gas public utilities shall be considered a charge for public  
13 utility service.

14 (f) By the 20th day of the month following the month in  
15 which the charges imposed by the Section were collected, each  
16 public utility, municipal utility, and electric cooperative  
17 shall remit to the Department of Revenue all moneys received as  
18 payment of the Energy Assistance Charge on a return prescribed  
19 and furnished by the Department of Revenue showing such  
20 information as the Department of Revenue may reasonably  
21 require. If a customer makes a partial payment, a public  
22 utility, municipal utility, or electric cooperative may elect  
23 either: (i) to apply such partial payments first to amounts  
24 owed to the utility or cooperative for its services and then to  
25 payment for the Energy Assistance Charge or (ii) to apply such  
26 partial payments on a pro-rata basis between amounts owed to  
27 the utility or cooperative for its services and to payment for  
28 the Energy Assistance Charge.

29 (g) The Department of Revenue shall deposit into the  
30 Supplemental Low-Income Energy Assistance Fund all moneys  
31 remitted to it in accordance with subsection (f) of this  
32 Section.

33 (h) (Blank).

34 On or before December 31, 2002, the Department shall  
35 prepare a report for the General Assembly on the expenditure of  
36 funds appropriated from the Low-Income Energy Assistance Block

1 Grant Fund for the program authorized under Section 4 of this  
2 Act.

3 (i) The Department of Revenue may establish such rules as  
4 it deems necessary to implement this Section.

5 (j) The Department of Commerce and Economic Opportunity  
6 ~~Community Affairs~~ may establish such rules as it deems  
7 necessary to implement this Section.

8 (k) The charges imposed by this Section shall only apply to  
9 customers of municipal electric or gas utilities and electric  
10 or gas cooperatives if the municipal electric or gas utility or  
11 electric or gas cooperative makes an affirmative decision to  
12 impose the charge. If a municipal electric or gas utility or an  
13 electric cooperative makes an affirmative decision to impose  
14 the charge provided by this Section, the municipal electric or  
15 gas utility or electric cooperative shall inform the Department  
16 of Revenue in writing of such decision when it begins to impose  
17 the charge. If a municipal electric or gas utility or electric  
18 or gas cooperative does not assess this charge, the Department  
19 may not use funds from the Supplemental Low-Income Energy  
20 Assistance Fund to provide benefits to its customers under the  
21 program authorized by Section 4 of this Act.

22 In its use of federal funds under this Act, the Department  
23 may not cause a disproportionate share of those federal funds  
24 to benefit customers of systems which do not assess the charge  
25 provided by this Section.

26 This Section is repealed effective December 31, 2007 unless  
27 renewed by action of the General Assembly. The General Assembly  
28 shall consider the results of the evaluations described in  
29 Section 8 in its deliberations.

30 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

31 Section 710. The Family Resource Development Act is amended  
32 by changing Section 5 as follows:

33 (305 ILCS 30/5) (from Ch. 23, par. 6855)

34 Sec. 5. The Department of Human Services, the Illinois

1 Community College Board and the Department of Commerce and  
2 Economic Opportunity ~~Community Affairs~~ may develop as a  
3 demonstration program a Family Resource Development Center for  
4 the benefit and use of an initial 20 low-income families. The  
5 Center shall establish an interdisciplinary approach that  
6 shall increase the coping skills of low-income families and  
7 develop the potential of low-income families through community  
8 economic development programs. Funding for the demonstration  
9 program shall be from existing moneys in supportive services  
10 funds, joint partnership training funds, and other existing  
11 moneys that are intended to meet the educational, vocational  
12 and training needs of recipients. The demonstration program  
13 shall be administered in accordance with existing federal and  
14 State statutes and regulations.

15 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

16 Section 715. The State Housing Act is amended by changing  
17 Section 40 as follows:

18 (310 ILCS 5/40) (from Ch. 67 1/2, par. 190)

19 Sec. 40. As used in this Act:

20 "Department" shall mean the Department of Commerce and  
21 Economic Opportunity ~~Community Affairs~~.

22 "Illinois Housing Development Authority" shall mean the  
23 Illinois Housing Development Authority created by the Illinois  
24 Housing Development Act of 1967, as amended.

25 "Community facilities" shall include land, buildings and  
26 equipment for recreation, for social assembly, for education or  
27 health or welfare activities, for the use primarily of tenants  
28 of housing accommodations of a housing corporation.

29 "Cost" of land shall include all of the following items  
30 paid by a housing corporation in connection with the  
31 acquisition thereof when approved by the Illinois Housing  
32 Development Authority; all amounts paid to the vendor on  
33 account of the purchase price, whether in cash, securities or  
34 property; the unpaid balance of any obligation secured by

1 mortgage remaining upon the premises or created in connection  
2 with the acquisition; all accounts paid for surveys,  
3 examination and insurance of title; attorneys' fees;  
4 brokerage; all awards paid in condemnation and court costs and  
5 fees; all documentary and stamp taxes and filing and recording  
6 fees and fees of the Illinois Housing Development Authority and  
7 other expenses of acquisition approved by the Illinois Housing  
8 Development Authority; and shall also include all special  
9 assessments for benefit upon the premises approved by the  
10 Illinois Housing Development Authority whether levied before  
11 or after the acquisition.

12 "Cost" of buildings and improvements, shall include all of  
13 the following items when approved by the Illinois Housing  
14 Development Authority; all amounts, whether in cash,  
15 securities or property, paid for labor and materials for site  
16 preparation and construction, for contractors' and architects'  
17 and engineers' fees, for fees or permits of any municipality,  
18 for workers' compensation, liability, fire and other casualty  
19 insurance, for charges of financing and supervision, for  
20 property taxes during construction and for interest upon  
21 borrowed and invested capital during construction, for fees of  
22 the Illinois Housing Development Authority, and other expenses  
23 of construction approved by the Illinois Housing Development  
24 Authority.

25 "Person" shall be deemed to include firm, association,  
26 trust or corporation.

27 "Project" shall mean all lands, buildings and improvements  
28 acquired, owned, managed, or operated by a housing corporation  
29 designed to provide housing accommodations and community  
30 facilities, stores and offices appurtenant or incidental  
31 thereto, which are planned as a unit, whether or not acquired  
32 or constructed at one time, and which ordinarily are contiguous  
33 or adjacent to one another. The buildings need not be  
34 contiguous or adjacent to one another, and a project may be  
35 entirely composed of either single or multiple dwellings.

36 (Source: P.A. 81-1509; revised 12-6-03.)

1 Section 720. The Housing Authorities Act is amended by  
2 changing Sections 8.13 and 17 as follows:

3 (310 ILCS 10/8.13) (from Ch. 67 1/2, par. 8.13)

4 Sec. 8.13. In addition to the powers conferred by this Act  
5 and other laws, Housing Authorities for municipalities of less  
6 than 500,000 population and for counties, the Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~, and the  
8 governing bodies of municipal corporations, counties and other  
9 public bodies may exercise the powers delegated to them in  
10 Sections 8.14 to 8.18, inclusive.

11 The provisions of Sections 8.14 to 8.18, inclusive, shall  
12 be deemed to create an additional and alternative method for  
13 the conservation of urban residential areas and the prevention  
14 of slums in municipalities of less than 500,000 to that which  
15 is provided by the "Urban Community Conservation Act," approved  
16 July 13, 1935, and shall not be deemed to alter, amend or  
17 repeal said Urban Community Conservation Act.

18 (Source: P.A. 81-1509; revised 12-6-03)

19 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

20 Sec. 17. The following terms, wherever used or referred to  
21 in this Act shall have the following respective meanings,  
22 unless in any case a different meaning clearly appears from the  
23 context:

24 (a) "Authority" or "housing authority" shall mean a  
25 municipal corporation organized in accordance with the  
26 provisions of this Act for the purposes, with the powers and  
27 subject to the restrictions herein set forth.

28 (b) "Area" or "area of operation" shall mean: (1) in the  
29 case of an authority which is created hereunder for a city,  
30 village, or incorporated town, the area within the territorial  
31 boundaries of said city, village, or incorporated town, and so  
32 long as no county housing authority has jurisdiction therein,  
33 the area within three miles from such territorial boundaries,

1 except any part of such area located within the territorial  
2 boundaries of any other city, village, or incorporated town;  
3 and (2) in the case of a county shall include all of the county  
4 except the area of any city, village or incorporated town  
5 located therein in which there is an Authority. When an  
6 authority is created for a county subsequent to the creation of  
7 an authority for a city, village or incorporated town within  
8 the same county, the area of operation of the authority for  
9 such city, village or incorporated town shall thereafter be  
10 limited to the territory of such city, village or incorporated  
11 town, but the authority for such city, village or incorporated  
12 town may continue to operate any project developed in whole or  
13 in part in an area previously a part of its area of operation,  
14 or may contract with the county housing authority with respect  
15 to the sale, lease, development or administration of such  
16 project. When an authority is created for a city, village or  
17 incorporated town subsequent to the creation of a county  
18 housing authority which previously included such city, village  
19 or incorporated town within its area of operation, such county  
20 housing authority shall have no power to create any additional  
21 project within the city, village or incorporated town, but any  
22 existing project in the city, village or incorporated town  
23 currently owned and operated by the county housing authority  
24 shall remain in the ownership, operation, custody and control  
25 of the county housing authority.

26 (c) "Presiding officer" shall mean the presiding officer of  
27 the board of a county, or the mayor or president of a city,  
28 village or incorporated town, as the case may be, for which an  
29 Authority is created hereunder.

30 (d) "Commissioner" shall mean one of the members of an  
31 Authority appointed in accordance with the provisions of this  
32 Act.

33 (e) "Government" shall include the State and Federal  
34 governments and the governments of any subdivisions, agency or  
35 instrumentality, corporate or otherwise, of either of them.

36 (f) "Department" shall mean the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~.

2 (g) "Project" shall include all lands, buildings, and  
3 improvements, acquired, owned, leased, managed or operated by a  
4 housing authority, and all buildings and improvements  
5 constructed, reconstructed or repaired by a housing authority,  
6 designed to provide housing accommodations and facilities  
7 appurtenant thereto (including community facilities and  
8 stores) which are planned as a unit, whether or not acquired or  
9 constructed at one time even though all or a portion of the  
10 buildings are not contiguous or adjacent to one another; and  
11 the planning of buildings and improvements, the acquisition of  
12 property, the demolition of existing structures, the clearing  
13 of land, the construction, reconstruction, and repair of  
14 buildings or improvements and all other work in connection  
15 therewith. As provided in Sections 8.14 to 8.18, inclusive,  
16 "project" also means, for Housing Authorities for  
17 municipalities of less than 500,000 population and for  
18 counties, the conservation of urban areas in accordance with an  
19 approved conservation plan. "Project" shall also include (1)  
20 acquisition of (i) a slum or blighted area or a deteriorated or  
21 deteriorating area which is predominantly residential in  
22 character, or (ii) any other deteriorated or deteriorating area  
23 which is to be developed or redeveloped for predominantly  
24 residential uses, or (iii) platted urban or suburban land which  
25 is predominantly open and which because of obsolete platting,  
26 diversity of ownership, deterioration of structures or of site  
27 improvements, or otherwise substantially impairs or arrests  
28 the sound growth of the community and which is to be developed  
29 for predominantly residential uses, or (iv) open unplatted  
30 urban or suburban land necessary for sound community growth  
31 which is to be developed for predominantly residential uses, or  
32 (v) any other area where parcels of land remain undeveloped  
33 because of improper platting, delinquent taxes or special  
34 assessments, scattered or uncertain ownerships, clouds on  
35 title, artificial values due to excessive utility costs, or any  
36 other impediments to the use of such area for predominantly

1 residential uses; (2) installation, construction, or  
2 reconstruction of streets, utilities, and other site  
3 improvements essential to the preparation of sites for uses in  
4 accordance with the development or redevelopment plan; and (3)  
5 making the land available for development or redevelopment by  
6 private enterprise or public agencies (including sale, initial  
7 leasing, or retention by the local public agency itself). If in  
8 any city, village or incorporated town there exists a land  
9 clearance commission created under the "Blighted Areas  
10 Redevelopment Act of 1947" having the same area of operation as  
11 a housing authority created in and for any such municipality  
12 such housing authority shall have no power to acquire land of  
13 the character described in subparagraph (iii), (iv) or (v) of  
14 paragraph 1 of the definition of "project" for the purpose of  
15 development or redevelopment by private enterprise.

16 (h) "Community facilities" shall include lands, buildings,  
17 and equipment for recreation or social assembly, for education,  
18 health or welfare activities and other necessary utilities  
19 primarily for use and benefit of the occupants of housing  
20 accommodations to be constructed, reconstructed, repaired or  
21 operated hereunder.

22 (i) "Real property" shall include lands, lands under water,  
23 structures, and any and all easements, franchises and  
24 incorporeal hereditaments and estates, and rights, legal and  
25 equitable, including terms for years and liens by way of  
26 judgment, mortgage or otherwise.

27 (j) The term "governing body" shall include the city  
28 council of any city, the president and board of trustees of any  
29 village or incorporated town, the council of any city or  
30 village, and the county board of any county.

31 (k) The phrase "individual, association, corporation or  
32 organization" shall include any individual, private  
33 corporation, insurance company, housing corporation,  
34 neighborhood redevelopment corporation, non-profit  
35 corporation, incorporated or unincorporated group or  
36 association, educational institution, hospital, or charitable



1 organization, and any mutual ownership or cooperative  
2 organization.

3 (l) "Conservation area", for the purpose of the exercise of  
4 the powers granted in Sections 8.14 to 8.18, inclusive, for  
5 housing authorities for municipalities of less than 500,000  
6 population and for counties, means an area of not less than 2  
7 acres in which the structures in 50% or more of the area are  
8 residential having an average age of 35 years or more. Such an  
9 area is not yet a slum or blighted area as defined in the  
10 Blighted Areas Redevelopment Act of 1947, but such an area by  
11 reason of dilapidation, obsolescence, deterioration or illegal  
12 use of individual structures, overcrowding of structures and  
13 community facilities, conversion of residential units into  
14 non-residential use, deleterious land use or layout, decline of  
15 physical maintenance, lack of community planning, or any  
16 combination of these factors may become a slum and blighted  
17 area.

18 (m) "Conservation plan" means the comprehensive program  
19 for the physical development and replanning of a "Conservation  
20 Area" as defined in paragraph (l) embodying the steps required  
21 to prevent such Conservation Area from becoming a slum and  
22 blighted area.

23 (n) "Fair use value" means the fair cash market value of  
24 real property when employed for the use contemplated by a  
25 "Conservation Plan" in municipalities of less than 500,000  
26 population and in counties.

27 (o) "Community facilities" means, in relation to a  
28 "Conservation Plan", those physical plants which implement,  
29 support and facilitate the activities, services and interests  
30 of education, recreation, shopping, health, welfare, religion  
31 and general culture.

32 (p) "Loan agreement" means any agreement pursuant to which  
33 an Authority agrees to loan the proceeds of its revenue bonds  
34 issued with respect to a multifamily rental housing project or  
35 other funds of the Authority to any person upon terms providing  
36 for loan repayment installments at least sufficient to pay when

1 due all principal of, premium, if any, and interest on the  
2 revenue bonds of the Authority issued with respect to the  
3 multifamily rental housing project, and providing for  
4 maintenance, insurance, and other matters as may be deemed  
5 desirable by the Authority.

6 (q) "Multifamily rental housing" means any rental project  
7 designed for mixed-income or low-income occupancy.

8 (Source: P.A. 92-481, eff. 8-23-01; revised 12-6-03.)

9 Section 725. The Housing Development and Construction Act  
10 is amended by changing Sections 2, 3, 3a, 3b, 5, 8, 9a, and 10  
11 as follows:

12 (310 ILCS 20/2) (from Ch. 67 1/2, par. 54)

13 Sec. 2. Any housing authority now or hereafter organized  
14 under the "Housing Authorities Act," approved March 19, 1934,  
15 as amended, and any Land Clearance Commission heretofore  
16 organized under the Act herein repealed or hereafter organized  
17 under the provisions of the "Blighted Areas Redevelopment Act  
18 of 1947," enacted by the 65th General Assembly, may make  
19 application to the Department of Commerce and Economic  
20 Opportunity ~~Community Affairs~~ for a grant of state funds from  
21 the appropriation designated for the making of grants under  
22 this Act. No such housing authority or Land Clearance  
23 Commission shall apply for a sum larger than the proportion of  
24 the population of its area of operation to the population of  
25 the State, and where an authority and Land Clearance Commission  
26 have been created by the governing body of the same  
27 municipality, an amount not in excess of one-half (1/2) of the  
28 maximum grant allocable for such municipality on the foregoing  
29 basis of proportion of population may be allocated to the  
30 housing authority and an amount not in excess of one-half (1/2)  
31 of the maximum grant so allocable for such municipality may be  
32 allocated to the Land Clearance Commission.

33 The foregoing provisions of this section in respect to  
34 maximum allocable grants to housing authorities and land

1 clearance commissions from funds appropriated by the 66th or  
2 any succeeding General Assembly, and applications therefor,  
3 shall be subject to the provisions of Section 3a of this Act.

4 (Source: P.A. 81-1509; revised 12-6-03.)

5 (310 ILCS 20/3) (from Ch. 67 1/2, par. 55)

6 Sec. 3. Every application for a grant shall be accompanied  
7 by a statement of the uses to which a grant is to be applied, a  
8 description of the housing conditions in the area of operation  
9 of the applicant, and a plan for development or redevelopment  
10 or other use to be undertaken by the applicant. Subject to the  
11 provisions of Section 3a the Department of Commerce and  
12 Economic Opportunity ~~Community Affairs~~ shall review all  
13 applications for grants and if satisfied that a need therefor  
14 exists in relation to the uses to which it is to be applied and  
15 upon approval of the plan submitted with the application, the  
16 Director of ~~the Department of~~ Commerce and Economic Opportunity  
17 ~~Community Affairs~~ shall transmit to the State Comptroller a  
18 statement of approval and of the amount of the grant. Upon  
19 receipt of such statement by the Comptroller, the approved  
20 grant shall be paid to the applicant from any appropriation  
21 designated for the making of grants under this Act.

22 (Source: P.A. 81-1509; revised 12-6-03.)

23 (310 ILCS 20/3a) (from Ch. 67 1/2, par. 55a)

24 Sec. 3a. Application for grants from funds appropriated by  
25 the 66th or any succeeding General Assembly shall be made not  
26 later than June 30th of the year following the year in which  
27 such appropriation was enacted. Each such application shall be  
28 reviewed by the Department of Commerce and Economic Opportunity  
29 ~~Community Affairs~~ as provided in Section 3 and if approved  
30 shall entitle the applicant to a grant upon the basis of the  
31 population formula prescribed in Section 2. No application  
32 shall be approved unless the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~ is satisfied that the  
34 amount approved will be properly employed by the applicant in

1 carrying out the plan accompanying the application.

2 If any housing authority or land clearance commission has  
3 failed to make application for a grant of funds appropriated by  
4 the 66th or any succeeding General Assembly prior to July 1st  
5 of the year following the year in which the appropriation was  
6 enacted, such portion of the appropriation as remains  
7 unallocated shall be available for distribution by the  
8 Department of Commerce and Economic Opportunity ~~Community~~  
9 ~~Affairs~~ to housing authorities and land clearance commissions  
10 which make application and establish a need therefor in  
11 relation to a specific project or projects approved by the  
12 Department. The determination of the relative needs of  
13 applicants shall be made by the Department of Commerce and  
14 Economic Opportunity ~~Community Affairs~~; provided, that in no  
15 event shall the sum of any initial and supplemental grants to  
16 any applicant exceed 50% of the total appropriation made  
17 available for distribution to all applicants in the State.

18 (Source: P.A. 81-1509; revised 12-6-03.)

19 (310 ILCS 20/3b) (from Ch. 67 1/2, par. 55b)

20 Sec. 3b. In any municipality or county for which a Land  
21 Clearance Commission has been established, and for which no  
22 Housing Authority has been established, the Land Clearance  
23 Commission, if a recipient of state grants under this Act, may,  
24 subject to the approval of the Department of Commerce and  
25 Economic Opportunity ~~Community Affairs~~, exercise the powers  
26 vested in Housing Authorities under the provisions of this Act  
27 and the "Housing Authorities Act," approved March 19, 1934, as  
28 amended, and apply state grant funds allocated under this Act  
29 to any such purpose. For the purpose of any project so  
30 undertaken, the Land Clearance Commission shall be subject to  
31 all laws and regulations applicable to Housing Authorities. If  
32 a Housing Authority is established for any such municipality or  
33 county, the Land Clearance Commission shall thereafter  
34 exercise only those powers designated in the "Blighted Areas  
35 Redevelopment Act of 1947," approved July 2, 1947, as amended,

1 and, in respect to pending, uncompleted or existing projects  
2 undertaken as a Housing Authority, the Land Clearance  
3 Commission, subject to the approval of the Department of  
4 Commerce and Economic Opportunity ~~Community Affairs~~, may  
5 either complete or continue such project, or transfer full and  
6 complete power thereover to the Housing Authority.

7 (Source: P.A. 81-1509; revised 12-6-03.)

8 (310 ILCS 20/5) (from Ch. 67 1/2, par. 57)

9 Sec. 5. Any grants paid hereunder to a housing authority  
10 shall be deposited in a separate fund and, subject to the  
11 approval of the Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~, may be used for any or all of the following  
13 purposes as the needs of the community may require: the  
14 acquisition of land by purchase, gift or condemnation and the  
15 improvement thereof, the purchase and installation of  
16 temporary housing facilities, the construction of housing  
17 units for rent or sale to veterans, the families of deceased  
18 servicemen, and for persons and families who by reason of  
19 overcrowded housing conditions or displacement by eviction,  
20 fires or other calamities, or slum clearance or other private  
21 or public project involving relocation, are in urgent need of  
22 safe and sanitary housing, the making of grants in connection  
23 with the sale or lease of real property as provided in the  
24 following paragraph of this section, and for any and all  
25 purposes authorized by the "Housing Authorities Act," approved  
26 March 19, 1934, as amended, including administrative expenses  
27 of the housing authorities in relation to the aforesaid  
28 objectives, to the extent and for the purposes authorized and  
29 approved by the Department of Commerce and Economic Opportunity  
30 ~~Community Affairs~~. Each housing authority is vested with power  
31 to exercise the right of eminent domain for the purposes  
32 authorized by this Act. Condemnation proceedings instituted by  
33 any such authority shall be in all respects in the manner  
34 provided for the exercise of the right of eminent domain under  
35 Article VII of the Code of Civil Procedure, as amended.

1           In addition to the foregoing, and for the purpose of  
2           facilitating the development and construction of housing,  
3           housing authorities may, with the approval of the Department of  
4           Commerce and Economic Opportunity ~~Community Affairs~~, enter  
5           into contracts and agreements for the sale or lease of real  
6           property acquired by the Authority through the use of the grant  
7           hereunder, and may sell or lease such property to (1) housing  
8           corporations operating under "An Act in relation to housing,"  
9           approved July 12, 1933, as amended; (2) neighborhood  
10          redevelopment corporations operating under the "Neighborhood  
11          Redevelopment Corporation Law," approved July 9, 1941; (3)  
12          insurance companies operating under Article VIII of the  
13          Illinois Insurance Code; (4) non-profit corporations organized  
14          for the purpose of constructing, managing and operating housing  
15          projects and the improvement of housing conditions, including  
16          the sale or rental of housing units to persons in need thereof;  
17          or (5) to any other individual, association or corporation,  
18          including bona fide housing cooperatives, desiring to engage in  
19          a development or redevelopment project. The term "corporation"  
20          as used in this section, means a corporation organized under  
21          the laws of this or any other state of the United States, or of  
22          any country, which may legally make investments in this State  
23          of the character herein prescribed, including foreign and alien  
24          insurance companies as defined in Section 2 of the "Illinois  
25          Insurance Code." No sale or lease shall be made hereunder to  
26          any of the aforesaid corporations, associations or individuals  
27          unless a plan approved by the Authority has been presented by  
28          the purchaser or lessee for the development or redevelopment of  
29          such property, together with a bond, with satisfactory  
30          sureties, of not less than 10% of the cost of such development  
31          or redevelopment, conditioned upon the completion of such  
32          development or redevelopment; provided that the requirement of  
33          the bond may be waived by the Department of Commerce and  
34          Economic Opportunity ~~Community Affairs~~ if it is satisfied of  
35          the financial ability of the purchaser or lessee to complete  
36          such development or redevelopment in accordance with the

1 presented plan. To further assure that the real property so  
2 sold or leased shall be used in accordance with the plan, the  
3 Department of Commerce and Economic Opportunity ~~Community~~  
4 ~~Affairs~~ may require the purchaser or lessee to execute in  
5 writing such undertakings as the Department deems necessary to  
6 obligate such purchaser or lessee (1) to use the property for  
7 the purposes presented in the plan; (2) to commence and  
8 complete the building of the improvements designated in the  
9 plan within the periods of time that the Department of Commerce  
10 and Economic Opportunity ~~Community Affairs~~ fixes as  
11 reasonable, and (3) to comply with such other conditions as are  
12 necessary to carry out the purposes of this Act. Any such  
13 property may be sold pursuant to this section for any legal  
14 consideration in an amount to be approved by the Department of  
15 Commerce and Economic Opportunity ~~Community Affairs~~. Subject  
16 to the approval of the Department of Commerce and Economic  
17 Opportunity ~~Community Affairs~~, a housing authority may pay to  
18 any non-profit corporation of the character described in this  
19 section from grants made available from state funds, such sum  
20 of money which, when added to the value of the land so sold or  
21 leased to such non-profit corporation and the value of other  
22 assets of such non-profit corporation available for use in the  
23 project, will enable such non-profit corporation to obtain  
24 Federal Housing Administration insured construction mortgages.  
25 Any such authority may also sell, transfer, convey or assign to  
26 any such non-profit corporation any personal property,  
27 including building materials and supplies, as it deems  
28 necessary to facilitate the completion of the development or  
29 redevelopment by such non-profit corporation.

30 If the area of operation of a housing authority includes a  
31 city, village or incorporated town having a population in  
32 excess of 500,000, as determined by the last preceding Federal  
33 Census, no real property or interest in real property shall be  
34 acquired in such municipality by the housing authority until  
35 such time as the housing authority has advised the governing  
36 body of such municipality of the description of the real

1 property, or interest therein, proposed to be acquired, and the  
2 governing body of the municipality has approved the acquisition  
3 thereof by the housing authority.

4 (Source: P.A. 90-418, eff. 8-15-97; revised 12-1-04.)

5 (310 ILCS 20/8) (from Ch. 67 1/2, par. 60)

6 Sec. 8. No housing authority or land clearance commission  
7 shall reinvest or use any funds arising from the rental or sale  
8 of any property acquired with funds granted pursuant to this  
9 Act except with the approval of the Department of Commerce and  
10 Economic Opportunity ~~Community Affairs~~.

11 (Source: P.A. 81-1509; revised 12-6-03.)

12 (310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

13 Sec. 9a. In the event that any housing authority or land  
14 clearance commission has failed or refused to initiate any  
15 project or projects for which it has received grants of State  
16 funds under the provisions of this Act or "An Act to promote  
17 the improvement of housing," approved July 26, 1945, and the  
18 Department of Commerce and Economic Opportunity ~~Community~~  
19 ~~Affairs~~, upon the basis of an investigation, is convinced that  
20 such housing authority or land clearance commission is unable  
21 or unwilling to proceed thereon, the Department may direct the  
22 housing authority or land clearance commission to transfer to  
23 the Department the balance of the State funds then in the  
24 possession of such agency, and upon failure to do so within  
25 thirty days after such demand, the Department shall institute a  
26 civil action for the recovery thereof, which action shall be  
27 maintained by the Attorney General of the State of Illinois or  
28 the state's attorney of the county in which the housing  
29 authority or land clearance commission has its area of  
30 operation.

31 Any officer or member of any such housing authority or land  
32 clearance commission who refuses to comply with the demand of  
33 the Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~ for the transfer of State funds as herein provided



1 shall be guilty of a Class A misdemeanor.

2 All State funds recovered by the Department of Commerce and  
3 Economic Opportunity ~~Community Affairs~~ pursuant to this  
4 section shall forthwith be paid into the State Housing Fund in  
5 the State Treasury.

6 (Source: P.A. 81-1509; revised 12-6-03.)

7 (310 ILCS 20/10) (from Ch. 67 1/2, par. 62)

8 Sec. 10. "An Act to promote the improvement of housing",  
9 approved July 26, 1945, is repealed. The repeal of said Act  
10 shall not affect the validity of the organization, acts,  
11 contracts, proceedings, conveyances and transactions of  
12 housing authorities and land clearance commissions done or  
13 performed thereunder prior to the effective date of this Act,  
14 and all such acts, contracts, proceedings, conveyances and  
15 transactions, done or performed thereunder, and the  
16 organization of such authorities and land clearance  
17 commissions are ratified, affirmed and declared valid and legal  
18 in all respects. Grants paid to such housing authorities and  
19 land clearance commissions under the act herein repealed may be  
20 used by such authorities and commissions for the purposes for  
21 which such grants were made, and all or any portion thereof  
22 which remains unexpended and unobligated may, in addition, be  
23 used in the manner authorized by Section 22 of the "Blighted  
24 Areas Redevelopment Act of 1947", enacted by the 65th General  
25 Assembly, or, with the approval of the Department of Commerce  
26 and Community Affairs (now Department of Commerce and Economic  
27 Opportunity) for any purpose or purposes authorized by this  
28 Act.

29 (Source: P.A. 81-1509; revised 12-6-03.)

30 Section 730. The Redevelopment Project Rehousing and  
31 Capital Improvements Act is amended by changing Section 2 as  
32 follows:

33 (310 ILCS 30/2) (from Ch. 67 1/2, par. 93)

1           Sec. 2. Any housing authority may apply to the Department  
2 of Commerce and Economic Opportunity ~~Community Affairs~~ for the  
3 grant of a sum from the amount to be appropriated for this Act  
4 to develop housing projects pursuant to the "Housing  
5 Authorities Act", approved March 19, 1934, as amended, to  
6 facilitate and aid in the rehousing of persons eligible for  
7 tenancy under said Act residing in the site of a redevelopment  
8 project who could not otherwise be rehoused in decent, safe and  
9 uncongested dwelling accommodations within their financial  
10 reach.

11           Upon a showing of need of a grant from the amount  
12 appropriated for this Act and that the sum so granted will be  
13 satisfactorily employed by the housing authority in the  
14 development of housing projects for the purposes authorized by  
15 this Act, the Director of ~~the Department of~~ Commerce and  
16 Economic Opportunity ~~Community Affairs~~ shall transmit to the  
17 State Comptroller a statement of approval and of the amount of  
18 the grant, and when the municipality has paid to the housing  
19 authority an amount at least equal to the amount of the  
20 approved grant, the Comptroller shall pay the amount of the  
21 approved grant to the housing authority from the appropriation  
22 for grants under this Act. The amount so granted together with  
23 the amount contributed by the city, village or incorporated  
24 town in which the redevelopment project is situated shall be  
25 deposited in a separate fund and shall be applied only to the  
26 planning, acquisition, development, and capital improvements  
27 of the approved housing project or projects for the purposes  
28 authorized by this Act and the Housing Authorities Act. The  
29 expenditure of any moneys from such separate fund and the  
30 location of the rehousing project or projects shall be subject  
31 to the approval of the Department of Commerce and Economic  
32 Opportunity ~~Community Affairs~~ and the governing body of the  
33 municipality in which the redevelopment project is located.

34           (Source: P.A. 91-632, eff. 8-19-99; revised 12-6-03.)

35           Section 735. The Illinois Affordable Housing Act is amended

1 by changing Sections 6 and 16 as follows:

2 (310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

3 Sec. 6. Advisory Commission.

4 (a) There is hereby created the Illinois Affordable Housing  
5 Advisory Commission. The Commission shall consist of 15  
6 members. Three of the Commissioners shall be the Directors of  
7 the Illinois Housing Development Authority, the Illinois  
8 Finance Authority and the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~ or their representatives. One of  
10 the Commissioners shall be the Commissioner of the Chicago  
11 Department of Housing or its representative. The remaining 11  
12 members shall be appointed by the Governor, with the advice and  
13 consent of the Senate, and not more than 4 of these Commission  
14 members shall reside in any one county in the State. At least  
15 one Commission member shall be an administrator of a public  
16 housing authority from other than a municipality having a  
17 population in excess of 2,000,000; at least 2 Commission  
18 members shall be representatives of special needs populations  
19 as described in subsection (e) of Section 8; at least 4  
20 Commission members shall be representatives of community-based  
21 organizations engaged in the development or operation of  
22 housing for low-income and very low-income households; and at  
23 least 4 Commission members shall be representatives of advocacy  
24 organizations, one of which shall represent a tenants' advocacy  
25 organization. The Governor shall consider nominations made by  
26 advocacy organizations and community-based organizations.

27 (b) Members appointed to the Commission shall serve a term  
28 of 3 years; however, 3 members first appointed under this Act  
29 shall serve an initial term of one year, and 4 members first  
30 appointed under this Act shall serve a term of 2 years.  
31 Individual terms of office shall be chosen by lot at the  
32 initial meeting of the Commission. The Governor shall appoint  
33 the Chairman of the Commission, and the Commission members  
34 shall elect a Vice Chairman.

35 (c) Members of the Commission shall not be entitled to

1 compensation, but shall receive reimbursement for actual and  
2 reasonable expenses incurred in the performance of their  
3 duties.

4 (d) Eight members of the Commission shall constitute a  
5 quorum for the transaction of business.

6 (e) The Commission shall meet at least quarterly and its  
7 duties and responsibilities are:

8 (1) the study and review of the availability of  
9 affordable housing for low-income and very low-income  
10 households in the State of Illinois and the development of  
11 a plan which addresses the need for additional affordable  
12 housing;

13 (2) encouraging collaboration between federal and  
14 State agencies, local government and the private sector in  
15 the planning, development and operation of affordable  
16 housing for low-income and very low-income households;

17 (3) studying, evaluating and soliciting new and  
18 expanded sources of funding for affordable housing;

19 (4) developing, proposing, reviewing, and commenting  
20 on priorities, policies and procedures for uses and  
21 expenditures of Trust Fund monies, including policies  
22 which assure equitable distribution of funds statewide;

23 (5) making recommendations to the Program  
24 Administrator concerning proposed expenditures from the  
25 Trust Fund;

26 (6) making recommendations to the Program  
27 Administrator concerning the developments proposed to be  
28 financed with the proceeds of Affordable Housing Program  
29 Trust Fund Bonds or Notes;

30 (7) reviewing and commenting on the development of  
31 priorities, policies and procedures for the administration  
32 of the Program;

33 (8) monitoring and evaluating all allocations of funds  
34 under this Program; and

35 (9) making recommendations to the General Assembly for  
36 further legislation that may be necessary in the area of

1 affordable housing.

2 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

3 (310 ILCS 65/16) (from Ch. 67 1/2, par. 1266)

4 Sec. 16. Tax Increment Financing Plan. The Program  
5 Administrator shall, in cooperation with the Department of  
6 Commerce and Economic Opportunity ~~Community Affairs~~, develop a  
7 plan for the use of tax increment financing to increase the  
8 availability of affordable housing. The Program Administrator  
9 shall recommend ways in which local tax increment financing can  
10 be exported from commercial and industrial developments to very  
11 low-income, low-income and moderate income housing projects  
12 outside the tax increment financing district, subject to  
13 limitation on dollar amounts. By March 1, 1990, the Program  
14 Administrator shall report to the Governor and the General  
15 Assembly the details of the plan and the Program  
16 Administrator's recommendations for legislative action.

17 (Source: P.A. 86-925; revised 12-6-03.)

18 Section 740. The Blighted Areas Redevelopment Act of 1947  
19 is amended by changing Section 3 as follows:

20 (315 ILCS 5/3) (from Ch. 67 1/2, par. 65)

21 Sec. 3. Definitions. The following terms, wherever used or  
22 referred to in this Act shall have the following respective  
23 meanings, unless in any case a different meaning clearly  
24 appears from the context:

25 (a) "Commission" means a Land Clearance Commission created  
26 pursuant to this Act or heretofore created pursuant to "An Act  
27 to promote the improvement of housing," approved July 26, 1945.

28 (b) "Commissioner" or "Commissioners" shall mean a  
29 Commissioner or Commissioners of a Land Clearance Commission.

30 (c) "Department" means the Department of Commerce and  
31 Economic Opportunity ~~Community Affairs~~.

32 (d) "Authority" or "housing authority" shall mean a housing  
33 authority organized in accordance with the provisions of the

1 Housing Authorities Act.

2 (e) "Municipality" shall mean a city, village or  
3 incorporated town.

4 (f) "Presiding officer" shall mean the presiding officer of  
5 the board of a county, or the mayor or president of a city,  
6 village or incorporated town, as the case may be, for which a  
7 Land Clearance Commission is created.

8 (g) The term "governing body" shall mean the council or the  
9 president and board of trustees of any city, village or  
10 incorporated town, as the case may be, and the county board of  
11 any county.

12 (h) "Area of operation" shall mean (1) in the case of a  
13 Land Clearance Commission created for a municipality, the area  
14 within the territorial boundaries of said municipality; and (2)  
15 in the case of a county shall include the areas within the  
16 territorial boundaries of all municipalities within such  
17 county, except the area of any municipality located therein in  
18 which there has been created a Land Clearance Commission or a  
19 Department of Urban Renewal pursuant to the provisions of the  
20 Urban Renewal Consolidation Act of 1961. When a Land Clearance  
21 Commission or such a Department of Urban Renewal is created for  
22 a municipality subsequent to the creation of a County land  
23 clearance commission whose area of operation of the County land  
24 clearance commission shall not thereafter include the  
25 territory of such municipality, but the County land clearance  
26 commission may continue any redevelopment project previously  
27 commenced in such municipality.

28 (i) "Real property" shall include lands, lands under water,  
29 structures, and any and all easements, franchises and  
30 incorporeal hereditaments and estates, and rights, legal and  
31 equitable, including terms for years and liens by way of  
32 judgment, mortgage or otherwise.

33 (j) "Slum and Blighted Area" means any area of not less in  
34 the aggregate than 2 acres located within the territorial  
35 limits of a municipality where buildings or improvements, by  
36 reason of dilapidation, obsolescence, overcrowding, faulty

1 arrangement or design, lack of ventilation, light and sanitary  
2 facilities, excessive land coverage, deleterious land use or  
3 layout or any combination of these factors, are detrimental to  
4 the public safety, health, morals or welfare.

5 (k) "Slum and Blighted Area Redevelopment Project" means a  
6 project involving a slum and blighted area as defined in  
7 subsection (j) of this Section including undertakings and  
8 activities of the Commission in a Slum and Blighted Area  
9 Redevelopment Project for the elimination and for the  
10 prevention of the development or spread of slums and blight and  
11 may involve slum clearance and redevelopment in a Slum and  
12 Blighted Area Redevelopment Project, or any combination or part  
13 thereof in accordance with an Urban Renewal Program. Such  
14 undertakings and activities may include:

15 1. acquisition of a slum area or a blighted area or  
16 portion thereof;

17 2. demolition and removal of buildings and  
18 improvements;

19 3. installation, construction or reconstruction of  
20 streets, utilities, parks, playgrounds, and other  
21 improvements necessary for the carrying out in the Slum and  
22 Blighted Area Redevelopment Project the objectives of this  
23 Act;

24 4. disposition of any property acquired in the Slum and  
25 Blighted Area Redevelopment Project;

26 5. carrying out plans for a program of voluntary repair  
27 and rehabilitation of buildings or other improvements in  
28 accordance with a redevelopment plan.

29 (l) "Blighted Vacant Area Redevelopment Project" means a  
30 project involving (1) predominantly open platted urban or  
31 suburban land which because of obsolete platting, diversity of  
32 ownership, deterioration of structures or of site  
33 improvements, or taxes or special assessment delinquencies  
34 exceeding the fair value of the land, substantially impairs or  
35 arrests the sound growth of the community and which is to be  
36 developed for residential or other use, provided that such a

1 project shall not be developed for other than residential use  
2 unless the area, at the time the Commission adopts the  
3 resolution approving the plan for the development of the area,  
4 is zoned for other than residential use and unless the  
5 Commission determines that residential development thereof is  
6 not feasible, and such determination is approved by the  
7 presiding officer and the governing body of the municipality in  
8 which the area is situated and by the Department, or (2) open  
9 unplatted urban or suburban land to be developed for  
10 predominantly residential uses, or (3) a combination of  
11 projects defined in (1) and (2) of this subsection (1).

12 (m) "Redevelopment Project" means a "Slum and Blighted Area  
13 Redevelopment Project" or a "Blighted Vacant Area  
14 Redevelopment Project", as the case may be, as designated in  
15 the determination of the Commission pursuant to Section 13 of  
16 this Act, and may include such additional area of not more in  
17 the aggregate than 160 acres (exclusive of the site of any  
18 abutting Slum and Blighted Area Redevelopment Project or  
19 Blighted Vacant Area Redevelopment Project) located within the  
20 territorial limits of the municipality, abutting and adjoining  
21 in whole or in part a Slum and Blighted Area Redevelopment  
22 Project or Blighted Vacant Area Redevelopment Project, which  
23 the land clearance commission deems necessary for the  
24 protection and completion of such redevelopment project or  
25 projects and of the site improvements to be made therein and  
26 which has been approved by the Department and the governing  
27 body of the municipality in which the area is situated, but the  
28 land clearance commission as to such additional area shall have  
29 power only to make studies, surveys and plans concerning  
30 services to be performed by the municipality or others,  
31 including the extension of project streets and utilities, the  
32 provision of parks, playgrounds or schools, and the zoning of  
33 such peripheral areas.

34 (n) "Match" and any other form of said word when used with  
35 reference to the matching of moneys means match on a dollar for  
36 dollar basis.



1 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

2 Section 745. The Blighted Vacant Areas Development Act of  
3 1949 is amended by changing Section 3 as follows:

4 (315 ILCS 10/3) (from Ch. 67 1/2, par. 91.3)

5 Sec. 3. Definitions. The following terms, wherever used or  
6 referred to in this Act, shall have the following respective  
7 meanings, unless, in any case, a different meaning clearly  
8 appears from the context:

9 (a) "Private interest" and "developer" includes any  
10 person, firm, association, trust, or business corporation.

11 (b) "Blighted vacant area" means any undeveloped  
12 contiguous urban area of not less than one acre where there  
13 exists diversity of ownership of lots and tax and special  
14 assessment delinquencies exceeding the fair cash market value  
15 of the land within such area.

16 (c) "Department" means the Department of Commerce and  
17 Economic Opportunity ~~Community Affairs~~.

18 (d) "Municipality" and "corporate authorities of the  
19 municipality" shall have the respective meanings assigned to  
20 these terms in Section 1-1-2 of the Illinois Municipal Code.  
21 "Corporate authorities of the county" shall refer to the  
22 governing body of the county as specified in Section 5-1004 of  
23 the Counties Code.

24 (Source: P.A. 86-1475; revised 12-6-03.)

25 Section 750. The Urban Community Conservation Act is  
26 amended by changing Section 4 as follows:

27 (315 ILCS 25/4) (from Ch. 67 1/2, par. 91.11)

28 Sec. 4. Excepting any municipality for and in which there  
29 exists a Department of Urban Renewal created pursuant to the  
30 provisions of the "Urban Renewal Consolidation Act of 1961",  
31 enacted by the Seventy-Second General Assembly, any  
32 municipality, after 30 days' notice, published in a newspaper

1 of general circulation within the municipality, and public  
2 hearing, shall have the power to provide for the creation of a  
3 Conservation Board, to operate within the boundaries of such  
4 municipality, pursuant to the provisions of this Act. The  
5 presiding officer of any municipality in which a Conservation  
6 Board is established shall appoint, with the approval of the  
7 governing body and of the Department of Commerce and Economic  
8 Opportunity ~~Community Affairs~~, five residents of the  
9 municipality to act as a Conservation Board, hereinafter  
10 referred to as "the Board." Members of the Board shall be  
11 citizens of broad civic interest, administrative experience  
12 and ability in the fields of finance, real estate, building, or  
13 related endeavors, not more than three of whom shall belong to  
14 the same political party. One such member shall be designated  
15 by the presiding officer as Commissioner and shall serve at the  
16 pleasure of the presiding officer. He shall administer the  
17 functions assigned by the Board, preside over its meetings, and  
18 carry out whatever other functions may be assigned to him by  
19 the governing body. The Commissioner shall devote his full-time  
20 attention to the duties of his office and shall receive no  
21 public funds by way of salary, compensation, or remuneration  
22 for services rendered, from any other governmental agency or  
23 public body during his tenure in office, other than the salary  
24 provided by the governing body, except as herein otherwise  
25 specifically provided.

26 Four other members of the Board shall be appointed, to  
27 serve one, two, three and four year terms. After the expiration  
28 of the initial term of office each subsequent term shall be of  
29 four years' duration. A member shall hold office until his  
30 successor shall have been appointed and qualified. Members of  
31 the Board shall be eligible to succeed themselves. Members of  
32 the Board other than the Commissioner shall serve without pay,  
33 except as herein otherwise specifically provided and no member  
34 of the Board shall acquire any interest, direct or indirect, in  
35 any conservation project, or in any property included or  
36 planned to be included in any conservation project, nor shall

1 any member have any interest in any contract or proposed  
2 contract in connection with any such project. Members may be  
3 dismissed by the Presiding Office of the Municipality for good  
4 cause shown. Such dismissal may be set aside by a two-thirds  
5 vote of the governing body. Notwithstanding anything to the  
6 contrary herein contained, the Commissioner, may, during all or  
7 any part of his term also serve as Chairman or member of a  
8 Redevelopment Commission created pursuant to "The Neighborhood  
9 Redevelopment Corporation Law" approved July 9, 1941, as  
10 amended, and shall be entitled to receive and retain any salary  
11 payable to him as Chairman or member of any such Redevelopment  
12 Commission. Three members of the Conservation Board shall  
13 constitute a quorum to transact business and no vacancy shall  
14 impair the right of the remaining members to exercise all the  
15 powers of the Board; and every act, order, rule, regulation or  
16 resolution of the Conservation Board approved by a majority of  
17 the members thereof at a regular or special meeting shall be  
18 deemed to be the act, order, rule, regulation or resolution of  
19 the Conservation Board.

20 The Conservation Board shall designate Conservation Areas  
21 and

22 (a) Approve all conservation plans developed for  
23 Conservation Areas in the manner prescribed herein;

24 (b) Approve each use of eminent domain for the acquisition  
25 of real property for the purposes of this Act, provided that  
26 every property owner affected by condemnation proceedings  
27 shall have the opportunity to be heard by the Board before such  
28 proceedings may be approved;

29 (c) Act as the agent of the Municipality in the  
30 acquisition, management, and disposition of property acquired  
31 pursuant to this Act as hereinafter provided;

32 (d) Act as agent of the governing body, at the discretion  
33 of the governing body, in the enforcement and the  
34 administration of any ordinances relating to the conservation  
35 of urban residential areas and the prevention of slums enacted  
36 by the governing body pursuant to the laws of this State;

1 (e) Report annually to the presiding officer of the  
2 municipality;

3 (f) Shall, as agent for the Municipality upon approval by  
4 the governing body, have power to apply for and accept capital  
5 grants and loans from, and contract with, the United States of  
6 America, the Housing and Home Finance Agency, or any other  
7 Agency or instrumentality of the United States of America, for  
8 or in aid of any of the purposes of this Act, and to secure such  
9 loans by the issuance of debentures, notes, special  
10 certificates, or other evidences of indebtedness, to the United  
11 States of America; and

12 (g) Exercise any and all other powers as shall be necessary  
13 to effectuate the purposes of this Act.

14 (Source: P.A. 81-1509; revised 12-6-03.)

15 Section 755. The Urban Renewal Consolidation Act of 1961 is  
16 amended by changing Sections 5, 16, 17, and 31 as follows:

17 (315 ILCS 30/5) (from Ch. 67 1/2, par. 91.105)

18 Sec. 5. As soon as possible after the adoption of the  
19 ordinance by the governing body, the presiding officer of such  
20 municipality in which a Department of Urban Renewal is  
21 established, shall appoint, with the approval of the governing  
22 body, five members to act as a Department of Urban Renewal,  
23 hereinafter referred to as the "Department". Members of the  
24 Department shall be citizens of broad civic interest,  
25 administrative experience and ability in the fields of finance,  
26 real estate, building or related endeavors, at least three of  
27 whom shall be residents and electors of the municipality, and  
28 not more than three members shall belong to the same political  
29 party.

30 One member shall be designated by the presiding officer as  
31 Chairman and shall serve at the pleasure of the presiding  
32 officer. He shall administer the functions assigned by the  
33 Department, preside over its meetings and carry out whatever  
34 other functions may be assigned to him by the Department and by

1 the governing body. The Chairman shall devote his full-time  
2 attention to the duties of his office and shall receive no  
3 public funds by way of salary, compensation, or remuneration  
4 for services rendered, from any other governmental agency or  
5 public body during his tenure in office, other than the salary  
6 provided by the governing body.

7 Four other members shall be appointed with initial terms of  
8 one, two, three and four years. At the expiration of the term  
9 of each such member, and of each succeeding member, or in the  
10 event of a vacancy, the presiding officer shall appoint a  
11 member, subject to the approval of the governing body as  
12 aforesaid, to hold office, in the case of a vacancy for the  
13 unexpired term, or in the case of expiration for a term of four  
14 years, or until his successor shall have been appointed and  
15 qualified. Members shall be eligible to succeed themselves.  
16 Members other than the Chairman shall serve without  
17 compensation in the form of salary, per diem allowances or  
18 otherwise, but each such member shall be entitled to  
19 reimbursement for any necessary expenditures in connection  
20 with the performance of his duties.

21 Any public officer shall be eligible to serve as a member  
22 of the Department of Urban Renewal, and the acceptance of  
23 appointment as such shall not terminate or impair his other  
24 public office, the provision of any statute to the contrary  
25 notwithstanding; but no officer or employee of the Department  
26 of Commerce and Economic Opportunity ~~Community Affairs~~ shall be  
27 eligible to serve as a member, nor shall more than two public  
28 officers be members of the Department at one time; provided,  
29 however, that any commissioner of a land clearance commission  
30 or member of a conservation board shall be eligible to serve as  
31 a member, and the acceptance of appointment as such shall not  
32 impair his right to serve on such land clearance commission or  
33 conservation board pending its dissolution, the provision of  
34 any statute to the contrary notwithstanding. Members other than  
35 the Chairman may be removed from office by the presiding  
36 officer for good cause shown. Such removal may be set aside by

1 a two-thirds vote of the governing body.

2 (Source: P.A. 81-1509; revised 12-6-03.)

3 (315 ILCS 30/16) (from Ch. 67 1/2, par. 91.116)

4 Sec. 16. The Department, with the approval of the  
5 Department of Commerce and Economic Opportunity ~~Community~~  
6 ~~Affairs~~ and the governing body of the municipality in which the  
7 redevelopment project is located, may sell and convey not to  
8 exceed 15% of all the real property which is to be used for  
9 residential purposes in the area or areas of a redevelopment  
10 project or projects to a Housing Authority created under an Act  
11 entitled "An Act in relation to housing authorities," approved  
12 March 19, 1934, as amended, having jurisdiction within the area  
13 of the redevelopment project or projects, to provide housing  
14 projects pursuant to said last mentioned Act; provided the  
15 Department of Commerce and Economic Opportunity ~~Community~~  
16 ~~Affairs~~ determines that it is not practicable or feasible to  
17 otherwise relocate eligible persons residing in the area of the  
18 redevelopment project or projects in decent, safe and  
19 uncongested dwelling accommodations within their financial  
20 reach, unless such a housing project is undertaken by the  
21 Housing Authority, and provided further that first preference  
22 for occupancy in any such housing project developed by the  
23 Housing Authority on such real property shall be granted to  
24 eligible persons from the area included in the redevelopment  
25 project or projects that cannot otherwise be relocated in  
26 decent, safe and uncongested dwelling accommodations within  
27 their financial reach.

28 Any real property sold and conveyed to a Housing Authority  
29 pursuant to the provisions of this Section shall be sold at its  
30 use value (which may be less than its acquisition cost), which  
31 represents the value at which the Department determines such  
32 land should be made available in order that it may be  
33 redeveloped for the purposes specified in this Section.

34 (Source: P.A. 81-1509; revised 12-6-03.)

1 (315 ILCS 30/17) (from Ch. 67 1/2, par. 91.117)

2 Sec. 17. A Department, with the approval of the Department  
3 of Commerce and Economic Opportunity ~~Community Affairs~~ and the  
4 governing body of the municipality in which the project is  
5 located, may sell and convey any part of the real property  
6 within the area of a slum and blighted area redevelopment  
7 project as defined in Subsection (j) of Section 3 hereof to a  
8 Housing Authority created under an Act entitled "An Act in  
9 relation to housing authorities," approved March 19, 1934, as  
10 amended, having jurisdiction within the area of the  
11 redevelopment project or projects. Any real property sold and  
12 conveyed to a Housing Authority pursuant to the provisions of  
13 this Section shall be for the sole purpose of resale pursuant  
14 to the terms and provisions of Section 5 of an Act entitled "An  
15 Act to facilitate the development and construction of housing,  
16 to provide governmental assistance therefor, and to repeal an  
17 Act herein named," approved July 2, 1947, to a nonprofit  
18 corporation, or nonprofit corporations, organized for the  
19 purpose of constructing, managing and operating housing  
20 projects and the improvement of housing conditions, including  
21 the sale or rental of housing units to persons in need thereof.  
22 No sale shall be consummated pursuant to this Section unless  
23 the nonprofit corporation to which the Housing Authority is to  
24 resell, obligates itself to use the land for the purposes  
25 designated in the approved plan referred to in Section 19  
26 hereof and to commence and complete the building of the  
27 improvements within the periods of time which the Department  
28 fixes as reasonable and unless the Department is satisfied that  
29 the nonprofit corporation will have sufficient moneys to  
30 complete the redevelopment in accordance with the approved  
31 plan.

32 Any real property sold and conveyed to a Housing Authority  
33 pursuant to the provisions of this Section shall be sold at its  
34 use value (which may be less than its acquisition cost), which  
35 represents the value at which the Department determines such  
36 land should be made available in order that it may be developed

1 or redeveloped for the purposes specified in the approved plan.  
2 (Source: P.A. 81-1509; revised 12-6-03.)

3 (315 ILCS 30/31) (from Ch. 67 1/2, par. 91.131)

4 Sec. 31. When a Department of Urban Renewal has been  
5 established hereunder the presiding officer of the  
6 municipality shall so notify the Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~ and the land clearance  
8 commission in its area of operation by transmitting to the  
9 Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~ and such land clearance commission a certified copy of  
11 the ordinance of the governing body providing for the creation  
12 of such Department.

13 From and after the receipt of such notice such land  
14 clearance commission shall undertake no new development or  
15 redevelopment projects; however, such land clearance  
16 commission shall, pending its dissolution as hereinafter  
17 provided, have and continue to exercise all powers vested in  
18 land clearance commissions by the "Blighted Areas  
19 Redevelopment Act of 1947," approved July 2, 1947, as amended,  
20 with respect to: (1) projects then in progress pending  
21 determination, as hereinafter provided, by the governing body  
22 of the municipality as to which, if any, of the redevelopment  
23 projects then in progress are to be completed by such land  
24 clearance commission, and (2) projects which the governing body  
25 of the municipality determines shall be completed by such land  
26 clearance commission.

27 Such land clearance commission shall promptly prepare a  
28 detailed report covering its operations and activities and the  
29 status of all of its pending development or redevelopment  
30 projects, together with all other pertinent data and  
31 information as may be requested by the Department. The  
32 Department shall cause an audit to be made of the financial  
33 affairs and obligations of such land clearance commission.  
34 Copies of such report and audit shall be furnished the  
35 presiding officer of the municipality, the department, the



1 governing body of the municipality, the Department of Commerce  
2 and Economic Opportunity ~~Community Affairs~~ and such land  
3 clearance commission.

4       Upon receipt of such audit and report the Department of  
5 Urban Renewal, with the approval of the governing body of the  
6 municipality, shall determine with respect to any  
7 redevelopment project then in progress whether such project  
8 shall be completed by such land clearance commission or by the  
9 Department of Urban Renewal, and shall so notify such land  
10 clearance commission and the Department of Commerce and  
11 Economic Opportunity ~~Community Affairs~~.

12       Such land clearance commission shall, upon receipt of the  
13 determinations of the Department of Urban Renewal with respect  
14 to redevelopment projects then in progress, proceed with the  
15 orderly dissolution of such land clearance commission. When  
16 provision has been made for the refunding or payment of  
17 outstanding bonds of such land clearance commission the  
18 Commissioners of such land clearance commission shall promptly  
19 take appropriate action to convey, transfer, assign, deliver  
20 and pay over to the municipality for the purposes under Part I  
21 of this Act, all cash, real property, securities, contracts,  
22 records, and assets of any kind or nature which will not be  
23 needed for the completion by the land clearance commission of  
24 any redevelopment project which the department may have  
25 determined should be completed by such land clearance  
26 commission and which will not be required for the orderly  
27 dissolution of such land clearance commission. All assets so  
28 conveyed, assigned, transferred and paid over to the  
29 municipality shall be subject to the same rights, liabilities  
30 and obligations as existed prior to the transfer to the  
31 municipality.

32       When all of the cash, real property, securities, contracts,  
33 assets, records and functions of a land clearance commission  
34 have been so conveyed, transferred, assigned, delivered and  
35 paid over to the municipality and provisions have been made for  
36 the refunding or payment of outstanding bonds of such land

1 clearance commission, and when such land clearance commission  
2 has completed all projects which the Department, as aforesaid,  
3 may have determined should be completed by such land clearance  
4 commission, it shall so notify the Department of Commerce and  
5 Economic Opportunity ~~Community Affairs~~. When the Department of  
6 Commerce and Economic Opportunity ~~Community Affairs~~ is  
7 satisfied that a proper accounting has been made and that no  
8 contingent liabilities exist, the Department of Commerce and  
9 Economic Opportunity ~~Community Affairs~~ shall issue a  
10 certificate of dissolution which it shall file in the office in  
11 which deeds of property in the area of operation are recorded,  
12 and upon such filing, such land clearance commission shall be  
13 dissolved and cease to exist.

14 (Source: P.A. 81-1509; revised 12-6-03.)

15 Section 760. The Partnership for Long-Term Care Act is  
16 amended by changing Sections 50 and 60 as follows:

17 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

18 Sec. 50. Task force.

19 (a) An executive and legislative advisory task force shall  
20 be created to provide advice and assistance in designing and  
21 implementing the Partnership for Long-term Care Program. The  
22 task force shall be composed of representatives, designated by  
23 the director of each of the following agencies or departments:

24 (1) The Department on Aging.

25 (2) The Department of Public Aid.

26 (3) (Blank).

27 (4) The Department of Insurance.

28 (5) The Department of Commerce and Community Affairs

29 (now Department of Commerce and Economic Opportunity).

30 (6) The Legislative Research Unit.

31 (b) The task force shall consult with persons knowledgeable  
32 of and concerned with long-term care, including, but not  
33 limited to the following:

34 (1) Consumers.

1 (2) Health care providers.

2 (3) Representatives of long-term care insurance  
3 companies and administrators of health care service plans  
4 that cover long-term care services.

5 (4) Providers of long-term care.

6 (5) Private employers.

7 (6) Academic specialists in long-term care and aging.

8 (7) Representatives of the public employees' and  
9 teachers' retirement systems.

10 (c) The task force shall be established, and its members  
11 designated, not later than March 1, 1993. The task force shall  
12 make recommendations to the Department on Aging concerning the  
13 policy components of the program on or before September 1,  
14 1993.

15 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
16 eff. 7-1-97; revised 12-6-03.)

17 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

18 Sec. 60. Administrative costs.

19 (a) The Department on Aging, in conjunction with the  
20 Department of Public Aid, the Department of Insurance, and the  
21 Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~, shall submit applications for State or federal grants  
23 or federal waivers, or funding from nationally distributed  
24 private foundation grants, or insurance reimbursements to be  
25 used to pay the administrative expenses of implementation of  
26 the program. The Department on Aging, in conjunction with those  
27 other departments, also shall seek moneys from these same  
28 sources for the purpose of implementing the program, including  
29 moneys appropriated for that purpose.

30 (b) In implementing this Act, the Department on Aging may  
31 negotiate contracts, on a nonbid basis, with long-term care  
32 insurers, health care insurers, health care service plans, or  
33 both, for the provision of coverage for long-term care services  
34 that will meet the certification requirements set forth in  
35 Section 30 and the other requirements of this Act.

1 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,  
2 eff. 7-1-97; revised 12-6-03.)

3 Section 765. The High Risk Youth Career Development Act is  
4 amended by changing Section 1 as follows:

5 (325 ILCS 25/1) (from Ch. 23, par. 6551)

6 Sec. 1. The Department of Human Services (acting as  
7 successor to the Illinois Department of Public Aid under the  
8 Department of Human Services Act), in cooperation with the  
9 Department of Commerce and Economic Opportunity ~~Community~~  
10 ~~Affairs~~, the Illinois State Board of Education, the Department  
11 of Children and Family Services, the Department of Employment  
12 Services and other appropriate State and local agencies, may  
13 establish and administer, on an experimental basis and subject  
14 to appropriation, community-based programs providing  
15 comprehensive, long-term intervention strategies to increase  
16 future employability and career development among high risk  
17 youth. The Department of Human Services, and the other  
18 cooperating agencies, shall establish provisions for community  
19 involvement in the design, development, implementation and  
20 administration of these programs. The programs may provide the  
21 following services: teaching of basic literacy and remedial  
22 reading and writing; vocational training programs which are  
23 realistic in terms of producing lifelong skills necessary for  
24 career development; and supportive services including  
25 transportation and child care during the training period and  
26 for up to one year after placement in a job. The programs shall  
27 be targeted to high risk youth residing in the geographic areas  
28 served by the respective programs. "High risk" means that a  
29 person is at least 16 years of age but not yet 21 years of age  
30 and possesses one or more of the following characteristics:

- 31 (1) Has low income;  
32 (2) Is a member of a minority;  
33 (3) Is illiterate;  
34 (4) Is a school drop out;

- 1 (5) Is homeless;
- 2 (6) Is disabled;
- 3 (7) Is a parent; or
- 4 (8) Is a ward of the State.

5 The Department of Human Services and other cooperating  
6 State agencies shall promulgate rules and regulations,  
7 pursuant to the Illinois Administrative Procedure Act, for the  
8 implementation of this Act, including procedures and standards  
9 for determining whether a person possesses any of the  
10 characteristics specified in this Section.

11 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

12 Section 770. The Developmental Disability and Mental  
13 Disability Services Act is amended by changing Section 10-5 as  
14 follows:

15 (405 ILCS 80/10-5)

16 Sec. 10-5. Task force created. A workforce task force for  
17 persons with disabilities is created, consisting of 16 members.  
18 The task force shall consist of the following members:

19 (1) Two members of the Senate, appointed one each by  
20 the President of the Senate and the Minority Leader of the  
21 Senate.

22 (2) Two members of the House of Representatives,  
23 appointed one each by the Speaker of the House of  
24 Representatives and the Minority Leader of the House of  
25 Representatives.

26 (3) Three members appointed by the Secretary of Human  
27 Services or his or her designee, one each representing the  
28 Office of Developmental Disabilities, the Office of  
29 Rehabilitation Services, and the Office of Mental Health  
30 within the Department.

31 (4) One member representing the Illinois Council on  
32 Developmental Disabilities, selected by the Council.

33 (5) One member appointed by the Director of Aging or  
34 his or her designee.

1 (6) One member appointed by the Director of Employment  
2 Security or his or her designee.

3 (7) One member appointed by the Director of Commerce  
4 and Economic Opportunity ~~Community Affairs~~ or his or her  
5 designee.

6 (8) Two members representing private businesses, one  
7 of the 2 representing the Business Leaders Network,  
8 appointed by the Secretary of Human Services.

9 (9) One member representing the Illinois Network of  
10 Centers for Independent Living, selected by the Network.

11 (10) One member representing the Coalition of Citizens  
12 with Disabilities in Illinois, selected by the Coalition.

13 (11) One member representing People First of Illinois,  
14 selected by that organization.

15 (Source: P.A. 92-303, eff. 8-9-01; revised 12-6-03.)

16 Section 775. The Environmental Protection Act is amended by  
17 changing Sections 3.180, 6.1, 21.6, 22.16b, 22.23, 27, 55,  
18 55.3, 55.7, 58.14, and 58.15 as follows:

19 (415 ILCS 5/3.180) (was 415 ILCS 5/3.07)

20 Sec. 3.180. Department. "Department", when a particular  
21 entity is not specified, means (i) in the case of a function to  
22 be performed on or after July 1, 1995 (the effective date of  
23 the Department of Natural Resources Act), either the Department  
24 of Natural Resources or the Department of Commerce and Economic  
25 Opportunity (formerly Department of Commerce and Community  
26 Affairs), whichever, in the specific context, is the successor  
27 to the Department of Energy and Natural Resources under the  
28 Department of Natural Resources Act; or (ii) in the case of a  
29 function performed before July 1, 1995, the former Illinois  
30 Department of Energy and Natural Resources.

31 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

32 (415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

33 Sec. 6.1. The Department of Commerce and Community Affairs

1 (now Department of Commerce and Economic Opportunity) shall  
2 conduct studies of the effects of all State and federal sulfur  
3 dioxide regulations and emission standards on the use of  
4 Illinois coal and other fuels, and shall report the results of  
5 such studies to the Governor and the General Assembly. The  
6 reports shall be made by July 1, 1980 and biennially  
7 thereafter.

8 The requirement for reporting to the General Assembly shall  
9 be satisfied by filing copies of the report with the Speaker,  
10 the Minority Leader and the Clerk of the House of  
11 Representatives and the President, the Minority Leader and the  
12 Secretary of the Senate and the Legislative Research Unit, as  
13 required by Section 3.1 of "An Act to revise the law in  
14 relation to the General Assembly", approved February 25, 1874,  
15 as amended, and filing such additional copies with the State  
16 Government Report Distribution Center for the General Assembly  
17 as is required under paragraph (t) of Section 7 of the State  
18 Library Act.

19 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

20 (415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)

21 Sec. 21.6. Materials disposal ban.

22 (a) Beginning July 1, 1996, no person may knowingly mix  
23 liquid used oil with any municipal waste that is intended for  
24 collection and disposal at a landfill.

25 (b) Beginning July 1, 1996, no owner or operator of a  
26 sanitary landfill shall accept for final disposal liquid used  
27 oil that is discernible in the course of prudent business  
28 operation.

29 (c) For purposes of this Section, "liquid used oil" does  
30 not include used oil filters, rags, absorbent material used to  
31 collect spilled oil or other materials incidentally  
32 contaminated with used oil, or empty containers which  
33 previously contained virgin oil, re-refined oil, or used oil.

34 (d) The Agency and the Department of Commerce and Economic  
35 Opportunity ~~Community Affairs~~ shall investigate the manner in

1 which liquid used oil is currently being utilized and potential  
2 prospects for future use.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

4 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

5 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency  
6 shall assess and collect a fee from the owner or operator of  
7 each new municipal waste incinerator. The fee shall be  
8 calculated by applying the rates established from time to time  
9 for the disposal of solid waste at sanitary landfills under  
10 subdivision (b) (1) of Section 22.15 to the total amount of  
11 municipal waste accepted for incineration at the new municipal  
12 waste incinerator. The exemptions provided by this Act to the  
13 fees imposed under subsection (b) of Section 22.15 shall not  
14 apply to the fee imposed by this Section.

15 The owner or operator of any new municipal waste  
16 incinerator permitted after January 1, 1990, but before July 1,  
17 1990 by the Agency for the development or operation of a new  
18 municipal waste incinerator shall be exempt from this fee, but  
19 shall include the following conditions:

20 (1) The owner or operator shall provide information  
21 programs to those communities serviced by the owner or  
22 operator concerning recycling and separation of waste not  
23 suitable for incineration.

24 (2) The owner or operator shall provide information  
25 programs to those communities serviced by the owner or  
26 operator concerning the Agency's household hazardous waste  
27 collection program and participation in that program.

28 For the purposes of this Section, "new municipal waste  
29 incinerator" means a municipal waste incinerator initially  
30 permitted for development or construction on or after January  
31 1, 1990.

32 Amounts collected under this subsection shall be deposited  
33 into the Municipal Waste Incinerator Tax Fund, which is hereby  
34 established as an interest-bearing special fund in the State  
35 Treasury. Monies in the Fund may be used, subject to



1 appropriation:

2 (1) by the Department of Commerce and Economic  
3 Opportunity ~~Community Affairs~~ to fund its public  
4 information programs on recycling in those communities  
5 served by new municipal waste incinerators; and

6 (2) by the Agency to fund its household hazardous waste  
7 collection activities in those communities served by new  
8 municipal waste incinerators.

9 (b) Any permit issued by the Agency for the development or  
10 operation of a new municipal waste incinerator shall include  
11 the following conditions:

12 (1) The incinerator must be designed to provide  
13 continuous monitoring while in operation, with direct  
14 transmission of the resultant data to the Agency, until the  
15 Agency determines the best available control technology  
16 for monitoring the data. The Agency shall establish the  
17 test methods, procedures and averaging periods, as  
18 certified by the USEPA for solid waste incinerator units,  
19 and the form and frequency of reports containing results of  
20 the monitoring. Compliance and enforcement shall be based  
21 on such reports. Copies of the results of such monitoring  
22 shall be maintained on file at the facility concerned for  
23 one year, and copies shall be made available for inspection  
24 and copying by interested members of the public during  
25 business hours.

26 (2) The facility shall comply with the emission limits  
27 adopted by the Agency under subsection (c).

28 (3) The operator of the facility shall take reasonable  
29 measures to ensure that waste accepted for incineration  
30 complies with all legal requirements for incineration. The  
31 incinerator operator shall establish contractual  
32 requirements or other notification and inspection  
33 procedures sufficient to assure compliance with this  
34 subsection (b) (3) which may include, but not be limited to,  
35 routine inspections of waste, lists of acceptable and  
36 unacceptable waste provided to haulers and notification to

1 the Agency when the facility operator rejects and sends  
2 loads away. The notification shall contain at least the  
3 name of the hauler and the site from where the load was  
4 hauled.

5 (4) The operator may not accept for incineration any  
6 waste generated or collected in a municipality that has not  
7 implemented a recycling plan or is party to an implemented  
8 county plan, consistent with State goals and objectives.  
9 Such plans shall include provisions for collecting,  
10 recycling or diverting from landfills and municipal  
11 incinerators landscape waste, household hazardous waste  
12 and batteries. Such provisions may be performed at the site  
13 of the new municipal incinerator.

14 The Agency, after careful scrutiny of a permit application  
15 for the construction, development or operation of a new  
16 municipal waste incinerator, shall deny the permit if (i) the  
17 Agency finds in the permit application noncompliance with the  
18 laws and rules of the State or (ii) the application indicates  
19 that the mandated air emissions standards will not be reached  
20 within six months of the proposed municipal waste incinerator  
21 beginning operation.

22 (c) The Agency shall adopt specific limitations on the  
23 emission of mercury, chromium, cadmium and lead, and good  
24 combustion practices, including temperature controls from  
25 municipal waste incinerators pursuant to Section 9.4 of the  
26 Act.

27 (d) The Agency shall establish household hazardous waste  
28 collection centers in appropriate places in this State. The  
29 Agency may operate and maintain the centers itself or may  
30 contract with other parties for that purpose. The Agency shall  
31 ensure that the wastes collected are properly disposed of. The  
32 collection centers may charge fees for their services, not to  
33 exceed the costs incurred. Such collection centers shall not  
34 (i) be regulated as hazardous waste facilities under RCRA nor  
35 (ii) be subject to local siting approval under Section 39.2 if  
36 the local governing authority agrees to waive local siting

1 approval procedures.

2 (Source: P.A. 88-474; 89-101, eff. 7-7-95; 89-445, eff. 2-7-96;  
3 revised 12-6-03.)

4 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

5 Sec. 22.23. Batteries.

6 (a) Beginning September 1, 1990, any person selling  
7 lead-acid batteries at retail or offering lead-acid batteries  
8 for retail sale in this State shall:

9 (1) accept for recycling used lead-acid batteries from  
10 customers, at the point of transfer, in a quantity equal to  
11 the number of new batteries purchased; and

12 (2) post in a conspicuous place a written notice at  
13 least 8.5 by 11 inches in size that includes the universal  
14 recycling symbol and the following statements: "DO NOT put  
15 motor vehicle batteries in the trash."; "Recycle your used  
16 batteries."; and "State law requires us to accept motor  
17 vehicle batteries for recycling, in exchange for new  
18 batteries purchased.".

19 (b) Any person selling lead-acid batteries at retail in  
20 this State may either charge a recycling fee on each new  
21 lead-acid battery sold for which the customer does not return a  
22 used battery to the retailer, or provide a recycling credit to  
23 each customer who returns a used battery for recycling at the  
24 time of purchasing a new one.

25 (c) Beginning September 1, 1990, no lead-acid battery  
26 retailer may dispose of a used lead-acid battery except by  
27 delivering it (1) to a battery wholesaler or its agent, (2) to  
28 a battery manufacturer, (3) to a collection or recycling  
29 facility, or (4) to a secondary lead smelter permitted by  
30 either a state or federal environmental agency.

31 (d) Any person selling lead-acid batteries at wholesale or  
32 offering lead-acid batteries for sale at wholesale shall accept  
33 for recycling used lead-acid batteries from customers, at the  
34 point of transfer, in a quantity equal to the number of new  
35 batteries purchased. Such used batteries shall be disposed of

1 as provided in subsection (c).

2 (e) A person who accepts used lead-acid batteries for  
3 recycling pursuant to subsection (a) or (d) shall not allow  
4 such batteries to accumulate for periods of more than 90 days.

5 (f) Beginning September 1, 1990, no person may knowingly  
6 cause or allow:

7 (1) the placing of a lead-acid battery into any  
8 container intended for collection and disposal at a  
9 municipal waste sanitary landfill; or

10 (2) the disposal of any lead-acid battery in any  
11 municipal waste sanitary landfill or incinerator.

12 (g) The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ shall identify and assist in developing  
14 alternative processing and recycling options for used  
15 batteries.

16 (h) For the purpose of this Section:

17 "Lead-acid battery" means a battery containing lead and  
18 sulfuric acid that has a nominal voltage of at least 6 volts  
19 and is intended for use in motor vehicles.

20 "Motor vehicle" includes automobiles, vans, trucks,  
21 tractors, motorcycles and motorboats.

22 (i) (Blank.)

23 (j) Knowing violation of this Section shall be a petty  
24 offense punishable by a fine of \$100.

25 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

26 (415 ILCS 5/27) (from Ch. 111 1/2, par. 1027)

27 Sec. 27. Rulemaking.

28 (a) The Board may adopt substantive regulations as  
29 described in this Act. Any such regulations may make different  
30 provisions as required by circumstances for different  
31 contaminant sources and for different geographical areas; may  
32 apply to sources outside this State causing, contributing to,  
33 or threatening environmental damage in Illinois; may make  
34 special provision for alert and abatement standards and  
35 procedures respecting occurrences or emergencies of pollution

1 or on other short-term conditions constituting an acute danger  
2 to health or to the environment; and may include regulations  
3 specific to individual persons or sites. In promulgating  
4 regulations under this Act, the Board shall take into account  
5 the existing physical conditions, the character of the area  
6 involved, including the character of surrounding land uses,  
7 zoning classifications, the nature of the existing air quality,  
8 or receiving body of water, as the case may be, and the  
9 technical feasibility and economic reasonableness of measuring  
10 or reducing the particular type of pollution. The generality of  
11 this grant of authority shall only be limited by the  
12 specifications of particular classes of regulations elsewhere  
13 in this Act.

14 No charge shall be established or assessed by the Board or  
15 Agency against any person for emission of air contaminants from  
16 any source, for discharge of water contaminants from any  
17 source, or for the sale, offer or use of any article.

18 Any person filing with the Board a written proposal for the  
19 adoption, amendment, or repeal of regulations shall provide  
20 information supporting the requested change and shall at the  
21 same time file a copy of such proposal with the Agency and the  
22 Department of Natural Resources. To aid the Board and to assist  
23 the public in determining which facilities will be affected,  
24 the person filing a proposal shall describe, to the extent  
25 reasonably practicable, the universe of affected sources and  
26 facilities and the economic impact of the proposed rule.

27 (b) Except as provided below and in Section 28.2, before  
28 the adoption of any proposed rules not relating to  
29 administrative procedures within the Agency or the Board, or  
30 amendment to existing rules not relating to administrative  
31 procedures within the Agency or the Board, the Board shall:

32 (1) request that the Department of Commerce and  
33 Economic Opportunity ~~Community Affairs~~ conduct a study of  
34 the economic impact of the proposed rules. The Department  
35 may within 30 to 45 days of such request produce a study of  
36 the economic impact of the proposed rules. At a minimum,

1 the economic impact study shall address (A) economic,  
2 environmental, and public health benefits that may be  
3 achieved through compliance with the proposed rules, (B)  
4 the effects of the proposed rules on employment levels,  
5 commercial productivity, the economic growth of small  
6 businesses with 100 or less employees, and the State's  
7 overall economy, and (C) the cost per unit of pollution  
8 reduced and the variability in cost based on the size of  
9 the facility and the percentage of company revenues  
10 expected to be used to implement the proposed rules; and

11 (2) conduct at least one public hearing on the economic  
12 impact of those new rules. At least 20 days before the  
13 hearing, the Board shall notify the public of the hearing  
14 and make the economic impact study, or the Department of  
15 Commerce and Economic Opportunity's ~~Community Affairs'~~  
16 explanation for not producing an economic impact study,  
17 available to the public. Such public hearing may be held  
18 simultaneously or as a part of any Board hearing  
19 considering such new rules.

20 In adopting any such new rule, the Board shall, in its  
21 written opinion, make a determination, based upon the evidence  
22 in the public hearing record, including but not limited to the  
23 economic impact study, as to whether the proposed rule has any  
24 adverse economic impact on the people of the State of Illinois.

25 (c) On proclamation by the Governor, pursuant to Section 8  
26 of the Illinois Emergency Services and Disaster Act of 1975,  
27 that a disaster emergency exists, or when the Board finds that  
28 a severe public health emergency exists, the Board may, in  
29 relation to any proposed regulation, order that such regulation  
30 shall take effect without delay and the Board shall proceed  
31 with the hearings and studies required by this Section while  
32 the regulation continues in effect.

33 When the Board finds that a situation exists which  
34 reasonably constitutes a threat to the public interest, safety  
35 or welfare, the Board may adopt regulations pursuant to and in  
36 accordance with Section 5-45 of the Illinois Administrative

1 Procedure Act.

2 (d) To the extent consistent with any deadline for adoption  
3 of any regulations mandated by State or federal law, prior to  
4 initiating any hearing on a regulatory proposal, the Board may  
5 assign a qualified hearing officer who may schedule a  
6 prehearing conference between the proponents and any or all of  
7 the potentially affected persons. The notice requirements of  
8 Section 28 shall not apply to such prehearing conferences. The  
9 purposes of such conference shall be to maximize understanding  
10 of the intent and application of the proposal, to reach  
11 agreement on aspects of the proposal, if possible, and to  
12 attempt to identify and limit the issues of disagreement among  
13 the participants to promote efficient use of time at hearing.  
14 No record need be kept of the prehearing conference, nor shall  
15 any participant or the Board be bound by any discussions  
16 conducted at the prehearing conference. However, with the  
17 consent of all participants in the prehearing conference, a  
18 prehearing order delineating issues to be heard, agreed facts,  
19 and other matters may be entered by the hearing officer. Such  
20 an order will not be binding on nonparticipants in the  
21 prehearing conference.

22 (Source: P.A. 90-489, eff. 1-1-98; 91-357, eff. 7-29-99;  
23 revised 12-6-03.)

24 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

25 Sec. 55. Prohibited activities.

26 (a) No person shall:

27 (1) Cause or allow the open dumping of any used or  
28 waste tire.

29 (2) Cause or allow the open burning of any used or  
30 waste tire.

31 (3) Except at a tire storage site which contains more  
32 than 50 used tires, cause or allow the storage of any used  
33 tire unless the tire is altered, reprocessed, converted,  
34 covered, or otherwise prevented from accumulating water.

35 (4) Cause or allow the operation of a tire storage site

1           except in compliance with Board regulations.

2           (5) Abandon, dump or dispose of any used or waste tire  
3           on private or public property, except in a sanitary  
4           landfill approved by the Agency pursuant to regulations  
5           adopted by the Board.

6           (6) Fail to submit required reports, tire removal  
7           agreements, or Board regulations.

8           (b) (Blank.)

9           (b-1) Beginning January 1, 1995, no person shall knowingly  
10          mix any used or waste tire, either whole or cut, with municipal  
11          waste, and no owner or operator of a sanitary landfill shall  
12          accept any used or waste tire for final disposal; except that  
13          used or waste tires, when separated from other waste, may be  
14          accepted if: (1) the sanitary landfill provides and maintains a  
15          means for shredding, slitting, or chopping whole tires and so  
16          treats whole tires and, if approved by the Agency in a permit  
17          issued under this Act, uses the used or waste tires for  
18          alternative uses, which may include on-site practices such as  
19          lining of roadways with tire scraps, alternative daily cover,  
20          or use in a leachate collection system or (2) the sanitary  
21          landfill, by its notification to the Illinois Industrial  
22          Materials Exchange Service, makes available the used or waste  
23          tire to an appropriate facility for reuse, reprocessing, or  
24          converting, including use as an alternate energy fuel. If,  
25          within 30 days after notification to the Illinois Industrial  
26          Materials Exchange Service of the availability of waste tires,  
27          no specific request for the used or waste tires is received by  
28          the sanitary landfill, and the sanitary landfill determines it  
29          has no alternative use for those used or waste tires, the  
30          sanitary landfill may dispose of slit, chopped, or shredded  
31          used or waste tires in the sanitary landfill. In the event the  
32          physical condition of a used or waste tire makes shredding,  
33          slitting, chopping, reuse, reprocessing, or other alternative  
34          use of the used or waste tire impractical or infeasible, then  
35          the sanitary landfill, after authorization by the Agency, may  
36          accept the used or waste tire for disposal.



1 Sanitary landfills and facilities for reuse, reprocessing,  
2 or converting, including use as alternative fuel, shall (i)  
3 notify the Illinois Industrial Materials Exchange Service of  
4 the availability of and demand for used or waste tires and (ii)  
5 consult with the Department of Commerce and Economic  
6 Opportunity ~~Community Affairs~~ regarding the status of  
7 marketing of waste tires to facilities for reuse.

8 (c) Any person who sells new or used tires at retail or  
9 operates a tire storage site or a tire disposal site which  
10 contains more than 50 used or waste tires shall give notice of  
11 such activity to the Agency. Any person engaging in such  
12 activity for the first time after January 1, 1990, shall give  
13 notice to the Agency within 30 days after the date of  
14 commencement of the activity. The form of such notice shall be  
15 specified by the Agency and shall be limited to information  
16 regarding the following:

17 (1) the name and address of the owner and operator;

18 (2) the name, address and location of the operation;

19 (3) the type of operations involving used and waste  
20 tires (storage, disposal, conversion or processing); and

21 (4) the number of used and waste tires present at the  
22 location.

23 (d) Beginning January 1, 1992, no person shall cause or  
24 allow the operation of:

25 (1) a tire storage site which contains more than 50  
26 used tires, unless the owner or operator, by January 1,  
27 1992 (or the January 1 following commencement of operation,  
28 whichever is later) and January 1 of each year thereafter,

29 (i) registers the site with the Agency, (ii) certifies to  
30 the Agency that the site complies with any applicable  
31 standards adopted by the Board pursuant to Section 55.2,  
32 (iii) reports to the Agency the number of tires  
33 accumulated, the status of vector controls, and the actions  
34 taken to handle and process the tires, and (iv) pays the  
35 fee required under subsection (b) of Section 55.6; or

36 (2) a tire disposal site, unless the owner or operator

1 (i) has received approval from the Agency after filing a  
2 tire removal agreement pursuant to Section 55.4, or (ii)  
3 has entered into a written agreement to participate in a  
4 consensual removal action under Section 55.3.

5 The Agency shall provide written forms for the annual  
6 registration and certification required under this subsection  
7 (d).

8 (e) No person shall cause or allow the storage, disposal,  
9 treatment or processing of any used or waste tire in violation  
10 of any regulation or standard adopted by the Board.

11 (f) No person shall arrange for the transportation of used  
12 or waste tires away from the site of generation with a person  
13 known to openly dump such tires.

14 (g) No person shall engage in any operation as a used or  
15 waste tire transporter except in compliance with Board  
16 regulations.

17 (h) No person shall cause or allow the combustion of any  
18 used or waste tire in an enclosed device unless a permit has  
19 been issued by the Agency authorizing such combustion pursuant  
20 to regulations adopted by the Board for the control of air  
21 pollution and consistent with the provisions of Section 9.4 of  
22 this Act.

23 (i) No person shall cause or allow the use of pesticides to  
24 treat tires except as prescribed by Board regulations.

25 (j) No person shall fail to comply with the terms of a tire  
26 removal agreement approved by the Agency pursuant to Section  
27 55.4.

28 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 6-20-03; 93-52,  
29 eff. 6-30-03; revised 12-6-03.)

30 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

31 Sec. 55.3. (a) Upon finding that an accumulation of used or  
32 waste tires creates an immediate danger to health, the Agency  
33 may take action pursuant to Section 34 of this Act.

34 (b) Upon making a finding that an accumulation of used or  
35 waste tires creates a hazard posing a threat to public health

1 or the environment, the Agency may undertake preventive or  
2 corrective action in accordance with this subsection. Such  
3 preventive or corrective action may consist of any or all of  
4 the following:

5 (1) Treating and handling used or waste tires and other  
6 infested materials within the area for control of  
7 mosquitoes and other disease vectors.

8 (2) Relocation of ignition sources and any used or  
9 waste tires within the area for control and prevention of  
10 tire fires.

11 (3) Removal of used and waste tire accumulations from  
12 the area.

13 (4) Removal of soil and water contamination related to  
14 tire accumulations.

15 (5) Installation of devices to monitor and control  
16 groundwater and surface water contamination related to  
17 tire accumulations.

18 (6) Such other actions as may be authorized by Board  
19 regulations.

20 (c) The Agency may, subject to the availability of  
21 appropriated funds, undertake a consensual removal action for  
22 the removal of up to 1,000 used or waste tires at no cost to the  
23 owner according to the following requirements:

24 (1) Actions under this subsection shall be taken  
25 pursuant to a written agreement between the Agency and the  
26 owner of the tire accumulation.

27 (2) The written agreement shall at a minimum specify:

28 (i) that the owner relinquishes any claim of an  
29 ownership interest in any tires that are removed, or in  
30 any proceeds from their sale;

31 (ii) that tires will no longer be allowed to be  
32 accumulated at the site;

33 (iii) that the owner will hold harmless the Agency  
34 or any employee or contractor utilized by the Agency to  
35 effect the removal, for any damage to property incurred  
36 during the course of action under this subsection,

1           except for gross negligence or intentional misconduct;  
2           and

3                   (iv) any conditions upon or assistance required  
4           from the owner to assure that the tires are so located  
5           or arranged as to facilitate their removal.

6           (3) The Agency may by rule establish conditions and  
7           priorities for removal of used and waste tires under this  
8           subsection.

9           (4) The Agency shall prescribe the form of written  
10          agreements under this subsection.

11          (d) The Agency shall have authority to provide notice to  
12          the owner or operator, or both, of a site where used or waste  
13          tires are located and to the owner or operator, or both, of the  
14          accumulation of tires at the site, whenever the Agency finds  
15          that the used or waste tires pose a threat to public health or  
16          the environment, or that there is no owner or operator  
17          proceeding in accordance with a tire removal agreement approved  
18          under Section 55.4.

19          The notice provided by the Agency shall include the  
20          identified preventive or corrective action, and shall provide  
21          an opportunity for the owner or operator, or both, to perform  
22          such action.

23          For sites with more than 250,000 passenger tire  
24          equivalents, following the notice provided for by this  
25          subsection (d), the Agency may enter into a written  
26          reimbursement agreement with the owner or operator of the site.  
27          The agreement shall provide a schedule for the owner or  
28          operator to reimburse the Agency for costs incurred for  
29          preventive or corrective action, which shall not exceed 5 years  
30          in length. An owner or operator making payments under a written  
31          reimbursement agreement pursuant to this subsection (d) shall  
32          not be liable for punitive damages under subsection (h) of this  
33          Section.

34          (e) In accordance with constitutional limitations, the  
35          Agency shall have authority to enter at all reasonable times  
36          upon any private or public property for the purpose of taking

1 whatever preventive or corrective action is necessary and  
2 appropriate in accordance with the provisions of this Section,  
3 including but not limited to removal, processing or treatment  
4 of used or waste tires, whenever the Agency finds that used or  
5 waste tires pose a threat to public health or the environment.

6 (f) In undertaking preventive, corrective or consensual  
7 removal action under this Section the Agency may consider use  
8 of the following: rubber reuse alternatives, shredding or other  
9 conversion through use of mobile or fixed facilities, energy  
10 recovery through burning or incineration, and landfill  
11 disposal. To the extent practicable, the Agency shall consult  
12 with the Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ regarding the availability of alternatives  
14 to landfilling used and waste tires, and shall make every  
15 reasonable effort to coordinate tire cleanup projects with  
16 applicable programs that relate to such alternative practices.

17 (g) Except as otherwise provided in this Section, the owner  
18 or operator of any site or accumulation of used or waste tires  
19 at which the Agency has undertaken corrective or preventive  
20 action under this Section shall be liable for all costs thereof  
21 incurred by the State of Illinois, including reasonable costs  
22 of collection. Any monies received by the Agency hereunder  
23 shall be deposited into the Used Tire Management Fund. The  
24 Agency may in its discretion store, dispose of or convey the  
25 tires that are removed from an area at which it has undertaken  
26 a corrective, preventive or consensual removal action, and may  
27 sell or store such tires and other items, including but not  
28 limited to rims, that are removed from the area. The net  
29 proceeds of any sale shall be credited against the liability  
30 incurred by the owner or operator for the costs of any  
31 preventive or corrective action.

32 (h) Any person liable to the Agency for costs incurred  
33 under subsection (g) of this Section may be liable to the State  
34 of Illinois for punitive damages in an amount at least equal  
35 to, and not more than 2 times, the costs incurred by the State  
36 if such person failed without sufficient cause to take

1 preventive or corrective action pursuant to notice issued under  
2 subsection (d) of this Section.

3 (i) There shall be no liability under subsection (g) of  
4 this Section for a person otherwise liable who can establish by  
5 a preponderance of the evidence that the hazard created by the  
6 tires was caused solely by:

7 (1) an act of God;

8 (2) an act of war; or

9 (3) an act or omission of a third party other than an  
10 employee or agent, and other than a person whose act or  
11 omission occurs in connection with a contractual  
12 relationship with the person otherwise liable.

13 For the purposes of this subsection, "contractual  
14 relationship" includes, but is not limited to, land contracts,  
15 deeds and other instruments transferring title or possession,  
16 unless the real property upon which the accumulation is located  
17 was acquired by the defendant after the disposal or placement  
18 of used or waste tires on, in or at the property and one or more  
19 of the following circumstances is also established by a  
20 preponderance of the evidence:

21 (A) at the time the defendant acquired the  
22 property, the defendant did not know and had no reason  
23 to know that any used or waste tires had been disposed  
24 of or placed on, in or at the property, and the  
25 defendant undertook, at the time of acquisition, all  
26 appropriate inquiries into the previous ownership and  
27 uses of the property consistent with good commercial or  
28 customary practice in an effort to minimize liability;

29 (B) the defendant is a government entity which  
30 acquired the property by escheat or through any other  
31 involuntary transfer or acquisition, or through the  
32 exercise of eminent domain authority by purchase or  
33 condemnation; or

34 (C) the defendant acquired the property by  
35 inheritance or bequest.

36 (j) Nothing in this Section shall affect or modify the

1 obligations or liability of any person under any other  
2 provision of this Act, federal law, or State law, including the  
3 common law, for injuries, damages or losses resulting from the  
4 circumstances leading to Agency action under this Section.

5 (k) The costs and damages provided for in this Section may  
6 be imposed by the Board in an action brought before the Board  
7 in accordance with Title VIII of this Act, except that  
8 subsection (c) of Section 33 of this Act shall not apply to any  
9 such action.

10 (l) The Agency shall, when feasible, consult with the  
11 Department of Public Health prior to taking any action to  
12 remove or treat an infested tire accumulation for control of  
13 mosquitoes or other disease vectors. The Agency may by contract  
14 or agreement secure the services of the Department of Public  
15 Health, any local public health department, or any other  
16 qualified person in treating any such infestation as part of an  
17 emergency or preventive action.

18 (m) Neither the State, the Agency, the Board, the Director,  
19 nor any State employee shall be liable for any damage or injury  
20 arising out of or resulting from any action taken under this  
21 Section.

22 (Source: P.A. 92-24, eff. 7-1-01; revised 12-6-03.)

23 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

24 Sec. 55.7. The Department of Commerce and Economic  
25 Opportunity ~~Community Affairs~~ may adopt regulations as  
26 necessary for the administration of the grant and loan programs  
27 funded from the Used Tire Management Fund, including but not  
28 limited to procedures and criteria for applying for,  
29 evaluating, awarding and terminating grants and loans. The  
30 Department of Commerce and Economic Opportunity ~~Community~~  
31 ~~Affairs~~ may by rule specify criteria for providing grant  
32 assistance rather than loan assistance; such criteria shall  
33 promote the expeditious development of alternatives to the  
34 disposal of used tires, and the efficient use of monies for  
35 assistance. Evaluation criteria may be established by rule,

1 considering such factors as:

2 (1) the likelihood that a proposal will lead to the  
3 actual collection and processing of used tires and  
4 protection of the environment and public health in  
5 furtherance of the purposes of this Act;

6 (2) the feasibility of the proposal;

7 (3) the suitability of the location for the proposed  
8 activity;

9 (4) the potential of the proposal for encouraging  
10 recycling and reuse of resources; and

11 (5) the potential for development of new technologies  
12 consistent with the purposes of this Act.

13 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

14 (415 ILCS 5/58.14)

15 Sec. 58.14. Environmental Remediation Tax Credit review.

16 (a) Prior to applying for the Environmental Remediation Tax  
17 Credit under Section 201 of the Illinois Income Tax Act,  
18 Remediation Applicants shall first submit to the Agency an  
19 application for review of remediation costs. The application  
20 and review process shall be conducted in accordance with the  
21 requirements of this Section and the rules adopted under  
22 subsection (g). A preliminary review of the estimated  
23 remediation costs for development and implementation of the  
24 Remedial Action Plan may be obtained in accordance with  
25 subsection (d).

26 (b) No application for review shall be submitted until a No  
27 Further Remediation Letter has been issued by the Agency and  
28 recorded in the chain of title for the site in accordance with  
29 Section 58.10. The Agency shall review the application to  
30 determine whether the costs submitted are remediation costs,  
31 and whether the costs incurred are reasonable. The application  
32 shall be on forms prescribed and provided by the Agency. At a  
33 minimum, the application shall include the following:

34 (1) information identifying the Remediation Applicant  
35 and the site for which the tax credit is being sought and



1 the date of acceptance of the site into the Site  
2 Remediation Program;

3 (2) a copy of the No Further Remediation Letter with  
4 official verification that the letter has been recorded in  
5 the chain of title for the site and a demonstration that  
6 the site for which the application is submitted is the same  
7 site as the one for which the No Further Remediation Letter  
8 is issued;

9 (3) a demonstration that the release of the regulated  
10 substances of concern for which the No Further Remediation  
11 Letter was issued were not caused or contributed to in any  
12 material respect by the Remediation Applicant. After the  
13 Pollution Control Board rules are adopted pursuant to the  
14 Illinois Administrative Procedure Act for the  
15 administration and enforcement of Section 58.9 of the  
16 Environmental Protection Act, determinations as to credit  
17 availability shall be made consistent with those rules;

18 (4) an itemization and documentation, including  
19 receipts, of the remediation costs incurred;

20 (5) a demonstration that the costs incurred are  
21 remediation costs as defined in this Act and its rules;

22 (6) a demonstration that the costs submitted for review  
23 were incurred by the Remediation Applicant who received the  
24 No Further Remediation Letter;

25 (7) an application fee in the amount set forth in  
26 subsection (e) for each site for which review of  
27 remediation costs is requested and, if applicable,  
28 certification from the Department of Commerce and Economic  
29 Opportunity ~~Community Affairs~~ that the site is located in  
30 an enterprise zone;

31 (8) any other information deemed appropriate by the  
32 Agency.

33 (c) Within 60 days after receipt by the Agency of an  
34 application meeting the requirements of subsection (b), the  
35 Agency shall issue a letter to the applicant approving,  
36 disapproving, or modifying the remediation costs submitted in

1 the application. If the remediation costs are approved as  
2 submitted, the Agency's letter shall state the amount of the  
3 remediation costs to be applied toward the Environmental  
4 Remediation Tax Credit. If an application is disapproved or  
5 approved with modification of remediation costs, the Agency's  
6 letter shall set forth the reasons for the disapproval or  
7 modification and state the amount of the remediation costs, if  
8 any, to be applied toward the Environmental Remediation Tax  
9 Credit.

10 If a preliminary review of a budget plan has been obtained  
11 under subsection (d), the Remediation Applicant may submit,  
12 with the application and supporting documentation under  
13 subsection (b), a copy of the Agency's final determination  
14 accompanied by a certification that the actual remediation  
15 costs incurred for the development and implementation of the  
16 Remedial Action Plan are equal to or less than the costs  
17 approved in the Agency's final determination on the budget  
18 plan. The certification shall be signed by the Remediation  
19 Applicant and notarized. Based on that submission, the Agency  
20 shall not be required to conduct further review of the costs  
21 incurred for development and implementation of the Remedial  
22 Action Plan and may approve costs as submitted.

23 Within 35 days after receipt of an Agency letter  
24 disapproving or modifying an application for approval of  
25 remediation costs, the Remediation Applicant may appeal the  
26 Agency's decision to the Board in the manner provided for the  
27 review of permits in Section 40 of this Act.

28 (d) (1) A Remediation Applicant may obtain a preliminary  
29 review of estimated remediation costs for the development  
30 and implementation of the Remedial Action Plan by  
31 submitting a budget plan along with the Remedial Action  
32 Plan. The budget plan shall be set forth on forms  
33 prescribed and provided by the Agency and shall include but  
34 shall not be limited to line item estimates of the costs  
35 associated with each line item (such as personnel,  
36 equipment, and materials) that the Remediation Applicant

1 anticipates will be incurred for the development and  
2 implementation of the Remedial Action Plan. The Agency  
3 shall review the budget plan along with the Remedial Action  
4 Plan to determine whether the estimated costs submitted are  
5 remediation costs and whether the costs estimated for the  
6 activities are reasonable.

7 (2) If the Remedial Action Plan is amended by the  
8 Remediation Applicant or as a result of Agency action, the  
9 corresponding budget plan shall be revised accordingly and  
10 resubmitted for Agency review.

11 (3) The budget plan shall be accompanied by the  
12 applicable fee as set forth in subsection (e).

13 (4) Submittal of a budget plan shall be deemed an  
14 automatic 60-day waiver of the Remedial Action Plan review  
15 deadlines set forth in this Section and its rules.

16 (5) Within the applicable period of review, the Agency  
17 shall issue a letter to the Remediation Applicant  
18 approving, disapproving, or modifying the estimated  
19 remediation costs submitted in the budget plan. If a budget  
20 plan is disapproved or approved with modification of  
21 estimated remediation costs, the Agency's letter shall set  
22 forth the reasons for the disapproval or modification.

23 (6) Within 35 days after receipt of an Agency letter  
24 disapproving or modifying a budget plan, the Remediation  
25 Applicant may appeal the Agency's decision to the Board in  
26 the manner provided for the review of permits in Section 40  
27 of this Act.

28 (e) The fees for reviews conducted under this Section are  
29 in addition to any other fees or payments for Agency services  
30 rendered pursuant to the Site Remediation Program and shall be  
31 as follows:

32 (1) The fee for an application for review of  
33 remediation costs shall be \$1,000 for each site reviewed.

34 (2) The fee for the review of the budget plan submitted  
35 under subsection (d) shall be \$500 for each site reviewed.

36 (3) In the case of a Remediation Applicant submitting

1 for review total remediation costs of \$100,000 or less for  
2 a site located within an enterprise zone (as set forth in  
3 paragraph (i) of subsection (1) of Section 201 of the  
4 Illinois Income Tax Act), the fee for an application for  
5 review of remediation costs shall be \$250 for each site  
6 reviewed. For those sites, there shall be no fee for review  
7 of a budget plan under subsection (d).

8 The application fee shall be made payable to the State of  
9 Illinois, for deposit into the Hazardous Waste Fund.

10 Pursuant to appropriation, the Agency shall use the fees  
11 collected under this subsection for development and  
12 administration of the review program.

13 (f) The Agency shall have the authority to enter into any  
14 contracts or agreements that may be necessary to carry out its  
15 duties and responsibilities under this Section.

16 (g) Within 6 months after July 21, 1997, the Agency shall  
17 propose rules prescribing procedures and standards for its  
18 administration of this Section. Within 6 months after receipt  
19 of the Agency's proposed rules, the Board shall adopt on second  
20 notice, pursuant to Sections 27 and 28 of this Act and the  
21 Illinois Administrative Procedure Act, rules that are  
22 consistent with this Section. Prior to the effective date of  
23 rules adopted under this Section, the Agency may conduct  
24 reviews of applications under this Section and the Agency is  
25 further authorized to distribute guidance documents on costs  
26 that are eligible or ineligible as remediation costs.

27 (Source: P.A. 92-574, eff. 6-26-02; revised 12-6-03.)

28 (415 ILCS 5/58.15)

29 Sec. 58.15. Brownfields Programs.

30 (A) Brownfields Redevelopment Loan Program.

31 (a) The Agency shall establish and administer a revolving  
32 loan program to be known as the "Brownfields Redevelopment Loan  
33 Program" for the purpose of providing loans to be used for site  
34 investigation, site remediation, or both, at brownfields  
35 sites. All principal, interest, and penalty payments from loans

1 made under this subsection (A) shall be deposited into the  
2 Brownfields Redevelopment Fund and reused in accordance with  
3 this Section.

4 (b) General requirements for loans:

5 (1) Loans shall be at or below market interest rates in  
6 accordance with a formula set forth in regulations  
7 promulgated under subdivision (A)(c) of this subsection  
8 (A).

9 (2) Loans shall be awarded subject to availability of  
10 funding based on the order of receipt of applications  
11 satisfying all requirements as set forth in the regulations  
12 promulgated under subdivision (A)(c) of this subsection  
13 (A).

14 (3) The maximum loan amount under this subsection (A)  
15 for any one project is \$1,000,000.

16 (4) In addition to any requirements or conditions  
17 placed on loans by regulation, loan agreements under the  
18 Brownfields Redevelopment Loan Program shall include the  
19 following requirements:

20 (A) the loan recipient shall secure the loan  
21 repayment obligation;

22 (B) completion of the loan repayment shall not  
23 exceed 15 years or as otherwise prescribed by Agency  
24 rule; and

25 (C) loan agreements shall provide for a confession  
26 of judgment by the loan recipient upon default.

27 (5) Loans shall not be used to cover expenses incurred  
28 prior to the approval of the loan application.

29 (6) If the loan recipient fails to make timely payments  
30 or otherwise fails to meet its obligations as provided in  
31 this subsection (A) or implementing regulations, the  
32 Agency is authorized to pursue the collection of the  
33 amounts past due, the outstanding loan balance, and the  
34 costs thereby incurred, either pursuant to the Illinois  
35 State Collection Act of 1986 or by any other means provided  
36 by law, including the taking of title, by foreclosure or

1 otherwise, to any project or other property pledged,  
2 mortgaged, encumbered, or otherwise available as security  
3 or collateral.

4 (c) The Agency shall have the authority to enter into any  
5 contracts or agreements that may be necessary to carry out its  
6 duties or responsibilities under this subsection (A). The  
7 Agency shall have the authority to promulgate regulations  
8 setting forth procedures and criteria for administering the  
9 Brownfields Redevelopment Loan Program. The regulations  
10 promulgated by the Agency for loans under this subsection (A)  
11 shall include, but need not be limited to, the following  
12 elements:

- 13 (1) loan application requirements;
- 14 (2) determination of credit worthiness of the loan  
15 applicant;
- 16 (3) types of security required for the loan;
- 17 (4) types of collateral, as necessary, that can be  
18 pledged for the loan;
- 19 (5) special loan terms, as necessary, for securing the  
20 repayment of the loan;
- 21 (6) maximum loan amounts;
- 22 (7) purposes for which loans are available;
- 23 (8) application periods and content of applications;
- 24 (9) procedures for Agency review of loan applications,  
25 loan approvals or denials, and loan acceptance by the loan  
26 recipient;
- 27 (10) procedures for establishing interest rates;
- 28 (11) requirements applicable to disbursement of loans  
29 to loan recipients;
- 30 (12) requirements for securing loan repayment  
31 obligations;
- 32 (13) conditions or circumstances constituting default;
- 33 (14) procedures for repayment of loans and delinquent  
34 loans including, but not limited to, the initiation of  
35 principal and interest payments following loan acceptance;
- 36 (15) loan recipient responsibilities for work

- 1 schedules, work plans, reports, and record keeping;
- 2 (16) evaluation of loan recipient performance,  
3 including auditing and access to sites and records;
- 4 (17) requirements applicable to contracting and  
5 subcontracting by the loan recipient, including  
6 procurement requirements;
- 7 (18) penalties for noncompliance with loan  
8 requirements and conditions, including stop-work orders,  
9 termination, and recovery of loan funds; and
- 10 (19) indemnification of the State of Illinois and the  
11 Agency by the loan recipient.

12 (d) Moneys in the Brownfields Redevelopment Fund may be  
13 used as a source of revenue or security for the principal and  
14 interest on revenue or general obligation bonds issued by the  
15 State or any political subdivision or instrumentality thereof,  
16 if the proceeds of those bonds will be deposited into the Fund.

17 (B) Brownfields Site Restoration Program.

18 (a) (1) The Agency, with the assistance of the Department  
19 of Commerce and Economic Opportunity ~~Community Affairs~~,  
20 must establish and administer a program for the payment of  
21 remediation costs to be known as the Brownfields Site  
22 Restoration Program. The Agency, through the Program,  
23 shall provide Remediation Applicants with financial  
24 assistance for the investigation and remediation of  
25 abandoned or underutilized properties. The investigation  
26 and remediation shall be performed in accordance with this  
27 Title XVII of this Act.

28 (2) For each State fiscal year in which funds are made  
29 available to the Agency for payment under this subsection  
30 (B), the Agency must, subject to the availability of funds,  
31 allocate 20% of the funds to be available to Remediation  
32 Applicants within counties with populations over  
33 2,000,000. The remaining funds must be made available to  
34 all other Remediation Applicants in the State.

35 (3) The Agency must not approve payment in excess of

1           \$750,000 to a Remediation Applicant for remediation costs  
2           incurred at a remediation site. Eligibility must be  
3           determined based on a minimum capital investment in the  
4           redevelopment of the site, and payment amounts must not  
5           exceed the net economic benefit to the State of the  
6           remediation project. In addition to these limitations, the  
7           total payment to be made to an applicant must not exceed an  
8           amount equal to 20% of the capital investment at the site.

9           (4) Only those remediation projects for which a No  
10          Further Remediation Letter is issued by the Agency after  
11          December 31, 2001 are eligible to participate in the  
12          Brownfields Site Restoration Program. The program does not  
13          apply to any sites that have received a No Further  
14          Remediation Letter prior to December 31, 2001 or for costs  
15          incurred prior to the Department of Commerce and Economic  
16          Opportunity (formerly Department of Commerce and Community  
17          Affairs) approving a site eligible for the Brownfields Site  
18          Restoration Program.

19          (5) Brownfields Site Restoration Program funds shall  
20          be subject to availability of funding and distributed based  
21          on the order of receipt of applications satisfying all  
22          requirements as set forth in this Section.

23          (b) Prior to applying to the Agency for payment, a  
24          Remediation Applicant shall first submit to the Agency its  
25          proposed remediation costs. The Agency shall make a  
26          pre-application assessment, which is not to be binding upon the  
27          Department of Commerce and Economic Opportunity ~~Community~~  
28          ~~Affairs~~ or upon future review of the project, relating only to  
29          whether the Agency has adequate funding to reimburse the  
30          applicant for the remediation costs if the applicant is found  
31          to be eligible for reimbursement of remediation costs. If the  
32          Agency determines that it is likely to have adequate funding to  
33          reimburse the applicant for remediation costs, the Remediation  
34          Applicant may then submit to the Department of Commerce and  
35          Economic Opportunity ~~Community Affairs~~ an application for  
36          review of eligibility. The Department must review the



1 eligibility application to determine whether the Remediation  
2 Applicant is eligible for the payment. The application must be  
3 on forms prescribed and provided by the Department of Commerce  
4 and Economic Opportunity ~~Community Affairs~~. At a minimum, the  
5 application must include the following:

6 (1) Information identifying the Remediation Applicant  
7 and the site for which the payment is being sought and the  
8 date of acceptance into the Site Remediation Program.

9 (2) Information demonstrating that the site for which  
10 the payment is being sought is abandoned or underutilized  
11 property. "Abandoned property" means real property  
12 previously used for, or that has the potential to be used  
13 for, commercial or industrial purposes that reverted to the  
14 ownership of the State, a county or municipal government,  
15 or an agency thereof, through donation, purchase, tax  
16 delinquency, foreclosure, default, or settlement,  
17 including conveyance by deed in lieu of foreclosure; or  
18 privately owned property that has been vacant for a period  
19 of not less than 3 years from the time an application is  
20 made to the Department of Commerce and Economic Opportunity  
21 ~~Community Affairs~~. "Underutilized property" means real  
22 property of which less than 35% of the commercially usable  
23 space of the property and improvements thereon are used for  
24 their most commercially profitable and economically  
25 productive uses.

26 (3) Information demonstrating that remediation of the  
27 site for which the payment is being sought will result in a  
28 net economic benefit to the State of Illinois. The "net  
29 economic benefit" must be determined based on factors  
30 including, but not limited to, the capital investment, the  
31 number of jobs created, the number of jobs retained if it  
32 is demonstrated the jobs would otherwise be lost, capital  
33 improvements, the number of construction-related jobs,  
34 increased sales, material purchases, other increases in  
35 service and operational expenditures, and other factors  
36 established by the Department of Commerce and Economic

1 Opportunity Community Affairs. Priority must be given to  
2 sites located in areas with high levels of poverty, where  
3 the unemployment rate exceeds the State average, where an  
4 enterprise zone exists, or where the area is otherwise  
5 economically depressed as determined by the Department of  
6 Commerce and Economic Opportunity Community Affairs.

7 (4) An application fee in the amount set forth in  
8 subdivision (B)(c) for each site for which review of an  
9 application is being sought.

10 (c) The fee for eligibility reviews conducted by the  
11 Department of Commerce and Economic Opportunity Community  
12 ~~Affairs~~ under this subsection (B) is \$1,000 for each site  
13 reviewed. The application fee must be made payable to the  
14 Department of Commerce and Economic Opportunity Community  
15 ~~Affairs~~ for deposit into the Workforce, Technology, and  
16 Economic Development Fund. These application fees shall be used  
17 by the Department for administrative expenses incurred under  
18 this subsection (B).

19 (d) Within 60 days after receipt by the Department of  
20 Commerce and Economic Opportunity Community Affairs of an  
21 application meeting the requirements of subdivision (B)(b),  
22 the Department of Commerce and Economic Opportunity Community  
23 ~~Affairs~~ must issue a letter to the applicant approving the  
24 application, approving the application with modifications, or  
25 disapproving the application. If the application is approved or  
26 approved with modifications, the Department of Commerce and  
27 Economic Opportunity's Community Affairs letter must also  
28 include its determination of the "net economic benefit" of the  
29 remediation project and the maximum amount of the payment to be  
30 made available to the applicant for remediation costs. The  
31 payment by the Agency under this subsection (B) must not exceed  
32 the "net economic benefit" of the remediation project, as  
33 determined by the Department of Commerce and Economic  
34 Opportunity Community Affairs.

35 (e) An application for a review of remediation costs must  
36 not be submitted to the Agency unless the Department of

1 Commerce and Economic Opportunity ~~Community Affairs~~ has  
2 determined the Remediation Applicant is eligible under  
3 subdivision (B) (d). If the Department of Commerce and Economic  
4 Opportunity ~~Community Affairs~~ has determined that a  
5 Remediation Applicant is eligible under subdivision (B) (d),  
6 the Remediation Applicant may submit an application for payment  
7 to the Agency under this subsection (B). Except as provided in  
8 subdivision (B) (f), an application for review of remediation  
9 costs must not be submitted until a No Further Remediation  
10 Letter has been issued by the Agency and recorded in the chain  
11 of title for the site in accordance with Section 58.10. The  
12 Agency must review the application to determine whether the  
13 costs submitted are remediation costs and whether the costs  
14 incurred are reasonable. The application must be on forms  
15 prescribed and provided by the Agency. At a minimum, the  
16 application must include the following:

17 (1) Information identifying the Remediation Applicant  
18 and the site for which the payment is being sought and the  
19 date of acceptance of the site into the Site Remediation  
20 Program.

21 (2) A copy of the No Further Remediation Letter with  
22 official verification that the letter has been recorded in  
23 the chain of title for the site and a demonstration that  
24 the site for which the application is submitted is the same  
25 site as the one for which the No Further Remediation Letter  
26 is issued.

27 (3) A demonstration that the release of the regulated  
28 substances of concern for which the No Further Remediation  
29 Letter was issued was not caused or contributed to in any  
30 material respect by the Remediation Applicant. The Agency  
31 must make determinations as to reimbursement availability  
32 consistent with rules adopted by the Pollution Control  
33 Board for the administration and enforcement of Section  
34 58.9 of this Act.

35 (4) A copy of the Department of Commerce and Economic  
36 Opportunity's ~~Community Affairs~~ letter approving

1 eligibility, including the net economic benefit of the  
2 remediation project.

3 (5) An itemization and documentation, including  
4 receipts, of the remediation costs incurred.

5 (6) A demonstration that the costs incurred are  
6 remediation costs as defined in this Act and rules adopted  
7 under this Act.

8 (7) A demonstration that the costs submitted for review  
9 were incurred by the Remediation Applicant who received the  
10 No Further Remediation Letter.

11 (8) An application fee in the amount set forth in  
12 subdivision (B)(j) for each site for which review of  
13 remediation costs is requested.

14 (9) Any other information deemed appropriate by the  
15 Agency.

16 (f) An application for review of remediation costs may be  
17 submitted to the Agency prior to the issuance of a No Further  
18 Remediation Letter if the Remediation Applicant has a Remedial  
19 Action Plan approved by the Agency under the terms of which the  
20 Remediation Applicant will remediate groundwater for more than  
21 one year. The Agency must review the application to determine  
22 whether the costs submitted are remediation costs and whether  
23 the costs incurred are reasonable. The application must be on  
24 forms prescribed and provided by the Agency. At a minimum, the  
25 application must include the following:

26 (1) Information identifying the Remediation Applicant  
27 and the site for which the payment is being sought and the  
28 date of acceptance of the site into the Site Remediation  
29 Program.

30 (2) A copy of the Agency letter approving the Remedial  
31 Action Plan.

32 (3) A demonstration that the release of the regulated  
33 substances of concern for which the Remedial Action Plan  
34 was approved was not caused or contributed to in any  
35 material respect by the Remediation Applicant. The Agency  
36 must make determinations as to reimbursement availability

1 consistent with rules adopted by the Pollution Control  
2 Board for the administration and enforcement of Section  
3 58.9 of this Act.

4 (4) A copy of the Department of Commerce and Economic  
5 Opportunity's ~~Community Affairs~~ letter approving  
6 eligibility, including the net economic benefit of the  
7 remediation project.

8 (5) An itemization and documentation, including  
9 receipts, of the remediation costs incurred.

10 (6) A demonstration that the costs incurred are  
11 remediation costs as defined in this Act and rules adopted  
12 under this Act.

13 (7) A demonstration that the costs submitted for review  
14 were incurred by the Remediation Applicant who received  
15 approval of the Remediation Action Plan.

16 (8) An application fee in the amount set forth in  
17 subdivision (B)(j) for each site for which review of  
18 remediation costs is requested.

19 (9) Any other information deemed appropriate by the  
20 Agency.

21 (g) For a Remediation Applicant seeking a payment under  
22 subdivision (B)(f), until the Agency issues a No Further  
23 Remediation Letter for the site, no more than 75% of the  
24 allowed payment may be claimed by the Remediation Applicant.  
25 The remaining 25% may be claimed following the issuance by the  
26 Agency of a No Further Remediation Letter for the site. For a  
27 Remediation Applicant seeking a payment under subdivision  
28 (B)(e), until the Agency issues a No Further Remediation Letter  
29 for the site, no payment may be claimed by the Remediation  
30 Applicant.

31 (h) (1) Within 60 days after receipt by the Agency of an  
32 application meeting the requirements of subdivision (B)(e)  
33 or (B)(f), the Agency must issue a letter to the applicant  
34 approving, disapproving, or modifying the remediation  
35 costs submitted in the application. If an application is  
36 disapproved or approved with modification of remediation

1 costs, then the Agency's letter must set forth the reasons  
2 for the disapproval or modification.

3 (2) If a preliminary review of a budget plan has been  
4 obtained under subdivision (B)(i), the Remediation  
5 Applicant may submit, with the application and supporting  
6 documentation under subdivision (B)(e) or (B)(f), a copy of  
7 the Agency's final determination accompanied by a  
8 certification that the actual remediation costs incurred  
9 for the development and implementation of the Remedial  
10 Action Plan are equal to or less than the costs approved in  
11 the Agency's final determination on the budget plan. The  
12 certification must be signed by the Remediation Applicant  
13 and notarized. Based on that submission, the Agency is not  
14 required to conduct further review of the costs incurred  
15 for development and implementation of the Remedial Action  
16 Plan and may approve costs as submitted.

17 (3) Within 35 days after receipt of an Agency letter  
18 disapproving or modifying an application for approval of  
19 remediation costs, the Remediation Applicant may appeal  
20 the Agency's decision to the Board in the manner provided  
21 for the review of permits in Section 40 of this Act.

22 (i) (1) A Remediation Applicant may obtain a preliminary  
23 review of estimated remediation costs for the development  
24 and implementation of the Remedial Action Plan by  
25 submitting a budget plan along with the Remedial Action  
26 Plan. The budget plan must be set forth on forms prescribed  
27 and provided by the Agency and must include, but is not  
28 limited to, line item estimates of the costs associated  
29 with each line item (such as personnel, equipment, and  
30 materials) that the Remediation Applicant anticipates will  
31 be incurred for the development and implementation of the  
32 Remedial Action Plan. The Agency must review the budget  
33 plan along with the Remedial Action Plan to determine  
34 whether the estimated costs submitted are remediation  
35 costs and whether the costs estimated for the activities  
36 are reasonable.

1           (2) If the Remedial Action Plan is amended by the  
2 Remediation Applicant or as a result of Agency action, the  
3 corresponding budget plan must be revised accordingly and  
4 resubmitted for Agency review.

5           (3) The budget plan must be accompanied by the  
6 applicable fee as set forth in subdivision (B)(j).

7           (4) Submittal of a budget plan must be deemed an  
8 automatic 60-day waiver of the Remedial Action Plan review  
9 deadlines set forth in this subsection (B) and rules  
10 adopted under this subsection (B).

11           (5) Within the applicable period of review, the Agency  
12 must issue a letter to the Remediation Applicant approving,  
13 disapproving, or modifying the estimated remediation costs  
14 submitted in the budget plan. If a budget plan is  
15 disapproved or approved with modification of estimated  
16 remediation costs, the Agency's letter must set forth the  
17 reasons for the disapproval or modification.

18           (6) Within 35 days after receipt of an Agency letter  
19 disapproving or modifying a budget plan, the Remediation  
20 Applicant may appeal the Agency's decision to the Board in  
21 the manner provided for the review of permits in Section 40  
22 of this Act.

23           (j) The fees for reviews conducted by the Agency under this  
24 subsection (B) are in addition to any other fees or payments  
25 for Agency services rendered pursuant to the Site Remediation  
26 Program and are as follows:

27           (1) The fee for an application for review of  
28 remediation costs is \$1,000 for each site reviewed.

29           (2) The fee for the review of the budget plan submitted  
30 under subdivision (B)(i) is \$500 for each site reviewed.

31           The application fee and the fee for the review of the  
32 budget plan must be made payable to the State of Illinois, for  
33 deposit into the Brownfields Redevelopment Fund.

34           (k) Moneys in the Brownfields Redevelopment Fund may be  
35 used for the purposes of this Section, including payment for  
36 the costs of administering this subsection (B). Any moneys

1 remaining in the Brownfields Site Restoration Program Fund on  
2 the effective date of this amendatory Act of the 92nd General  
3 Assembly shall be transferred to the Brownfields Redevelopment  
4 Fund. Total payments made to all Remediation Applicants by the  
5 Agency for purposes of this subsection (B) must not exceed  
6 \$1,000,000 in State fiscal year 2002.

7 (l) The Department and the Agency are authorized to enter  
8 into any contracts or agreements that may be necessary to carry  
9 out their duties and responsibilities under this subsection  
10 (B).

11 (m) Within 6 months after the effective date of this  
12 amendatory Act of 2002, the Department of Commerce and  
13 Community Affairs (now Department of Commerce and Economic  
14 Opportunity) and the Agency must propose rules prescribing  
15 procedures and standards for the administration of this  
16 subsection (B). Within 9 months after receipt of the proposed  
17 rules, the Board shall adopt on second notice, pursuant to  
18 Sections 27 and 28 of this Act and the Illinois Administrative  
19 Procedures Act, rules that are consistent with this subsection  
20 (B). Prior to the effective date of rules adopted under this  
21 subsection (B), the Department of Commerce and Community  
22 Affairs (now Department of Commerce and Economic Opportunity)  
23 and the Agency may conduct reviews of applications under this  
24 subsection (B) and the Agency is further authorized to  
25 distribute guidance documents on costs that are eligible or  
26 ineligible as remediation costs.

27 (Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01; 92-715,  
28 eff. 7-23-02; revised 12-6-03.)

29 Section 780. The Solid Waste Planning and Recycling Act is  
30 amended by changing Section 3 as follows:

31 (415 ILCS 15/3) (from Ch. 85, par. 5953)

32 Sec. 3. As used in this Act, unless the context clearly  
33 indicates otherwise:

34 "Agency" means the Illinois Environmental Protection



1 Agency.

2 "Composting" means the biological process by which  
3 microorganisms decompose the organic fraction of waste,  
4 producing a humus-like material that may be used as a soil  
5 conditioner.

6 "County" means any county of the State and includes the  
7 City of Chicago.

8 "Department" means the Department of Commerce and Economic  
9 Opportunity ~~Community Affairs~~.

10 "Municipal waste" means garbage, general household,  
11 institutional and commercial waste, industrial lunchroom or  
12 office waste, landscape waste, and construction and demolition  
13 debris.

14 "Person" means any individual, partnership, cooperative  
15 enterprise, unit of local government, institution, corporation  
16 or agency, or any other legal entity whatsoever which is  
17 recognized by law as the subject of rights and duties.

18 "Recycling, reclamation or reuse" means a method,  
19 technique or process designed to remove any contaminant from  
20 waste so as to render the waste reusable, or any process by  
21 which materials that would otherwise be disposed of or  
22 discarded are collected, separated or processed and returned to  
23 the economic mainstream in the form of raw materials or  
24 products.

25 "Recycling center" means a facility that accepts only  
26 segregated, nonhazardous, nonspecial, homogeneous,  
27 nonputrescible materials, such as dry paper, glass, cans or  
28 plastics, for subsequent use in the secondary materials market.  
29 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

30 Section 785. The Illinois Solid Waste Management Act is  
31 amended by changing Sections 2.1, 3, 3.1, 5, 6a, and 7 as  
32 follows:

33 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

34 Sec. 2.1. Definitions. When used in this Act, unless the

1 context otherwise requires, the following terms have the  
2 meanings ascribed to them in this Section:

3 "Department", when a particular entity is not specified,  
4 means (i) in the case of a function to be performed on or after  
5 July 1, 1995 (the effective date of the Department of Natural  
6 Resources Act), the Department of Commerce and Community  
7 Affairs (now Department of Commerce and Economic Opportunity),  
8 as successor to the former Department of Energy and Natural  
9 Resources under the Department of Natural Resources Act; or  
10 (ii) in the case of a function required to be performed before  
11 July 1, 1995, the former Illinois Department of Energy and  
12 Natural Resources.

13 "Deinked stock" means paper that has been processed to  
14 remove inks, clays, coatings, binders and other contaminants.

15 "End product" means only those items that are designed to  
16 be used until disposal; items designed to be used in production  
17 of a subsequent item are excluded.

18 "High grade printing and writing papers" includes offset  
19 printing paper, duplicator paper, writing paper (stationery),  
20 office paper, note pads, xerographic paper, envelopes, form  
21 bond including computer paper and carbonless forms, book  
22 papers, bond papers, ledger paper, book stock and cotton fiber  
23 papers.

24 "Paper and paper products" means high grade printing and  
25 writing papers, tissue products, newsprint, unbleached  
26 packaging and recycled paperboard.

27 "Postconsumer material" means only those products  
28 generated by a business or consumer which have served their  
29 intended end uses, and which have been separated or diverted  
30 from solid waste; wastes generated during production of an end  
31 product are excluded.

32 "Recovered paper material" means paper waste generated  
33 after the completion of the papermaking process, such as  
34 postconsumer materials, envelope cuttings, bindery trimmings,  
35 printing waste, cutting and other converting waste, butt rolls,  
36 and mill wrappers, obsolete inventories, and rejected unused

1 stock. "Recovered paper material", however, does not include  
2 fibrous waste generated during the manufacturing process such  
3 as fibers recovered from waste water or trimmings of paper  
4 machine rolls (mill broke), or fibrous byproducts of  
5 harvesting, extraction or woodcutting processes, or forest  
6 residues such as bark.

7 "Recycled paperboard" includes recycled paperboard  
8 products, folding cartons and pad backing.

9 "Recycling" means the process by which solid waste is  
10 collected, separated and processed for reuse as either a raw  
11 material or a product which itself is subject to recycling, but  
12 does not include the combustion of waste for energy recovery or  
13 volume reduction.

14 "Tissue products" includes toilet tissue, paper towels,  
15 paper napkins, facial tissue, paper doilies, industrial  
16 wipers, paper bags and brown papers.

17 "Unbleached packaging" includes corrugated and fiber  
18 boxes.

19 "USEPA Guidelines for federal procurement" means all  
20 minimum recycled content standards recommended by the U.S.  
21 Environmental Protection Agency.

22 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

23 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

24 Sec. 3. State agency materials recycling program.

25 (a) All State agencies responsible for the maintenance of  
26 public lands in the State shall, to the maximum extent  
27 feasible, give due consideration and preference to the use of  
28 compost materials in all land maintenance activities which are  
29 to be paid with public funds.

30 (b) The Department of Central Management Services, in  
31 coordination with the Department of Commerce and Economic  
32 Opportunity ~~Community Affairs~~, shall implement waste reduction  
33 programs, including source separation and collection, for  
34 office wastepaper, corrugated containers, newsprint and mixed  
35 paper, in all State buildings as appropriate and feasible. Such

1 waste reduction programs shall be designed to achieve waste  
2 reductions of at least 25% of all such waste by December 31,  
3 1995, and at least 50% of all such waste by December 31, 2000.  
4 Any source separation and collection program shall include, at  
5 a minimum, procedures for collecting and storing recyclable  
6 materials, bins or containers for storing materials, and  
7 contractual or other arrangements with buyers of recyclable  
8 materials. If market conditions so warrant, the Department of  
9 Central Management Services, in coordination with the  
10 Department of Commerce and Economic Opportunity ~~Community~~  
11 ~~Affairs~~, may modify programs developed pursuant to this  
12 Section.

13 The Department of Commerce and Community Affairs (now  
14 Department of Commerce and Economic Opportunity) shall conduct  
15 waste categorization studies of all State facilities for  
16 calendar years 1991, 1995 and 2000. Such studies shall be  
17 designed to assist the Department of Central Management  
18 Services to achieve the waste reduction goals established in  
19 this subsection.

20 (c) Each State agency shall, upon consultation with the  
21 Department of Commerce and Economic Opportunity ~~Community~~  
22 ~~Affairs~~, periodically review its procurement procedures and  
23 specifications related to the purchase of products or supplies.  
24 Such procedures and specifications shall be modified as  
25 necessary to require the procuring agency to seek out products  
26 and supplies that contain recycled materials, and to ensure  
27 that purchased products or supplies are reusable, durable or  
28 made from recycled materials whenever economically and  
29 practically feasible. In choosing among products or supplies  
30 that contain recycled material, consideration shall be given to  
31 products and supplies with the highest recycled material  
32 content that is consistent with the effective and efficient use  
33 of the product or supply.

34 (d) Wherever economically and practically feasible, the  
35 Department of Central Management Services shall procure  
36 recycled paper and paper products as follows:

1           (1) Beginning July 1, 1989, at least 10% of the total  
2 dollar value of paper and paper products purchased by the  
3 Department of Central Management Services shall be  
4 recycled paper and paper products.

5           (2) Beginning July 1, 1992, at least 25% of the total  
6 dollar value of paper and paper products purchased by the  
7 Department of Central Management Services shall be  
8 recycled paper and paper products.

9           (3) Beginning July 1, 1996, at least 40% of the total  
10 dollar value of paper and paper products purchased by the  
11 Department of Central Management Services shall be  
12 recycled paper and paper products.

13           (4) Beginning July 1, 2000, at least 50% of the total  
14 dollar value of paper and paper products purchased by the  
15 Department of Central Management Services shall be  
16 recycled paper and paper products.

17           (e) Paper and paper products purchased from private vendors  
18 pursuant to printing contracts are not considered paper  
19 products for the purposes of subsection (d). However, the  
20 Department of Central Management Services shall report to the  
21 General Assembly on an annual basis the total dollar value of  
22 printing contracts awarded to private sector vendors that  
23 included the use of recycled paper.

24           (f) (1) Wherever economically and practically feasible, the  
25 recycled paper and paper products referred to in subsection  
26 (d) shall contain postconsumer or recovered paper  
27 materials as specified by paper category in this  
28 subsection:

29                   (i) Recycled high grade printing and writing paper  
30 shall contain at least 50% recovered paper material.  
31 Such recovered paper material, until July 1, 1994,  
32 shall consist of at least 20% deinked stock or  
33 postconsumer material; and beginning July 1, 1994,  
34 shall consist of at least 25% deinked stock or  
35 postconsumer material; and beginning July 1, 1996,  
36 shall consist of at least 30% deinked stock or

1 postconsumer material; and beginning July 1, 1998,  
2 shall consist of at least 40% deinked stock or  
3 postconsumer material; and beginning July 1, 2000,  
4 shall consist of at least 50% deinked stock or  
5 postconsumer material.

6 (ii) Recycled tissue products, until July 1, 1994,  
7 shall contain at least 25% postconsumer material; and  
8 beginning July 1, 1994, shall contain at least 30%  
9 postconsumer material; and beginning July 1, 1996,  
10 shall contain at least 35% postconsumer material; and  
11 beginning July 1, 1998, shall contain at least 40%  
12 postconsumer material; and beginning July 1, 2000,  
13 shall contain at least 45% postconsumer material.

14 (iii) Recycled newsprint, until July 1, 1994,  
15 shall contain at least 40% postconsumer material; and  
16 beginning July 1, 1994, shall contain at least 50%  
17 postconsumer material; and beginning July 1, 1996,  
18 shall contain at least 60% postconsumer material; and  
19 beginning July 1, 1998, shall contain at least 70%  
20 postconsumer material; and beginning July 1, 2000,  
21 shall contain at least 80% postconsumer material.

22 (iv) Recycled unbleached packaging, until July 1,  
23 1994, shall contain at least 35% postconsumer  
24 material; and beginning July 1, 1994, shall contain at  
25 least 40% postconsumer material; and beginning July 1,  
26 1996, shall contain at least 45% postconsumer  
27 material; and beginning July 1, 1998, shall contain at  
28 least 50% postconsumer material; and beginning July 1,  
29 2000, shall contain at least 55% postconsumer  
30 material.

31 (v) Recycled paperboard, until July 1, 1994, shall  
32 contain at least 80% postconsumer material; and  
33 beginning July 1, 1994, shall contain at least 85%  
34 postconsumer material; and beginning July 1, 1996,  
35 shall contain at least 90% postconsumer material; and  
36 beginning July 1, 1998, shall contain at least 95%

1 postconsumer material.

2 (2) For the purposes of this Section, "postconsumer  
3 material" includes:

4 (i) paper, paperboard, and fibrous wastes from  
5 retail stores, office buildings, homes, and so forth,  
6 after the waste has passed through its end usage as a  
7 consumer item, including used corrugated boxes, old  
8 newspapers, mixed waste paper, tabulating cards, and  
9 used cordage; and

10 (ii) all paper, paperboard, and fibrous wastes  
11 that are diverted or separated from the municipal solid  
12 waste stream.

13 (3) For the purposes of this Section, "recovered paper  
14 material" includes:

15 (i) postconsumer material;

16 (ii) dry paper and paperboard waste generated  
17 after completion of the papermaking process (that is,  
18 those manufacturing operations up to and including the  
19 cutting and trimming of the paper machine reel into  
20 smaller rolls or rough sheets), including envelope  
21 cuttings, bindery trimmings, and other paper and  
22 paperboard waste resulting from printing, cutting,  
23 forming, and other converting operations, or from bag,  
24 box and carton manufacturing, and butt rolls, mill  
25 wrappers, and rejected unused stock; and

26 (iii) finished paper and paperboard from obsolete  
27 inventories of paper and paperboard manufacturers,  
28 merchants, wholesalers, dealers, printers, converters,  
29 or others.

30 (g) The Department of Central Management Services may adopt  
31 regulations to carry out the provisions and purposes of this  
32 Section.

33 (h) Every State agency shall, in its procurement documents,  
34 specify that, whenever economically and practically feasible,  
35 a product to be procured must consist, wholly or in part, of  
36 recycled materials, or be recyclable or reusable in whole or in

1 part. When applicable, if state guidelines are not already  
2 prescribed, State agencies shall follow USEPA guidelines for  
3 federal procurement.

4 (i) All State agencies shall cooperate with the Department  
5 of Central Management Services in carrying out this Section.  
6 The Department of Central Management Services may enter into  
7 cooperative purchasing agreements with other governmental  
8 units in order to obtain volume discounts, or for other reasons  
9 in accordance with the Governmental Joint Purchasing Act, or in  
10 accordance with the Intergovernmental Cooperation Act if  
11 governmental units of other states or the federal government  
12 are involved.

13 (j) The Department of Central Management Services shall  
14 submit an annual report to the General Assembly concerning its  
15 implementation of the State's collection and recycled paper  
16 procurement programs. This report shall include a description  
17 of the actions that the Department of Central Management  
18 Services has taken in the previous fiscal year to implement  
19 this Section. This report shall be submitted on or before  
20 November 1 of each year.

21 (k) The Department of Central Management Services, in  
22 cooperation with all other appropriate departments and  
23 agencies of the State, shall institute whenever economically  
24 and practically feasible the use of re-refined motor oil in all  
25 State-owned motor vehicles and the use of remanufactured and  
26 retread tires whenever such use is practical, beginning no  
27 later than July 1, 1992.

28 (l) (Blank).

29 (m) The Department of Central Management Services, in  
30 coordination with the Department of Commerce and Community  
31 Affairs (now Department of Commerce and Economic Opportunity),  
32 shall implement an aluminum can recycling program in all State  
33 buildings within 270 days of the effective date of this  
34 amendatory Act of 1997. The program shall provide for (1) the  
35 collection and storage of used aluminum cans in bins or other  
36 appropriate containers made reasonably available to occupants



1 and visitors of State buildings and (2) the sale of used  
2 aluminum cans to buyers of recyclable materials.

3 Proceeds from the sale of used aluminum cans shall be  
4 deposited into I-CYCLE accounts maintained in the State Surplus  
5 Property Revolving Fund and, subject to appropriation, shall be  
6 used by the Department of Central Management Services and any  
7 other State agency to offset the costs of implementing the  
8 aluminum can recycling program under this Section.

9 All State agencies having an aluminum can recycling program  
10 in place shall continue with their current plan. If a State  
11 agency has an existing recycling program in place, proceeds  
12 from the aluminum can recycling program may be retained and  
13 distributed pursuant to that program, otherwise all revenue  
14 resulting from these programs shall be forwarded to Central  
15 Management Services, I-CYCLE for placement into the  
16 appropriate account within the State Surplus Property  
17 Revolving Fund, minus any operating costs associated with the  
18 program.

19 (Source: P.A. 89-445, eff. 2-7-96; 90-180, eff. 7-23-97;  
20 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; revised 12-6-03.)

21 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

22 Sec. 3.1. Institutions of higher learning.

23 (a) For purposes of this Section "State-supported  
24 institutions of higher learning" or "institutions" means the  
25 University of Illinois, Southern Illinois University, the  
26 colleges and universities under the jurisdiction of the Board  
27 of Governors of State Colleges and Universities, the colleges  
28 and universities under the jurisdiction of the Board of Regents  
29 of Regency Universities, and the public community colleges  
30 subject to the Public Community College Act.

31 (b) Each State-supported institution of higher learning  
32 shall develop a comprehensive waste reduction plan covering a  
33 period of 10 years which addresses the management of solid  
34 waste generated by academic, administrative, student housing  
35 and other institutional functions. The waste reduction plan

1 shall be developed by January 1, 1995. The initial plan  
2 required under this Section shall be updated by the institution  
3 every 5 years, and any proposed amendments to the plan shall be  
4 submitted for review in accordance with subsection (f).

5 (c) Each waste reduction plan shall address, at a minimum,  
6 the following topics: existing waste generation by volume,  
7 waste composition, existing waste reduction and recycling  
8 activities, waste collection and disposal costs, future waste  
9 management methods, and specific goals to reduce the amount of  
10 waste generated that is subject to landfill disposal.

11 (d) Each waste reduction plan shall provide for recycling  
12 of marketable materials currently present in the institution's  
13 waste stream, including but not limited to landscape waste,  
14 corrugated cardboard, computer paper, and white office paper,  
15 and shall provide for the investigation of potential markets  
16 for other recyclable materials present in the institution's  
17 waste stream. The recycling provisions of the waste reduction  
18 plan shall be designed to achieve, by January 1, 2000, at least  
19 a 40% reduction (referenced to a base year of 1987) in the  
20 amount of solid waste that is generated by the institution and  
21 identified in the waste reduction plan as being subject to  
22 landfill disposal.

23 (e) Each waste reduction plan shall evaluate the  
24 institution's procurement policies and practices to eliminate  
25 procedures which discriminate against items with recycled  
26 content, and to identify products or items which are procured  
27 by the institution on a frequent or repetitive basis for which  
28 products with recycled content may be substituted. Each waste  
29 reduction plan shall prescribe that it will be the policy of  
30 the institution to purchase products with recycled content  
31 whenever such products have met specifications and standards of  
32 equivalent products which do not contain recycled content.

33 (f) Each waste reduction plan developed in accordance with  
34 this Section shall be submitted to the Department of Commerce  
35 and Economic Opportunity ~~Community Affairs~~ for review and  
36 approval. The Department's review shall be conducted in

1 cooperation with the Board of Higher Education and the Illinois  
2 Community College Board.

3 (g) The Department of Commerce and Economic Opportunity  
4 ~~Community Affairs~~ shall provide technical assistance,  
5 technical materials, workshops and other information necessary  
6 to assist in the development and implementation of the waste  
7 reduction plans. The Department shall develop guidelines and  
8 funding criteria for providing grant assistance to  
9 institutions for the implementation of approved waste  
10 reduction plans.

11 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

12 (415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

13 Sec. 5. Informational Clearinghouse. The Department of  
14 Commerce and Economic Opportunity ~~Community Affairs~~, in  
15 cooperation with the Environmental Protection Agency, shall  
16 maintain a central clearinghouse of information regarding the  
17 implementation of this Act. In particular, this clearinghouse  
18 shall include data regarding solid waste research and planning,  
19 solid waste management practices, markets for recyclable  
20 materials and intergovernmental cooperation.

21 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

22 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

23 Sec. 6a. The Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~ shall:

25 (1) Work with nationally based consumer groups and trade  
26 associations to develop nationally recognized logos which may  
27 be used to indicate whether a container is recyclable, made of  
28 recycled materials, or both.

29 (2) Work with nationally based consumer groups and trade  
30 associations to develop nationally recognized criteria for  
31 determining under what conditions the logos may be used.

32 (3) Develop and conduct a public education and awareness  
33 campaign to encourage the public to look for and buy products  
34 in containers which are recyclable or made of recycled

1 materials.

2 (4) Develop and prepare educational materials describing  
3 the benefits and methods of recycling for distribution to  
4 elementary schools in Illinois.

5 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

6 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

7 Sec. 7. It is the intent of this Act to provide the  
8 framework for a comprehensive solid waste management program in  
9 Illinois.

10 The Department shall prepare and submit to the Governor and  
11 the General Assembly on or before January 1, 1992, a report  
12 evaluating the effectiveness of the programs provided under  
13 this Act and Section 22.14 of the Environmental Protection Act;  
14 assessing the need for a continuation of existing programs,  
15 development and implementation of new programs and appropriate  
16 funding mechanisms; and recommending legislative and  
17 administrative action to fully implement a comprehensive solid  
18 waste management program in Illinois.

19 The Department shall investigate the suitability and  
20 advisability of providing tax incentives for Illinois  
21 businesses to use recycled products and purchase or lease  
22 recycling equipment, and shall report to the Governor and the  
23 General Assembly by January 1, 1987, on the results of this  
24 investigation.

25 By July 1, 1989, the Department shall submit to the  
26 Governor and members of the General Assembly a waste reduction  
27 report:

28 (a) that describes various mechanisms that could be  
29 utilized to stimulate and enhance the reduction of  
30 industrial and post-consumer waste in the State, including  
31 their advantages and disadvantages. The mechanisms to be  
32 analyzed shall include, but not be limited to, incentives  
33 for prolonging product life, methods for ensuring product  
34 recyclability, taxes for excessive packaging, tax  
35 incentives, prohibitions on the use of certain products,

1 and performance standards for products; and

2 (b) that includes specific recommendations to  
3 stimulate and enhance waste reduction in the industrial and  
4 consumer sector, including, but not limited to,  
5 legislation, financial incentives and disincentives, and  
6 public education.

7 The Department of Commerce and Economic Opportunity  
8 ~~Community Affairs~~, with the cooperation of the State Board of  
9 Education, the Illinois Environmental Protection Agency, and  
10 others as needed, shall develop, coordinate and conduct an  
11 education program for solid waste management and recycling. The  
12 program shall include, but not be limited to, education for the  
13 general public, businesses, government, educators and  
14 students.

15 The education program shall address, at a minimum, the  
16 following topics: the solid waste management alternatives of  
17 recycling, composting, and source reduction; resource  
18 allocation and depletion; solid waste planning; reuse of  
19 materials; pollution prevention; and household hazardous  
20 waste.

21 The Department of Commerce and Economic Opportunity  
22 ~~Community Affairs~~ shall cooperate with municipal and county  
23 governments, regional school superintendents, education  
24 service centers, local school districts, and planning agencies  
25 and committees to coordinate local and regional education  
26 programs and workshops and to expedite the exchange of  
27 technical information.

28 By March 1, 1989, the Department shall prepare a report on  
29 strategies for distributing and marketing landscape waste  
30 compost from centralized composting sites operated by units of  
31 local government. The report shall, at a minimum, evaluate the  
32 effects of product quality, assured supply, cost and public  
33 education on the availability of compost, free delivery, and  
34 public sales composting program. The evaluation of public sales  
35 programs shall focus on direct retail sale of bagged compost at  
36 the site or special distribution centers and bulk sale of

1 finished compost to wholesalers for resale.

2 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

3 Section 790. The Illinois Groundwater Protection Act is  
4 amended by changing Section 4 as follows:

5 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

6 Sec. 4. (a) There shall be established within State  
7 government an interagency committee which shall be known as the  
8 Interagency Coordinating Committee on Groundwater. The  
9 Committee shall be composed of the Director, or his designee,  
10 of the following agencies:

11 (1) The Illinois Environmental Protection Agency, who  
12 shall chair the Committee.

13 (2) The Illinois Department of Natural Resources.

14 (3) The Illinois Department of Public Health.

15 (4) The Office of Mines and Minerals within the  
16 Department of Natural Resources.

17 (5) The Office of the State Fire Marshal.

18 (6) The Division of Water Resources of the Department  
19 of Natural Resources.

20 (7) The Illinois Department of Agriculture.

21 (8) The Illinois Emergency Management Agency.

22 (9) The Illinois Department of Nuclear Safety.

23 (10) The Illinois Department of Commerce and Economic  
24 Opportunity ~~Community Affairs~~.

25 (b) The Committee shall meet not less than twice each  
26 calendar year and shall:

27 (1) Review and coordinate the State's policy on  
28 groundwater protection.

29 (2) Review and evaluate State laws, regulations and  
30 procedures that relate to groundwater protection.

31 (3) Review and evaluate the status of the State's  
32 efforts to improve the quality of the groundwater and of  
33 the State enforcement efforts for protection of the  
34 groundwater and make recommendations on improving the

1 State efforts to protect the groundwater.

2 (4) Recommend procedures for better coordination among  
3 State groundwater programs and with local programs related  
4 to groundwater protection.

5 (5) Review and recommend procedures to coordinate the  
6 State's response to specific incidents of groundwater  
7 pollution and coordinate dissemination of information  
8 between agencies responsible for the State's response.

9 (6) Make recommendations for and prioritize the  
10 State's groundwater research needs.

11 (7) Review, coordinate and evaluate groundwater data  
12 collection and analysis.

13 (8) Beginning on January 1, 1990, report biennially to  
14 the Governor and the General Assembly on groundwater  
15 quality, quantity, and the State's enforcement efforts.

16 (c) The Chairman of the Committee shall propose a  
17 groundwater protection regulatory agenda for consideration by  
18 the Committee and the Council. The principal purpose of the  
19 agenda shall be to systematically consider the groundwater  
20 protection aspects of relevant federal and State regulatory  
21 programs and to identify any areas where improvements may be  
22 warranted. To the extent feasible, the agenda may also serve to  
23 facilitate a more uniform and coordinated approach toward  
24 protection of groundwaters in Illinois. Upon adoption of the  
25 final agenda by the Committee, the Chairman of the Committee  
26 shall assign a lead agency and any support agencies to prepare  
27 a regulatory assessment report for each item on the agenda.  
28 Each regulatory assessment report shall specify the nature of  
29 the groundwater protection provisions being implemented and  
30 shall evaluate the results achieved therefrom. Special  
31 attention shall be given to any preventive measures being  
32 utilized for protection of groundwaters. The reports shall be  
33 completed in a timely manner. After review and consideration by  
34 the Committee, the reports shall become the basis for  
35 recommending further legislative or regulatory action.

36 (d) No later than January 1, 1992, the Interagency

1 Coordinating Committee on Groundwater shall provide a  
2 comprehensive status report to the Governor and the General  
3 Assembly concerning implementation of this Act.

4 (e) The Committee shall consider findings and  
5 recommendations that are provided by the Council, and respond  
6 in writing regarding such matters. The Chairman of the  
7 Committee shall designate a liaison person to serve as a  
8 facilitator of communications with the Council.

9 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

10 Section 795. The Degradable Plastic Act is amended by  
11 changing Section 2 as follows:

12 (415 ILCS 80/2) (from Ch. 111 1/2, par. 7902)

13 Sec. 2. Definitions. As used in this Act, the following  
14 terms shall have the meanings indicated, unless the context  
15 otherwise requires:

16 "Agency" means the Illinois Environmental Protection  
17 Agency.

18 "Department" means the Department of Commerce and Economic  
19 Opportunity ~~Community Affairs~~.

20 "Degradable" means capable of disintegrating, by naturally  
21 occurring biological or physical processes in the environment  
22 within a period of 3 years after disposal, into fragments that  
23 are small relative to the original size, or into particles of a  
24 molecular weight that is low when compared to the molecular  
25 weight of the original material.

26 "Plastic container" means a package, bag, bottle, cup,  
27 wrapping, blister-pack or other device that is made of plastic,  
28 plastic-coated paper, or other synthetic polymeric material,  
29 and is used to contain or protect merchandise ultimately  
30 intended for retail sale, or to contain waste for disposal.

31 "Recyclable plastic container" means a container composed  
32 entirely (exclusive of any readily detachable lid, closure,  
33 handle or label) of one type of plastic for which the  
34 Department finds that there exists an effective recycling



1 market in this State.

2 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

3 Section 800. The Recycled Newsprint Use Act is amended by  
4 changing Section 2002.50 as follows:

5 (415 ILCS 110/2002.50) (from Ch. 96 1/2, par. 9752.50)

6 Sec. 2002.50. "Department" means the Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~.

8 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

9 Section 805. The Alternate Fuels Act is amended by changing  
10 Sections 15, 21, 25, 32, and 40 as follows:

11 (415 ILCS 120/15)

12 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
13 dedicate sufficient resources to implement the purposes of  
14 Section 30 of this Act. Such rules shall be consistent with the  
15 provisions of the Clean Air Act Amendments of 1990 and any  
16 regulations promulgated pursuant thereto. The Secretary of  
17 State may promulgate rules to implement Section 35 of this Act.  
18 The Department of Commerce and Economic Opportunity ~~Community~~  
19 ~~Affairs~~ may promulgate rules to implement Section 25 of this  
20 Act.

21 (Source: P.A. 89-410; 90-726, eff. 8-7-98; revised 12-6-03.)

22 (415 ILCS 120/21)

23 Sec. 21. Alternate Fuel Infrastructure Advisory Board. The  
24 Governor shall appoint an Alternate Fuel Infrastructure  
25 Advisory Board. The Advisory Board shall be chaired by the  
26 Director of ~~the Department of~~ Commerce and Economic Opportunity  
27 ~~Community Affairs~~, who may be represented at all meetings by a  
28 designee. Other members appointed by the Governor shall consist  
29 of one representative from the ethanol industry, one  
30 representative from the natural gas industry, one  
31 representative from the auto manufacturing industry, one

1 representative from the liquid petroleum gas industry, one  
2 representative from the Agency, one representative from the  
3 heavy duty engine manufacturing industry, one representative  
4 from Illinois private fleet operators, and one representative  
5 of local government from the Chicago nonattainment area.

6 The Advisory Board shall (1) prepare and recommend to the  
7 Department of Commerce and Economic Opportunity (formerly  
8 Department of Commerce and Community Affairs) a program  
9 implementing Section 31 of this Act and (2) recommend criteria  
10 and procedures to be followed in awarding grants.

11 Members of the Advisory Board shall not be reimbursed their  
12 costs and expenses of participation. All decisions of the  
13 Advisory Board shall be decided on a one vote per member basis  
14 with a majority of the Advisory Board membership to rule.

15 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

16 (415 ILCS 120/25)

17 Sec. 25. Ethanol fuel research program. The Department of  
18 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
19 administer a research program to reduce the costs of producing  
20 ethanol fuels and increase the viability of ethanol fuels, new  
21 ethanol engine technologies, and ethanol refueling  
22 infrastructure. This research shall be funded from the  
23 Alternate Fuels Fund. The research program shall remain in  
24 effect, subject to appropriation after calendar year 2004, or  
25 until funds are no longer available.

26 (Source: P.A. 91-357, eff. 7-29-99; 92-858, eff. 1-3-03;  
27 revised 12-6-03.)

28 (415 ILCS 120/32)

29 Sec. 32. Clean Fuel Education Program. Subject to  
30 appropriation, the Department of Commerce and Economic  
31 Opportunity ~~Community Affairs~~, in cooperation with the Agency  
32 and Chicago Area Clean Cities, shall administer the Clean Fuel  
33 Education Program, the purpose of which is to educate fleet  
34 administrators and Illinois' citizens about the benefits of

1 using alternate fuels. The program shall include a media  
2 campaign.

3 (Source: P.A. 92-858, eff. 1-3-03; revised 12-6-03.)

4 (415 ILCS 120/40)

5 Sec. 40. Appropriations from the Alternate Fuels Fund.

6 (a) User Fees Funds. The Agency shall estimate the amount  
7 of user fees expected to be collected under Section 35 of this  
8 Act for each fiscal year. User fee funds shall be deposited  
9 into and distributed from the Alternate Fuels Fund in the  
10 following manner:

11 (1) In each of fiscal years 1999, 2000, 2001, 2002, and  
12 2003, an amount not to exceed \$200,000, and beginning in  
13 fiscal year 2004 an annual amount not to exceed \$225,000,  
14 may be appropriated to the Agency from the Alternate Fuels  
15 Fund to pay its costs of administering the programs  
16 authorized by Section 30 of this Act. Up to \$200,000 may be  
17 appropriated to the Office of the Secretary of State in  
18 each of fiscal years 1999, 2000, 2001, 2002, and 2003 from  
19 the Alternate Fuels Fund to pay the Secretary of State's  
20 costs of administering the programs authorized under this  
21 Act. Beginning in fiscal year 2004 and in each fiscal year  
22 thereafter, an amount not to exceed \$225,000 may be  
23 appropriated to the Secretary of State from the Alternate  
24 Fuels Fund to pay the Secretary of State's costs of  
25 administering the programs authorized under this Act.

26 (2) In fiscal years 1999, 2000, 2001, and 2002, after  
27 appropriation of the amounts authorized by item (1) of  
28 subsection (a) of this Section, the remaining moneys  
29 estimated to be collected during each fiscal year shall be  
30 appropriated as follows: 80% of the remaining moneys shall  
31 be appropriated to fund the programs authorized by Section  
32 30, and 20% shall be appropriated to fund the programs  
33 authorized by Section 25. In fiscal year 2004 and each  
34 fiscal year thereafter, after appropriation of the amounts  
35 authorized by item (1) of subsection (a) of this Section,

1 the remaining moneys estimated to be collected during each  
2 fiscal year shall be appropriated as follows: 70% of the  
3 remaining moneys shall be appropriated to fund the programs  
4 authorized by Section 30 and 30% shall be appropriated to  
5 fund the programs authorized by Section 31.

6 (3) (Blank).

7 (4) Moneys appropriated to fund the programs  
8 authorized in Sections 25 and 30 shall be expended only  
9 after they have been collected and deposited into the  
10 Alternate Fuels Fund.

11 (b) General Revenue Fund Appropriations. General Revenue  
12 Fund amounts appropriated to and deposited into the Alternate  
13 Fuels Fund shall be distributed from the Alternate Fuels Fund  
14 in the following manner:

15 (1) In each of fiscal years 2003 and 2004, an amount  
16 not to exceed \$50,000 may be appropriated to the Department  
17 of Commerce and Community Affairs (now Department of  
18 Commerce and Economic Opportunity) from the Alternate  
19 Fuels Fund to pay its costs of administering the programs  
20 authorized by Sections 31 and 32.

21 (2) In each of fiscal years 2003 and 2004, an amount  
22 not to exceed \$50,000 may be appropriated to the Department  
23 of Commerce and Community Affairs (now Department of  
24 Commerce and Economic Opportunity) to fund the programs  
25 authorized by Section 32.

26 (3) In each of fiscal years 2003 and 2004, after  
27 appropriation of the amounts authorized in items (1) and  
28 (2) of subsection (b) of this Section, the remaining moneys  
29 received from the General Revenue Fund shall be  
30 appropriated as follows: 52.632% of the remaining moneys  
31 shall be appropriated to fund the programs authorized by  
32 Sections 25 and 30 and 47.368% of the remaining moneys  
33 shall be appropriated to fund the programs authorized by  
34 Section 31. The moneys appropriated to fund the programs  
35 authorized by Sections 25 and 30 shall be used as follows:  
36 20% shall be used to fund the programs authorized by

1 Section 25, and 80% shall be used to fund the programs  
2 authorized by Section 30.

3 Moneys appropriated to fund the programs authorized in  
4 Section 31 shall be expended only after they have been  
5 deposited into the Alternate Fuels Fund.

6 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised  
7 12-6-03.)

8 Section 810. The Interstate Ozone Transport Oversight Act  
9 is amended by changing Section 20 as follows:

10 (415 ILCS 130/20)

11 Sec. 20. Legislative referral and public hearings.

12 (a) Not later than 10 days after the development of any  
13 proposed memorandum of understanding by the Ozone Transport  
14 Assessment Group potentially requiring the State of Illinois to  
15 undertake emission reductions in addition to those specified by  
16 the Clean Air Act Amendments of 1990, or subsequent to the  
17 issuance of a request made by the United States Environmental  
18 Protection Agency on or after June 1, 1997 for submission of a  
19 State Implementation Plan for Illinois relating to ozone  
20 attainment and before submission of the Plan, the Director  
21 shall submit the proposed memorandum of understanding or State  
22 Implementation Plan to the House Committee and the Senate  
23 Committee for their consideration. At that time, the Director  
24 shall also submit information detailing any alternate  
25 strategies.

26 (b) To assist the legislative review required by this Act,  
27 the Department of Natural Resources and the Department of  
28 Commerce and Economic Opportunity ~~Community Affairs~~ shall  
29 conduct a joint study of the impacts on the State's economy  
30 which may result from implementation of the emission reduction  
31 strategies contained within any proposed memorandum of  
32 understanding or State Implementation Plan relating to ozone  
33 and from implementation of any alternate strategies. The study  
34 shall include, but not be limited to, the impacts on economic

1 development, employment, utility costs and rates, personal  
2 income, and industrial competitiveness which may result from  
3 implementation of the emission reduction strategies contained  
4 within any proposed memorandum of agreement or State  
5 Implementation Plan relating to ozone and from implementation  
6 of any alternate strategies. The study shall be submitted to  
7 the House Committee and Senate Committee not less than 10 days  
8 prior to any scheduled hearing conducted pursuant to subsection  
9 (c) of this Section.

10 (c) Upon receipt of the information required by subsections  
11 (a) and (b) of this Section, the House Committee and Senate  
12 Committee shall each convene one or more public hearings to  
13 receive comments from agencies of government and other  
14 interested parties on the memorandum of understanding's or  
15 State Implementation Plan's prospective economic and  
16 environmental impacts, including its impacts on energy use,  
17 economic development, utility costs and rates, and  
18 competitiveness. Additionally, comments shall be received on  
19 the prospective economic and environmental impacts, including  
20 impacts on energy use, economic development, utility costs and  
21 rates, and competitiveness, which may result from  
22 implementation of any alternate strategies.

23 (Source: P.A. 89-566, eff. 7-26-96; 90-500, eff. 8-19-97;  
24 revised 12-6-03.)

25 Section 815. The Illinois Poison Prevention Packaging Act  
26 is amended by changing Section 6 as follows:

27 (430 ILCS 40/6) (from Ch. 111 1/2, par. 296)

28 Sec. 6. (a) For the purpose of assisting in carrying out  
29 the purposes of this Act, the Director may appoint a technical  
30 advisory committee, designating a member thereof to be a  
31 chairman, composed of not more than 18 members who are  
32 representative of (1) the Department of Public Health, (2) the  
33 Department of Commerce and Economic Opportunity ~~Community~~  
34 ~~Affairs~~, (3) manufacturers of household substances subject to

1 this Act, (4) scientists with expertise related to this Act and  
2 licensed practitioners in the medical field, (5) consumers, and  
3 (6) manufacturers of packages and closures for household  
4 substances. The Director may consult with the technical  
5 advisory committee in making findings and in establishing  
6 standards pursuant to this Act.

7 (b) Members of the technical advisory committee who are not  
8 regular full-time employees of the State of Illinois shall,  
9 while attending meetings of such committee, be entitled to  
10 receive compensation at a rate fixed by the Director, but not  
11 exceeding \$100 per diem, including travel time, and while so  
12 serving away from their homes or regular places of business,  
13 they may be allowed travel expenses.

14 (Source: P.A. 81-1509; revised 12-6-03.)

15 Section 820. The Agricultural Areas Conservation and  
16 Protection Act is amended by changing Section 20.1 as follows:

17 (505 ILCS 5/20.1) (from Ch. 5, par. 1020.1)

18 Sec. 20.1. Report to General Assembly and State Agencies.  
19 The Department of Agriculture shall make an annual report to  
20 the General Assembly on the location and size of all  
21 agricultural areas created or dissolved during the past year  
22 and of any other alterations of agricultural areas. For the  
23 purpose of planning project alternatives, the Department of  
24 Agriculture shall provide a description of all agricultural  
25 areas to the following agencies and shall notify the following  
26 agencies of the creation, alteration, or dissolution of  
27 agricultural areas: the Governor's Office of Management and  
28 Budget Bureau ~~Bureau of the Budget~~, the Department of Natural  
29 Resources, the Illinois Commerce Commission, the Department of  
30 Commerce and Economic Opportunity ~~Community Affairs~~, the  
31 Environmental Protection Agency, the Capital Development  
32 Board, and the Department of Transportation.

33 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

1 Section 825. The County Cooperative Extension Law is  
2 amended by changing Section 2b as follows:

3 (505 ILCS 45/2b) (from Ch. 5, par. 242b)

4 Sec. 2b. The Cooperative Extension Service of the  
5 University of Illinois shall establish a Rural Transition  
6 Program to be operated in cooperation with the Department of  
7 Commerce and Economic Opportunity ~~Community Affairs~~ to provide  
8 assessments, career counseling, on-the-job training, tuition  
9 reimbursements, classroom training, financial management  
10 training, work experience opportunities, job search skills,  
11 job placement, youth programs, and support service to farmers  
12 and their families, agriculture-related employees, other rural  
13 residents, and small rural businesses who are being forced out  
14 of farming or other primary means of employment or whose  
15 standard of living or employment has been reduced because of  
16 prevailing economic conditions in the agricultural or rural  
17 economy. Eligible farmers and their families shall include  
18 those who can demonstrate proof of financial stress, proof of  
19 foreclosure, proof of bankruptcy, proof of inability to secure  
20 needed capital, proof of voluntary foreclosure or proof of  
21 income eligibility for assistance programs administered by the  
22 Department of Human Services (acting as successor to the  
23 Department of Public Aid under the Department of Human Services  
24 Act). Eligible agriculture related employees shall mean tenant  
25 farmers or other farm employees and employees of businesses  
26 related to agricultural production who are facing  
27 displacement, unemployment or underemployment due to a closure  
28 or reduction in operation of such business or farm due to poor  
29 economic conditions that prevail in the agricultural or rural  
30 economy. Other eligible rural residents shall include those  
31 residing in rural areas whose employment or standard of living  
32 has been reduced due to the poor economic conditions that  
33 prevail in the agricultural or rural economy. Eligible small  
34 rural businesses shall include those existing or new businesses  
35 established and operating in rural areas that lack access to



1 other sources of services provided by this Section. In carrying  
2 out the provisions of this Section, the Cooperative Extension  
3 Service may enter into agreements with the Department of  
4 Commerce and Community Affairs, community colleges, vocational  
5 schools, and any other State or local private or public agency  
6 or entity deemed necessary.

7 (Source: P.A. 89-507, eff. 7-1-97; revised 12-6-03.)

8 Section 830. The Farmland Preservation Act is amended by  
9 changing Section 3 as follows:

10 (505 ILCS 75/3) (from Ch. 5, par. 1303)

11 Sec. 3. An Inter-Agency Committee on Farmland Preservation  
12 is created. The Directors or Chairpersons of the following  
13 agencies, or their representatives, shall serve as members of  
14 the Committee:

15 (a) the Capital Development Board;

16 (b) the Department of Natural Resources;

17 (c) the Department of Commerce and Economic Opportunity  
18 ~~Community Affairs~~;

19 (d) the Environmental Protection Agency;

20 (e) the Department of Transportation;

21 (f) the Governor's Office of Management and Budget Bureau  
22 ~~of the Budget~~;

23 (g) the Illinois Commerce Commission; and

24 (h) the Department of Agriculture.

25 The Director of the Department of Agriculture, or his  
26 representative, shall serve as chairman.

27 (Source: P.A. 89-445, eff. 2-7-96; revised 8-23-03.)

28 Section 835. The Illinois Forestry Development Act is  
29 amended by changing Section 6a as follows:

30 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

31 (Section scheduled to be repealed on December 31, 2008)

32 Sec. 6a. Illinois Forestry Development Council.

1 (a) The Illinois Forestry Development Council is hereby  
2 re-created by this amendatory Act of the 91st General Assembly.

3 (b) The Council shall consist of 24 members appointed as  
4 follows:

5 (1) four members of the General Assembly, one appointed  
6 by the President of the Senate, one appointed by the Senate  
7 Minority Leader, one appointed by the Speaker of the House  
8 of Representatives, and one appointed by the House Minority  
9 Leader;

10 (2) one member appointed by the Governor to represent  
11 the Governor;

12 (3) the Directors of the Departments of Natural  
13 Resources, Agriculture, and Commerce and Economic  
14 Opportunity ~~Community Affairs~~, the Executive Director of  
15 the Illinois Finance Authority, and the Director of the  
16 Office of Rural Affairs, or their designees;

17 (4) the chairman of the Department of Forestry or a  
18 forestry academician, appointed by the Dean of Agriculture  
19 at Southern Illinois University at Carbondale;

20 (5) the head of the Department of Natural Resources and  
21 Environmental Sciences or a forestry academician,  
22 appointed by the Dean of Agriculture at the University of  
23 Illinois;

24 (6) two members, appointed by the Governor, who shall  
25 be private timber growers;

26 (7) one member, appointed by the president of the  
27 Illinois Wood Products Association, who shall be involved  
28 in primary forestry industry;

29 (8) one member, appointed by the president of the  
30 Illinois Wood Products Association, who shall be involved  
31 in secondary forestry industry;

32 (9) one member who is actively involved in  
33 environmental issues, appointed by the Governor;

34 (10) the president of the Association of Illinois Soil  
35 and Water Conservation Districts;

36 (11) two persons who are actively engaged in farming,

1 appointed by the Governor;

2 (12) one member, appointed by the Governor, whose  
3 primary area of expertise is urban forestry;

4 (13) one member appointed by the President of the  
5 Illinois Arborists Association;

6 (14) the Supervisor of the Shawnee National Forest and  
7 the United States Department of Agriculture Natural  
8 Resource Conservation Service's State Conservationist, ex  
9 officio, or their designees.

10 (c) Members of the Council shall serve without compensation  
11 but shall be reimbursed for actual expenses incurred in the  
12 performance of their duties which are not otherwise reimbursed.

13 (d) The Council shall select from its membership a  
14 chairperson and such other officers as it considers necessary.

15 (e) Other individuals, agencies and organizations may be  
16 invited to participate as deemed advisable by the Council.

17 (f) The Council shall study and evaluate the forestry  
18 resources and forestry industry of Illinois. The Council shall:

19 (1) determine the magnitude, nature and extent of the  
20 State's forestry resources;

21 (2) determine current uses and project future demand  
22 for forest products, services and benefits in Illinois;

23 (3) determine and evaluate the ownership  
24 characteristics of the State's forests, the motives for  
25 forest ownership and the success of incentives necessary to  
26 stimulate development of forest resources;

27 (4) determine the economic development and management  
28 opportunities that could result from improvements in local  
29 and regional forest product marketing and from the  
30 establishment of new or additional wood-related businesses  
31 in Illinois;

32 (5) confer with and offer assistance to the Illinois  
33 Finance Authority relating to its implementation of forest  
34 industry assistance programs authorized by the Illinois  
35 Finance Authority Act;

36 (6) determine the opportunities for increasing

1 employment and economic growth through development of  
2 forest resources;

3 (7) determine the effect of current governmental  
4 policies and regulations on the management of woodlands and  
5 the location of wood products markets;

6 (8) determine the staffing and funding needs for  
7 forestry and other conservation programs to support and  
8 enhance forest resources development;

9 (9) determine the needs of forestry education programs  
10 in this State;

11 (10) confer with and offer assistance to the Department  
12 of Natural Resources relating to the implementation of  
13 urban forestry assistance grants pursuant to the Urban and  
14 Community Forestry Assistance Act; and

15 (11) determine soil and water conservation benefits  
16 and wildlife habitat enhancement opportunities that can be  
17 promoted through approved forestry management plans.

18 (g) The Council shall report (i) its findings and  
19 recommendations for future State action and (ii) its evaluation  
20 of Urban/Community Forestry Assistance Grants to the General  
21 Assembly no later than July 1 of each year.

22 (h) This Section 6a is repealed December 31, 2008.

23 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

24 Section 840. The Illinois Youth and Young Adult Employment  
25 Act of 1986 is amended by changing Section 5 as follows:

26 (525 ILCS 50/5) (from Ch. 48, par. 2555)

27 Sec. 5. Cooperation. The Department of Natural Resources  
28 shall have the full cooperation of the Department of Commerce  
29 and Economic Opportunity ~~Community Affairs~~, the Illinois State  
30 Job Coordinating Council created by the Federal Job Training  
31 Partnership Act (Public Law 97-300), and the Department of  
32 Employment Security to carry out the purposes of this Act.

33 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

1 Section 845. The Bikeway Act is amended by changing Section  
2 4 as follows:

3 (605 ILCS 30/4) (from Ch. 121, par. 604)

4 Sec. 4. In expending funds available for purposes of this  
5 Act, the Department shall cooperate with municipalities,  
6 townships, counties, road districts, park districts and other  
7 appropriate agencies and organizations and, where possible and  
8 practicable, shall allocate its expenditures among the several  
9 regions of the State, proportionally to the bicycling  
10 population.

11 The Secretary of Transportation shall serve as chairman of  
12 and shall at least quarterly convene an interagency council on  
13 the bikeways program, comprised of the Director of Natural  
14 Resources, the Director of Commerce and Economic Opportunity  
15 ~~Community Affairs~~, the State Superintendent of Education, a  
16 county engineer or county superintendent of highways chosen by  
17 the statewide association of county engineers, a  
18 representative of the Cook County Forest Preserve District, and  
19 the Secretary of Transportation, for the purpose of determining  
20 policy and priorities in effectuating the purposes of this Act.  
21 (Source: P.A. 89-337, eff. 1-1-96; 89-445, eff. 2-7-96; revised  
22 12-6-03.)

23 Section 850. The Illinois Aeronautics Act is amended by  
24 changing Section 34b as follows:

25 (620 ILCS 5/34b)

26 Sec. 34b. Airport Land Loan Program.

27 (a) The Department may make loans to public airport owners  
28 for the purchase of any real estate interests as may be needed  
29 for essential airport purposes, including future needs,  
30 subject to the following conditions:

31 (1) loans may be made only to public airport owners  
32 that are operating an airport as of January 1, 1999; and

33 (2) loans may not be made for airports that provide

1 scheduled commercial air service in counties of greater  
2 than 5,000,000 population.

3 The loans are payable from the Airport Land Loan Revolving  
4 Fund, subject to appropriation. All repayments of loans made  
5 pursuant to this Section, including interest thereon and  
6 penalties, shall be deposited in the Airport Land Loan  
7 Revolving Fund. The Treasurer shall deposit all investment  
8 earnings arising from balances in the Airport Land Loan  
9 Revolving Fund in that Fund.

10 (b) All loans under this Section shall be made by contract  
11 between the Department and the public airport owner, which  
12 contract shall include the following provisions:

13 (1) The annual rate of interest shall be the lesser of  
14 (A) 2 percent below the Prime Rate charged by banks, as  
15 published by the Federal Reserve Board, in effect at the  
16 time the Department approves the loan, or (B) a rate  
17 determined by the Department, after consultation with the  
18 Governor's Office of Management and Budget ~~Bureau of the~~  
19 ~~Budget~~, that will not adversely affect the tax-exempt  
20 status of interest on the bonds of the State issued in  
21 whole or in part to make deposits into the Airport Land  
22 Loan Revolving Fund, nor diminish the benefit to the State  
23 of the tax-exempt status of the interest on such bonds.

24 (2) The term of any loan shall not exceed five years,  
25 but it may be for less by mutual agreement.

26 (3) Loan payments shall be scheduled in equal amounts  
27 for the periods determined under paragraph (4) of this  
28 Section. The loan payments shall be calculated so that the  
29 loan is completely repaid, with interest, on outstanding  
30 balances, by the end of the term determined under paragraph  
31 (2) of this Section. There shall be no penalty for early  
32 payment ahead of the payment schedule.

33 (4) The period of loan payments shall be annual, unless  
34 by mutual agreement a period of less than one year is  
35 chosen.

36 (5) The loan shall be secured with the land purchased,

1 in whole or in part, with the loan and considered as  
2 collateral. The public airport owner shall assign a first  
3 priority interest in the property to the State.

4 (6) If the loan payment is not made within 15 days  
5 after the scheduled date determined under paragraph (3) of  
6 this Section, a penalty of 10% of the payment shall be  
7 assessed. If 30 days after the scheduled payment date no  
8 payment has been received, the loan shall be considered in  
9 default.

10 (7) As soon as a loan is considered in default, the  
11 Department shall notify the public airport owner and  
12 attempt to enter into a renegotiation of the loan payment  
13 amounts and schedule determined under paragraph (3) of this  
14 Section. In no case shall the term of the loan be extended  
15 beyond the initial term determined under paragraph (2) of  
16 this Section; nor shall the interest rate be lowered nor  
17 any interest be forgiven. If a renegotiation of loan  
18 payment amounts and schedule is obtained to the  
19 Department's satisfaction within 30 days of notification  
20 of default, then the new payment schedule shall replace the  
21 one determined by paragraph (3) of this Section and shall  
22 be used to measure compliance with the loan for purposes of  
23 default. If after 30 days of notification of default the  
24 Department has not obtained a renegotiation to its  
25 satisfaction, the Department shall declare the loan  
26 balance due and payable immediately. If the public airport  
27 owner cannot immediately pay the balance of the loan, the  
28 Department shall proceed to foreclose.

29 (c) The Department may promulgate any rules that it finds  
30 appropriate to implement this Airport Land Loan Program.

31 (d) The Airport Land Loan Revolving Fund is created in the  
32 State Treasury.

33 (Source: P.A. 91-543, eff. 8-14-99; 91-712, eff. 7-1-00;  
34 revised 8-23-03.)

35 Section 860. The Code of Civil Procedure is amended by

1 changing Section 7-103.3 as follows:

2 (735 ILCS 5/7-103.3)

3 Sec. 7-103.3. Quick-take; coal development purposes.  
4 Quick-take proceedings under Section 7-103 may be used by the  
5 Department of Commerce and Economic Opportunity ~~Community~~  
6 ~~Affairs~~ for the purpose specified in the Illinois Coal  
7 Development Bond Act.

8 (Source: P.A. 91-357, eff. 7-29-99; revised 12-6-03.)

9 Section 865. The Illinois Human Rights Act is amended by  
10 changing Section 2-105 as follows:

11 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

12 Sec. 2-105. Equal Employment Opportunities; Affirmative  
13 Action.

14 (A) Public Contracts. Every party to a public contract and  
15 every eligible bidder shall:

16 (1) Refrain from unlawful discrimination and  
17 discrimination based on citizenship status in employment  
18 and undertake affirmative action to assure equality of  
19 employment opportunity and eliminate the effects of past  
20 discrimination;

21 (2) Comply with the procedures and requirements of the  
22 Department's regulations concerning equal employment  
23 opportunities and affirmative action;

24 (3) Provide such information, with respect to its  
25 employees and applicants for employment, and assistance as  
26 the Department may reasonably request;

27 (4) Have written sexual harassment policies that shall  
28 include, at a minimum, the following information: (i) the  
29 illegality of sexual harassment; (ii) the definition of  
30 sexual harassment under State law; (iii) a description of  
31 sexual harassment, utilizing examples; (iv) the vendor's  
32 internal complaint process including penalties; (v) the  
33 legal recourse, investigative and complaint process



1 available through the Department and the Commission; (vi)  
2 directions on how to contact the Department and Commission;  
3 and (vii) protection against retaliation as provided by  
4 Section 6-101 of this Act. A copy of the policies shall be  
5 provided to the Department upon request.

6 (B) State Agencies. Every State executive department,  
7 State agency, board, commission, and instrumentality shall:

8 (1) Comply with the procedures and requirements of the  
9 Department's regulations concerning equal employment  
10 opportunities and affirmative action;

11 (2) Provide such information and assistance as the  
12 Department may request.

13 (3) Establish, maintain, and carry out a continuing  
14 affirmative action plan consistent with this Act and the  
15 regulations of the Department designed to promote equal  
16 opportunity for all State residents in every aspect of  
17 agency personnel policy and practice. For purposes of these  
18 affirmative action plans, the race and national origin  
19 categories to be included in the plans are: African  
20 American, Hispanic or Latino, Native American, Asian, and  
21 any other category as required by Department rule. This  
22 plan shall include a current detailed status report:

23 (a) indicating, by each position in State service,  
24 the number, percentage, and average salary of  
25 individuals employed by race, national origin, sex and  
26 disability, and any other category that the Department  
27 may require by rule;

28 (b) identifying all positions in which the  
29 percentage of the people employed by race, national  
30 origin, sex and disability, and any other category that  
31 the Department may require by rule, is less than  
32 four-fifths of the percentage of each of those  
33 components in the State work force;

34 (c) specifying the goals and methods for  
35 increasing the percentage by race, national origin,  
36 sex and disability, and any other category that the

1 Department may require by rule, in State positions;

2 (d) indicating progress and problems toward  
3 meeting equal employment opportunity goals, including,  
4 if applicable, but not limited to, Department of  
5 Central Management Services recruitment efforts,  
6 publicity, promotions, and use of options designating  
7 positions by linguistic abilities;

8 (e) establishing a numerical hiring goal for the  
9 employment of qualified persons with disabilities in  
10 the agency as a whole, to be based on the proportion of  
11 people with work disabilities in the Illinois labor  
12 force as reflected in the most recent decennial Census.

13 (4) If the agency has 1000 or more employees, appoint a  
14 full-time Equal Employment Opportunity officer, subject to  
15 the Department's approval, whose duties shall include:

16 (a) Advising the head of the particular State  
17 agency with respect to the preparation of equal  
18 employment opportunity programs, procedures,  
19 regulations, reports, and the agency's affirmative  
20 action plan.

21 (b) Evaluating in writing each fiscal year the  
22 sufficiency of the total agency program for equal  
23 employment opportunity and reporting thereon to the  
24 head of the agency with recommendations as to any  
25 improvement or correction in recruiting, hiring or  
26 promotion needed, including remedial or disciplinary  
27 action with respect to managerial or supervisory  
28 employees who have failed to cooperate fully or who are  
29 in violation of the program.

30 (c) Making changes in recruitment, training and  
31 promotion programs and in hiring and promotion  
32 procedures designed to eliminate discriminatory  
33 practices when authorized.

34 (d) Evaluating tests, employment policies,  
35 practices and qualifications and reporting to the head  
36 of the agency and to the Department any policies,

1 practices and qualifications that have unequal impact  
2 by race, national origin as required by Department  
3 rule, sex or disability or any other category that the  
4 Department may require by rule, and to assist in the  
5 recruitment of people in underrepresented  
6 classifications. This function shall be performed in  
7 cooperation with the State Department of Central  
8 Management Services.

9 (e) Making any aggrieved employee or applicant for  
10 employment aware of his or her remedies under this Act.

11 In any meeting, investigation, negotiation,  
12 conference, or other proceeding between a State  
13 employee and an Equal Employment Opportunity officer,  
14 a State employee (1) who is not covered by a collective  
15 bargaining agreement and (2) who is the complaining  
16 party or the subject of such proceeding may be  
17 accompanied, advised and represented by (1) an  
18 attorney licensed to practice law in the State of  
19 Illinois or (2) a representative of an employee  
20 organization whose membership is composed of employees  
21 of the State and of which the employee is a member. A  
22 representative of an employee, other than an attorney,  
23 may observe but may not actively participate, or advise  
24 the State employee during the course of such meeting,  
25 investigation, negotiation, conference or other  
26 proceeding. Nothing in this Section shall be construed  
27 to permit any person who is not licensed to practice  
28 law in Illinois to deliver any legal services or  
29 otherwise engage in any activities that would  
30 constitute the unauthorized practice of law. Any  
31 representative of an employee who is present with the  
32 consent of the employee, shall not, during or after  
33 termination of the relationship permitted by this  
34 Section with the State employee, use or reveal any  
35 information obtained during the course of the meeting,  
36 investigation, negotiation, conference or other

1 proceeding without the consent of the complaining  
2 party and any State employee who is the subject of the  
3 proceeding and pursuant to rules and regulations  
4 governing confidentiality of such information as  
5 promulgated by the appropriate State agency.  
6 Intentional or reckless disclosure of information in  
7 violation of these confidentiality requirements shall  
8 constitute a Class B misdemeanor.

9 (5) Establish, maintain and carry out a continuing  
10 sexual harassment program that shall include the  
11 following:

12 (a) Develop a written sexual harassment policy  
13 that includes at a minimum the following information:  
14 (i) the illegality of sexual harassment; (ii) the  
15 definition of sexual harassment under State law; (iii)  
16 a description of sexual harassment, utilizing  
17 examples; (iv) the agency's internal complaint process  
18 including penalties; (v) the legal recourse,  
19 investigative and complaint process available through  
20 the Department and the Commission; (vi) directions on  
21 how to contact the Department and Commission; and (vii)  
22 protection against retaliation as provided by Section  
23 6-101 of this Act. The policy shall be reviewed  
24 annually.

25 (b) Post in a prominent and accessible location and  
26 distribute in a manner to assure notice to all agency  
27 employees without exception the agency's sexual  
28 harassment policy. Such documents may meet, but shall  
29 not exceed, the 6th grade literacy level. Distribution  
30 shall be effectuated within 90 days of the effective  
31 date of this amendatory Act of 1992 and shall occur  
32 annually thereafter.

33 (c) Provide training on sexual harassment  
34 prevention and the agency's sexual harassment policy  
35 as a component of all ongoing or new employee training  
36 programs.

1 (6) Notify the Department 30 days before effecting any  
2 layoff. Once notice is given, the following shall occur:

3 (a) No layoff may be effective earlier than 10  
4 working days after notice to the Department, unless an  
5 emergency layoff situation exists.

6 (b) The State executive department, State agency,  
7 board, commission, or instrumentality in which the  
8 layoffs are to occur must notify each employee targeted  
9 for layoff, the employee's union representative (if  
10 applicable), and the State Dislocated Worker Unit at  
11 the Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~.

13 (c) The State executive department, State agency,  
14 board, commission, or instrumentality in which the  
15 layoffs are to occur must conform to applicable  
16 collective bargaining agreements.

17 (d) The State executive department, State agency,  
18 board, commission, or instrumentality in which the  
19 layoffs are to occur should notify each employee  
20 targeted for layoff that transitional assistance may  
21 be available to him or her under the Economic  
22 Dislocation and Worker Adjustment Assistance Act  
23 administered by the Department of Commerce and  
24 Economic Opportunity ~~Community Affairs~~. Failure to  
25 give such notice shall not invalidate the layoff or  
26 postpone its effective date.

27 As used in this subsection (B), "disability" shall be  
28 defined in rules promulgated under the Illinois Administrative  
29 Procedure Act.

30 (C) Civil Rights Violations. It is a civil rights violation  
31 for any public contractor or eligible bidder to:

32 (1) fail to comply with the public contractor's or  
33 eligible bidder's duty to refrain from unlawful  
34 discrimination and discrimination based on citizenship  
35 status in employment under subsection (A)(1) of this  
36 Section; or

1           (2) fail to comply with the public contractor's or  
2 eligible bidder's duties of affirmative action under  
3 subsection (A) of this Section, provided however, that the  
4 Department has notified the public contractor or eligible  
5 bidder in writing by certified mail that the public  
6 contractor or eligible bidder may not be in compliance with  
7 affirmative action requirements of subsection (A). A  
8 minimum of 60 days to comply with the requirements shall be  
9 afforded to the public contractor or eligible bidder before  
10 the Department may issue formal notice of non-compliance.

11 (Source: P.A. 91-178, eff. 1-1-00; revised 12-6-03.)

12           Section 870. The Hot Water Heater Efficiency Act is amended  
13 by changing Section 1 as follows:

14           (815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

15           Sec. 1. (a) No new storage hot water heater which is not  
16 certified as meeting the energy efficiency standards of the  
17 American Society of Heating, Refrigerating and Air  
18 Conditioning Engineers, Inc., as set forth as the current  
19 ASHRAE 90 Standard, shall be purchased for resale or  
20 installation in the State after June 1, 1986; provided,  
21 however, that nothing contained herein shall prevent sales from  
22 being made in the State for use outside the State and provided  
23 that the inventory of storage hot water heaters existing on  
24 April 1, 1986 may be sold after June 1, 1986. Upon the  
25 effective date of this Act, no retail seller or distributor  
26 shall increase its inventory of storage hot water heaters which  
27 are not certified as being in compliance with the current  
28 ASHRAE 90 Standard, and all storage hot water heaters sold  
29 after June 1, 1986 shall be certified and labeled by the  
30 manufacturer as being in compliance with the current ASHRAE 90  
31 Standard.

32           (b) The Department of Commerce and Economic Opportunity  
33 ~~Community Affairs~~ shall provide technical assistance and  
34 information to retail sellers and distributors of storage hot

1 water heaters doing business in Illinois to facilitate  
2 compliance with the provisions of this Act.

3 (c) This Act does not apply to storage hot water heaters  
4 with a capacity of 20 or fewer gallons designed expressly for  
5 use in recreational vehicles.

6 (d) Any violation of subsection (a) shall be a petty  
7 offense; provided a fine of not less than \$50 nor more than  
8 \$500 shall be imposed, and all fines shall be imposed  
9 consecutively. Each storage hot water heater sold in violation  
10 of this Act shall constitute a separate offense.

11 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

12 Section 875. The Waste Oil Recovery Act is amended by  
13 changing Sections 2.8 and 6 as follows:

14 (815 ILCS 440/2.8) (from Ch. 96 1/2, par. 7702.8)

15 Sec. 2.8. "Department" means the Department of Commerce and  
16 Economic Opportunity ~~Community Affairs~~.

17 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

18 (815 ILCS 440/6) (from Ch. 96 1/2, par. 7706)

19 Sec. 6. Any establishment engaged in retail sales of  
20 automotive lubricating oils is urged to post a sign clearly  
21 visible to the public in every area where automotive  
22 lubricating oils are sold, indicating the closest used oil  
23 storage facility. The sign shall be a minimum size of 8 1/2  
24 inches by 11 inches and shall be available from the Department  
25 of Commerce and Economic Opportunity ~~Community Affairs~~ upon  
26 request by a retail seller of 500 or more gallons per year of  
27 automotive lubricating oil.

28 (Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

29 Section 880. The Unemployment Insurance Act is amended by  
30 changing Section 2103 as follows:

31 (820 ILCS 405/2103) (from Ch. 48, par. 663)

1           Sec. 2103. Unemployment compensation administration and  
2 other workforce development costs. All moneys received by the  
3 State or by the Director from any source for the financing of  
4 the cost of administration of this Act, including all federal  
5 moneys allotted or apportioned to the State or to the Director  
6 for that purpose, including moneys received directly or  
7 indirectly from the federal government under the Job Training  
8 Partnership Act, and including moneys received from the  
9 Railroad Retirement Board as compensation for services or  
10 facilities supplied to said Board, or any moneys made available  
11 by this State or its political subdivisions and matched by  
12 moneys granted to this State pursuant to the provisions of the  
13 Wagner-Peyser Act, shall be received and held by the State  
14 Treasurer as ex-officio custodian thereof, separate and apart  
15 from all other State moneys, in the Title III Social Security  
16 and Employment Fund, and such funds shall be distributed or  
17 expended upon the direction of the Director and, except money  
18 received pursuant to the last paragraph of Section 2100B, shall  
19 be distributed or expended solely for the purposes and in the  
20 amounts found necessary by the Secretary of Labor of the United  
21 States of America, or other appropriate federal agency, for the  
22 proper and efficient administration of this Act.  
23 Notwithstanding any provision of this Section, all money  
24 requisitioned and deposited with the State Treasurer pursuant  
25 to the last paragraph of Section 2100B shall remain part of the  
26 unemployment trust fund and shall be used only in accordance  
27 with the conditions specified in the last paragraph of Section  
28 2100B.

29           If any moneys received from the Secretary of Labor, or  
30 other appropriate federal agency, under Title III of the Social  
31 Security Act, or any moneys granted to this State pursuant to  
32 the provisions of the Wagner-Peyser Act, or any moneys made  
33 available by this State or its political subdivisions and  
34 matched by moneys granted to this State pursuant to the  
35 provisions of the Wagner-Peyser Act, are found by the Secretary  
36 of Labor, or other appropriate Federal agency, because of any



1 action or contingency, to have been lost or expended for  
2 purposes other than, or in amounts in excess of, those found  
3 necessary, by the Secretary of Labor, or other appropriate  
4 Federal agency, for the proper administration of this Act, it  
5 is the policy of this State that such moneys shall be replaced  
6 by moneys appropriated for such purpose from the general funds  
7 of this State for expenditure as provided in the first  
8 paragraph of this Section. The Director shall report to the  
9 Governor's Office of Management and Budget ~~Bureau of the~~  
10 ~~Budget~~, in the same manner as is provided generally for the  
11 submission by State Departments of financial requirements for  
12 the ensuing fiscal year, and the Governor shall include in his  
13 budget report to the next regular session of the General  
14 Assembly, the amount required for such replacement.

15 Moneys in the Title III Social Security and Employment Fund  
16 shall not be commingled with other State funds, but they shall  
17 be deposited as required by law and maintained in a separate  
18 account on the books of a savings and loan association or bank.

19 The State Treasurer shall be liable on his general official  
20 bond for the faithful performance of his duties as custodian of  
21 all moneys in the Title III Social Security and Employment  
22 Fund. Such liability on his official bond shall exist in  
23 addition to the liability upon any separate bond given by him.  
24 All sums recovered for losses sustained by the fund herein  
25 described shall be deposited therein.

26 Upon the effective date of this amendatory Act of 1987  
27 (January 1, 1988), the Comptroller shall transfer all  
28 unobligated funds from the Job Training Fund into the Title III  
29 Social Security and Employment Fund.

30 On September 1, 2000, or as soon thereafter as may be  
31 reasonably practicable, the State Comptroller shall transfer  
32 all unobligated moneys from the Job Training Partnership Fund  
33 into the Title III Social Security and Employment Fund. The  
34 moneys transferred pursuant to this amendatory Act may be used  
35 or expended for purposes consistent with the conditions under  
36 which those moneys were received by the State.

1           Beginning on the effective date of this amendatory Act of  
2 the 91st General Assembly, all moneys that would otherwise be  
3 deposited into the Job Training Partnership Fund shall instead  
4 be deposited into the Title III Social Security and Employment  
5 Fund, to be used for purposes consistent with the conditions  
6 under which those moneys are received by the State, except that  
7 any moneys that may be necessary to pay liabilities outstanding  
8 as of June 30, 2000 shall be deposited into the Job Training  
9 Partnership Fund.

10       (Source: P.A. 91-704, eff. 7-1-00; revised 8-23-03.)

11           Section 995. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

18           Section 996. No revival or extension. This Act does not  
19 revive or extend any Section or Act otherwise repealed.

20           Section 999. Effective date. This Act takes effect upon  
21 becoming law.

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17	415 ILCS 120/32	
18	415 ILCS 120/40	
19	415 ILCS 130/20	
20	430 ILCS 40/6	from Ch. 111 1/2, par. 296
21	505 ILCS 5/20.1	from Ch. 5, par. 1020.1
22	505 ILCS 45/2b	from Ch. 5, par. 242b
23	505 ILCS 75/3	from Ch. 5, par. 1303
24	525 ILCS 15/6a	from Ch. 96 1/2, par. 9106a
25	525 ILCS 50/5	from Ch. 48, par. 2555
26	605 ILCS 30/4	from Ch. 121, par. 604
27	620 ILCS 5/34b	
28	735 ILCS 5/7-103.3	
29	775 ILCS 5/2-105	from Ch. 68, par. 2-105
30	815 ILCS 355/1	from Ch. 96 1/2, par. 9551
31	815 ILCS 440/2.8	from Ch. 96 1/2, par. 7702.8
32	815 ILCS 440/6	from Ch. 96 1/2, par. 7706
33	820 ILCS 405/2103	from Ch. 48, par. 663